

Northern Planning Committee

Agenda

Date:	Wednesday, 27th March, 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 - 4)

To approve the Minutes of the meeting held on 6 March 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. **12/3786M-Erection of a three-storey office building for B1 & D1 uses, and 34 dwellings (outline), Macclesfield District Hospital, Victoria Road, Macclesfield for Keyworker Homes & East Cheshire NHS (Pages 5 - 22)**

To consider the above application.

6. **12/3779M-Change of use of Ingersley and Henbury buildings to form 36 apartments together with associated car parking and development, Macclesfield District Hospital, Victoria Road, Macclesfield for Keyworker Homes & East Cheshire NHS (Pages 23 - 40)**

To consider the above application.

7. **12/3784M-Change of use of the Ingersley and Henbury buildings to form 36 apartments. Works to curtilage buildings within the overall grounds of the Grade II Listed Clocktower building, including alterations associated with the residential conversion of the Ingersley and Henbury buildings, together with the demolition of the Education and Training building and the Pavillion building (Listed Building Consent), Macclesfield District Hospital, Victoria Road, Macclesfield for Keyworker Homes & East Cheshire NHS (Pages 41 - 48)**

To consider the above application.

8. **13/0085M-Residential development consisting of a total of 23 dwellings, including 10 apartments and 13 houses and ancillary car parking, Outline Planning, Peacock Farm, Wilmslow Road, Handforth, Macclesfield for Pensycor Ltd, Pensycor Ltd (Pages 49 - 60)**

To consider the above application.

9. **12/4882M-A Farming & Food Visitor Centre including Access, Car Parking, Pedestrian Routes, Visitor Centre, Bio-dome, Mobile Field Shelters and Landscaping, Land West of Mag Lane, High Legh, Warrington for David Fryer, David Fryer Management (Pages 61 - 78)**

To consider the above application.

10. **WITHDRAWN 13/0107M-Extension over existing single storey and other alterations (revised from 12/1758M - now proposed to be set back from front), Bramble Cottage, Free Green Lane, Lower Peover for Mr Alan Moran (Pages 79 - 88)**

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 6th March, 2013 at Council Chamber - 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, J Macrae, D Mahon, D Neilson, P Raynes
and D Stockton

OFFICERS IN ATTENDANCE

Mr N Curtis (Principal Development Officer), Ms S Dillon (Lawyer), Mr P
Hooley (Northern Area Manager) and Miss B Wilders (Principal Planning
Officer)

113 APOLOGIES FOR ABSENCE

None.

114 DECLARATIONS OF INTEREST/PRE DETERMINATION

None.

115 MINUTES OF THE MEETING

RESOLVED

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

116 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

117 WITHDRAWN-13/0148M-THE PROPOSED DEVELOPMENT COMPRISES OF 8 NO. FAMILY DWELLINGS, TO REPLACE A LARGE FAMILY HOUSE AND ASSOCIATED OUTHOUSES, THE GRANGE, SOUTH PARK DRIVE, POYNTON, STOCKPORT FOR MIKE KENNEDY, HILLCREST HOMES LTD

This application was withdrawn prior to the meeting.

118 **12/4757M-CONVERSION OF BARN A INTO CHILDRENS DAY NURSERY (USE CLASS D1), WOODSIDE POULTRY FARM, GROTTOLANE, OVER PEOVER, KNUTSFORD FOR DEAN JOHNSON FARMS LIMITED**

Consideration was given to the above application.

(Mr Gascoigne, 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 completion of a satisfactory unilateral undertaking which mitigates harm to protected species and subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. Details of materials to be submitted
4. Submission of method statement
5. Obscure glazing requirement
6. Provision of car parking prior to first occupation
7. Cycle Parking
8. No gates
9. Closure of existing access
10. Facilities to prevent deposition of extraneous matter
11. Submission of landscaping scheme
12. Implementation of landscaping scheme
13. Details of external lighting
14. Hours of Use
15. Delivery Hours
16. Construction Hours
17. Contaminated land
18. Development to be carried out in accordance with submitted arboricultural report
19. Maximum number of 50 children attending the nursery at any one time
20. Use to be as a day nursery only and no other use within use class D1
21. Outdoor play to take place only in the secure play area

119 **WITHDRAWN FROM THE AGENDA-12/4652M-ERECTION OF
CLASS A1 RETAIL STORE WITH CONSERVATORY, GARDEN
CENTRE, ANCILLARY COFFEE SHOP AND ASSOCIATED CAR
PARKING, LAND OFF, EARL ROAD, HANDFORTH FOR NEXT PLC**

This application was withdrawn from the agenda by the Northern Area Manager, following consultation with the Chairman, to allow for further information to be submitted.

The meeting commenced at 2.00 pm and concluded at 2.50 pm

Councillor R West (Chairman)

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Application No: 12/3786M

Location: MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD,
MACCLESFIELD, SK10 3BL

Proposal: Erection of a three-storey office building for B1 & D1 uses, and 34 dwellings (outline)

Applicant: KEYWORKER HOMES & EAST CHESHIRE N H S

Expiry Date: 15-Feb-2013

Date Report Prepared: 15 March 2013

This application is required to be determined by Committee as it is an application for major development.

SUMMARY RECOMMENDATION

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

MAIN ISSUES

- Whether the principle of the development is acceptable
- Whether the proposed layout and means of access are acceptable
- The impact of the proposal on the setting of the listed buildings
- Whether the parking arrangements are acceptable
- The impact of the proposal on nearby residents
- Affordable housing
- Public Open Space/leisure provision

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a number of existing buildings including the education and training building, three blocks of nursing accommodation, the pavilion building and the Arley building. The site is located towards the southern end of the Macclesfield Hospital site. The education and training building and the pavilion building are curtilage listed buildings and are currently used by the hospital as offices, consulting rooms and training rooms. The Arley building is used as offices. The buildings are of mixed age and construction with the

education and training building being a two storey building constructed from a mixture of natural and re-constituted stone, the nursing accommodation being two storey brick buildings and the Arely and Pavillion buildings being single storey brick buildings.

The education and training building is located to the north of the Ingersley and Henbury Buildings and to the east of a decked car park. The Pavillion building is located to the rear of the Ingersley building, with the Arley building and nursing accommodation located to the south of the site, to the west of the Regency hospital and residential properties on Nixon Street and to the east of Macclesfield Day Nursery, located on Chester Road.

DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of a three storey office building (1858 sq metres floorspace) to replace the education and training building and for the erection of 34 dwellings. The dwellings are to be a mixture of 2 and 2.5 storey. Approval is sought for layout and means of access with all other matters reserved. Vehicular access to the office building is to be via the main hospital entrance with access to the dwellings to be taken from the new access point off Cumberland Street (adjacent to Morrisons and Kids Allowed). Scale parameters have been provided and indicate a ridge height of 15.55m and an eaves height of 11.35m for the office building. Four different house types are proposed with maximum ridge heights of 9.45m, 8.14m and 6.6m with eaves heights of 5.3m, 5.06m and 4.26m respectively. 200% parking provision is proposed for the dwellings (2 spaces per dwelling) together with 6 visitor spaces, with 23 spaces proposed adjacent to the office building with an additional 15 spaces to the front of the Ingersley building giving a total of 38 spaces. Additionally, as part of this proposal, 4 additional parking spaces are proposed on Nixon Street.

An application for listed building consent which covers the demolition of the education and training building and the pavilion building is also being considered by the Council (12/3784M), a report on which is on this agenda. Additionally the Council is considering a full application for the conversion of the Ingersley and Henbury buildings to apartments (12/3779M). A report on this application is also on this agenda.

RELEVANT HISTORY

The Macclesfield Hospital site has an extensive history, the most relevant applications to this proposal are outlined below:

12/1254M - Erection of additional hospital related car parking at proposed first floor deck. Approved 25.06.12

09/1300M - PROPOSED ERECTION OF :- A 3 STOREY 75 ONE BED CARE HOME; A 3 STOREY BUILDING INCORPORATING A TOTAL OF 542 SQ M OF RETAIL IN 3 GROUND FLOOR UNITS WITH 16 APARTMENTS (8 ONE BED & 8 TWO BED) ON THE UPPER 2 FLOORS; A 3 STOREY OFFICE BUILDING OF 3,599 SQ M (TO BE DIVIDED UP INTO 2 400 SQ M OF B1 ON THE FIRST AND SECOND FLOORS AND 1 199 SQ M OF D1 USE ON THE GROUND FLOOR); 15NO. 2.5 STOREY TOWNHOUSES IN 7 BLOCKS; ASSOCIATED CAR PARKING AREAS, ACCESS ROADS & OPEN SPACE; ADDITIONAL HOSPITAL RELATED CAR PARKING AT PROPOSED FIRST FLOOR DECK. (OUTLINE APPLICATION). Approved 18.12.09

09/1296M - CHANGE OF USE AND ALTERATIONS TO GRADE II LISTED CLOCKTOWER BUILDING TO PROVIDE 36 AFFORDABLE FOR RENT APARTMENTS, 161 SQ M COFFEE SHOP, 183 SQ M GYM AND ANCILLARY ACCOMMODATION; ASSOCIATED CAR PARKING AND EXTERNAL SITE WORKS; DEMOLITION OF 2 CURTILAGE BUILDINGS (BUILDINGS 2 AND 9) TO ENABLE THE ASSOCIATED MIXED USE DEVELOPMENT WITHIN THE OVERALL APPLICATION SITE AND WHICH IS THE SUBJECT OF A SEPARATE OUTLINE PLANNING APPLICATION. (FULL PLANNING). Approved 18.12.09

09/1295M - CHANGE OF USE AND ALTERATIONS TO GRADE II LISTED CLOCKTOWER BUILDING TO PROVIDE 36 AFFORDABLE FOR RENT APARTMENTS, 161 SQ M COFFEE SHOP, 183 SQ M GYM AND ANCILLARY ACCOMMODATION; ASSOCIATED CAR PARKING AND EXTERNAL SITE WORKS; DEMOLITION OF 2 CURTILAGE BUILDINGS (BUILDINGS 2 AND 9) TO ENABLE THE ASSOCIATED MIXED USE DEVELOPMENT WITHIN THE OVERALL APPLICATION SITE AND WHICH IS THE SUBJECT OF A SEPERATE OUTLINE PLANNING APPLICATION. (LISTED BUILDING CONSENT). Approved 18.12.09

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
EM1 Integration and Protection of the Region's Environmental Assets
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Managing Travel Demand
EM18 Decentralised Energy Supply

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
BE16 Setting of listed buildings
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H13 Protecting Residential Areas
C2 Macclesfield Hospital
T2 Public Transport
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC38 Space, Light and Privacy

Other Material Considerations

National Planning Policy Framework

Interim Planning Statement: Affordable Housing

Blue Zone Macclesfield District Hospital Development Brief

Macclesfield Borough Council Supplementary Planning Guidance on s106 (Planning) Agreements

CONSULTATIONS (External to Planning)

Highways: originally raised concern regarding an under provision of parking spaces for visitors to the residential properties. However, the proposal has been amended during the course of the application and 6 visitor spaces are now proposed along the southern access road that leads towards Nixon Street.

As the overall amount of office space is being reduced by this proposal and the full application (12/3779M), the demand for parking associated with the office use should be reduced by this proposal.

No objections are therefore raised by highways.

Environmental Health: no objections.

Housing: object due to the fact that no affordable housing is being provided as part of the proposed development.

Leisure : request a commuted sum of £172,900 for public open space and recreation/outdoor sports provision.

Cheshire Police: comments awaited.

English Heritage: no comment.

Environment Agency: no objection subject to a condition regarding an existing culvert.

Manchester Airport: no safeguarding objections.

United Utilities: no objections.

VIEWS OF THE PARISH / TOWN COUNCIL

Not applicable.

OTHER REPRESENTATIONS

One letter of representation has been received from a resident of the Clock Tower. Whilst it is stated that they do not generally object to the development, the following issues are raised:

- Concern about increased noise, air pollution and volume of traffic from the proposed dwellings
- Concern regarding water pressure to properties on site
- Traffic calming measures required between Morrisons and the development site
- Development will result in loss of parking spaces for the hospital and existing problems with hospital staff parking in residents spaces
- Suggest a restriction on construction hours of 8am – 5pm, Monday to Friday, 9am – 5pm Saturday and no work on Sundays or Bank Holidays

Macclesfield Civic Society – the applications represent a major proposal within the hospital site which merits careful study. However, the Society welcome a mixed use proposal involving conversion of Listed Buildings to affordable social housing and the provision of new small private housing to accommodate local needs. The office use appears acceptable as part of the mixed development. Clearly much will depend upon the evaluation of the transport assessment and site specific impacts on trees and the residential amenities of existing and proposed occupiers. In principle the scheme is welcomed.

APPLICANT'S SUPPORTING INFORMATION

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

- Planning Statement
- Design & Access Statement
- Heritage Appraisal
- Transport Assessment
- Flood Risk Assessment
- Waste Management Plan
- Tree survey Report
- Ecological Survey and Assessment

Copies of these documents are available to view on the application file.

In addition, a financial appraisal of the development, together with that proposed by application 12/3779M, has been submitted during the course of the application. This is not available to view on the application file due to the sensitive nature of the information contained within the appraisal.

The Planning Statement provides a background to the proposals. The education and training building is currently used by a number of NHS departments although many are soon to be re-located. The Arley building is used as offices but again, staff are soon to be re-located. The pavilion building due to its age and condition is only used as overflow consulting rooms and private offices. It is acknowledged that the site is allocated as a community use on the Local Plan where policy C2 states that permission will normally be granted for health and related developments, however it is argued that as the apartments are likely to be occupied by the NHS trust, that there would be no conflict with policy. Reference is also made to the fact that at the time of submission, the Council could not demonstrate a five year housing supply and to the presumption in favour of sustainable development in the NPPF.

OFFICER APPRAISAL

Principle of Development

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking this means:

- Approving development proposals that coord with the development plan without delay; and
- 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
 - specific policies within the Framework indicate development should be restricted

Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

The application site, together with the wider hospital site, is allocated as a proposed community use on the Macclesfield Local Plan where policy C2 applies.

Policy C2 states that the site of Macclesfield Hospital is “allocated for health purposes and planning permission will normally be granted for health and related developments”.

Part of the proposal is for offices that are currently intended to be used by the NHS. As such, this element of the proposal is considered to comply with policy C2. The proposal is also for housing which is not considered to fall within the terms of policy C2 in that it is not health related developments. However, given that the needs of the hospital are such that the buildings are to become vacant in the near future, and given that the site is located in a suitable and sustainable location for housing, no objections are raised to the principle of housing on the site subject to compliance with other relevant policies and guidance.

Housing (including the need for affordable housing)

As stated, there is no objection to the principle of housing on the site.

In accordance with the Council’s Interim Planning Statement: Affordable Housing, there would be a requirement for 30% of the houses to be provided to be affordable.

The proposal is for a total of 34 dwellings. As submitted none of the dwellings are proposed to be affordable. The applicant’s state that the proposal together with application 12/3779M should be seen as a second phase of the Hope Park development, the first phase of which comprised the Blue Zone development brief area. The first phase included the provision of 67 dwellings, 36 of which were affordable apartments in the Clock tower. This equates to a 54% provision of affordable housing. Additionally reference is made to the fact that as part of this application, some existing blocks of nursing accommodation are to be demolished and that these total 42 units of accommodation.

The Council's Housing department are objecting to the proposal due to the lack of affordable housing being proposed on either this site or the adjacent site covered by application 12/3779M. In accordance with the Council's policies, housing state that of the 34 dwellings proposed by this application, 10 should be affordable with 7 provided as rented accommodation and 3 as intermediate housing. The housing department do not accept that this should be seen as a second phase of development as the site lies outside of the Blue Zone Development Brief boundary and the Clock tower development was grant funded meaning that it was not subsidised by the developer. Additionally, the fact that 42 units of nursing accommodation is being demolished as part of the application and is being replaced by open market housing on both sites only adds to the justification that affordable housing should be provided on this scheme in line with the Council's normal requirements. The Housing department advise that even if the proposal is accepted as a second phase, there would be a requirement for an additional 5 units of affordable accommodation. At the present time there is an identified need for affordable housing in Macclesfield.

In addition to the arguments being put forward with regard to the overprovision of affordable housing on Phase I of the development, the applicants are also arguing that there are other material considerations to justify the fact that no affordable housing is being provided as part of the development. These other material considerations are considered later in the report.

Impact on the setting of the listed buildings

Local Plan policy BE16 states that development which would adversely affect the setting of a listed building will not normally be approved.

As part of this proposal, changes are proposed to the land around the Ingersley and Henbury buildings and within proximity of the Clock tower building. Parking is to be provided to the front of the Ingersley building. Access arrangements are also changing meaning that additional traffic would be utilising the Cumberland Street entrance. The proposed office building would be located adjacent to the Henbury building and two curtilage listed buildings are to be demolished.

The Council's Conservation Officer has been consulted on the application and raises no objections to it, noting that there will be no adverse impact on the setting of the listed buildings on site.

Highways

Access to the buildings is currently via the main hospital entrance. However as part of this proposal, access arrangements will be altered with all access to the dwellings to be taken from Cumberland Street and access to the office building remaining from the main hospital entrance on Victoria Road. 68 parking spaces are proposed for the new dwellings, 2 per dwelling plus 6 visitor spaces and 38 spaces for the office building.

The Strategic Highways Manager has been consulted on the application and considers that the impact on the highway network from the development would be minimal. With regard to parking, the amount of parking provided for the residential properties is considered to be adequate.

With regard to the office proposal, the proposed parking spaces are to be split with 23 spaces proposed adjacent to the building and accessed via the main entrance and 15 spaces proposed to the front of the Ingersley building and accessed off Cumberland Street. This is not ideal as it could lead to one area being under subscribed and the other over subscribed. Emerging Council parking standards stipulate 1 parking space per 30 square metres, which implies a provision of 62 spaces. There is therefore a considerable shortfall in dedicated parking provision for the offices (shortfall of 24). However this applies equally to the existing office building which it replaces and which is dependent on other parking provision, principally the staff car park to the west. Additionally between them the existing office buildings affected by this application and 12/3779M have approximately 100 parking spaces whereas their combined floorspace equates to a demand for 150 spaces. Therefore it is considered that the demand for car parking beyond the application site area should if anything be less than now or in the past.

Refuse/recycling facilities are proposed within the proposed office with in garden facilities proposed for the dwellings. A cycle shelter providing 7 covered cycle storage spaces is proposed to the front of the proposed office building.

No objections are raised to the proposal on highways grounds.

Amenity

Local Plan policies H13, DC3 and DC38 seek to protect the residential amenity of existing and future occupiers.

With regard to the proposed office building, it would be sited to the north of the Henbury building, to the north east of the Ingersley building and to the west of the converted clock tower. Given the fact that it would be in a similar position to the education and training building which is to be demolished, its relationship relative to the Henbury, Ingersley and Clock tower buildings and its proposed scale, it is not considered that it would result in a significant impact on the residential amenity of existing occupiers located in the Clock tower or future possible residents in the Henbury and Ingersley buildings.

With regard to the dwellings, some of these would be built on or near to the footprint of existing buildings on site. Plots 30-34 would be located to the west of the properties/garden areas of properties located on the northern side of Nixon Street, with the rear elevations of the new dwellings at right angles to and facing towards the rear gardens of the properties. All of the new dwellings contain habitable room windows in the rear elevation and the distance between the rear elevations and the boundary of the rear garden at 2 Nixon Street (the nearest property) varies between 10 and 12m. Additionally the side garden area of Plot 34 would partially overlap the side elevation of 2 Nixon Street with the side elevation containing a number of windows at ground and first floor. 2 Nixon Street is set at a lower level than the hospital site. There are currently two, two storey accommodation blocks located on the part of the hospital site that would be occupied by Plots 29-34 and these are located closer to the shared boundary with 2 Nixon Street. The block to the south is end on to the gardens with the end gable being blank and not containing any windows. The block to the north has its longest elevation adjacent to the boundary with 2 Nixon Street and contains a number of windows at ground and first floor, some of which appear to be habitable. There is currently existing

screening along the boundary between the hospital site and 2 Nixon Street. As originally submitted, there was concern regarding the impact of Plots 31-34 on the residential amenity of the occupiers of 2 Nixon Street. However, during the course of the application, the house types for Plots 31-34 have been amended from three storey to two storey dwellings. As such, the impact of these dwellings on the rear elevation/garden area of 2 Nixon Street is now considered to be acceptable.

Additionally, as with application 12/3779M, there was some initial concerns regarding the inter relationship between Plots 1-4 and apartments 1&2 and 16&17. However, the amended plans have adequately addressed these concerns.

With regard to the inter relationships between the proposed dwellings, there was initial concern regarding the relationship between Plots 17 & 18 and Plot 21 due to a breach of DC38 guidelines. The amended masterplan has re-positioned Plots 17 & 18 and Plots 21 – 24 such that the initial concerns have been overcome. Additionally, the distance between the rear of Plots 27 & 28 and the side of Plot 29 falls short of that advised by DC38 by 2.1m (11.9m as opposed to 14m). Whilst this is not ideal, no objections are raised to this relationship. The rear elevation of Plots 27 & 28 are south facing and it is considered that this factor together with the fact that Plots 29 & 30 are two storey dwellings rather than 3 storey as originally proposed means that the outlook from the rear elevations of Plots 27 & 28 would be acceptable.

Layout/Scale/Appearance of the Development

This application seeks approval of layout at this stage and indicative scale parameters and designs have been submitted.

As noted above, the siting of the proposed office building is considered to be acceptable and no objections have been raised by the highways department in relation to the proposed road and parking layout.

The layout of the proposed dwellings, subject to an amendment to the house type to Plots 29 & 30, is considered to be acceptable.

The scale parameters as submitted are considered to be acceptable, subject to the necessary change required in order to overcome amenity concerns.

Additionally the design details submitted at this stage, although indicative, are also generally considered to be acceptable.

Ecology

An ecological survey was submitted with the application and the Council's Nature Conservation Officer has been consulted. He advises that the only likely ecological constraint on the proposed development is the potential presence of roosting bats and breeding birds.

No evidence of bats was recorded during the surveys undertaken however due to the suitability of some of the buildings on site to support bat roosts and difficulties in accessing some parts of the buildings for survey purposes the ecologist who undertook the survey recommended

that a bat activity survey be undertaken to establish the presence/absence of roosting bats. Further survey work has been carried out during the course of the application following advice received from the Council's Nature Conservation Officer. No conclusive evidence of a bat roost was recorded and based on past knowledge of the site, the Council's Nature Conservation Officer is satisfied that bats are not reasonably likely to be present or affected by the proposed development. The tests of the Habitats Directive are therefore not triggered by this proposal.

If planning consent is granted, standard conditions will be required to safeguard breeding birds.

Public Open Space/Outdoor sport and recreation provision

In accordance with the Council's policies, the development triggers the need for both Public Open Space (POS) and Recreation / Outdoor Sports (R/OS) provision. The Council's leisure services department has been consulted on the application and advises that in the absence of any POS or R/OS provision onsite, a commuted sum for offsite provision will be required. The commuted sum for POS provision, based on 34 dwellings and 1858 sq metres of office accommodation is £120,450, with the R/OS provision being £52,450. This results in a total figure of £172,900.

The commuted sums would be used to make additions, improvements and enhancements to the play, amenity, recreation and sporting facilities within West Park Macclesfield, situated just a very short walk from the proposed development site. The commuted sums would be required upon commencement of development and the spend period would be 15 years from receipt.

During the course of the application, an amended masterplan has been provided which indicates the provision of on site public open space located to either side of the Henbury building (total area of 555 sq metres). It is proposed to locate benches within these areas and to make them available to both office workers and to residents. However, it should be noted that these areas fall within the site edged red of application 12/3779M and as such would not affect the commuted sums being sought in relation to this application.

The applicant's agent has been informed of the requirements regarding POS and R/OS on both this application and 12/3779M and is willing to offer a total of £114,000 towards off site POS and R/OS provision across the two applications. Leisure Services have advised that £78,250 of this amount should be allocated to this proposal in order to provide £51,000 for children's play and £27,250 for recreation and outdoor sport (R/OS).

Trees/Landscaping

A tree survey report has been submitted with the application and the Council's Forestry Officer has been consulted. Part of the site is covered by a Tree Preservation Order.

During the course of the application, the position of proposed dwellings 19/20 has been amended slightly following concerns raised by the forestry officer. He is now satisfied that the siting of these proposed dwellings can be accommodated without significant detriment to trees located within the vicinity. With regard to the overall proposal, on balance, he considers

that the direct and indirect impact on the tree cover is significantly off set by the net gains established in respect of the trees located on the western boundary of the site. Adequate space to accommodate some additional planting has also been established which also off sets tree losses. Subject to the imposition of appropriate conditions, the forestry officer considers that the development should proceed from an arboricultural perspective.

With regard to landscaping, the Council's Landscape Officer has been consulted and raises no objections subject to a number of conditions/comments. It is considered that the landscape masterplan is generally in keeping with the landscape works approved and implemented on the Blue Zone development brief site. If the application is approved the landscape masterplan should be revised to make some amendments and to include further details for specific areas.

Other Matters

Housing Supply

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:

- Approving development proposals that accord with the development plan without delay; and
- 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

With regard to housing, paragraph 49 states 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.

The applicant's agent makes reference to the fact that at the time the application was submitted, the Council could not demonstrate a five year housing supply as is required by the NPPF. However, during the course of the application, the Council has published an up to date Strategic Housing Land Availability Assessment (SHLAA) which demonstrates a housing supply in excess of that required by the NPPF i.e. five years plus a buffer.

However, in accordance with Paragraph 14 of the NPPF, the presumption in favour of sustainable development still applies.

Education

The proposal does not generate any requirement for a financial contribution towards school places.

Decentralised Energy Supply

In line with policy EM18 of the RSS, were permission to be granted for the proposal, 10% of the predicted energy supply should come from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant that, having regard to the type of development and its design that this is not feasible or viable. This matter could be adequately controlled by condition.

Viability/Other Material Considerations

As previously stated, as submitted no affordable housing was being provided as part of the proposal. This is contrary to the Council's policies. Additionally, the applicants do not consider that the request to provide full contributions towards off site open space provision is justified. The applicant's have submitted various documents in support of their contention that affordable housing is not required to be provided as part of the proposal. These include a viability appraisal supported by two independent valuations and a letter submitted in response to the Council's queries relating to the viability appraisal. Each of the considerations put forward by the applicants will be considered in turn.

Viability

As stated, a viability appraisal has been submitted by the applicants during the course of the application. Following the receipt of the appraisal, the Council commissioned an independent assessment of it. This concludes that the applicants have not provided enough information to support their view that they are unable to provide any affordable housing or additional S106 contributions as part of the proposal. In particular concern was raised with regard to the land valuation which does not appear to have been calculated in accordance with the RICS guidance note: Financial Viability in planning. The RICS guidance defines site value as *'site value should equate to the market value subject to the following assumption; that the value has regard to the development plan policies and all other material planning considerations and disregards that which is contrary to the development plan'*. Whilst it is noted that the developer profit levels are far below normal levels required by developers, in this instance Keyworker Homes are acting as a contractor in respect of the conversion and letting to the NHS and therefore a contractors level of profit is appropriate as the development is effectively de-risked. However, a normal level of developer return would be expected on the residential new build units and the office development.

The applicants advise that as developer profit is already minimal without any affordable housing, the only basis upon which affordable housing could be provided as part of the scheme is if the receipt to the Trust for the sale of the land is less than that which has been agreed. The applicants advise that the Trust is mandated to sell their assets at or above market value.

Further information has been requested regarding the land value, the terms of arrangements for the NHS to occupy the site and regarding programming and phasing. At the time of writing, additional information regarding land value and programming and phasing has not been received. Information has very recently been received regarding the arrangements for the NHS to occupy the site.

Required Level of Affordable Housing

The applicant's contend that the level of affordable housing being requested by the Council is not justified as it is considered that there was an overprovision of affordable housing on Phase I and that this negates the need to provide affordable housing.

Additionally, as there are currently 42 units of accommodation on the application site, as a result of the proposal there would be a net reduction in the number of dwellings on site.

Benefits to the Hospital

It is stated that the proposal, together with that proposed by application 12/3779M, will deliver very clear benefits to the hospital which would not come forward if the scheme is refused planning permission. These include:

- Proposed development includes a high quality building for office/D1 uses which would significantly improve the facilities for those NHS operations that will remain on the site. These would otherwise have to remain in substandard accommodation which the Trust does not have the capital resource to improve
- 36 high quality keyworker apartments at BMA standard which assists in attracting and retaining the best medical staff
- Reduced maintenance and utilities costs, reduced carbon emissions and a net reduction in capital charges to the trust. The proposals would enable the Trust to reduce backlog maintenance liability, reducing the strain on the Trust's capital resources enabling more patient centred improvements. If permission were refused, the Trust would be left with an underutilised site and vacant buildings, where running costs would drain their capital resources to the detriment of patient centres investment
- The committed relocation of certain NHS operations from the existing premises would be financed through the sale of the site. The refusal of planning permission would mean that these costs would have to be covered by the Trust's own capital resources to the detriment of patient centred investment
- The agreed revenue to the Trust for the sale of the land would not just cover the enabling works for the proposed development, but will also provide capital receipts to fund a third endoscopy room as well as surgical theatre refurbishment, together with money towards a new dedicated pay on exit patient and visitor car park immediately adjacent to the hospital entrance. The applicant's state that these projects will not be possible without the Trust receiving the capital receipt from the sale of the land following the grant of planning permission.

The applicants state that the requirement for the full 30% affordable housing provision would result in the highly beneficial scheme being shelved and that any reduction in the monies received by the Trust would prevent the patient centred improvements outlined above being provided. It is argued that the community benefits from the hospital improvements outweigh the community benefits of delivering affordable housing on the site, especially given that Phase I over provided in terms of affordable housing.

Improvements to Heritage Assets

The proposal would bring improvements to a heritage asset.

Conclusions on Viability/Other Material Considerations

As stated within the report, as submitted neither this application or the application for full permission 12/3779M proposes the provision of affordable housing. However, the 1 and 2 bedroom apartments proposed by 12/3779M are to be occupied by the NHS Trust for the first 21 years following completion of the development. Whilst it is not considered that the viability argument put forward by the applicants can be accepted at this time due to concerns regarding the land value used in that appraisal, it is considered that in this case there are other compelling factors weighing in favour of the proposal.

Firstly, Keyworker Homes have now verbally agreed to the provision of 5 affordable units as part of this proposal. This is subject to further discussions with the NHS Trust who would also need to agree to this as joint applicant's.

Assuming that the 5 affordable units are to be provided, this would ensure that across Phase I and II of the development, a 30% provision of affordable housing would be provided. Whilst this argument on its own is not accepted by officers, in combination with other benefits of the scheme it is considered to add weight to the argument in favour of the proposal. Additionally, following lengthy discussions with the applicants, it seems likely that were the Council to require the full provision of affordable housing, across both schemes the development would be unlikely to proceed, meaning that the sympathetic conversion of two listed buildings together with a new build office and residential scheme in a suitable and sustainable location would not take place. Whilst the occupation of the residential units by the NHS Trust proposed by the full application (12/3779M) is not to be controlled by condition or legal agreement, it will nevertheless mean that for at least the first 21 years following completion, the apartments will be occupied by employees of the NHS Trust.

Additionally it is noted that the sale of the land by the Trust would enable the release of capital which would enable improvements to be made to hospital facilities. It is acknowledged that this would bring about benefits to the wider community. It is also acknowledged that the proposal would result in some improvements to the listed buildings that are to be converted and to the setting of these buildings.

Members are advised that these benefits should not be at the cost of socially sustainable development and the planning system does not exist to provide a form of subsidy to the hospital trust. However, in this particular case, the wider provision of affordable housing across both sites is considered to be a compelling argument.

Paragraphs 203 to 206 of the NPPF relate to planning conditions and obligations with paragraph 205 stating that *"where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled"*.

In this case, based on the particular circumstances of the applications, it is considered that for the reasons outlined above, a more flexible approach to the normal requirements for the provision of affordable housing and POS/ROS provision is acceptable and will ensure that a development that will bring wider benefits will go ahead.

Heads of Terms

If the Council are minded to approve the application, the following Heads of Terms would be required within a S106 legal agreement:

- Provision of 5 units of affordable housing
- Commuted sum of £51,000 towards the off site provision of public open space (children's play) and £27,250 towards recreation/outdoor sport provision

CONCLUSIONS AND REASON(S) FOR THE DECISION

There is no objection to the principle of an office building and housing on the site. Initial concerns regarding parking provision and amenity have adequately been overcome by the receipt of amended plans. Whilst the proposal fails to comply with Council policies regarding affordable housing and the provision of POS/ROS, for the reasons outlined within the report, in this case it is considered that there are other material considerations that weigh in favour of the proposal. The development is considered to be sustainable socially, economically and environmentally and meets the objectives of the NPPF. The application is therefore recommended for approval.

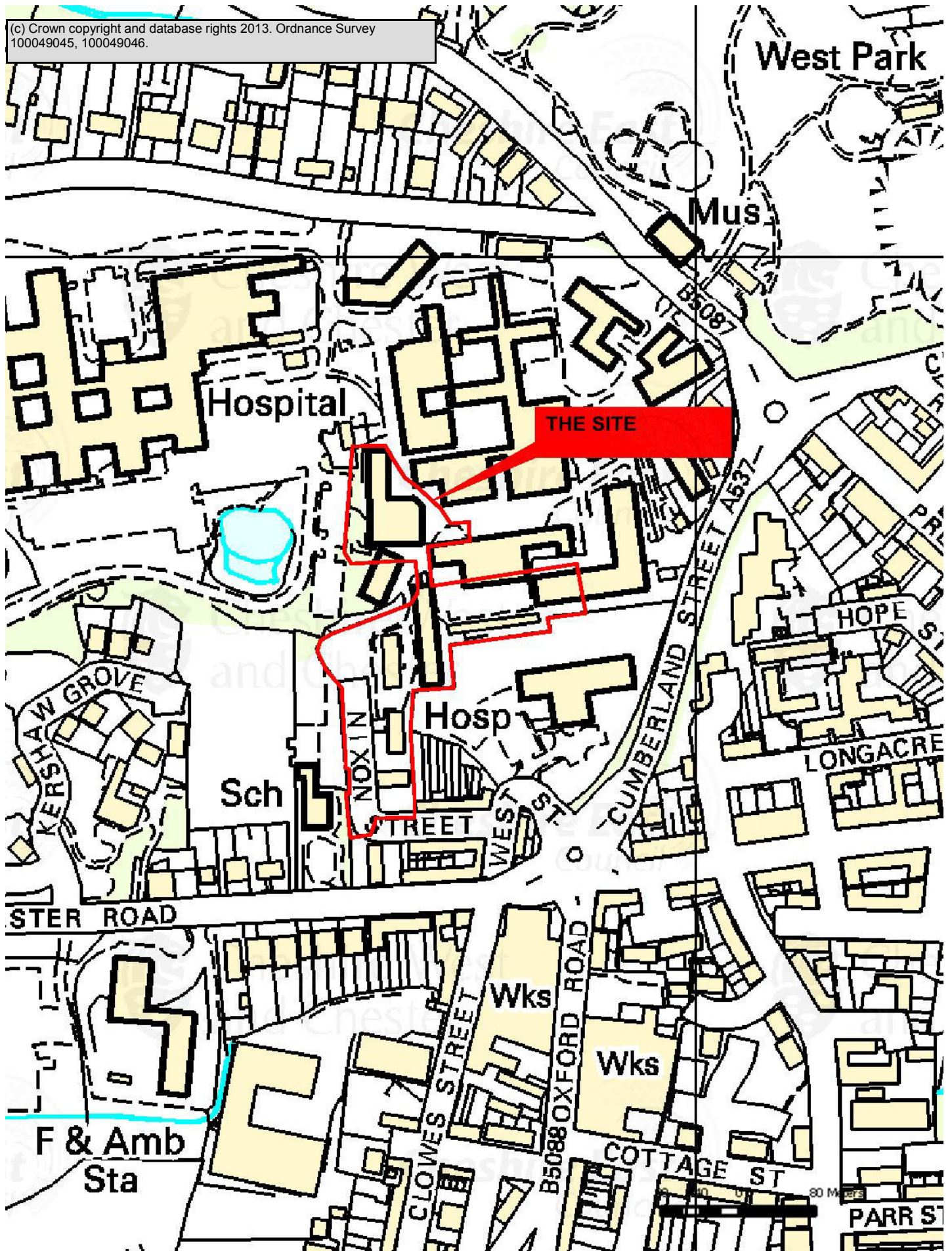
Application for Outline Planning

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

1. A01OP - Submission of reserved matters
2. A03OP - Time limit for submission of reserved matters
3. A06OP - Commencement of development
4. A09OP - Compliance with parameter plans
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A02HA - Construction of access
8. A01HP - Provision of car parking
9. A04HP - Provision of cycle parking
10. A06LP - Limitation on use
11. A09LS - Landscaping submitted with application for reserved matters
12. A10LS - Additional landscaping details required
13. A16LS - Submission of landscape/woodland management plan
14. A12LS - Landscaping to include details of boundary treatment
15. A04LS - Landscaping (implementation)

- 16.A08MC - Lighting details to be approved
- 17.A19MC - Refuse storage facilities to be approved
- 18.A23MC - Details of ground levels to be submitted
- 19.A02TR - Tree protection
- 20.A03TR - Construction specification/method statement
- 21.A04TR - Tree pruning / felling specification
- 22. Pile driving restrictions
- 23. Phase II Contaminated Land
- 24. Phasing programme for implementation of landscape works
- 25. Breeding birds
- 26. 10% Decentralised Energy Supply

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Application No: 12/3779M

Location: MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD,
MACCLESFIELD, SK10 3BL

Proposal: Change of use of Ingersley and Henbury buildings to form 36 apartments
together with associated car parking and development

Applicant: KEYWORKER HOMES & EAST CHESHIRE N H S

Expiry Date: 15-Feb-2012

Date Report Prepared: 15 March 2013

REASON FOR REPORT

This application is required to be determined by Committee as it is an application for major development.

SUMMARY RECOMMENDATION

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

MAIN ISSUES

- Whether the principle of housing on the site is acceptable
- The impact of the proposal on the setting of the listed buildings
- Whether the access and parking arrangements are acceptable
- The impact of the proposal on nearby residents
- Affordable housing
- Public Open Space/leisure provision

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the Ingersley and Henbury buildings together with surrounding land and access. The site is located towards the southern end of the Macclesfield Hospital site. Both buildings are Grade II Listed buildings and are currently used by the hospital, primarily as offices, though they appear to be in a mixed use comprising offices and hospital consulting rooms etc. The Ingersley building is a two storey, rectangular shaped building constructed primarily from stone. The Henbury building is a two and a half storey building, also constructed from stone. Vehicular access to the buildings is currently via the main hospital entrance, with a one way system operating around the Ingersley building. Parking is

available to the side and rear of the Ingersley building and to the front of the Henbury building. The Grade II Listed Clock tower building which has recently been converted to residential accommodation is located to the north of the site, with the recently constructed care home and new build residential flats located to the east and the Regency Hospital located to the south.

DETAILS OF PROPOSAL

Planning permission is sought for the residential conversion of the Ingersley and Henbury buildings. The Ingersley building is to be converted to 27 apartments, 25 one bedroom and 2 two bedroom, with the Henbury building being converted to 9 apartments, 4 one bedroom and 5 two bedroom. As part of the proposal, a number of unsympathetic extensions to the Ingersley building are to be removed. Vehicular access to the buildings is to be amended, with access to the main hospital entrance to be blocked off by bollards with access to be taken from the new access point off Cumberland Street (adjacent to Morrisons and Kids Allowed).

An application for listed building consent for the proposed development is also being considered by the Council (12/3784M), a report on which is on this agenda. Additionally the Council is considering an outline application for a three storey office building and 34 new build dwellings (12/3786M). A report on this application is also on this agenda.

RELEVANT HISTORY

The Macclesfield Hospital site has an extensive history, the most relevant applications to this proposal are outlined below:

12/1254M - Erection of additional hospital related car parking at proposed first floor deck. Approved 25.06.12

09/1300M - PROPOSED ERECTION OF :- A 3 STOREY 75 ONE BED CARE HOME; A 3 STOREY BUILDING INCORPORATING A TOTAL OF 542 SQ M OF RETAIL IN 3 GROUND FLOOR UNITS WITH 16 APARTMENTS (8 ONE BED & 8 TWO BED) ON THE UPPER 2 FLOORS; A 3 STOREY OFFICE BUILDING OF 3,599 SQ M (TO BE DIVIDED UP INTO 2 400 SQ M OF B1 ON THE FIRST AND SECOND FLOORS AND 1 199 SQ M OF D1 USE ON THE GROUND FLOOR); 15NO. 2.5 STOREY TOWNHOUSES IN 7 BLOCKS; ASSOCIATED CAR PARKING AREAS, ACCESS ROADS & OPEN SPACE; ADDITIONAL HOSPITAL RELATED CAR PARKING AT PROPOSED FIRST FLOOR DECK. (OUTLINE APPLICATION). Approved 18.12.09

09/1296M - CHANGE OF USE AND ALTERATIONS TO GRADE II LISTED CLOCKTOWER BUILDING TO PROVIDE 36 AFFORDABLE FOR RENT APARTMENTS, 161 SQ M COFFEE SHOP, 183 SQ M GYM AND ANCILLARY ACCOMMODATION; ASSOCIATED CAR PARKING AND EXTERNAL SITE WORKS; DEMOLITION OF 2 CURTILAGE BUILDINGS (BUILDINGS 2 AND 9) TO ENABLE THE ASSOCIATED MIXED USE DEVELOPMENT WITHIN THE OVERALL APPLICATION SITE AND WHICH IS THE SUBJECT OF A SEPARATE OUTLINE PLANNING APPLICATION. (FULL PLANNING). Approved 18.12.09

09/1295M - CHANGE OF USE AND ALTERATIONS TO GRADE II LISTED CLOCKTOWER BUILDING TO PROVIDE 36 AFFORDABLE FOR RENT APARTMENTS, 161 SQ M COFFEE SHOP, 183 SQ M GYM AND ANCILLARY ACCOMMODATION; ASSOCIATED CAR PARKING AND EXTERNAL SITE WORKS; DEMOLITION OF 2 CURTILAGE BUILDINGS (BUILDINGS 2 AND 9) TO ENABLE THE ASSOCIATED MIXED USE DEVELOPMENT WITHIN THE OVERALL APPLICATION SITE AND WHICH IS THE SUBJECT OF A SEPERATE OUTLINE PLANNING APPLICATION. (LISTED BUILDING CONSENT).
Approved 18.12.09

07/3054P – New entrance to rear of Ingersley building. Approved 25.02.08.

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
EM1 Integration and Protection of the Region's Environmental Assets
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Managing Travel Demand
EM18 Decentralised Energy Supply

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
BE2 Historic Fabric
BE15 Buildings of Architectural and Historic Importance
BE16 Setting of listed buildings
BE19 Change of Use of Listed Buildings
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H13 Protecting Residential Areas
C2 Macclesfield Hospital
T2 Public Transport
DC2 Extensions and Alterations
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC38 Space, Light and Privacy

Other Material Considerations

National Planning Policy Framework

Interim Planning Statement: Affordable Housing
Blue Zone Macclesfield District Hospital Development Brief
Macclesfield Borough Council Supplementary Planning Guidance on s106 (Planning) Agreements

CONSULTATIONS (External to Planning)

Highways: initially raised concern regarding an under provision of parking spaces for the proposed apartments. Amended plans have been received during the course of the application, increasing the amount of parking proposed. No highways objections are raised to the amended plans.

Environmental Health: no objections.

Housing: object due to the fact that no affordable housing is being provided as part of the proposed development.

Leisure : request a commuted sum of £68,000 for public open space and recreation/outdoor sports provision.

Cheshire Police: comments awaited.

English Heritage: application should be determined in accordance with national and local policy guidance and on the basis of the Council's expert conservation advice.

Environment Agency: no objection subject to a condition regarding an existing culvert.

Manchester Airport: no safeguarding objections.

United Utilities: no objections.

VIEWS OF THE PARISH / TOWN COUNCIL

Not applicable.

OTHER REPRESENTATIONS

One letter of representation has been received from a resident of the Clock Tower. Whilst it is stated that they do not generally object to the development, the following issues are raised:

- Concern about increased noise, air pollution and volume of traffic from the proposed dwellings
- Concern regarding water pressure to properties on site
- Traffic calming measures required between Morrisons and the development site
- Development will result in loss of parking spaces for the hospital and existing problems with hospital staff parking in residents spaces
- Suggest a restriction on construction hours of 8am – 5pm, Monday to Friday, 9am – 5pm Saturday and no work on Sundays or Bank Holidays

Macclesfield Civic Society – the applications represent a major proposal within the hospital site which merits careful study. However, the Society welcome a mixed use proposal involving conversion of Listed Buildings to affordable social housing and the provision of new small private housing to accommodate local needs. The office use appears acceptable as part of the mixed development. Clearly much will depend upon the evaluation of the transport assessment and site specific impacts on trees and the residential amenities of existing and proposed occupiers. In principle the scheme is welcomed.

APPLICANT'S SUPPORTING INFORMATION

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

- Planning Statement
- Design & Access Statement
- Heritage Appraisal
- Transport Assessment
- Flood Risk Assessment
- Waste Management Plan
- Tree survey Report
- Ecological Survey and Assessment

Copies of these documents are available to view on the application file.

In addition, a financial appraisal of the development, together with that proposed by application 12/3786M, has been submitted during the course of the application. This is not available to view on the application file due to the sensitive nature of the information contained within the appraisal.

The Planning Statement provides a background to the proposals and explains that the Ingersley and Henbury buildings are soon to become vacant as existing services located within the buildings are moved to other NHS premises on and off site. It is stated that the apartments within the buildings have been designed primarily as one bedroom as it is likely that they are to be occupied by key workers of the NHS trust. It is acknowledged that the site is allocated as a community use on the Local Plan where policy C2 states that permission will normally be granted for health and related developments, however it is argued that as the apartments are likely to be occupied by the NHS trust, that there would be no conflict with policy. Reference is also made to the fact that at the time of submission, the Council could not demonstrate a five year housing supply and to the presumption in favour of sustainable development in the NPPF.

OFFICER APPRAISAL

Principle of Development

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking this means:

- Approving development proposals that coord with the development plan without delay;
and

- 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
 - specific policies within the Framework indicate development should be restricted

Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

The application site, together with the wider hospital site, is allocated as a proposed community use on the Macclesfield Local Plan where policy C2 applies.

Policy C2 states that the site of Macclesfield Hospital is “allocated for health purposes and planning permission will normally be granted for health and related developments”.

The proposal is for housing which is not considered to fall within the terms of policy C2 in that it is not health related developments. Whilst the applicant states that the proposed apartments are likely to be occupied by key workers of the NHS trust, in the absence of a mechanism to control occupation i.e. a S106 legal agreement, there is no guarantee that this will be the case. It is understood that the NHS have signed a 21 year lease to occupy the buildings. However, given that the needs of the hospital are such that the buildings are to become vacant in the near future, and given that the site is located in a suitable and sustainable location for housing, no objections are raised to the principle of housing on the site subject to compliance with other relevant policies and guidance.

Housing (including the need for affordable housing)

As stated, there is no objection to the principle of housing on the site. As a windfall housing proposal, Local Plan policy H5 applies. The proposal is considered to comply with policy H5 in that the site is close to the town centre and is accessible to a wide range of jobs, shops and services.

In accordance with the Council’s Interim Planning Statement: Affordable Housing, there would be a requirement for 30% of the houses to be provided to be affordable.

The proposal is for a total of 36 apartments, 29 one bedroom and 7 two bedroom. None of the apartments are proposed to be affordable in the sense that the applicant is not proposing to enter into a S106 agreement with the Council to control the management, tenure and long term future of the occupancy of the apartments. As stated, the applicants have indicated that the apartments would be occupied by key workers of the NHS trust for at least a period of 21 years from completion. In addition they state that the proposal together with application 12/3786M should be seen as a second phase of the Hope Park development, the first phase of which comprised the Blue Zone development brief area. The first phase included the provision of 67 dwellings, 36 of which were affordable apartments in the Clock tower. This equates to a 54% provision of affordable housing. Additionally reference is made to the fact that as part of application 12/3786M, some existing blocks of nursing accommodation are to be demolished and that these total 42 units of accommodation.

The Council's Housing department are objecting to the proposal due to the lack of affordable housing being proposed on either this site or the adjacent site covered by application 12/3786M. In accordance with the Council's policies, housing state that of the 36 apartments proposed by this application, 11 should be affordable with 7 provided as rented accommodation and 4 as intermediate housing. The housing department do not accept that this should be seen as a second phase of development as the site lies outside of the Blue Zone Development Brief boundary and the Clock tower development was grant funded meaning that it was not subsidised by the developer. Additionally, the fact that 42 units of nursing accommodation is being demolished as part of the outline application (12/3786M) and is being replaced by open market housing on both sites only adds to the justification that affordable housing should be provided on this scheme in line with the Council's normal requirements. The Housing department advise that even if the proposal is accepted as a second phase, there would be a requirement for an additional 5 units of affordable accommodation. At the present time there is an identified need for affordable housing in Macclesfield.

In addition to the arguments being put forward with regard to the overprovision of affordable housing on Phase I of the development, the applicants are also arguing that there are other material considerations to justify the fact that no affordable housing is being provided as part of the development. These other material considerations are considered later in the report.

Impact on the setting of the listed buildings

Local Plan policy BE16 states that development which would adversely affect the setting of a listed building will not normally be approved.

As part of this proposal, changes are proposed to the land around the Ingersley and Henbury buildings and within proximity of the Clock tower building. Parking is to be provided to the front and rear of the Ingersley building and to the front of the Henbury building. Access arrangements are also changing meaning that additional traffic would be utilising the Cumberland Street entrance.

Additionally a number of later additions to the Ingersley building are to be removed as part of the proposal.

The Council's Conservation Officer has been consulted on the application and raises no objections to it, noting that there will be no adverse impact on the setting of the listed buildings on site.

Highways

Access to the buildings is currently via the main hospital entrance. However as part of this proposal, access arrangements will be altered with all access to be taken from Cumberland Street with a one way access system around the Ingersley building. 29 parking spaces are proposed for the Ingersley building, 15 spaces are proposed for the Henbury building, with the provision of 2 additional visitor spaces. Two cycle shelters are proposed to the rear of the Ingersley building (27 covered cycle storage spaces) with one proposed to the front of the

Henbury building (15 covered cycle storage spaces). Refuse/recycling facilities are also proposed adjacent to the Ingersley and Henbury buildings.

The Strategic Highways Manager has been consulted on the application and considers that the impact on the highway network from the development would be minimal. With regard to parking provision, it is now considered that the amount of parking proposed is sufficient as it allows for 1 space per 1 bed apartment and 2 spaces per 2 bed apartments, with an additional 1 space for the Henbury building together with 2 visitor spaces between the two buildings. This is in line with the Council's emerging parking guidelines. As such, no highways objections are raised to the proposal.

With regard to comments made in representation regarding traffic calming measures, these are not considered necessary given the nature and length of the access road and given the volumes of traffic that would be generated by the proposal.

Design

Minimal alterations are proposed to the buildings to be converted, with the most significant alterations being the demolition of unsympathetic, modern additions to the Ingersley building which are to be welcomed. The design and layout of the proposed parking and access arrangements are considered acceptable from a design point of view.

Amenity

Local Plan policies H13, DC3 and DC38 seek to protect the residential amenity of existing and future occupiers.

With regard to the Ingersley building, the front elevation faces towards the Clock tower building, is located to the east of the new nursing home, faces towards the Regency Hospital to the rear and lies to the east of the Henbury and education and training building. As proposed by the outline application (12/3786M), new residential properties would be constructed to the rear of the Ingersley, with a new three storey office building proposed to replace the education and training building. All proposed elevations of the Ingersley building contain habitable room windows, some of which are principal windows to habitable rooms.

With regard to the Henbury building, no principal habitable room windows are proposed in either side elevation, with the principal habitable room windows being to the front and rear of the building. The rear elevation of the building overlooks an existing decked staff car park that has just recently been extended, with the front of the building currently overlooking the pavilion building. As proposed by the outline application, the pavilion building would be replaced by new residential properties.

The end elevation of Plot 1 of the Clock tower faces directly towards apartment 6 of the Ingersley building and contains two windows which appear to serve a habitable room (kitchen/living/dining room), though these are not the only windows that serve this room. Apartment 6 of the Clock Tower contains a principal habitable room window facing towards Plot 1 (bedroom). The submitted masterplan indicates a distance of approximately 16m between these two properties. Local Plan policy DC38 requires a minimum distance of 21m front to front between principal habitable room windows and 25m, back to back. 14m is

required where a principal habitable room window faces a non habitable room or blank wall. In this case as it appears that the windows to Plot 1 are not sole or principal windows to the room in question, and as there is 16m between the properties, the proposals comply with DC38 guidelines.

Apartment 1 and apartment 18 of the Ingersley building have principal habitable room windows facing towards the care home. However, the masterplan indicates a distance of 25m between these elevations which is compliant with policy DC38.

The relationship between the proposed apartments to the rear of the Ingersley building and the existing pavilion building is considered to be acceptable.

During the course of the application, the internal layout of some of the apartments within the Ingersley building has been amended in order to ensure a satisfactory relationship between the Ingersley building and Plots 1-4 proposed under application 12/3786M. The relationship now complies with guidelines contained within Local Plan policy DC38.

With regards to the impact of the proposal on the amenity of nearby residents in terms of traffic and the resulting noise and disturbance, the proposed change to the access arrangements means that traffic accessing the Ingersley and Henbury buildings would access the site via Cumberland Street rather than via the main hospital entrance. This would take additional traffic past residential properties located within the Blue Zone Development Brief Area including residents of the Clock Tower and the new build apartments. However, given the level of traffic involved, it is not considered that the impact is such that it would result in a significant impact on levels of amenity presently enjoyed.

Ecology

An ecological survey was submitted with the application and the Council's Nature Conservation Officer has been consulted. He advises that the only likely ecological constraint on the proposed development is the potential presence of roosting bats and breeding birds.

No evidence of bats was recorded during the surveys undertaken however due the suitability of some of the buildings on site to support bat roosts and difficulties in accessing some parts of the buildings for survey purposes the ecologist who undertook the survey recommended that a bat activity survey be undertaken to establish the presence/absence of roosting bats. Further survey work has been carried out during the course of the application following advice received from the Council's Nature Conservation Officer. No conclusive evidence of a bat roost was recorded and based on past knowledge of the site, the Council's Nature Conservation Officer is satisfied that bats are not reasonably likely to be present or affected by the proposed development. The tests of the Habitats Directive are therefore not triggered by this proposal.

If planning consent is granted, standard conditions will be required to safeguard breeding birds.

Public Open Space/Outdoor sport and recreation provision

In accordance with the Council's policies, the development triggers the need for both Public Open Space (POS) and Recreation / Outdoor Sports (R/OS) provision. The Council's leisure services department has been consulted on the application and advises that in the absence of any POS or R/OS provision onsite, a commuted sum for offsite provision will be required. The commuted sum for POS provision, based on 36 open market apartments is £64,500, with the R/OS provision being £3,500. This results in a total figure of £68,000.

The commuted sums would be used to make additions, improvements and enhancements to the play, amenity, recreation and sporting facilities within West Park Macclesfield, situated just a very short walk from the proposed development site. The commuted sums would be required upon commencement of development and the spend period would be 15 years from receipt.

During the course of the application, an amended masterplan has been provided which indicates the provision of on site public open space located to either side of the Henbury building (total area of 555 sq metres). It is proposed to locate benches within these areas and to make them available to both office workers and to residents. If these areas of on site open space are considered acceptable to the Council then this would reduce the amount of commuted sums being sought for off site contributions. Comments have been received from the Council's leisure services department in relation to the on site POS proposed. Whilst the areas proposed are considered less than ideal, if they are accepted having regard to the overall impact and benefits of the scheme, then it is considered that further facilities would need to be provided within them e.g. all weather footpath, interpretation, green gym (minimum 5 pieces and landscaping. These matters could be adequately controlled by condition.

The on site POS being offered will provide for amenity space but would not be suitable for children's play.

The applicant's agent has been informed of the requirements regarding POS and R/OS on both this application and 12/3786M and is willing to offer a total of £114,000 towards off site POS and R/OS provision across the two applications. Leisure Services have advised that £35,750 of this amount should be allocated to this proposal in order to provide £32,250 for children's play and £3,500 for recreation and outdoor sport (R/OS).

Trees/Landscaping

A tree survey report has been submitted with the application and the Council's Forestry Officer has been consulted on the application. He concludes that the change of use associated with both the Ingersley and Henbury buildings can be implemented with the loss of a single group of low value trees. On balance the forestry officer raises no objection to the application, subject to the imposition of appropriate conditions, with the development proposals broadly having a neutral impact on the retained tree cover with the tree losses accepted and mitigated by replacement planting.

With regard to landscaping, the Council's Landscape Officer has been consulted and raises no objections subject to a number of conditions/comments. It is considered that the landscape masterplan is generally in keeping with the landscape works approved and implemented on the Blue Zone development brief site. If the application is approved the landscape masterplan should be revised to make some amendments and to include further details for specific areas.

Other Matters

Housing Supply

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:

- Approving development proposals that accord with the development plan without delay; and
- 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

With regard to housing, paragraph 49 states 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.

The applicant's agent makes reference to the fact that at the time the application was submitted, the Council could not demonstrate a five year housing supply as is required by the NPPF. However, during the course of the application, the Council has published an up to date Strategic Housing Land Availability Assessment (SHLAA) which demonstrates a housing supply in excess of that required by the NPPF i.e. five years plus a buffer.

However, in accordance with Paragraph 14 of the NPPF, the presumption in favour of sustainable development still applies.

Education

The proposal does not generate any requirement for a financial contribution towards school places.

Decentralised Energy Supply

In line with policy EM18 of the RSS, were permission to be granted for the proposal, 10% of the predicted energy supply should come from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant that, having regard to the type of development and its design that this is not feasible or viable. This matter could be adequately controlled by condition.

Other Comments made in Representation

Other comments raised in representation that have not already been considered elsewhere within the report are water pressure and the restriction of construction hours.

With regard to water pressure, this is not a material planning consideration and is an issue that would need to be addressed by the developer in conjunction with united utilities.

A condition is proposed which restricts the hours of construction to Monday to Friday, 8am to 6pm and Saturdays 9am to 2pm with no work on Sundays or Public Holidays. These hours are as suggested by the Environmental Health department and allow 1 hour later working than requested in representation and restrict working to 3 hours earlier on Saturdays. Notwithstanding the comments made in representation, the hours suggested by Environmental Health are considered to be reasonable given the nature and location of the site.

Viability/Other Material Considerations

As previously stated, no affordable housing is being provided as part of the proposal. This is contrary to the Council's policies. Additionally, the applicants do not consider that the request to provide full contributions towards off site open space provision is justified. The applicant's have submitted various documents in support of their contention that affordable housing is not required to be provided as part of the proposal. These include a viability appraisal supported by two independent valuations and a letter submitted in response to the Council's queries relating to the viability appraisal. Each of the considerations put forward by the applicants will be considered in turn.

Viability

As stated, a viability appraisal has been submitted by the applicants during the course of the application. Following the receipt of the appraisal, the Council commissioned an independent assessment of it. This concludes that the applicants have not provided enough information to support their view that they are unable to provide any affordable housing or additional S106 contributions as part of the proposal. In particular concern was raised with regard to the land valuation which does not appear to have been calculated in accordance with the RICS guidance note: Financial Viability in planning. The RICS guidance defines site value as '*site value should equate to the market value subject to the following assumption; that the value has regard to the development plan policies and all other material planning considerations and disregards that which is contrary to the development plan*'. Whilst it is noted that the developer profit levels are far below normal levels required by developers, in this instance Keyworker Homes are acting as a contractor in respect of the conversion and letting to the NHS and therefore a contractors level of profit is appropriate as the development is effectively de-risked. However, a normal level of developer return would be expected on the residential new build units and the office development.

The applicants advise that as developer profit is already minimal without any affordable housing, the only basis upon which affordable housing could be provided as part of the scheme is if the receipt to the Trust for the sale of the land is less than that which has been agreed. The applicants advise that the Trust is mandated to sell their assets at or above market value.

Further information has been requested regarding the land value, the terms of arrangements for the NHS to occupy the site and regarding programming and phasing. At the time of writing, additional information regarding land value and programming and phasing has not been

received. Information has very recently been received regarding the arrangements for the NHS to occupy the site.

Required Level of Affordable Housing

The applicant's contend that the level of affordable housing being requested by the Council is not justified for a number of reasons.

Firstly, it is considered that as there was an overprovision of affordable housing on Phase I, this negates the need to provide affordable housing.

Secondly, it is considered that the as the 36 apartments proposed would be leased by the NHS and as these would be replacing 42 units of existing keyworker accommodation on the site, there is a net decrease in keyworker accommodation. On that basis they consider it unreasonable to expect the proposed conversion to incorporate affordable housing. Whilst the applicants acknowledge that the existing accommodation is located within the outline application area (12/3786M), they consider that as the two applications are interrelated, it is perfectly reasonable to treat the proposal as a single hybrid application. Additionally, as the 36 apartments are to be block leased by the NHS, it is not possible to separate the buildings to be sold to a registered social landlord for use as general affordable housing.

Benefits to the Hospital

It is stated that the proposal, together with that proposed by application 12/3786M, will deliver very clear benefits to the hospital which would not come forward if the scheme is refused planning permission. These include:

- Proposed development includes a high quality building for office/D1 uses which would significantly improve the facilities for those NHS operations that will remain on the site. These would otherwise have to remain in substandard accommodation which the Trust does not have the capital resource to improve
- 36 high quality keyworker apartments at BMA standard which assists in attracting and retaining the best medical staff
- Reduced maintenance and utilities costs, reduced carbon emissions and a net reduction in capital charges to the trust. The proposals would enable the Trust to reduce backlog maintenance liability, reducing the strain on the Trust's capital resources enabling more patient centred improvements. If permission were refused, the Trust would be left with an underutilised site and vacant buildings, where running costs would drain their capital resources to the detriment of patient centres investment
- The committed relocation of certain NHS operations from the existing premises would be financed through the sale of the site. The refusal of planning permission would mean that these costs would have to be covered by the Trust's own capital resources to the detriment of patient centred investment
- The agreed revenue to the Trust for the sale of the land would not just cover the enabling works for the proposed development, but will also provide capital receipts to fund a third endoscopy room as well as surgical theatre refurbishment, together with money towards a new dedicated pay on exit patient and visitor car park immediately adjacent to the hospital entrance. The applicant's state that these projects will not be

possible without the Trust receiving the capital receipt from the sale of the land following the grant of planning permission.

The applicants state that the requirement for the full 30% affordable housing provision would result in the highly beneficial scheme being shelved and that any reduction in the monies received by the Trust would prevent the patient centred improvements outlined above being provided. It is argued that the community benefits from the hospital improvements outweigh the community benefits of delivering affordable housing on the site, especially given that Phase I over provided in terms of affordable housing.

Improvements to Heritage Assets

The proposal would bring improvements to a heritage asset.

Conclusions on Viability/Other Material Considerations

As stated within the report, as submitted neither this application or the application for outline permission 12/3786M proposes the provision of affordable housing. However, the 1 and 2 bedroom apartments proposed by this application are to be occupied by the NHS Trust for the first 21 years following completion of the development. Whilst it is not considered that the viability argument put forward by the applicants can be accepted at this time due to concerns regarding the land value used in that appraisal, it is considered that in this case there are other compelling factors weighing in favour of the proposal.

Firstly, Keyworker Homes have now verbally agreed to the provision of 5 affordable units as part of the outline proposal (12/3786M). This is subject to further discussions with the NHS Trust who would also need to agree to this as joint applicant's.

Assuming that the 5 affordable units are to be provided, this would ensure that across Phase I and II of the development, a 30% provision of affordable housing would be provided. Whilst this argument on its own is not accepted by officers, in combination with other benefits of the scheme it is considered to add weight to the argument in favour of the proposal. Additionally, following lengthy discussions with the applicants, it seems likely that were the Council to require the full provision of affordable housing, across both schemes the development would be unlikely to proceed, meaning that the sympathetic conversion of two listed buildings together with a new build office and residential scheme in a suitable and sustainable location would not take place. Whilst the occupation of the residential units by the NHS Trust proposed by this application is not to be controlled by condition or legal agreement, it will nevertheless mean that for at least the first 21 years following completion, the apartments will be occupied by employees of the NHS Trust.

Additionally it is noted that the sale of the land by the Trust would enable the release of capital which would enable improvements to be made to hospital facilities. It is acknowledged that this would bring about benefits to the wider community. It is also acknowledged that the proposal would result in some improvements to the listed buildings that are to be converted. A number of unsympathetic additions would be removed from both listed buildings which would serve to improve their appearance.

Members are advised that these benefits should not be at the cost of socially sustainable development and the planning system does not exist to provide a form of subsidy to the hospital trust. However, in this particular case, the wider provision of affordable housing across both sites is considered to be a compelling argument.

Paragraphs 203 to 206 of the NPPF relate to planning conditions and obligations with paragraph 205 stating that *“where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled”*.

In this case, based on the particular circumstances of the applications, it is considered that for the reasons outlined above, a more flexible approach to the normal requirements for the provision of affordable housing and POS/ROS provision is acceptable and will ensure that a development that will bring wider benefits will go ahead.

Heads of Terms

If the Council are minded to approve the application, the following Heads of Terms would be required within a S106 legal agreement:

- Commuted sum of £32,250 towards the off site provision of public open space (children's play) and £3,500 towards recreation/outdoor sport provision

CONCLUSIONS AND REASON(S) FOR THE DECISION

There is no objection to the principle of housing on the site and the conversion of the listed buildings which secures improvements to the appearance of the buildings is welcomed. Initial concerns regarding parking provision and amenity have adequately been overcome by the receipt of amended plans. Whilst the proposal fails to comply with Council policies regarding affordable housing and the provision of POS/ROS, for the reasons outlined within the report, in this case it is considered that there are other material considerations that weigh in favour of the proposal. The development is considered to be sustainable socially, economically and environmentally and meets the objectives of the NPPF. The application is therefore recommended for approval.

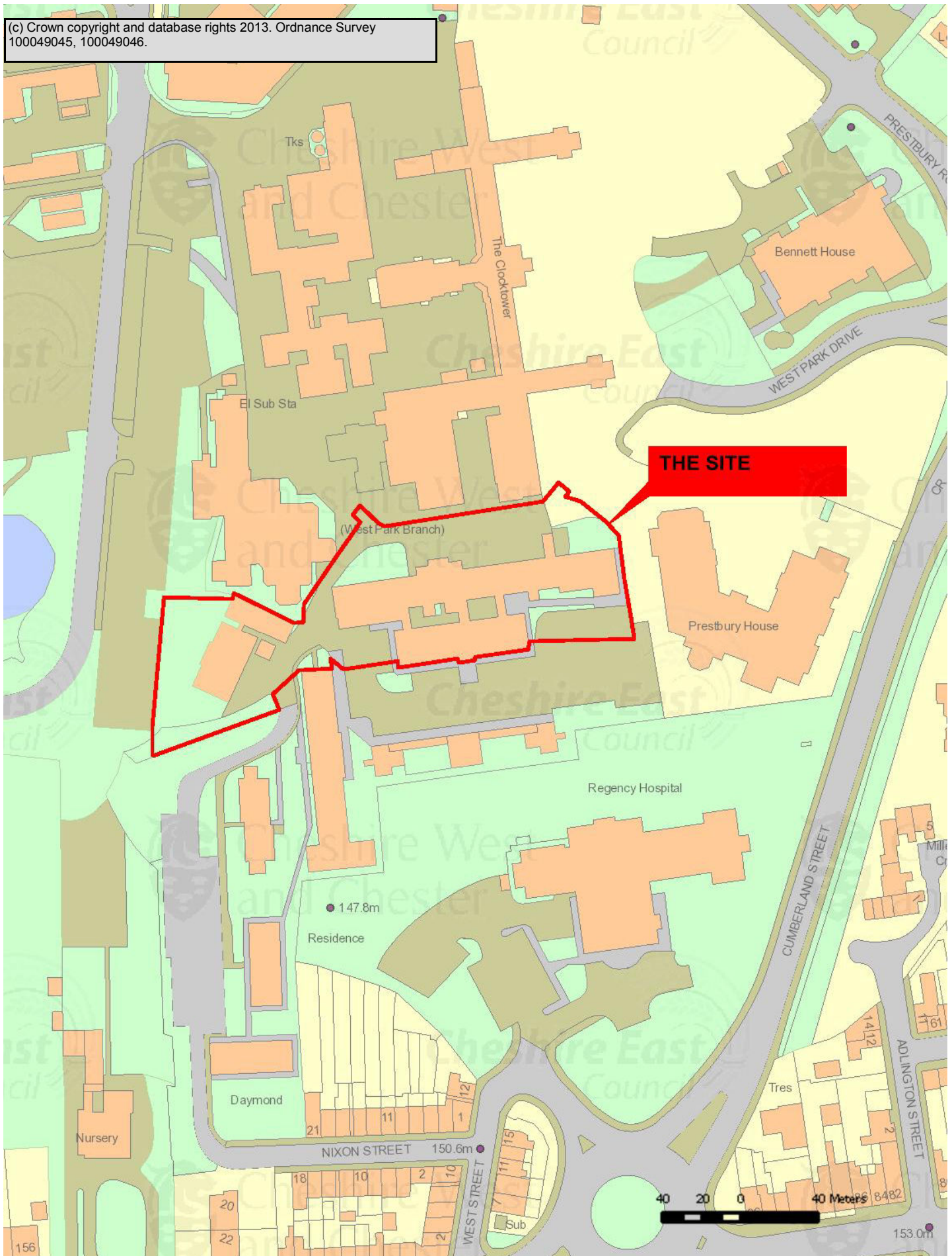
Application for Full Planning

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. A05EX - Details of materials to be submitted
4. A09EX - Rainwater goods
5. A20EX - Submission of details of windows

- 6. A22EX - Roofing material
- 7. A22GR - Protection from noise during construction (hours of construction)
- 8. A02TR - Tree protection
- 9. A04TR - Tree pruning / felling specification
- 10. A01LS - Landscaping - submission of details
- 11. A04LS - Landscaping (implementation)
- 12. A02HA - Construction of access
- 13. A01HP - Provision of car parking
- 14. A04HP - Provision of cycle parking
- 15. A08MC - Lighting details to be approved
- 16. A19MC - Refuse storage facilities to be approved
- 17. Pile Driving restrictions
- 18. Dust control measures
- 19. Phase II Contaminated Land Report
- 20. Survey of existing culvert
- 21. Scheme to limit surface water run off
- 22. scheme to manage the risk of flooding from overland flow of surface water
- 23. Breeding birds
- 24. Decentralised Energy Supply

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Application No: 12/3784M

Location: MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD,
MACCLESFIELD, SK10 3BL

Proposal: Change of use of the Ingersley and Henbury buildings to form 36 apartments. Works to curtilage buildings within the overall grounds of the Grade II Listed Clocktower building, including alterations associated with the residential conversion of the Ingersley and Henbury buildings, together with the demolition of the Education and Training building and the Pavillion building (Listed Building Consent)

Applicant: KEYWORKER HOMES & EAST CHESHIRE N H S

Expiry Date: 11-Jan-2013

Date Report Prepared: 15 March 2013

REASON FOR REPORT

This application has been brought to Committee as the parallel application for full planning (12/3779m) is an application for major development and under the Council's terms of delegation is required to be determined by Committee.

SUMMARY RECOMMENDATION	Approve subject to conditions
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MAIN ISSUES

- The impact of the proposal on the architectural and historic integrity of the listed buildings (Ingersley and Henbury)
- Whether the demolition of the education and training building and the pavilion building is acceptable

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the Ingersley, Henbury, education and training and pavilion buildings together with surrounding land and access. The site is located towards the southern end of the Macclesfield Hospital site. All of the buildings are curtilage Grade II Listed buildings and are currently used by the hospital, primarily as offices. The Ingersley building is a two storey, rectangular shaped building constructed primarily from stone. The Henbury building is a two and a half storey building, also constructed from stone. The education and training

building is a two storey building constructed from a mixture of natural and re-constituted stone and the pavilion building is a brick built single storey building. Vehicular access to the buildings is currently via the main hospital entrance, with a one way system operating around the Ingersley building. The Grade II Listed Clock tower building which has recently been converted to residential accommodation is located to the north of the site, with the recently constructed care home and new build residential flats located to the east and the Regency Hospital located to the south.

DETAILS OF PROPOSAL

Listed building consent is sought for internal and external alterations to the Ingersley and Henbury buildings in association with their residential conversion and for the demolition of the education and training building and the pavilion buildings.

An application for full planning permission for the proposed development is also being considered by the Council (12/3779M), a report on which is on this agenda. Additionally the Council is considering an outline application for a three storey office building and 34 new build dwellings (12/3786M). A report on this application is also on this agenda.

RELEVANT HISTORY

The Macclesfield Hospital site has an extensive history, the most relevant applications to this proposal are outlined below:

09/1300M - PROPOSED ERECTION OF :- A 3 STOREY 75 ONE BED CARE HOME; A 3 STOREY BUILDING INCORPORATING A TOTAL OF 542 SQ M OF RETAIL IN 3 GROUND FLOOR UNITS WITH 16 APARTMENTS (8 ONE BED & 8 TWO BED) ON THE UPPER 2 FLOORS; A 3 STOREY OFFICE BUILDING OF 3,599 SQ M (TO BE DIVIDED UP INTO 2 400 SQ M OF B1 ON THE FIRST AND SECOND FLOORS AND 1 199 SQ M OF D1 USE ON THE GROUND FLOOR); 15NO. 2.5 STOREY TOWNHOUSES IN 7 BLOCKS; ASSOCIATED CAR PARKING AREAS, ACCESS ROADS & OPEN SPACE; ADDITIONAL HOSPITAL RELATED CAR PARKING AT PROPOSED FIRST FLOOR DECK. (OUTLINE APPLICATION). Approved 18.12.09

09/1296M - CHANGE OF USE AND ALTERATIONS TO GRADE II LISTED CLOCKTOWER BUILDING TO PROVIDE 36 AFFORDABLE FOR RENT APARTMENTS, 161 SQ M COFFEE SHOP, 183 SQ M GYM AND ANCILLARY ACCOMMODATION; ASSOCIATED CAR PARKING AND EXTERNAL SITE WORKS; DEMOLITION OF 2 CURTILAGE BUILDINGS (BUILDINGS 2 AND 9) TO ENABLE THE ASSOCIATED MIXED USE DEVELOPMENT WITHIN THE OVERALL APPLICATION SITE AND WHICH IS THE SUBJECT OF A SEPARATE OUTLINE PLANNING APPLICATION. (FULL PLANNING). Approved 18.12.09

09/1295M - CHANGE OF USE AND ALTERATIONS TO GRADE II LISTED CLOCKTOWER BUILDING TO PROVIDE 36 AFFORDABLE FOR RENT APARTMENTS, 161 SQ M COFFEE SHOP, 183 SQ M GYM AND ANCILLARY ACCOMMODATION; ASSOCIATED CAR PARKING AND EXTERNAL SITE WORKS; DEMOLITION OF 2 CURTILAGE BUILDINGS (BUILDINGS 2 AND 9) TO ENABLE THE ASSOCIATED MIXED USE DEVELOPMENT WITHIN THE OVERALL APPLICATION SITE AND WHICH IS THE SUBJECT OF A

SEPERATE OUTLINE PLANNING APPLICATION. (LISTED BUILDING CONSENT).
Approved 18.12.09

07/3054P – New entrance to rear of Ingersley building. Approved 25.02.08.

POLICIES

Regional Spatial Strategy

DP7 Promote Environmental Quality

EM1 Integration and Protection of the Region's Environmental Assets

Local Plan Policy

BE2 Historic Fabric

BE15 Buildings of Architectural and Historic Importance

BE17 Demolition of Listed Buildings

BE18 Listed Building Consent

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

English Heritage: application should be determined in accordance with national and local policy guidance and on the basis of the Council's expert conservation advice.

National Amenity Societies: no comments received.

VIEWS OF THE PARISH / TOWN COUNCIL

Not applicable.

OTHER REPRESENTATIONS

Macclesfield Civic Society – the applications represent a major proposal within the hospital site which merits careful study. However, the Society welcome a mixed use proposal involving conversion of Listed Buildings to affordable social housing and the provision of new small private housing to accommodate local needs. The office use appears acceptable as part of the mixed development. Clearly much will depend upon the evaluation of the transport assessment and site specific impacts on trees and the residential amenities of existing and proposed occupiers. In principle the scheme is welcomed.

APPLICANT'S SUPPORTING INFORMATION

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

- Planning Statement
- Design & Access Statement

- Heritage Appraisal

Copies of these documents are available to view on the application file.

The Heritage Statement concludes that careful consideration of the comparative values of the buildings reveals that only the Ingersley and Henbury blocks possess the joint potential of further enhancing the setting of the listed building and the practical capability for re-use. The education block and pavilion, although of respective historical and aesthetic interest, are of lower significance, with the former in fact exerting a negative impact upon the aesthetic values of the site on account of past schemes of unsympathetic extension.

The emergent design for Hope Park phase II has targeted the sympathetic renovation and conversion of the Ingersley and Henbury blocks as part of the wider scheme for site redevelopment

OFFICER APPRAISAL

Principle of Development

The principle of altering listed buildings is acceptable provided that the architectural and historic integrity of the listed buildings is maintained.

The principle of demolishing listed buildings is in most cases not acceptable. Section 12 of the NPPF advises that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Alteration to the Ingersley and Henbury Buildings

Ingersley Building

Relatively minor external alterations are proposed to the Ingersley building to facilitate the change of use to apartments. Probably the most significant change involves the removal of a number of unsympathetic additions including a single storey extension to the rear and a two storey lift shaft to the front. Additionally an existing escape staircase is to be removed and a number of new/altered window and door openings are proposed.

Internally the layout is to be significantly altered, although it is unlikely that much of the original layout remains given the historical use of the building.

Henbury Building

Very minor alterations are proposed to the Henbury building and only involve one of the side elevations. An existing external staircase and steps are to be removed and three door openings are being changed to windows.

Internally some changes are proposed to the layout, though much of the proposed layout mirrors the existing.

It is considered that the changes proposed, subject to the imposition of appropriate conditions regarding finishes and materials, would respect the architectural and historic integrity of the buildings. With regard to both buildings, it is considered that the proposed removal of unsympathetic additions will improve the overall appearance of the buildings.

The Council's Conservation Officer has been consulted on the application and raises no objections to the proposed changes to the Ingersley and Henbury buildings.

Proposed Demolitions

Education and training block

According to the submitted Heritage Statement, the Education and training block was built as a fever (isolation) hospital in 1853-46 and was part of the workhouse. In the c20th the building was subject to major extension which almost doubled the overall footprint. The original building was rectangular in plan with front and rear projections, two storeys in height and orientated along the north south axis. A major extension exists to the southern end - this conceals much of the original exterior fabric – and there are other smaller additions elsewhere. The original building is of coursed rubble beneath tiled gabled roofs, much in keeping with Ingersley and the main hospital block. By contrast the extensions adopt a range of different, unsympathetic materials.

Due to a number of unsympathetic alterations and extensions, it is considered that the heritage value of the education and training block is limited. No objections are therefore raised to its demolition as it is considered that its demolition and replacement with a more appropriate building would serve to enhance the setting of the remaining listed buildings.

Pavilion building

According to the submitted Heritage Statement this range, comprising three small individual blocks connected by covered arcades, is located south of Ingersley and is orientated along the east west axis. The plan is symmetrical with the central block bearing a date stone of 1894. Unlike the other buildings, it is constructed of brick with hipped roofs to the blocks and gabled roofs to the arcades, all tiled. Its style is clearly different from that adopted by all of the workhouse buildings, and its original function is unclear. The building resembles structures more commonly associated with parks and gardens. Old mapping shows that it was built on a neighbouring plot of land which seems not to have been part of the workhouse site. A path ran from Ingersley to the pavilion, thus suggesting some connected purpose, but the first map showing the plot as part of the (now) hospital dates from 1968. It is therefore unclear as to whether the pavilion is a curtilage building in accordance with the 1990 Planning (etc.) Act.

Whilst the pavilion building is considered to be of interest, it does not appear to have a historic connection to other listed buildings on site and indeed it is questionable as to whether it is in fact curtilage listed. Whilst its loss is unfortunate, given the above, it is considered that its heritage significance is limited and provided that there could be some mitigation attributed to its loss in the form of using the same roof tile pattern on the new build houses as currently exists on this building and across the rest of the site this would help to mitigate for the loss of this building.

No objections have been raised by the Council's Conservation Officer to the demolition of these buildings.

CONCLUSIONS AND REASON(S) FOR THE DECISION

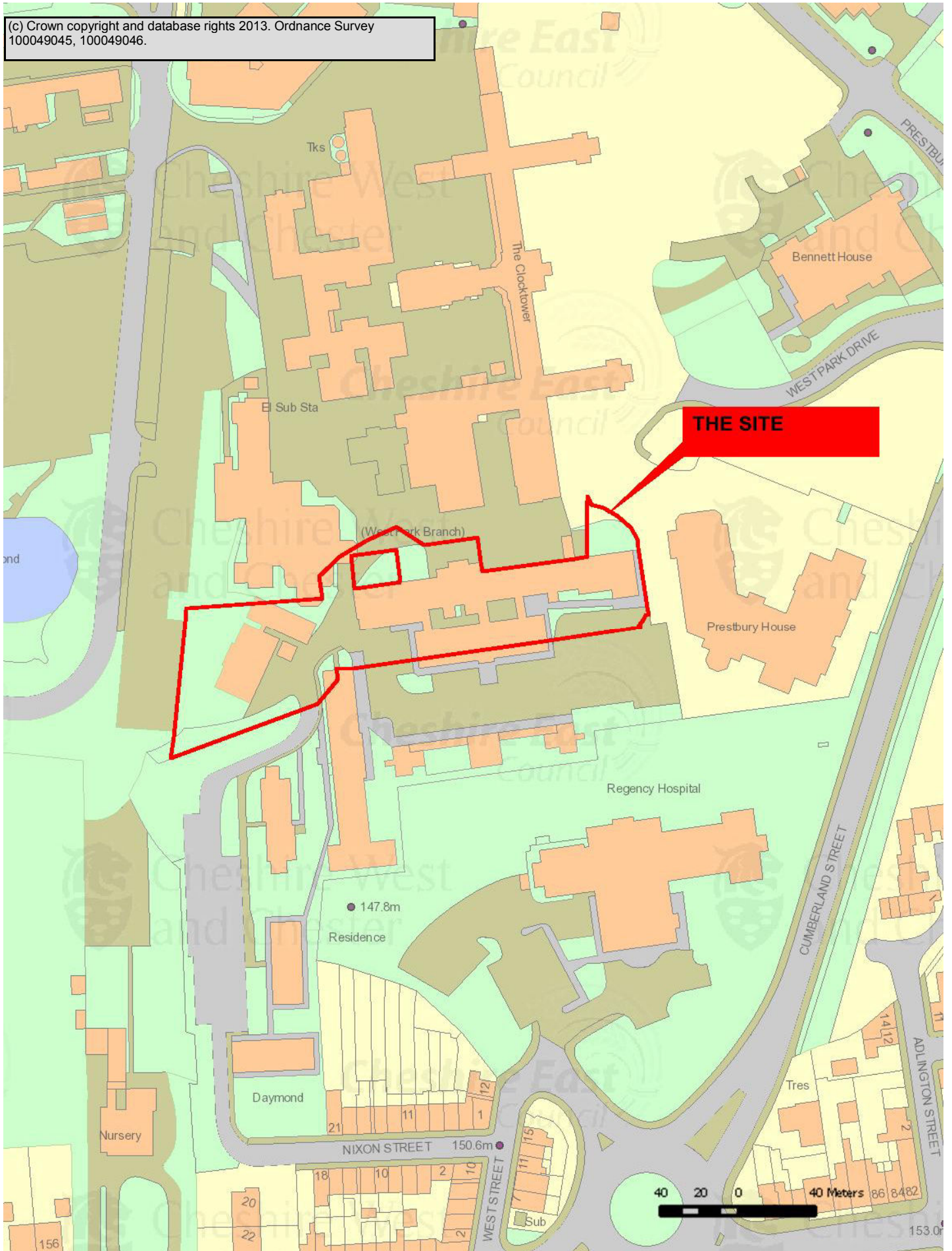
The proposed internal and external alterations to the Ingersley and Henbury buildings are considered to be acceptable as they would respect the architectural and historic integrity of the buildings. Similarly the demolition of the education and training building and the pavilion building is acceptable as in the case of the education and training building, it is considered that the heritage value of this building is limited and it is questionable as to whether the pavilion building is in fact curtilage listed. In any event, it does not appear to have any historical connection to the other listed buildings on site.

Application for Listed Building Consent

RECOMMENDATION: Approve subject to following conditions

1. A07LB - Standard Time Limit
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A09EX - Rainwater goods
5. A20EX - Submission of details of windows
6. A22EX - Roofing material

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Application No: 13/0085M

Location: Peacock Farm, Wilmslow Road, Handforth, Macclesfield, Cheshire, SK9

Proposal: Residential development consisting of a total of 23 dwellings, including 10 apartments and 13 houses and ancillary car parking. Outline Planning

Applicant: Pensycor Ltd, Pensycor Ltd

Expiry Date: 15-Apr-2013

Date Report Prepared: 15 March 2013

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Whether the proposal is acceptable in the Green Belt
- The impact on the character of the area
- The impact the amenity of adjoining residents and future occupiers of the residential units proposed
- Whether access and parking arrangements are suitable
- The impact of the proposal on existing trees and landscaping
- The sustainability of the proposal

REASON FOR REPORT

The application is for the erection of 23 residential units, and under the Council's Constitution is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The site comprises an area of vacant land, some of which was previously occupied by farm buildings. There are a number of trees at the northern end of the site protected by Tree Preservation Order. This northern section of the site is located within the Green Belt with the remainder of the site being located within a predominantly residential area as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks outline planning permission for 23 residential units comprising 10 apartments and 13 houses with all matters reserved for subsequent approval.

RELEVANT HISTORY

10/1841M - Residential development consisting of a total of 24 dwellings including 9 Apartments and 15 houses and ancillary car parking and landscaping - Refused (on grounds of inappropriate development in the Green Belt, loss of privacy, lack of affordable housing, inadequate design, and impact on protected trees) 18.11.2010

11/0770M - Residential Development Consisting of 13 Dwellings and Ancillary Car Parking – Approved 02.12.2011

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Make the Best Use of Existing Resources and Infrastructure
DP7 Promote Environmental Quality
L4 Regional Housing Provision
L5 Affordable Housing
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM2 Remediating Contaminated Land
EM18 Decentralised Energy Supply

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
GC1 New Buildings in the Green Belt
H1 Phasing Policy
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H8 Provision of Affordable Housing
H9 Affordable Housing
H13 Protecting Residential Areas
T2 Integrated Transport Policy
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC35 Materials and Finishes
DC37 Landscaping
DC38 Space, Light and Privacy

DC40 Children's Play Provision and Amenity Space

Other Material Considerations

National Planning Policy Framework

Interim Planning Statement on Affordable Housing

CONSULTATIONS (External to Planning)

Manchester Airport – Not possible to make full assessment of the proposal from an aerodrome safeguarding aspect. A condition is required to ensure the development does not infringe on an of Manchester Airport's protected obstacle limitation surfaces.

Strategic Highways Manager - raises concern regarding the parking provision, the layout of the access, the layout does not demonstrate a clear adoptable boundary for the Section 38 agreement and should do so, and the internal layout needs tracking for the refuse vehicle to demonstrate appropriate accessibility for same.

Greenspace – Comments not received at time of report preparation

United Utilities – Comments not received, but on the previous application, no objection was raised to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer.

Environmental Health – No objection subject to conditions relating to noise mitigation, hours of construction, air quality and contaminated land.

Housing Strategy and Needs Manager – Object on the grounds that affordable housing provision proposed by the applicant (25% or 6 units) is inadequate. 30% affordable housing (7 units) is required in accordance with the Affordable Housing IPS.

VIEWS OF THE PARISH COUNCIL

Handforth Parish Council - Following a meeting of Handforth Parish Council it was agreed that the Council reject Application 13/0085M Peacock Farm

REPRESENTATIONS

One letter of support has been received from a resident of Brereton Road, Handforth noting that it is a sustainable form of development that will enhance this part of Handforth

One letter objecting on the grounds of loss of privacy has also been received from the occupier of 4 Peacock Way.

APPLICANT'S SUPPORTING INFORMATION

The information that has been submitted alongside the plans and drawings include:

- i) Design &n Access Statement
- i) Affordable Housing Statement

- ii) Noise Study
- iii) Planning Statement
- iv) Statement of Community Involvement
- v) Sustainability Checklist
- vi) Draft heads of Terms
- vii) Drainage Statement
- viii) Ecological Assessment
- ix) Arboricultural Impact Assessment
- x) Highways / Transport Statement

The planning statement concludes:

- Site is a redundant, derelict, brownfield site surrounded by built development on all sides
- In close proximity to public transport facilities, employment and local services
- The main part of the site has permission for 13 dwellings
- No technical reasons in term of access, contamination, arboriculture, ecology or noise to refuse the development
- The site is available immediately and can instantly respond to housing requirements recognised in the SHLAA
- The NPPF has introduced the redevelopment of brownfield sites as no inappropriate, subject to preservation of openness.
- A major dual carriageway bisects the site from the wider Green Belt, Peacock farm serves no purpose in protecting openness at all.
- Local Plan is out of date and does not conform to NPPF.
- Scale and design reflects local character
- The Council is unable to demonstrate a 5 year supply of deliverable housing sites.
- Where this is the case local plan policies are out of date, and the application should be considered in the context of the presumption in favour of sustainable development.
- Based on the limited adverse impacts on the environment and the benefits on the development in terms of delivering needed housing, including affordable housing, the proposal is sustainable development and therefore it should be approved in line with the NPPF.

OFFICER APPRAISAL

Policy

The application site is currently split into two areas, which in terms of planning policy are quite distinct from one another. The land adjoining the slip road of the Manchester Airport Eastern Link Road at the northern end of the site lies within the Green Belt; this area is where the proposed apartment block is to be located. The remainder of the site is located within a predominantly residential area and is where the dwellings will be located. This area has the extant permission for 13 dwellings.

Housing land Supply / Sustainability

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.”*

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. The application should therefore be considered in the context of the 2013 SHLAA.

However, as part of the site lies within the green belt development may be restricted in accordance with policies in the Framework, as specified in the second bullet point of paragraph 14 noted above.

With the extant permission (11/0770M) there is recognition that part of the land is capable of development for housing. The site is also considered to be adequately proximate to Handforth district centre and its associated shops, services and public transport links, which are approximately 600 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.

RSS policy EM18 requires that all major developments 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, having regard to the type of development involved and its design, that it is not feasible or viable. This could be dealt with by condition.

Sustainable development is development that meets economic, social and environmental objectives. The main social and environmental considerations are highlighted in this report.

Therefore, the key questions are whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development and whether green belt policy places a restriction on granting planning permission.

Affordable Housing

The Strategic Housing Market Assessment 2010 identified that for the Wilmslow and Alderley Edge sub-area (of which Handforth is a part) there is a need for 51 new affordable units per year between 2009/10 – 2013/14, this totals a requirement for 255 new affordable homes for the period and is made up of an annual requirement for 2 x 1 bed, 17 x 2 bed, 17 x 3 bed, 9 x 4/5 beds and 6 x 1/2 bed older persons accommodation.

There are also currently 414 applicants on the housing register on Cheshire Homechoice who have selected Handforth as their first choice. These applicants require 122 x 1 bed, 179 x 2 bed, 80 x 3 bed & 8 x 4 bed (25 applicants haven't specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The applicant is currently offering 6 dwellings as affordable housing this does not meet the requirements of the IPS. 30% of the 23 units proposed on this site would be a requirement for 7 units to be affordable with 4 social/affordable rented units and 3 intermediate units.

Green Belt

Inappropriateness

The proposed apartment block and part of the garden of plot 1 are located within Green Belt. Paragraph 89 of the Framework states that the construction of new buildings within the Green Belt is inappropriate unless it is for one of the listed exceptions. Local Plan policy GC1 is broadly consistent with paragraph 89, but it is acknowledged that the Framework expands the list of exceptions to include the redevelopment of previously developed sites (brownfield land).

The applicant suggests that the proposal qualifies as an exception as either limited infilling or the redevelopment of a previously developed site, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The supporting planning statement states that historical maps, site investigation and topographical surveys show that there was previously a property lying within the Green Belt area of the site. No planning history has been found relating to such a structure. Even if it is accepted that there was once a property there, the likelihood is that it would have been residential or agricultural in use. Both of which are excluded from the definition of previously developed land. There is no firm evidence to demonstrate that the site is previously developed land, and is therefore not considered to be such.

In terms of infilling, this is defined in the glossary to the local plan as "*the filling of a small gap in an otherwise built up frontage*". This is a situation that does not apply in this case.

The proposal is therefore considered to be inappropriate development in the Green Belt, which is harmful by definition. Very special circumstances are therefore required to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm.

Other harm

A four-storey apartment block is proposed on the part of the application site within the Green Belt. The Green Belt part of the application site serves an important function in maintaining a degree of openness on the approach to the settlement of Handforth. The construction of a very substantial four-storey apartment block in this location would significantly reduce the openness of the narrow Green Belt in this location.

One of the purposes of including land in the Green Belt is to prevent neighbouring towns from merging into one another. The Green Belt between Handforth and the Greater Manchester conurbation is extremely narrow in the vicinity of the application site. The A555 Manchester Airport Eastern Link Road (MAELR) cuts east-west through this narrow band of Green Belt and currently terminates immediately to the north of the site at the Wilmslow Road roundabout. The semi-mature tree belt along the southern side of the MAELR corridor and the mature trees on the northern part of the application site form a continuous wooded belt along the northern edge of Handforth which wraps around the Wilmslow Road junction and forms a valuable buffer that screens the Spath Lane residential area on the edge of Handforth and separates the urban area from the Green Belt.

The applicant suggests that the inclusion of the site within the Green Belt is an anomaly left over as a result of the development of the MAELR and that the site should be read against the urban backdrop as it is an isolated small wedge between the urban area of Handforth and the MAELR. However, the site's inclusion in the Green Belt is not considered to be an anomaly. The detailed Green Belt boundaries in this area were defined in the 1988 Wilmslow Area Local Plan, at which time the MAELR was a proposed scheme. The A555 opened in 1995 and Green Belt boundaries were reviewed for the 1997 Macclesfield Borough Local Plan. The Green Belt boundary in this location has consistently not been altered.

Members will be aware that the airport link road (now known as SEMMS) is moving forward and is at consultation stage. The proposed route will continue the A555 west to the airport.

Very Special Circumstances

When making this decision, members must give substantial weight to the harm to the green belt.

The applicant is currently preparing a very special circumstances statement that will be reported to members as an update. It is for the applicant to demonstrate that such very special circumstances exist. Such circumstances will only exist if the harm by inappropriateness, and any additional harm, is clearly outweighed by other considerations.

Design and site layout

An indicative layout has been submitted, which shows the dwellings set out in a very similar format to that approved under application 11/0770M, and as such is broadly acceptable.

As noted above, concerns are raised that the proposal will have a significant impact upon the openness of the Green Belt, not least because of the indicative four-storey appearance of the apartment building. The preference would clearly be for the Green Belt area to remain open, allowing the onsite trees to provide a softer setting to this gateway to Handforth.

It is acknowledged that Hampton Court on the opposite side of Wilmslow Road is a three-storey building which may suggest that more than two-stories would reflect the character of the area. However, Hampton Court is partially screened by vegetation when viewed from the north, and the proposed apartment block is indicated to be four-storeys, and higher than Hampton Court. Due to the outline nature of the application, it is difficult to object on the grounds of the impact upon the character of the area, however, the scale of development on this very prominent corner, without any real scope for landscaping to the front would be a very dominant form of development and does raise concern over its potential impact, having regard to policies BE1 and DC1 of the Local Plan.

Trees / landscaping

There is a blanket tree preservation order across the northern (Green Belt) section of the site. Since the previous refusal, when one of the reasons was the impact of the proposal on protected trees, consent has been granted for the removal of a number of trees, which have now been removed in accordance with that consent. However a number of protected trees do still remain on the site.

Comments from the arboricultural officer are awaited, but the indications are that there may be some concern over whether the proposal can be accommodated without having a significant impact upon the remaining protected trees. Further information on this issue will be provided in an update.

Ecology

The Nature Conservation Officer advises that the application is supported by an acceptable Ecological Assessment. There do not appear to any significant protected species issues associated with the proposed development; however the northern part of the site does support a number of trees that have been identified as contributing to a minor local wildlife corridor. It is recommended that all of the trees on site should be retained and that the landscaping scheme should include additional native species planting to mitigate for any loss of existing vegetation. Native species hedgerows are also recommended by the submitted report as a means of enhancing the ecological value of the proposed development. This matter may be dealt with by means of a landscape condition if outline consent is granted.

In addition if permission is granted the conditions should be attached to ensure that breeding birds are protected and to ensure that additional provision is made for breeding birds and roosting bats.

Highways

The Strategic Highways Manager has commented on the application and raised the following concerns:

- Parking provision has reduced against the previous application and against the considerations of the Localism Bill and the emerging new highway authority parking standards do not provide sufficient protection against the likelihood of displaced

parking. The original ratios of 200% and 150% (houses and flats respectively) would be the acceptable minimum.

- The Transport Note provides dimensions for the proposed junction design however this is not shown on the plans and an amended plan should be provided to demonstrate that the junction design can be accommodated, and prior to determination. The only plan provided for the junction is out of date and does not correspond with the current layout proposal. The access into the site should have a 2.0 metre on both sides.
- The internal layout does not demonstrate a clear adoptable boundary for the Section 38 agreement and should do so.
- The internal layout needs tracking for the refuse vehicle to demonstrate appropriate accessibility for same.

Having regard to the location of the site and existing parking restrictions in the area, the recommended level of car parking from the Strategic Highways Manager is considered to be appropriate.

No significant highways issues were identified at the time of the previous refusal. The refused scheme proposed 24 dwellings and provided acceptable access details. Given that the principle of an access to serve more than the proposed number of dwellings has been previously accepted, and the outline nature of the current application with all matters reserved, it is considered that the concerns raised by the Strategic Highways Manager can be addressed via condition or at the reserved matters stage.

It is also noted that there are a number of bus services currently operating within a reasonable walking distance from the site and provides the occupiers of the site the ability to use sustainable travel modes.

Impact on 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.

A number of bungalows and two storey dwellings are located adjacent to the site. Whilst the site layout is indicative, a number of relationships with neighbouring dwellings fall below the recommended distance guidelines of policy DC38. For example, the distance between the gable elevation of plot 13 and the facing principle room window within the neighbouring bungalow is approximately 11 metres, which is well below the required 14 metres (assuming the gable is blank). The siting of a two-storey gable elevation will be materially detrimental to the living conditions of that neighbour. However, this relationship could be amended at the reserved matters stage to match the approved scheme (11/0770M), which would simply in involve moving plot 13 forward in the site.

Of more concern is the proposed four-storey apartment block, which is positioned 25 metres from the rear elevation of properties on Oakmere Road. For a four-storey building, the distance within policy DC38 is 39 metres for facing habitable room windows. It is acknowledged that there are mature trees along the eastern boundary, however, their effect at screening the development, particularly during the winter months will be limited.

Consequently, there is considered to be inadequate space, light and privacy between the buildings. Given that indicative layout shows the apartment block tight up against the boundary with Wilmslow Road, there is virtually no capacity to re-position the building to establish a better relationship with neighbouring properties. As such, the applicant has not demonstrated that the apartment building can be accommodated without having a significant impact upon neighbouring properties. The proposal is therefore contrary to policies DC3 and DC38 of the Local Plan.

Noise (Amenity of future residents)

Environmental Health has commented on the application and noted that the applicant has submitted an environmental noise study produced by Red Acoustics, which includes recommendations for a scheme of acoustic insulation. The report recommends noise mitigation measures to be designed into the construction of the proposed dwellings to ensure that future occupants of the properties are not adversely affected by environmental noise. The design criteria would meet the 'good' standard in accordance with BS8233:1999. It is therefore recommended that the noise mitigation measures recommended in the report form a condition of any approval and be implemented prior to the occupation of the development.

Air Quality

Environmental Health has raised concern about the indicative layout showing residential uses in relative close proximity to the MAELR (in particular the façade of the apartment buildings). The quantity of traffic on this road is such that there is potential for levels of air pollution (particularly Nitrogen Dioxide) to be above National Limit Values and as such there is potential for an adverse affect on health and quality of life for future occupants.

Prior to the submission of the detailed application the developer will need to either;

- a) Submit an Air Quality Impact Assessment to show the impact of air pollution at the nearest sensitive residential property. The assessment should be sufficiently detailed to allow determination of present and future air pollution levels, and include where necessary suitable mitigation to ensure exposure remains below National limit values. The assessment should be scoped with this office prior to submission.

OR

- a) At the submission of the detailed application stage, the developer shall agree with the LPA the internal layout of the apartment buildings, ensuring that non-habitable rooms (kitchens, bathrooms etc.) are on the façade exposed to the A555 / Manchester Road roundabout.

OR

- b) Occupancy shall not commence until a suitable scheme for MVHR (mechanical ventilation and heat recovery) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall:
 - i) The scheme shall as outlined in Approved Document F of the Building Regulations
 - ii) Should detail the means by which the developer intends to control ventilation intakes to apartments at the A555 / Manchester Road elevation of the

- building in order to minimise the ingress of external air pollution from the A555 facade.
- iii) The scheme should also take account of the future maintenance of the air moving equipment to ensure its continued operation.

Open space

The proposed development will trigger a requirement for public open space provision. In the absence of onsite provision a commuted sum for offsite provision will be required. Comments from the Greenspace Officer are awaited, but will be reported in an update.

Education

A development of this scale is expected to generate a requirement for 3 primary school places and 2 secondary school places. The Council is forecasting that it will have insufficient places in both the primary and secondary schools to accommodate the pupils generated by this development.

In light of this a sum of $3 \times 11,919$ (2008/09 Dfe multiplier index linked to the PubSec price index + 5% for ict) $\times 0.91$ (Cheshire East weighting) = £32538 is required towards primary provision, and $2 \times 17,859$ (2008/09 Dfe multiplier index linked to the PubSec price index + 5% for ict) $\times 0.91$ = £32,685 towards secondary provision.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal is an inappropriate form of development in the Green Belt, which reduces openness, impacts upon visual amenity and reduces the extent of this already narrow section of Green Belt. No very special circumstances have been identified. The proposal is therefore contrary to policy GC1 of the Local Plan and paragraph 89 of the Framework.

The submitted indicative layout shows a significantly substandard relationship with neighbouring properties. In the absence of any information to demonstrate that the proposal can be accommodated within the site, without having this impact, the proposal is contrary to policies DC3 and DC38 of the Local Plan.

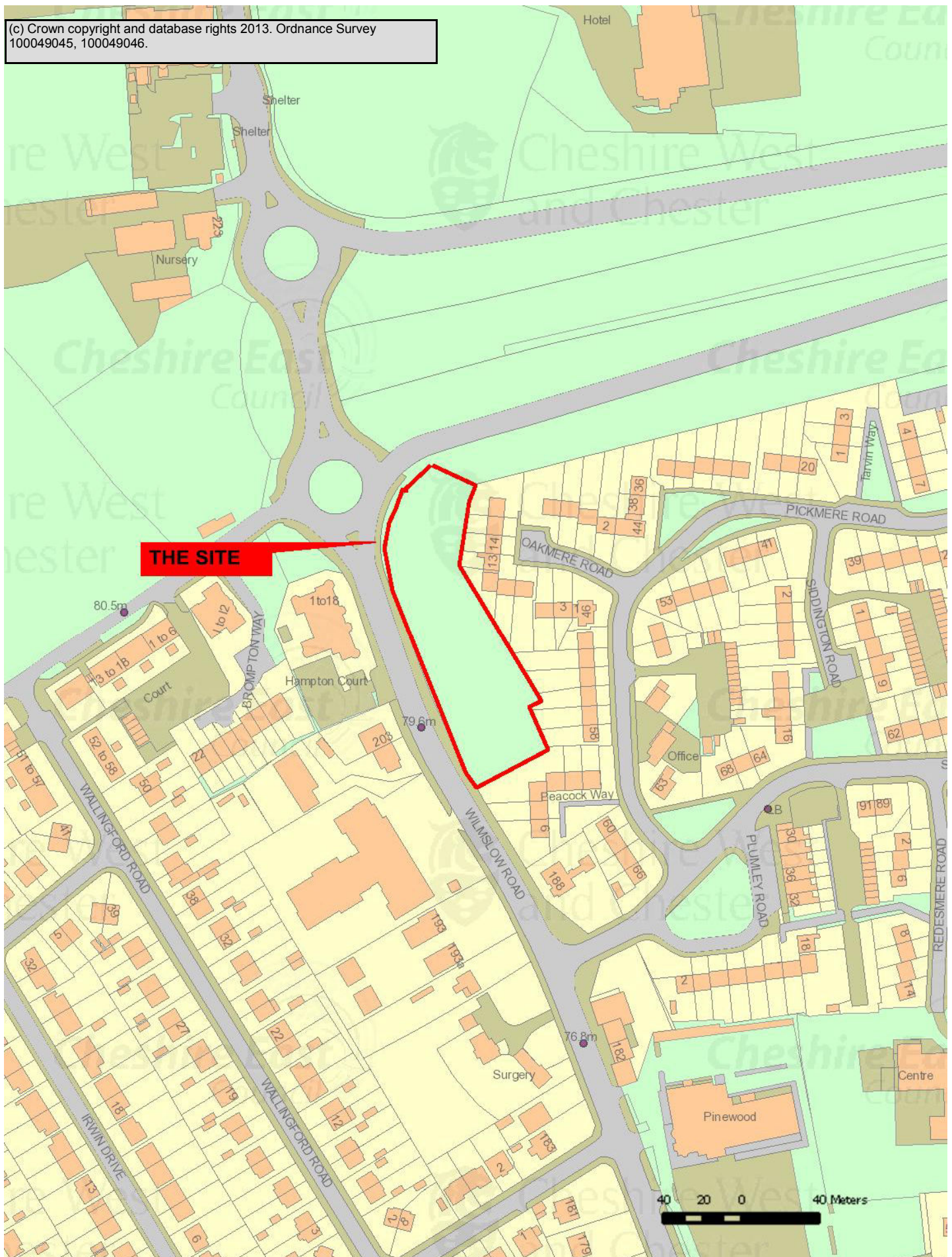
Accordingly, in light of these identified significant adverse impacts, a recommendation of refusal is made.

Application for Outline Planning

RECOMMENDATION:

1. R04LP - Inappropriate development in the Green Belt
2. R07RD - Development unneighbourly

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Application No: 12/4882M

Location: Land West of Mag Lane, High Legh, Warrington, Cheshire, WA16 0RT

Proposal: A Farming & Food Visitor Centre including Access, Car Parking, Pedestrian Routes, Visitor Centre, Bio-dome, Mobile Field Shelters and Landscaping.

Applicant: David Fryer, David Fryer Management

Expiry Date: 05-Apr-2013

SUMMARY RECOMMENDATION: REFUSE**MAIN ISSUES**

- Appropriateness of Proposed Development in the Green Belt
- Landscape and Visual Impact upon the Green Belt
- Very Special Circumstances
- Other Planning Policy Considerations

REASON FOR REPORT

The application has been referred to the Northern Planning Committee as the proposal is for a small scale major development where the site area exceeds 1ha and the development is of a commercial nature.

If Members are minded to approve the development, as this would constitute a significant departure from policy, the application would need to be referred to the Strategic Planning Board and also be subsequently referred to the Secretary of State should the Council be minded to approve it.

DESCRIPTION OF SITE AND CONTEXT

The application site area edged in red measures approx 2.6ha and comprises a Greenfield site located within the designated North Cheshire Green Belt. The site is accessed from Mag Lane approximately 150m north of its junction with Warrington Road (A556) in High Legh. Mag Lane is an adopted highway measuring approximately 5m wide excluding verges. At the time of the officer's site visit, the site comprised short meadow grass grazed periodically by sheep bounded by hedgerows with a five bar field gate opening onto Mag Lane half way along the sites boundary to Mag Lane. A caravan had been located on the site however this was removed prior to the submission of the planning application. The site backs onto an area of woodland to the west known as 'Little Oaks' and is surrounded by open fields to the north

and south and on the opposite side of Mag Lane to the east. The nearest buildings are those located along Warrington Road approximately 170m to the south.

DETAILS OF PROPOSAL

The site would be developed from a pastoral field to a Farming & Food Visitor Centre. The site would comprise:-

- A Visitor Centre measuring approximately 25m x 20m and reaching a total height of 3.55m. The design would incorporate a timber framed, sedum roof with solar panels and a combination of glazed and timber walls. The roof would have five domed sections and the Visitor Centre would include: various store rooms, final food preparation area, staff room, utilities room, repair room, office, AV room, preparation and food training area, café seating area, entrance and ticket sales and toilets.

- An animal and crop husbandry hut is also proposed measuring 10m x 5m reaching a height of 3m. This would be constructed of timber with a pitched, sedum roof.

- A manure clamp, yard area and 12 mobile buildings for pigs, lambs, chickens and goats are also proposed.

- A grain crop growing area (0.56ha), vegetable growing area (0.54ha), two hay paddocks to be utilised as overflow car parks if required during the summer months and the main gravel car park area (0.15ha) including cycle parking, two disabled spaces, coach parking and a deliveries area

- Education and Interpretive Activity Areas including paths and access track to an induction area, manure patch, the plough, seeding area, weeding area, irrigation challenge, harvesting area, farmers challenge and recycle area.

- Fruit orchard measuring approximately 0.1ha

- Oval shaped Bio-Dome measuring 30m x 15m wide with a total height of 5m constructed with an aluminium frame and ETFE transparent covering also on a concrete base

- Two storage ponds for surface and grey water

- New entrance point onto Mag Lane located in a similar position to existing field gate measuring 6m wide with improved visibility splays involving removal and realigning of hedgerow

- Fruit growing area measuring 500 sq. m

- New timber fencing, stockproof fencing, hedgerows, gates are also proposed throughout.

The total floor area of the buildings is approximately 1062 sq. m.

RELEVANT HISTORY

12/0587M Change Of Use From Agriculture To Pizza Farm Including A Two Storey Building Containing A Restaurant And Meeting Rooms For Educational Purposes, Agricultural Storage Building, Ticket Office, Landscaping, Pathways, Car Parking And Outdoor Adventure Park. The application was withdrawn prior to a recommendation for refusal on 17.4.12.

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(RSS)

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 8 Mainstreaming Rural Issues

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF 1 Spatial Priorities

Policy RDF 2 Rural Areas

Policy RDF 4 Green Belts

Policy W 6 Tourism and the Visitor Economy

Policy W 7 Principles for Tourism Development

Policy RT 2 Managing Travel Demand

Policy EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets

Policy EM 15 A Framework For Sustainable Energy In The North West

Policy EM 16 Energy Conservation & Efficiency

Policy EM 17 Renewable Energy

Policy EM 18 Decentralised Energy Supply

Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision

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 (MLP)

NE11 Nature Conservation
NE17 Nature Conservation in Major Developments
BE1 Design Guidance
GC1 Green Belt – New Buildings
RT8 Access to Countryside
RT13 Promotion of Tourism
T4 Access for People with Restricted Mobility
T5 Provision for Cyclists
DC1 Design – New Build
DC2 Design – Extensions and Alterations
DC3 Amenity
DC6 Circulation and Access
DC7 Car Parking Standards
DC8 Landscaping Scheme
DC9 Tree Protection
DC11 Hedgerow Policy
DC13 Noise
DC17 Water Resources
DC28 Agricultural Buildings
DC33 Outdoor commercial recreation
DC54 Restaurants, Cafes and Hot Food Takeaways
DC62 Renewable Energy Measures
IMP1 Infrastructure
IMP2 Transport measures

Other Material Considerations

National Planning Policy Framework
Draft Development Strategy
Circular 02/09
The Planning System – General Principles
Rural Issues Summary Document
Cheshire East Visitor Economy Strategic Framework

CONSULTATIONS

United Utilities- No objections

Strategic Highways Manager – No comments received at time of writing report

Environmental Health – Recommend conditions in respect of odour abatement

Visitor Economy Officer – In summary, considers this attraction could make a positive contribution to the Cheshire East visitor economy. It fits with the strategic objective of growing the Cheshire East Visitor Economy as well as adding value to the wider economy.

High Legh Parish Council - Considers design to be sympathetic and supports jobs to be provided and the project itself fits in well with the rural farming community. However have concerns regarding highway safety and the precedent the proposals would set for development in the Green Belt. Suggest that if permission is granted that the land be returned to agriculture after use ceases.

OTHER REPRESENTATIONS

Letters of objection from Corn Heyes , Yew Tree Farm, 1 Crouchley Hall Mews & Field House all on Crouchley Lane, Lymm and Great Oak Farm House, Silent Valley Cottage & Great Oak Farm Offices both Mag Lane, Lymm, The HayBarn, Crabtree Farm, Crabtree Farm Barns, 3 Crabtree Barns & Swallows Rest Crabtree Lane, High Legh, Deansgreen Cottage, Beech Tree Lane, Lymm, Yew Tree Farm, Dunham Massey (tenant of Great Oak Farm), The Wheelwright's Cottage, Swineyard Lane, High Legh on the following grounds:-

- Highway safety
- Inappropriate development in the Green Belt
- Alternative sites available
- No Business Plan
- Procedural issues
- Not a sustainable rural business
- DEFRA grant applied for, not granted as yet
- Concerns regarding Food Cluster claim
- Buildings disproportionate to operation
- Most food would be bought in rather than grown on site
- Impact on existing services and infrastructure
- Other commercial properties available locally
- Concerns regarding claims in respect of job creation
- Concerns regarding claims in respect of carbon negative development
- Concerns regarding viability and potential alternative uses if business fails
- Amenity/ Litter
- Very Special circumstances do not exist and to allow the development would set a dangerous precedent
- Design/ Visual impact on the landscape
- Not bringing anything new to the area as there are other cafes/ farm experiences available nearby such as Stockley Farm, Tatton Park Farm and Red House Farm
- Local businesses confirm that there is a shortage of workers available for low wage jobs

Letter of support from Swineyard Lodge, Swineyard Hall Farm and from the manager of 'BusyBus' and Mere Court Hotel & Conference Centre, Warrington Road, Mere all of which have a commercial interest in supporting the proposals. Comments include benefits to local businesses, rural tourism and that the proposal fits in well with the Green Belt.

Letter of support from 18 Dalewood Crescent, Elton as consider development more appropriate than unauthorised gypsy site or motor cross training ground, location is perfect and will tap into footfall in a non- intrusive educational and green way.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted to accompany the application:

Design and Access Statement (DAS)

Phase 1 Habitat Survey

Education Survey

Energy Statement

BREEAM Pre-Assessment

Ventilation & Extraction Report

Letters of support from Marketing Cheshire, Lymm High School, Reaseheath College, Little Bollington C of E Primary School, Cherry Tree Primary School, Appleton Thorn Primary School, High Legh Primary School, Cobbs Infant and Primary School, Harper Adams University College, Thelwall Community Infant School

Space Analysis Assessment

Site Waste Management Plan

Landscape Visual Impact Assessment (LVIA)

Tree Survey Report

Planning Statement

Sequential Assessment

OFFICER APPRAISAL

Principle of Development

Inappropriate or Appropriate Development?

The site is a Greenfield site used as pasture land and located within the designated North Cheshire Green Belt - Para 89 and 90 of The Framework indicate the types of development which are appropriate within the Green Belt. Provision of new buildings is inappropriate development within the Green Belt unless it is for one of the purposes listed. Policy GC1 within the MLP accords with this guidance and therefore full weight is given to this policy.

Notwithstanding that some elements of proposals, in isolation, may be considered appropriate development within the Green Belt, the proposals must be considered in their entirety.

The description of development summarises the proposals as "A Farming & Food Visitor Centre" which is a tourism use- tourism uses are not listed as appropriate development within paras 89 & 90 within The Framework.

Whilst para 2.19 of the DAS refers to the site being 'previously developed' and para 88 of The Framework indicates that the redevelopment of such sites can be appropriate, the site is not considered to be previously developed land because any buildings on the site were demolished prior to 1 July 1948 (when the Town and Country Planning Act 1947 came into effect) and the last known use of the land is agriculture. In any event, the description of previously developed land in The Framework infers that the land has to be occupied by buildings.

The proposals therefore represent an **inappropriate form of development** within the Green Belt. Para 88 of The Framework states that substantial weight should be given to *any* harm to the Green Belt.

The following additional harm has been identified:

Harm to the Green Belt: Openness

In addition to the harm by reason of inappropriateness which in itself attracts **substantial weight**, the proposals would also have an adverse impact upon the openness of the Green Belt.

The Planning Statement acknowledges that the development would impact upon openness but considers that the proposed site layout, LVIA submitted and the relative heights of buildings would minimise the impact.

However, the Town and Country Planning (Consultations) (England) Direction 2009 indicates that developments of over 1000 sq. m within the Green Belt would have a significant impact upon the openness of the Green Belt for the purposes of referral. It therefore stands to reason that such developments should also be treated as having a significant impact upon the openness of the Green Belt in the application of planning policy. These proposals are in excess of 1000 sq. m and would therefore have a significant impact upon the openness of the Green Belt notwithstanding the impact associated with car parking, visitors and general activity associated with the use.

Harm to the Green Belt: Landscape/ Visual Impact

The LVIA and DAS submitted note that the site is relatively flat and surrounded by open fields in part and the presence of woodland and thick hedgerows obscures wider view of the site.

The LVIA indicates that the visual impact would be adverse to a degree. The Council's Landscape Architect has confirmed that the LVIA methodology and conclusions are acceptable and concludes that any landscape impact would not be significant. However, The Framework places the emphasis on *any* harm to the Green Belt and does not require that such an impact has to be significantly adverse. Therefore the harm identified above and any other harm would need to be outweighed by other considerations.

Internal lighting associated with the Bio-Dome and external lighting for the entrance, car park and visitor centre is proposed. This would have an impact upon the landscape character of the surroundings. The adverse impact noted above would be heightened by this light pollution which has not been considered by the Council's Landscape Architect in their response or considered within the LVIA.

Harm to the Green Belt - Encroachment

Para 80 states that 'safeguarding the countryside from encroachment' is one of the purposes for including land within the Green Belt.

The construction of any inappropriate development with a significant impact upon openness in the Green Belt would also represent encroachment into the Green Belt. Significant weight is attached to this consideration.

In summary, the proposals represent an inappropriate form of development within the Green Belt which by definition is harmful and which in itself would attract substantial weight. In addition, the proposals would have a significant adverse impact upon the openness of the Green Belt in this location. The proposals would also conflict with one of the purposes of including land within the Green Belt and would have an adverse visual impact upon the landscape.

This level of harm alone is a compelling reason for refusal - very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (Para 88 of The Framework). The onus is therefore on the applicant to demonstrate that any other considerations would clearly outweigh the harm to the Green Belt identified above.

Very Special Circumstances

Carbon Emissions/ Renewable Energy

The Planning Statement infers that the contribution towards Sustainable Development would add to the case for very special circumstances (when coupled with other factors). However, the new presumption in favour of Sustainable Development does not apply where policies within The Framework indicate that development should be restricted such as in Green Belt areas. Moreover, the protection of Green Belt areas is an integral component to the achievement of Sustainable Development.

The development is put forward as being carbon negative and would achieve a BREEAM 'excellent' rating. The development would be predicted to achieve over 10% reduction of unregulated carbon however this would not be a meaningful contribution to reducing carbon emissions in the local area and the BREEAM rating and is an example of 'best practice' rather than proposing a project which would be innovative which would then be rated as 'outstanding'.

Whilst the scale of the contribution this development would make towards lowering carbon emissions would be relatively low, as the development would support the transition towards a low carbon future and support the use of renewable sources in accordance with para 17 of The Framework, moderate weight is given to this consideration.

The energy statement submitted recognises the difficulties of calculating carbon emissions from traffic associated with the development. As a visitor centre in a rural location with poor public transport links, it is difficult to see why the environmental considerations of this site

would be better than many other sites around the Borough to the extent that this should override green belt policy.

Employment

The proposals would result in the creation of 26 FTE jobs and have an estimated turnover of £1 million. The applicant also proposes to enter into an apprenticeship scheme. The Planning Statement indicates that significant weight should be given to this material consideration. It is duly acknowledged that supporting economic growth is one of the core principles underpinning the planning system. It is also acknowledged that in addition to the 26 FTE jobs, the proposals would create some temporary construction jobs. The Cheshire East area has approximately 79,000 unemployed people and therefore the proposals would only make a small contribution towards reducing unemployment in the Borough. Notwithstanding this, any commercial development within the Green Belt would create jobs but this does not override the presumption against inappropriate development. Moreover, these jobs would still be created if the development was proposed in another location which did not raise the same objection on Green Belt policy grounds.

Outdoor Recreation in the Green Belt

It is duly noted that the development would make a contribution towards providing opportunities for outdoor recreation in the Green Belt and the promotion of Healthy Communities. However, the site is not linked to an existing footpath or public transport network and there are not any proposals to 'link' the scheme in this way. In addition, the outdoor recreation benefits would be for paying customers and would not be for the benefit of the wider community. In addition, the proposals have a single function and therefore would not have the same outdoor sport benefits of for instance, a multi-use games area. On that basis, whilst the proposals would have some positive impact upon opportunities for outdoor recreation, this would attach only limited weight for the reasons noted above. It must however be noted that the proposal conflicts with one of the five purposes for including land within the Green Belt.

Educational Benefits

The Planning Statement considers that the educational benefits of the scheme would also contribute towards a case for very special circumstances. The supporting information includes a number of letters of support from various schools within the area which would be interested in utilising the site once constructed. The applicant has submitted an Education Statement which explains how the site could contribute towards educational objectives. That said, none of the letters include a contractual obligation to do so, nor do they state that such a facility is necessary for the workings of the education establishments mentioned. In addition, the application is not proposed directly by an education establishment or an affiliate. These educational benefits would be difficult to quantify, and difficult to control to ensure that they are delivered. On that basis, limited weight is attributed to this material consideration.

Design & Sustainability

The Planning Statement indicates that the design promotes high levels of sustainability and that this is a material consideration in favour of the proposals. The sustainability credentials of the development have been discussed above, and whilst the design is acceptable as an isolated consideration, it is not of such outstanding quality to represent a benefit of the proposals. No weight is attached to this consideration in representing very special circumstances.

Contribution Towards Other Strategies

Guidance within The Framework and policies within the MLP also seek to promote access to the countryside however policy RT13 makes it clear that this should not conflict with Green Belt objectives. Similarly, policy W6 within the RSS indicates that rural tourism development should accord with general policies relating to rural areas and does not advocate the location of new tourism proposals within the Green Belt. The Framework considers tourist attractions to be a main town centre use but also considers sustainable rural tourism operations to be appropriate to rural areas however The Framework does not indicate that new buildings associated with tourism represent an appropriate form of development within The Green Belt. Full weight should be given to the policies noted above as they accord with the guidance within The Framework.

The Planning Statement indicates that the Rural Issues Summary Document, Cheshire East Visitor Economy Strategic Framework and Draft Development Strategy are running parallel with the Development Plan and that substantial weight should be attributed to accordance with the objectives within these documents. It should be noted that, the emerging policies within the Rural Issues Summary Document and Draft Development Strategy are material considerations. However as they both include policies in support of the protection of Green Belts, this strengthens the presumption against inappropriate development in the Green Belt.

The Cheshire East Visitor Economy Strategic Framework seeks to promote visitor attractions in Cheshire. The visitor economy is an important contributor to businesses and communities in Cheshire East, generating over £600m per annum to the local economy. The Strategic Framework seeks to increase this to £818m by 2015 with an additional 1271 jobs provided in the same period. The development would contribute towards this objective, however in light of the adopted and emerging policies within the Development Plan which seeks to steer new tourism development either towards town centres or, where it is proposed in connection with rural tourism, to sites outside of the Green Belt, moderate weight is given to the contribution towards achieving objectives within other Council Strategies.

Planning History

The Planning Statement intimates that in light of previous appeal decisions, whilst the site does not constitute a brownfield site, it does not constitute a Greenfield site either. It has been surmised in preceding sections why the site constitutes Greenfield land, and it is considered that the circumstances set out in the appeal decision attached within the Planning Statement are not alike or similar in all relevant respects to set a precedent. As an example, the buildings and infrastructure that were historically on the site associated with the Wakefield

case, were not removed and completely remediated until 1998. In respect of the current proposals, all buildings and non agricultural activities at the site were removed and the land returned to agricultural use prior to 1st July 1948. No weight is given to this consideration put forward in the Planning Statement.

Lack of Alternative Sites Outside of the Green Belt

The Planning Statement and Sequential Approach and the additional information submitted in response to comments on the application indicates that this field which the applicant has purchased is the only site where this development can be accommodated. It is not considered that a lack of alternative sites would represent VSCs or contribute even moderate weight as a consideration. The Framework does not advocate a Sequential Test approach to development proposed in the Green Belt, and the submission of such a document suggests that the applicant considers that there is a 'need' for the development. There is no defined need for the proposals as submitted identified within any Council produced document and if such a need were to exist, the designation of a site would need to go through a strategic planning process through the Local Plan allocations. Notwithstanding that the Sequential Test carries no weight as a material consideration for the reasons noted above, there are nevertheless concerns regarding the robustness of the Sequential Test submitted. Viability, the defined catchment area and carbon emissions are factors which have significantly limited the scope of the study and the study has failed to consider all available sites within a defined settlement boundary, previously development land outside of settlement boundaries, sites within the open countryside (not Green Belt) or development within the Green Belt which would constitute appropriate development i.e. an existing agricultural enterprise where existing buildings could be converted.

For the reasons noted above, no weight is attributed to the argument that there is no other site within Cheshire where this development could be accommodated which would be more appropriate in respect of its impact upon the Environment.

Conclusions on Green Belt Matters

The proposals therefore represent an **inappropriate form of development** within the Green Belt which in itself attracts **substantial weight**. The proposals would also have a significant impact upon the openness of the Green Belt which in itself attracts **substantial weight**. It is also considered that the proposals would represent encroachment into the Green Belt, which in itself attracts **substantial weight**. There would also be some low to negligible adverse impact upon landscape character which would attract limited weight.

Para 88 of The Framework indicates that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. Moderate weight is attached to the benefits to lowering carbon emissions, the benefits to the visitor and tourism economy and the benefits of job creation to the local economy. Limited weight is also attached to factors such as education benefits and the contribution towards Green Belt

objectives. No weight is given to those arguments relating to a lack of available alternative sites, the planning history of the site or the design of the development. Whilst a number of seemingly ordinary factors can cumulatively represent very special circumstances, such factors **need to clearly outweigh the harm to the Green Belt** in order to represent very special circumstances. Given the level of harm identified and the moderate weight attached to the considerations put forward, it is considered that the combination of these factors **would not represent very special circumstances** justifying the development.

Other Planning Policy Considerations

Design & Visual Impact

Policies BE1 & DC1 seek to promote high quality design and development which reflects local character and contributes towards a rich environment. This policy is consistent with guidance within The Framework and therefore these policies carry full weight.

The field boundaries, whilst not reflecting existing field patterns, seek to replicate historic field patterns found in this location. The majority of the land would remain open and boundary treatment would comprise a sensitive mix of post and rail fencing and native species hedgerow which reflects the existing boundaries utilised in adjacent fields. The proposals include an extensive Landscape Masterplan including areas of new planting, a new orchard and sensitive use of surfacing materials. The proposed new mobile buildings and the animal husbandry hut would be agricultural in appearance and the height of the bio dome and the visitor centre has been kept low to minimise the impact upon the landscape. The buildings would be seen against a backdrop of woodland areas although the later buildings by virtue of the amount of glazing/ visually permeable construction materials would have a greater visual impact upon the landscape (when lit?).

Notwithstanding this, the proposals represent a high quality design which would not have a significant adverse upon its surroundings and has been designed as sensitively as possible. The areas of car parking whilst located to the front of the site would be obscured by the presence of the new hedgerow boundaries and tree/ shrub planting across the site.

Whilst the design is appropriate to this location to the extent that it would not constitute a reason for refusal in its own right, the design is not of such outstanding quality and innovation to attract weight as a factor contributing towards VSCs either. Notwithstanding the objections on Green Belt grounds noted above, the proposals would accord with policies BE1, DC1 and DC28 within the Local Plan and guidance within The Framework.

Amenity

The applicant has submitted a Site Waste Management Plan and a Ventilation & Extraction Report. Whilst the comments from neighbours are duly noted, given the proximity of neighbours, the mitigation proposed within the above documents and the comments from Environmental Health which indicate that the development would not raise concerns in respect of amenity if appropriately conditioned, it is considered that the proposals do not raise any concerns in respect of amenity.

Highway Safety

It is duly acknowledged that Mag Lane is a narrow lane and that the proposed development would add additional traffic movements onto this road. Under the previous application, the Strategic Highways Manager did originally raise concerns in respect of the proposals however these issues were overcome. The development now proposed includes widening the existing point of access, providing 45 car parking spaces, a space for a goods vehicle, coach parking, mini bus parking together with cycle parking and 2 disabled car parking spaces. The layout would enable vehicles to manoeuvre around the site and additional overspill car parking is shown on the submitted drawings.

The comments from neighbours are duly acknowledged, and whilst no comments from the Strategic Highways Manager were received at the time of writing the report, in light of the comments on the previous application and the pre-application discussions the applicant has had with the Strategic Highways Manager, it is not considered that a reason for refusal on highway safety grounds could be substantiated. The comments from the Strategic Highways Manager will be incorporated within the update report prior to the Committee meeting.

Trees

There are no protected trees on the site however there is an area of woodland to the west and a number of these trees overhang the site. In addition the site is bounded by native species hedgerow which would need to be assessed against the criteria within the Hedgerow Regulations 1997. Whilst such an assessment is not included within the Tree Survey, the Council's arboriculturalist does not consider the hedgerow at the front of the site which would be removed to facilitate the improvements proposed to the visibility splays to be important. Given that replacement hedgerow of native species is proposed together with improvements to the overall tree and hedgerow cover at the site, it is not considered that the proposals would have an adverse impact upon trees or hedgerows which make a positive contribution to the character of the area. The proposals would therefore accord with policies DC8 and DC9 within the MLP which are consistent with guidance within The Framework and therefore carry full weight.

Nature Conservation

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

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

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

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE11 seeks to protect habitats from destruction and indicates that development which adversely affects habitats would not be accepted.

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this instance, the area of woodland to the west is a suitable habitat for bats and the ponds in adjacent fields are suitable habitats for Great Crested Newts. The Phase 1 Habitat Survey submitted with the application indicates that there was no evidence of protected species although mitigation is proposed, and in the event of approval, the Council's ecologist has recommended a number of conditions in respect of mitigation.

As the proposals would not involve the disturbance, or deterioration or destruction of breeding sites or resting places, the proposals accord with the Habitat Regulations and policy NE11 which is consistent with guidance within The Framework and therefore carries full weight.

It should be noted that policy NE17 requires LPAs to seek improvements for nature conservation, tree planting and landscaping on sites over 2ha. It is considered that the combination of the mitigation proposed within the Tree Report, LVIA and Ecological Survey coupled with the conditions proposed would deliver these improvements.

Water Resources

The proposals would incorporate surface water and grey water storage on site and the site is not located in an area of flood risk. United Utilities have no objections to the proposals and therefore it is not considered that the proposals would have a harmful impact upon the water environment.

Other Matters

The letters of representation have raised a number of issues which have been addressed above, In addition to this, concerns were also raised in respect of the absence of a Business

Plan for the proposals, the status of the DEFRA grant and where supplies would be sourced. The assessment indicates above that the carbon negative considerations attract only moderate weight and would not outweigh the substantial weight against this development.

Concerns have been raised regarding some of the claims made within the submission and the accuracy of the information supplied. Whilst not all of the statements within the submission have been substantiated, the case officer is satisfied that the information provided is sufficient to determine the application.

Concerns have also been raised regarding this development setting a precedent for other developments within the Green Belt, particularly if the proposals fail and that this scheme would not bring anything new to the area given the presence of other attractions. Each case has to be judged on its own merits, but this is a new enterprise on this site with no policy backing on a Greenfield site in Green Belt and there is a concern that if the development is approved, this could be repeated anywhere with no justification.

CONCLUSIONS AND REASON(S) FOR THE DECISION

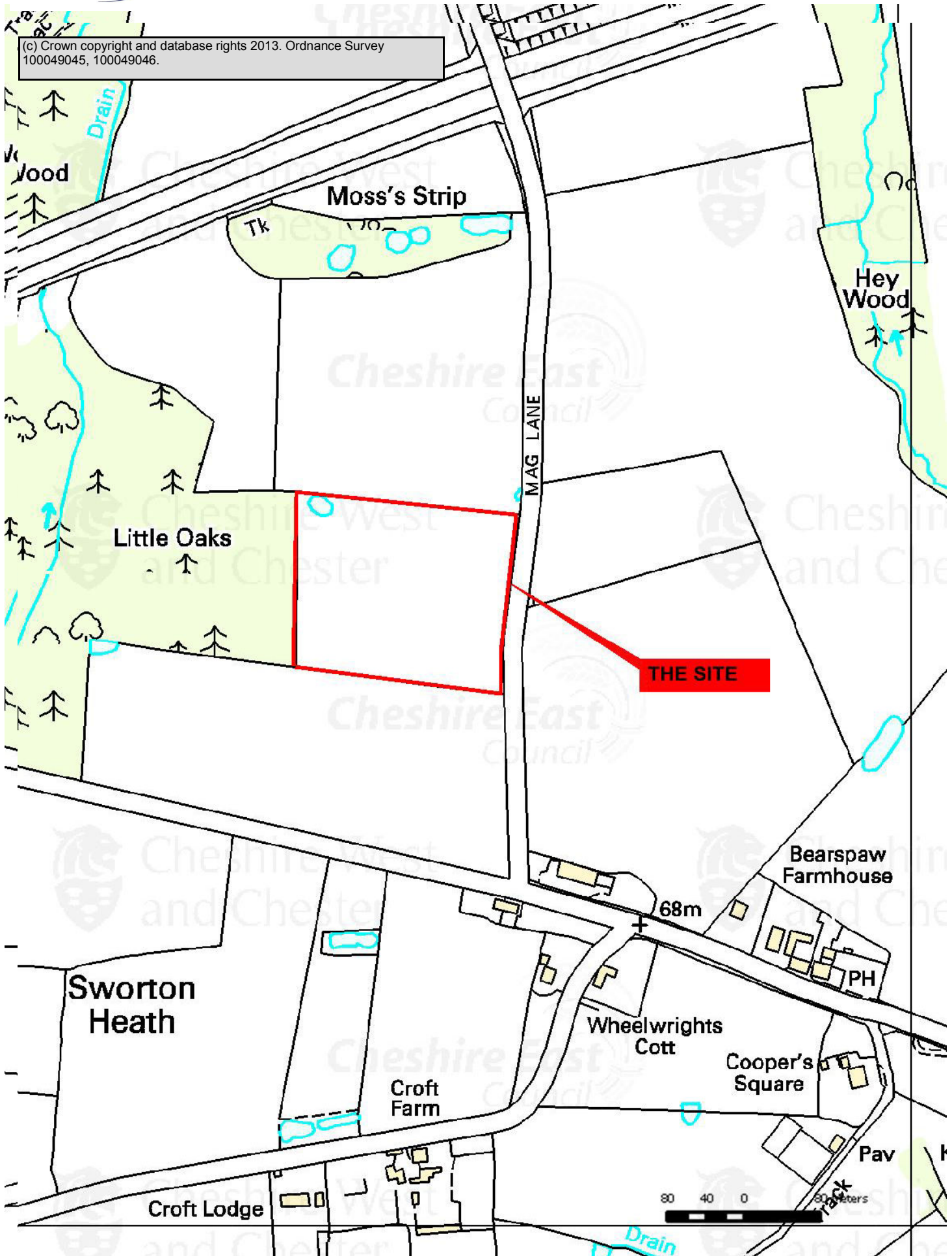
Green Belt policy strictly controls development and for inappropriate development to be approved there must be genuine very special circumstances to allow such a departure from the Development Plan. Those VSCs do not exist to justify the proposals which constitute inappropriate development within the Green Belt and which could be accommodated on a different site which does not raise the same policy objections. In addition to the policy objection to the scheme, it would also result in substantial harm to the Green Belt by reason of adverse impact on openness, encroachment and there would also be an adverse impact upon the landscape character of the Green Belt in this location. The proposals would therefore be contrary to policy GC1 within the MLP and guidance within The Framework.

It is therefore recommended that the application be REFUSED for this reason.

Application for Full Planning

RECOMMENDATION: REFUSAL

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Application for Full Planning

RECOMMENDATION:

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Application No: 13/0107M

Location: Bramble Cottage, FREE GREEN LANE, LOWER PEOVER, CHESHIRE, WA16 9PT

Proposal: Extension over existing single storey and other alterations (revised from 12/1758M - now proposed to be set back from front)

Applicant: Mr Alan Moran

Expiry Date: 08-Mar-2013

Date Report Prepared: 15th March 2013

SUMMARY RECOMMENDATION

Refuse – Inappropriate development in the Green Belt, no Very Special Circumstances demonstrated.

MAIN ISSUES

- Green Belt considerations
- Impact on the character and appearance of Lower Peover Conservation Area
- Impact on the setting of the adjoining grade II Listed Building

REASON FOR REPORT

This application is being brought to Northern Planning Committee at the discretion of the Northern Area Manager, as the application site has a complex planning history, and there are on-going legal matters.

DESCRIPTION OF SITE AND CONTEXT

Bramble Cottage is a detached two storey brick built cottage. The building was originally an outbuilding to Barrow's Brow Farm; a grade II Listed Building, dating back to c1900. The outbuilding is not specifically referred to in the listing of Barrow's Brow Farm; however, the impact of any development at this site may affect the setting of the Listed Building.

The building has been substantially altered in the last two years, through the implementation of applications No. 10/5004M & 11/2048M, which granted permission for a two storey side and single storey rear extension and other alterations, including the reconstruction of the front gable of the original outbuilding.

The property shares an access point/driveway with Barrow's Brow Farm, and has an area of hardstanding to the front of the property for parking.

The application site is located within Lower Peover Conservation Area, and within a small ribbon of development in the Green Belt.

DETAILS OF PROPOSAL

Full planning permission is sought for a single storey front extension to the utility room, and for a first floor side extension, above the utility room to rationalise the bedroom space. The property will remain two bedroomed.

RELEVANT HISTORY

- | | |
|----------|---|
| 12/1758M | Extension over existing single storey and other alterations
Refused 15/08/12 |
| 11/2048M | Reconstruction of Gable End, Rear Extension and Other Alterations to
Approved Plan 10/5004M
Approved with conditions 15/08/11 |
| 10/5004M | Alterations & extensions
Approved 14/03/11 |
| 09/3536M | Certificate of lawfulness for existing residential dwelling and
associated garden
Approved 28/01/10 |
| 79763P | Change of use of barn to dwelling
Refused 01/02/95
Appeal allowed 06/12/95 for granny annex |

POLICIES

North West of England Plan Regional Spatial Strategy to 2021

- DP1 (Spatial principles applicable to development management)
- DP7 (Criteria to promote environmental quality)
- EM1 (C) Historic Fabric

Macclesfield Borough Local Plan – saved policies

- BE1 (Design principles for new developments)
- BE2 (Historic Fabric)
- BE3 (Conservation Area)
- BE16 (Listed Building Setting)
- DC1 (High quality design for new build)
- DC2 (Design quality for extensions and alterations)
- DC3 (Protection of the amenities of nearby residential properties)

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

DC38 (Guidelines for space, light and privacy for housing development)

DC43 (Side extensions)

GC1 (Green Belt New Build)

GC12 (Control over extensions and alterations to dwellings in the Green Belt and Countryside)

H13 (Protecting residential areas)

Between them these policies aim to protect the living conditions of adjoining residential properties from harmful loss of amenity such as loss of privacy, overshadowing, loss of light or overbearing impact. They aim to ensure that the design of any extension or new building is sympathetic to the existing building on the site, surrounding properties including the setting of the Listed Building, Conservation Area, countryside and the wider street scene by virtue of being appropriate in form and scale and utilising sympathetic building materials.

National Planning Policy Guidance

National Planning Policy Framework

CONSULTATIONS

Conservation Officer:

Objection raised

VIEWS OF THE PARISH

Lower Peover Parish Council object to the proposal on the grounds of

1. Over development of the site
2. The site is in a conservation area
3. The property overlooks its neighbour (Church View)

OTHER REPRESENTATIONS

Representations have been made from 8 households. 3 households object, whilst 5 households support the proposals.

Full copies of these representations are available on the Council's website, but the following is a brief summary of the comments submitted:

Objections:

- The grounds that the last application was refused on are still applicable
- The nominal set back does not overcome the concerns raised
- The extensions would result in a dwelling out of keeping with its surroundings including the setting of the Listed Building

- The property is a converted agricultural building and has been extended extensively in the past, further extensions would be disproportionate
- The resultant dwelling would not remain subservient to Barrow's Brow Farm
- Further development of this former barn is unsustainable in context of it's setting and environmental value
- Further development of the barn would have a harmful impact on the character of the Green Belt
- The development would have an adverse impact on the character of Lower Peover Conservation Area
- The increase in size and potential occupancy with associated traffic /water effluent/noise would have a significant impact on this quiet, rural area.
- Loss of privacy due to the close proximity

Support:

- Both Barrow's Brow Farm and surrounding properties have had quite big alterations and extensions and in comparison, this extension is much smaller. Importantly, it will give the applicant better living conditions upstairs.
- The original approval for a 2 bedroom property was a compromise
- Building over the existing utility room will not be either visible to any other property or reduce the privacy of other residents.
- The alteration will better balance the aspect from the Peover Eye.
- The extension is discrete and set back from the front, matching the design of the cottage, and fits in perfectly
- The extension is entirely in keeping with the rural neighbourhood and the surrounding area
- Design of the extension is sympathetic to the existing dwelling
- Barrow's Brow Cottage and Barrow's Brow Farm have been significantly extended

APPLICANT'S SUPPORTING INFORMATION

The applicants have responded in detail to the objections raised. Their responses can be read in full on the Council's website, but in summary they make the following comments:

- Our proposed extension is extremely small – we are seeking to increase the floor space by approximately 5% to 60% in total
- The modest extension is to be built on the modern end of our cottage, in the same ribbon as Barrow's Brow Cottage and Barrow's Brow Farm which have been considerably extended
- Barrow's Brow Cottage has been extended by 250%, whilst Barrow's Brow Farm has been extended by 100%

N.B. These figures are questioned by the case officer.

- The extension is a significant distance from the neighbouring buildings (not overlooking and all-but-hidden from view), now set back from the front and on the modern side of the cottage
- Bramble Cottage stands over 35 metres away from Church View, and there are no windows which overlook any part of Church View
- This planning proposal has taken on-board the comments made Cheshire East in our previous planning application, and as a result, the proposed size has been reduced and it has been set back from the front elevation to ensure it is not unduly prominent or disproportionate
- The extension will be subservient
- The Planning Inspectorate has previously confirmed in its decision for Bramble Cottage that an addition to the western elevation (as in this case) could not affect the setting of the Listed Building as it is away from the Listed Building.
- the dwelling has at all times been a 2-bedroom house - as can be seen from previous plans.

OFFICER APPRAISAL

Policy

National Planning Policy Framework & consistency with the MBC Local Plan

Paragraph 215 of the NPPF states that '*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*'. Paragraph 216 goes on to say that '*from the day of publication, decision takers may also give weight to relevant policies in emerging plans*'.

In general, the Macclesfield Local Plan 2004 is considered to be consistent with the NPPF.

Paragraph 11 states that *'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'*.

Green Belt

Paragraph 89 of the NPPF permits *"The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"*. Policy GC12 of the Macclesfield Borough Local Plan 2004 states that *"Alterations and extension to existing houses in the countryside may be granted for up to 30% of the original floorspace, providing that the character and appearance of the house is not significantly altered. Exceptions to the policy may be permitted where the proposal lies within a ribbon of development and the extension would not be prominent"*.

Therefore, one of the key considerations with this application is what the scale of the building was, when the certificate of lawfulness was granted for the use of the building as a dwelling, under application No. 09/3536M in 2010. As no survey drawings were submitted with the certificate application, we have to rely on the survey drawing submitted with planning application 10/5004M, which shows that the building had a floorspace of 97m², when it became a dwelling in planning terms.

The property lies within a ribbon of seven houses, and therefore an exception to the 30% tolerance can be made, subject to the development not adversely affecting the character and appearance of the countryside.

Since 2010, Bramble Cottage has benefitted from planning permission for a two storey side extension and single storey rear extension, which has brought the floorspace of the dwelling to 153.7m², an increase over the original floorspace by 58%. The proposed extensions would bring the floorspace of the dwelling to 165.7 m², **an increase over the original floorspace by 71%.**

Whilst each application should be considered on its own merits, Members should recognise that a number of the properties within this ribbon of development have been extended. The applicant has drawn our attention specifically to Barrow's Brow Cottage and Barrow's Brow Farm. These neighbouring semi-detached cottages use to be one building, which has been extended and subdivided in two. Whilst our records show that Barrow's Brow Farm has been extended by 56%, it is more difficult to calculate the increase in floorspace of Barrow's Brow Cottage, as it is unclear what the original floorspace of the house is.

It is considered that the extensions proposed at Bramble Cottage would elongate the building, particularly due to the continuation of the ridge line, which, in addition to the existing extensions is a significant alteration to the original building. The proposal is considered to detract from the character and appearance of the original building, and reduces the openness. As openness is one of the key attributes of the Green Belt, this should be given substantial weight.

As the original building was modest, any extensions to it will have a notable impact. It is considered that the set back on the front elevation of the extension by 0.5m is an overall

improvement to the scheme, however, it is considered that the extensions still constitute a disproportionate addition over and above the size of the original dwelling.

The extension will be clearly visible from the rear garden and surrounding vantage points to the south, as the property is set back in the plot, and due to the topography and landscaping of the site.

The cottage already benefits from basic amenities, and the floorspace of the rooms are considered to be useable and habitable, therefore the proposal is not considered to fall within this exception under GC12.

As the proposal is considered to represent a disproportionate addition to the original dwelling, the development is deemed inappropriate. Inappropriate development is by definition harmful to the Green Belt, and should not be allowed, except in Very Special Circumstances. No Very Special Circumstances have been advanced by the applicant to clearly outweigh the harm caused by inappropriateness.

Conservation Area/ Setting of Listed Building

The property is not specifically referred to in the listing to Barrow's Brow Farm, and it remains unclear as to whether the buildings were built at the same time.

The Conservation Officer raises an objection to the proposal, as he considers that the building was originally subservient to Barrow's Brow Farm as an outbuilding. He considers that the volume of existing and proposed extensions would break the historical relationship between the buildings, as it would no longer be read as a subservient building.

The Planning Inspectorate have previously considered this issue, and concluded that an addition to the western elevation could not affect the setting of the Listed Building as it is away from the Listed Building.

As the building is not listed in its own right, and it is unclear whether or not it is curtilage listed, the argument raised by the Conservation Officer in respect to the subservience of the building cannot be substantiated.

Amenity

The proposal is not considered to raise any significant amenity issues.

Highways

There would be no adverse impact in terms of parking or highway safety as sufficient parking would remain within the site for a property of this size.

Ecology

The proposal does not raise any ecological issues.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The extensions proposed, in addition to the existing extensions are considered to be disproportionate over the floorspace of the original dwelling permitted in 2010. The extensions, if permitted would represent a 71% increase in

floorspace. Whilst this increase alone may be considered sufficient to warrant a refusal of the application, particular attention should be paid to the history of this building, and the modest scale of the cottage.

The development is considered to represent inappropriate development in the Green Belt. No Very Special Circumstances have been advanced to clearly outweigh the harm caused by inappropriateness or any other harm.

By virtue of its size and position, the development is also deemed to have an adverse impact on the openness of the Green Belt. As openness is one of the key attributes of the Green Belt, this should be given substantial weight.

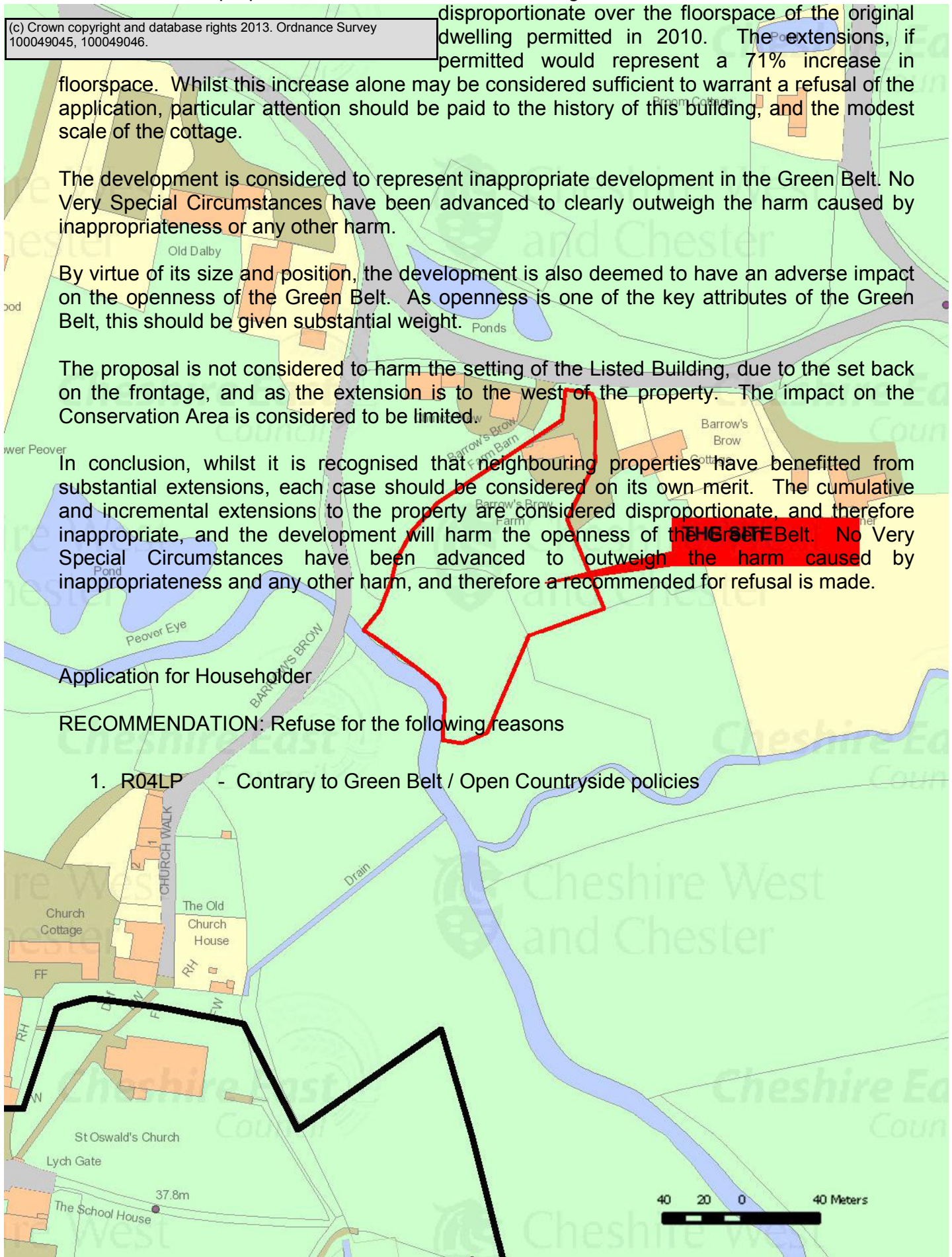
The proposal is not considered to harm the setting of the Listed Building, due to the set back on the frontage, and as the extension is to the west of the property. The impact on the Conservation Area is considered to be limited.

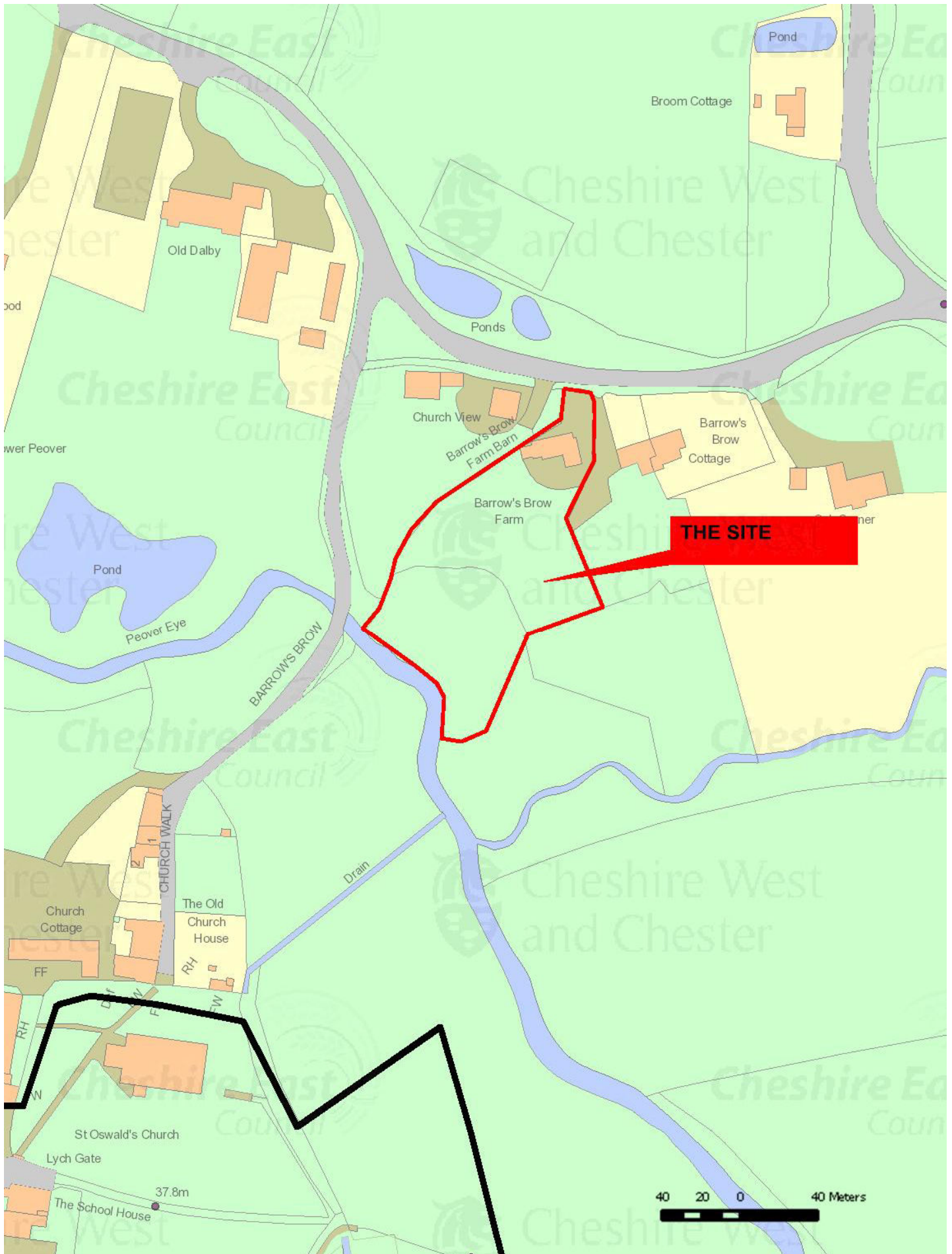
In conclusion, whilst it is recognised that neighbouring properties have benefitted from substantial extensions, each case should be considered on its own merit. The cumulative and incremental extensions to the property are considered disproportionate, and therefore inappropriate, and the development will harm the openness of the Green Belt. No Very Special Circumstances have been advanced to outweigh the harm caused by inappropriateness and any other harm, and therefore a recommended for refusal is made.

Application for Householder

RECOMMENDATION: Refuse for the following reasons

1. R04LP - Contrary to Green Belt / Open Countryside policies





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NORTHERN PLANNING COMMITTEE – 27 MARCH 2013**UPDATE TO AGENDA**

APPLICATION NO: 12/3786M

LOCATION Macclesfield District Hospital, Victoria Road,
Macclesfield

UPDATE PREPARED 25 February 2013

POINT OF CLARIFICATION

Within the amenity section of the report, reference is made to 2 Nixon Street, this should read 21 Nixon Street.

With regard to parking numbers, the committee report incorrectly states that 2 spaces are proposed per dwelling with 6 additional spaces for visitors. In actual fact, there are 2 additional spaces for visitors once 2 spaces have been allocated to each property.

APPLICANTS SUBMISSION

Further comments have been received on behalf of the applicants in response to the committee report and are summarised below:

- Clarification regarding the number of visitor spaces proposed (as outlined above).
- The applicants take issue with the comments made by the Housing Officer stating that the Clocktower development was grant funded meaning that it was not subsidised by the developer. The affordable housing units at the Clocktower were sold to the Registered Social Landlord at a discounted price in line with standard practice and whilst there was some grant funding assistance, this was due to higher than normal conversion costs due to the listed status of the clocktower and did not subsidise the entire costs of the affordable housing provision. For the housing officer to suggest that the applicant did not subsidise the affordable housing in Phase I is entirely misleading and inaccurate.
- The Ingersley and Henbury buildings are curtilage listed buildings.

OFFICER APPRAISAL

With regard to the correction on parking numbers, the total number of visitor spaces proposed for the housing element of this application is 2. These are to be located along the access road that leads to the junction with Nixon Street. Whilst this is lower than the number quoted in the committee report, given the fact that all of the proposed dwellings would have 2 parking spaces and given

that space is available for additional visitor parking on the access road whilst still allowing access for emergency vehicles, no highways objections are raised to the number of spaces proposed.

With regard to the comments made in the committee report in relation to developer subsidy for the Clocktower development, the comments made on behalf of the applicant are noted. For clarification, the full comments received from the Housing department in relation to this point are detailed below:

*“However it appears that although 36 dwellings of affordable housing were provided at the Clock Tower, the delivery was not as a requirement of a planning obligation from the outline planning for the Blue Zone, approved under application 09/1300M and the redevelopment of the Clock Tower, approved under application 09/1296M was for all 36 properties to be provided as affordable housing. In addition to this the Housing Association which provided the affordable homes at the Clock Tower received a significant amount of grant funding from the Homes and Communities Agency to facilitate the development of affordable homes as part of the National Affordable Housing Programme 2008 – 2011, for the NAHP 2008/11 the HCA’s prospectus stated at 181 – **Our aim is to provide grant where this is purchasing additional affordable housing outcomes, and where the level of developer contribution represents an appropriate response to the site economics. We will not fund the simple purchase by a housing association of affordable housing delivered with developer contributions through a planning obligation.***

Although affordable housing was provided at the Blue Zone due to it not being required as part of a planning obligation, grant funding being utilised and as the new applications are outside the Blue Zone boundary there is no reason why there should not be a requirement for affordable housing to be provided for these 2 applications as per the requirements of the Interim Planning Statement: Affordable Housing.”

Notwithstanding the comments made and received in relation to this issue, for the reasons stated in the committee report, in this case subject to the provision of 5 affordable units, it is considered that there are other material considerations weighing in favour of the proposal.

Other Matters

The Environment Agency commented on the application and recommended the imposition of a number of conditions should the application be approved. Unfortunately these were not included on the original recommendation. The conditions cover the following matters and replicate suggested conditions 20 to 22 of 12/3779M:

- Survey of existing culvert
- Scheme to limit surface water run off
- Scheme to manage the risk of flooding from overland flow of surface water

The recommendation as included within the committee report needs to be amended to include these conditions.

CONCLUSION

The original recommendation of APPROVAL remains subject to the addition of 3 further conditions as follows:

- Survey of existing culvert
- Scheme to limit surface water run off
- Scheme to manage the risk of flooding from overland flow of surface water

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NORTHERN PLANNING COMMITTEE – 27 MARCH 2013

UPDATE TO AGENDA

APPLICATION NO: 12/3779M

**LOCATION Macclesfield District Hospital, Victoria Road,
Macclesfield**

UPDATE PREPARED 25 February 2013

APPLICANTS SUBMISSION

Further comments have been received on behalf of the applicants in response to the committee report and are summarised below:

- The applicants take issue with the comments made by the Housing Officer stating that the Clocktower development was grant funded meaning that it was not subsidised by the developer. The affordable housing units at the Clocktower were sold to the Registered Social Landlord at a discounted price in line with standard practice and whilst there was some grant funding assistance, this was due to higher than normal conversion costs due to the listed status of the clocktower and did not subsidise the entire costs of the affordable housing provision. For the housing officer to suggest that the applicant did not subsidise the affordable housing in Phase I is entirely misleading and inaccurate.
- The Ingersley and Henbury buildings are curtilage listed buildings.
- Query whether the proposed condition 20 is required for this application.

OFFICER APPRAISAL

With regard to the comments made in the committee report in relation to developer subsidy for the Clocktower development, the comments made on behalf of the applicant are noted. For clarification, the full comments received from the Housing department in relation to this point are detailed below:

“However it appears that although 36 dwellings of affordable housing were provided at the Clock Tower, the delivery was not as a requirement of a planning obligation from the outline planning for the Blue Zone, approved under application 09/1300M and the redevelopment of the Clock Tower, approved under application 09/1296M was for all 36 properties to be provided as affordable housing. In addition to this the Housing Association which provided the affordable homes at the Clock Tower received a significant amount of grant funding from the Homes and Communities Agency to facilitate the development of affordable homes as part of the National Affordable Housing Programme 2008 – 2011, for the NAHP 2008/11 the

HCA's prospectus stated at 181 – Our aim is to provide grant where this is purchasing additional affordable housing outcomes, and where the level of developer contribution represents an appropriate response to the site economics. We will not fund the simple purchase by a housing association of affordable housing delivered with developer contributions through a planning obligation.

Although affordable housing was provided at the Blue Zone due to it not being required as part of a planning obligation, grant funding being utilised and as the new applications are outside the Blue Zone boundary there is no reason why there should not be a requirement for affordable housing to be provided for these 2 applications as per the requirements of the Interim Planning Statement: Affordable Housing."

Notwithstanding the comments made and received in relation to this issue, for the reasons stated in the committee report, in this case subject to the provision of 5 affordable units, it is considered that there are other material considerations weighing in favour of the proposal.

With regard to the need for condition 20, the Environment Agency were consulted on the application and recommended that this condition be attached to both the outline and the full applications as it is thought that the culvert runs under both the Henbury building and the site of the proposed office building. It is therefore considered that condition 20 should remain as part of the recommendation.

CONCLUSION

The original recommendation of APPROVAL remains.

NORTHERN PLANNING COMMITTEE – 27 March 2013

UPDATE TO AGENDA

APPLICATION NO.

13/0085M

LOCATION

Peacock Farm, Wilmslow Road, Handforth

UPDATE PREPARED

25 March 2012

CONSULTEES

Greenspace (Leisure Services) - As the application is above the threshold for the provision of public open space and recreation / outdoor sports facilities as identified in the SPG on S106 [Planning] Agreements, and in the absence of on site provision, a commuted sum for offsite provision will be required.

KEY ISSUES

Green Belt

The applicant has stated that in terms of the Green Belt, their position remains that the proposal is infill and brownfield therefore is not inappropriate in the Green Belt. However, if required, very special circumstances can be demonstrated:

- Major road infrastructure has been constructed in the Green Belt to the north of the site since the previous Green Belt boundaries were drawn. This creates defensible boundaries to the north at Peacock Farm and a small anomaly in the wider Green Belt;
- Development does not impact the openness of the Green Belt as development exists on all four sides already and significant tree screening from the wider Green Belt exists;
- Handforth's need to revise Green Belt boundaries to accommodate short term growth and achieve a 5 year housing land supply position has been accepted by CEC and is currently in progress. It is assumed the site will eventually be removed from the Green Belt as an anomaly through this review process, however releasing it now would represent good planning as it will facilitate immediate needed housing rather than wait 1-3 years for the review be concluded and an application further in time approved.

As noted in the original report, the proposal is not considered to qualify as either infilling or brownfield land.

In terms of the suggested very special circumstances, again as noted in the original report, the Green Belt boundaries were defined in the 1988 Wilmslow Area Local Plan when the MAELR was a proposed scheme. The MAELR opened in 1995, and the Green Belt boundaries were reviewed again for the 1997 Local Plan. Despite having the opportunity to do so, the Council has consistently not altered the Green Belt boundary in this location.

A four-storey apartment block is considered to significantly reduce the openness of the Green Belt in this location. The applicant suggests that it does not reduce openness as development exists on all four sides already and significant tree screening from the wider Green Belt exists. If the applicant's position was accepted, then it would only serve to demonstrate that there was no "other harm" in addition to that by reason of inappropriateness, and this is not a very special circumstance.

Cheshire East currently has an identified 5 year housing supply, which does not include the use of Green Belt land.

For these reasons, the material considerations put forward by the applicant, either individually or taken together are not considered to amount to the required very special circumstances to outweigh the identified harm to the Green Belt.

Trees

Trees within the application site are protected by Tree Preservation Order (TPO). The site has also been the subject of a recent application for works to protected trees (12/2759T) which granted approval for the removal of a number of defective and poor quality trees, but refusing consent for the removal of 2 Sycamore trees (identified as T7 and T9 and shown for retention on the current Tree Survey drawing).

Condition 3 of 12/2759T requires that seven replacement trees are planted in the first planting season following the removal of the trees that have been granted consent for.

The submitted Arboricultural assessment identifies a B category Lime tree (identified as T13) that is part of the TPO for removal to allow the formation of the access to the northern section of the site. A small Holly tree is also shown for removal, although this tree is not protected by the TPO. The Tree Survey drawing also indicates the removal of two trees (G2 – a small Spruce and Goat Willow).

The submitted assessment also identifies that the proposed car parking will be located within the root protection areas (RPAs) of retained trees, but states that the use of geotextiles and porous surfaces could be used without significant detriment to tree health and condition.

BS5837:2012 states that the default position should be that structures should be located outside the RPAs of trees to be retained, unless there is an overriding justification for doing so, and that such technical solutions can be

demonstrated to ensure trees remain viable. The submitted arboricultural report provides no detail on the technical feasibility of such solutions, which is required to be tested at this stage. In addition, the extent of the adoptable highway has not been identified within the application, and this could have implications for the surface to be used in these areas.

The apartment building at the northern end of the site also intrudes within the RPA of a protected Beech (T16). The canopy of the tree is shown overhanging the building which is four-storey. BS5837 requires that overhanging canopies and the effect of pruning to facilitate access should be taken in account in the design process. The assessment suggests that such matters can be addressed by pruning however the forestry officer is not altogether convinced that minor pruning as suggested will be sufficient to allow reasonable distances between the building and the canopy to allow for working space and adequate space for their long term retention without impacting upon future residents enjoyment and the amenity value of the tree.

The submissions also include details of proposed tree planting to mitigate for the loss of the protected tree. However, 7 replacement trees are already required by permission 12/2759T, and space within the site for this replacement planting is already limited, without including additional replacement planting for the loss of the protected tree within this application. As it stands the net environmental benefit as required by local and national policy to mitigate for the loss of the protected tree has not been demonstrated.

The proposal is therefore contrary to policy DC9 of the Local Plan.

Open space

In the absence of on site provision, a commuted sum for offsite provision will be required.

Based on the proposal for 13 family dwellings and four two bedded apartments, the required commuted sum for public open space will be £51,000, and for outdoor sport and recreation will be £17,000.

As the applicant is proposing some affordable units, once the number, type and location of these units is finalised, it may be necessary to make alterations to the amount of outdoor sport and recreation commuted sums.

The commuted sums will be used to improve and enhance existing CEC facilities at one or more of the following facilities; Meriton Road Park, Spath Lane / Peover Road and Henbury Road. All of these facilities are within walking distance of the application site

S106 package

The requirement for financial contributions for education and public open space, and the provision of 30% affordable housing (7 units) have been identified for this application.

The applicant's agent accepts that planning obligations in respect of affordable housing, education and offsite open space will be required. The applicant is however reassessing the viability of the scheme having regard to the amounts requested, in line with paragraphs 173, 204 (bullet point 3) and 205 of the Framework. Confirmation of the applicant's position is awaited.

Conclusions

A recommendation of refusal is made for the reasons set out in the original report, and the additional reasons set out below:

3. Loss of tree subject to a Tree Preservation Order
4. Threat to the continued well being of existing trees which are the subject of a Tree Preservation Order.

NORTHERN PLANNING COMMITTEE – 27 March 2013

UPDATE TO AGENDA

APPLICATION NO: 12/4882M

LOCATION Land West of Mag Lane, High Legh,
Warrington, Cheshire, WA16 0RT

UPDATE PREPARED 25 March 2013

ADDITIONAL INFORMATION SUBMITTED:-

The applicant has submitted the following additional information which is available to view on the planning file:-

- Letter to Planning Officer based on the content of pre-application advice letter dated 26/11/12 covering issues such as renewable energy, green credentials, rural diversification, economic growth and other benefits.
- Letter to Carol Young relating to apprenticeship scheme
- Plans of Mobile Buildings submitted
- Amended Appendices for DAS relating to FTE jobs
- Request that lighting is dealt with via condition in the event of an approval
- Comment on alternative sites suggested in letters of objection
- Comments regarding content of report, discrepancies and pre-application advice
- Submitted case law regarding mobile shelters
- Letters from various education establishments
- Commentary regarding carbon efficiency information

OFFICER APPRAISAL

The submitted additional information relates not only to further justification regarding the various benefits of the scheme put forward by the applicant but also includes detailed commentary regarding pre-application advice, the assessment of the application, discrepancies/ errors within the report and suggested conditions to mitigate impacts.

This information has been carefully considered in respect of the acceptability of the proposals. However the submitted information would not affect the weight attached to the benefits put forward by the applicant to justify this development as set out in the committee report.

Comments regarding pre-application advice are not a consideration relevant to the determination of the application and any discrepancies in the report are

minor and have not affected the recommendation or assessment of the application.

CONCLUSION

The proposals continue to represent an inappropriate form of development which would be unacceptable in the Green Belt.

RECOMMENDATION: REFUSAL as per recommendation in Committee Report

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NORTHERN PLANNING COMMITTEE - 27 MARCH 2013

UPDATE REPORT

Application No. 13/0107M

Location: Bramble Cottage, Free Green Lane, Lower Peover, Cheshire, WA16 9PT

Proposal: Extension over existing single storey and other alterations (revised from 12/1758M - now proposed to be set back from front)

Prepared: 25 March 2013

Points of Clarification

At the Member's site visit, a query was raised in respect of the scale of the extension, particularly whether the utility room was to be widened.

The plans submitted clearly indicate that utility room will be widened from 1.8 metres to 2.3 metres, an increase of 0.5 metres. The floorspace calculations have been carried out on this basis.

The applicant claims that the utility room will not be widened; however, we have to rely on the plans submitted with the application.

Extensions to neighbouring properties

A detailed floorspace assessment has been carried out in respect of extensions to neighbouring properties Barrow's Brow Farm and Barrow's Brow Cottage. All of the historical microfiche have been retrieved, and studied in detail. The findings of this assessment are that Barrow's Brow Farm (the semi detached dwelling closest to Bramble Cottage on the right hand side when facing) has been extended by 56% over the original dwelling (ref 09/0310M) and Barrow's Brow Cottage (left hand side of the pair of semis when facing) has been extended circa 125% (reference 54717P and 09/0010P).

It should be noted that the percentage increase in floorspace relates to the dwelling alone, and does not include any freestanding buildings or conservatories.

A further email has been submitted by the applicant's son, claiming that Barrow's Brow Cottage has been extended by 283% and Barrow's Brow Farm has been extended by 65%. Both of these figures are disputed.

Whilst it is acknowledged that the neighbouring listed properties have been extended, each application should be determined on its own merits. Bramble Cottage was a former agricultural barn to Barrow's Brow Farm, (potentially a curtilage listed building) and has already benefited from 58% increases. The proposed development if approved would increase this to 71%.

Whilst the percentage increase in floorspace is an important factor in the determination of this application, the key issue with this application is the significant alteration to the character and appearance of the original building, particularly the elongation of the building, and the reduction in openness. As openness is one of the key attributes of the Green Belt, this should be given substantial weight.

Conclusion

The extensions are considered to represent a disproportionate addition to this originally modest barn. The development is considered to be inappropriate development. No Very Special Circumstances have been advanced to clearly outweigh the harm caused by inappropriateness or any other harm.

There is no change to the recommendation of refusal.