

Northern Planning Committee

Agenda

Date:	Wednesday, 3rd July, 2013
Time:	1.00 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 5 June 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. **13/1622M-Extensions to provide Dining Room / Entrance facilities and Studio School, Knutsford High School, Bexton Road, Knutsford, Cheshire for Andrew Lynes, Facilities Manager, Knutsford Academy (Pages 5 - 16)**

To consider the above application.

6. **13/0987M-Erection of 38 affordable dwellings - Includes demolition of existing buildings on site, Priors Hill Childrens Home, 26, Kennedy Avenue, Macclesfield, Cheshire for Joanne Fallon, Affordable Homes Consultancy (Pages 17 - 30)**

To consider the above application.

7. **13/1008M-Erection of three detached dwellings, Land South of, 3, Land Lane, Wilmslow, Cheshire for P.E. Jones (Pages 31 - 42)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 5th June, 2013 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

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

Councillors L Brown, B Burkhill, K Edwards, H Gaddum, L Jeuda, J Macrae,
D Mahon, D Neilson, P Raynes and D Stockton

Officers in attendance

Peter Hooley, Northern Area Manager – Development Management
Patricia Evans, Planning Lawyer
Neil Jones, Principal Development Officer - Highways
Rachel Graves, Democratic Services Officer

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillors C Andrew, A Harewood and O Hunter.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application No.13/1165M, Councillor R West declared a non-pecuniary interest as he was a member of Poynton Town Council but he had not attend the meeting which had discussed this application.

In respect of application No.13/1813M, Councillor R West declared a pecuniary interest by virtue of the fact that he had worked for Astra Zeneca and knew the applicant and stated that he would leave the meeting prior to consideration of the application.

3 MINUTES OF THE MEETING**RESOLVED:**

That the minutes of the meeting held on 8 May 2013 be approved as a correct record and signed by the Chairman, subject to the addition of apologies from Councillor D Stockton due to Council business.

4 PUBLIC SPEAKING**RESOLVED:**

That the public speaking procedure be noted.

5 13/1165M - THE GRANGE, SOUTH PARK DRIVE, POYNTON, STOCKPORT, CHESHIRE, SK12 1BS: DEMOLITION OF DETACHED DWELLING HOUSE AND ASSOCIATED BUILDINGS, AND ERECTION OF EIGHT FAMILY DWELLING HOUSES AND ASSOCIATED WORKS FOR HILLCREST HOMES LTD

The Committee considered a report regarding the above planning application, an oral report on the site inspection and an oral update by the Northern Area Manager – Development Management.

Councillor J Saunders (Ward Councillor), Councillor L Clarke (on behalf of Poynton Town Council), Mrs E Butterworth (objector) and Clare Pilling (on behalf of applicant) attended the meeting and addressed the Committee on this matter.

Note. During consideration of the item Councillor H Gaddum arrived at the meeting but did not take part in the debate or vote on the application.

RESOLVED:

That, contrary to the planning to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

- 1 Contrary to Low Density Housing Area policy H12 due to proposal resulting in an increased density of housing out of character with the prevailing density and character of the Low Density Housing Area. The policy is considered to carry full weight as it is consistent with one of the core planning principles set out in paragraph 17 of the NPPF which is to take account of the different roles and character of different areas.
- 2 The proposal is an unacceptable form of backland development resulting in a significant loss of amenity of the occupiers of adjoining property, contrary to policies H12, DC3 and DC41 by virtue of the scale and position of the dwellings and the position of the internal driveway in relation to existing properties, resulting in an overbearing impact and unacceptable harm to outlook and amenity.

(The meeting adjourned for a short break)

6 13/0107M - BRAMBLE COTTAGE, FREE GREEN LANE, LOWER PEOVER, CHESHIRE, WA16 9PT: EXTENSION OVER EXISTING SINGLE STOREY AND OTHER ALTERATIONS (REVISED FROM 12/1758M - NOW PROPOSED TO BE SET BACK FROM FRONT) FOR MR ALAN MORAN

The Committee considered a report regarding the above planning application, a written report, an oral report on the site inspection and an oral update by the Northern Area Manager – Development Management.

Mr J Alan, representing Mr and Mrs Chesworth (supporter) and Simon Moran (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED, subject to the following conditions:

- 1 A22GR – Protection from noise during construction (hours of construction)
 - 2 A03FP – Commencement of development (3 years)
 - 3 A04AP – Development in record with revised plans (numbered)
 - 4 A04EX – Materials to match existing building
 - 5 A10EX – Rainwater goods
 - 6 A18EX – Specification of window design/style
 - 7 A01GR – Removal of permitted development rights
 - 8 A06GR – No additional windows to be inserted
- 7 **13/1050M - PETER ASHLEY LTD, STYAL MOSS NURSERIES, 38, MOSS LANE, STYAL, WILMSLOW, SK9 4LG: CHANGE OF USE FROM A MIXED USE OF LANDSCAPING CONTRACTORS BUSINESS AND THE PARKING OF 200 MOTOR VEHICLES UNCONNECTED WITH THE LANDSCAPING CONTRACTORS BUSINESS TO A MIXED USE OF LANDSCAPING CONTRACTORS BUSINESS, THE PARKING OF MOTOR VEHICLES UNCONNECTED WITH THE LANDSCAPING CONTRACTORS BUSINESS AND THE DEVELOPMENT OF A WILDLIFE AND NATURE AREA FOR COMMUNITY AND EDUCATIONAL USE. THE REMOVAL OF ALL BUILDINGS/UNITS ON SITE AND THEIR REPLACEMENT WITH ONE SINGLE STOREY BUILDING TO INCLUDE OFFICE/WORKSHOP AND STORE**

The Committee considered a report regarding the above planning application, a written update and an oral update by the Northern Area Manager – Development Management.

Peter Ashley (applicant) and Ben Weatherley (on behalf of applicant) attended the meeting and addressed the meeting in relation to this matter.

RESOLVED:

That, for the reasons outlined in the report, the application be REFUSED.

- 8 **13/0599M - OLD LABOUR EXCHANGE, PEAK HOUSE, SOUTH PARK ROAD, MACCLESFIELD, CHESHIRE, SK11 6SH: CONVERSION OF EXISTING B1 OFFICE USE TO 13NO RESIDENTIAL DWELLINGS WITH PARKING FOR 3DM**

The Chairman reported that this application had been withdrawn by the applicant prior to the meeting.

- 9 **13/1813M - ZENECA PLC, CHARTER WAY, MACCLESFIELD, CHESHIRE, SK10 2NA: ERECTION OF NEW AND EXISTING TEMPORARY CABINS ON AN EXISTING VACANT SITE FOR DAVID AYRES**

Having declared a pecuniary interest Councillor R West withdrew from the meeting during consideration of this item and Councillor B Livesley took the Chair.

The Committee considered a report regarding the above planning application, a written update report and an oral update by the Northern Area Manager – Development Management.

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

- 1 A01AP – Development in accord with approved plans
- 2 A03FP – Commencement of development (3 years)
- 3 A06EX – Materials as application
- 4 The planning permission is temporary for 4 years and the site shall be restored in accordance with details agreed with the LPA.

The meeting commenced at 1.00 pm and concluded at 3.15 pm

Councillor R West (Chairman)

Application No: 13/1622M

Location: KNUTSFORD HIGH SCHOOL, BEXTON ROAD, KNUTSFORD, CHESHIRE, WA16 0EA

Proposal: Extensions to provide Dining Room / Entrance facilities and Studio School

Applicant: Andrew Lynes, Facilities Manager, Knutsford Academy

Expiry Date: 18-Jul-2013

Date Report Prepared: 17 June 2013

SUMMARY RECOMMENDATION:

Approve, subject to conditions and referral to the Secretary of State

MAIN ISSUES:

- The principle of the development (*Green Belt*);
- Need;
- Impact on Recreational Open Space and Openness of the Green Belt;
- Design of the new build and impact on the character and appearance of the area;
- Landscape Implications;
- Residential Amenity;
- Highways access, service and parking issues; and
- Other Materials Planning Considerations.

REASON FOR REPORT

This application proposes the creation of over 1,000 square metres of floorspace therefore under the Council's Constitution is required to be determined by the Northern Planning Committee.

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

Members need to be aware that this application will have to be referred to the Secretary of State if the Council is minded to approve as the scheme would provide over 1,000 square metres of floor space in the Green Belt.

DESCRIPTION OF SITE AND CONTEXT

Knutsford Academy is sited on land to the northwest of Bexton Road, Knutsford within the designated greenbelt where it has been since its creation as a County Secondary School in the late 1950's.

DETAILS OF PROPOSAL

Knutsford Academy was created in 2012 and now has approximately 1,247 pupils including a sixth form of 201. Originally designed and built for much smaller numbers, the school's basic support facilities such as dining room cannot cope with the current demand.

This application therefore seeks planning permission for the erection of extensions to provide Dining Room / Entrance facilities and Studio School for the Academy.

Dining Room / Entrance facilities:

The school has stated that their current dining facilities are very small and this leads to practical issues of feeding the students within the lunchtime available. A proposal to extend the dining area has been prepared which will include an improved main entrance and resolve accessibility issues of the current dining facility that can only be accessed via steps.

Studio School:

Knutsford Academy is actively seeking to improve its accommodation and provide educational facilities to meet the needs and aspirations of its students. Current educational thinking in providing secondary education in a manner linking academic and vocational qualifications in a different environment is leading to a number of Studio Schools being set up under Department For Education (DFE) initiatives.

Studio Schools offer academic and vocational qualifications, but teach them in a practical and project-based way. Study is combined with work placements with local and national employers who are involved in the school. Learning in this way encourages students to develop skills like punctuality, good communication, reliability and team working, whilst gaining a strong grounding in English, maths and science.

These new schools, which are set up with the backing of local businesses and employers, are part of the Government's drive to ensure the education system responds to demands from employers for the skills they need to grow and prosper. Employers say that ensuring our young people have these important skills should be a top education priority for the Government.

It should be emphasised that the proposed extension in area is not to facilitate an increase in numbers of pupils or staff above those currently using the site.

RELEVANT HISTORY

Although the school has been subject to some minor or historic planning permission(s), these are not relevant to this current proposal.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

North West of England Plan Regional Spatial Strategy to 2021:

Please note that the Secretary of State for Communities and Local Government has revoked the North West Regional Strategy on the 20 May 2013. Therefore this document no longer forms part of the Development Plan.

Local Plan Policy:

This school is identified within an existing Open Space in the Green Belt in Knutsford, therefore, the relevant Macclesfield Local Plan Policies are considered to be: -

Policy GC1: Development in the Green Belt;

Policy RT1: Protection of recreation open space;

Policy BE1: Design principles for new developments;

Policy DC1: High quality design for new build;

Policy DC3: Protection of the amenities of nearby residential properties; and

Policy DC6: Circulation & access.

Other Material Considerations:

NATIONAL PLANNING POLICY FRAMEWORK:

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

POLICY STATEMENT – PLANNING FOR SCHOOLS DEVELOPMENT:

The Secretary of State for Communities and Local Government (Mr Eric Pickles) and the Secretary of State for Education (Mr Michael Gove) set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system in this policy statement dated August 2011. It states that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and

alteration of state-funded schools, and that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
- Local authorities should make full use of their planning powers to support state-funded schools applications;
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95;
- Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible;
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority;
- Appeals against any refusals of planning permission for state-funded schools should be treated as a priority; and
- Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

CONSULTATIONS (External to Planning)

Sport England: No objections.

Highways: No objections.

Environmental Health: No objections, subject to conditions regarding hours of constructions, method statement if pile foundations and/or concrete floors are used in construction.

Public Rights of Way: No objection as the development does not appear to affect a public right of way.

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council: No objections but expect that neighbours views be sought concerning the overlooking windows. Any concerns about this could be alleviated by the use of an opaque/frosted glass condition.

REPRESENTATIONS

The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly, notice was also published in the local press.

23 letters of objection have been received from local residents and their objections can be summarised as follows: -

- The proposed extension to the dining facilities requires the loss of parking spaces in the existing school car park;
- The proposed new block will be bound to increase overall capacity of the school;

- Parking is already a huge issue on this side of Knutsford with three schools in the vicinity;
- Concerns over impact on infrastructure of this part of the town;
- Concerned with the height of the structure and its proximity to the rear houses on Cranford Avenue;
- Concerned with the impact to sunlight and views from properties on Cranford Avenue;
- Concerned with changes to the dynamics of noise attenuation the generation of noise when the studio is used outside of normal school hours;
- Loss of privacy to residential properties on Cranford Avenue;
- The design of the new building is not in keeping with the current buildings;
- Lack of landscaping;
- Traffic management arrangement is put in place to stop construction traffic accessing; and
- Additional car parking is provided in the school grounds to replace the existing car parking that is unusable during construction, and to accommodate the cars of construction workers and other construction vehicles and plant.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a *Design & Access Statement*, details of which can be read on file.

OFFICER APPRAISAL

The principle of the development (*Green Belt*):

This school site is within defined Green Belt. National Planning Policy Framework and GC1 of the Macclesfield Local Plan limit the forms of new buildings permitted with the Green Belt. Within the Green Belt approval will not be given, except in very special circumstances, for the construction of new buildings unless it is for a number of purposes. Education facilities are not listed as one of those purposes.

Paragraph 89 of the NPPF states that the construction of new buildings as inappropriate in Green Belt. It goes on to list exceptions to this and one of these (*bullet point three*) is: -

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;

The phrase 'disproportionate additions' cannot be clearly defined, as much will depend upon the circumstances of each case. However, a proposal will be considered to be 'disproportionate' if the development would result in an increase of more than 30% of the original dwelling. This is consistent with the Council's Policy (GC12) for residential dwellings in the Green Belt.

Although the current proposal is for an extension and a large new build with a floor area of 1,510sm, the school as a whole has a floor area of 14,677sm. Therefore the scheme would only equate to a 2% increase on floor space of the school as a whole.

Need:

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education and raising educational standards. State funded schools (which include Academies) educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

It is considered that the need for the school to provide the proposed additional facilities has been fully established above, and without them Knutsford Academy will be unable to offer properly resourced social, teaching and learning facilities to its pupils.

Impact on Recreational Open Space and Openness of the Green Belt:

As the school site is also allocated as Open Space, one of the key policies is policy RT1, which seeks to protect recreational open space from development. Policy RT1 does allow for development if the proposed is to provide an additional educational building and the integrity of the open space is not harmed.

Due to the character of the studio school accommodation with larger spaces capable of replicating a workplace environment, and the need for it to create a distinct ethos a separate self contained block is proposed. A location on the current hard surfaced area adjacent to the leisure centre sport hall has been identified as close enough to the school's main circulation routes, and will have little visual impact as it is surrounded on three sides by existing buildings. The dining and entrance extensions are located so as to be contiguous with the existing facilities for obvious reasons.

In this instance, it is considered that the proposed extensions and alterations do not threaten the integrity of the open space. All of what is proposed is sited existing tarmac areas and therefore there is no loss of grassed open space.

It is considered that the proposed extensions will have an effect on the openness and visual amenity of the Green belt. However, this is considered acceptable as the extension and new built elements are set against the existing school buildings away from the open Green Belt area.

Design of the new build and impact on the character and appearance of the area:

The proposed new studio building is a separate block, located on an area of hard standing adjacent to the leisure centre. The new buildings are commensurate with the existing

buildings in height and massing and being set against the existing will have little visual impact.

The proposal uses facing brickwork, metal roofing, and curtain walling already present on the site, with the mass of the studio school block articulated with a contrasting dark blue clay block, and projecting staircase bays. The dining and entrance extension uses a curved projecting metal roof and curtain walling to create an interesting and up to date frontage as the main approach to the school.

The size, scale, design, materials and siting of the proposed extensions and alterations are considered to be in keeping with the existing buildings on site and. As such, the proposals would not harm the character or appearance of the area and have an acceptable relationship with the street-scene.

Landscape Implications:

There will be some tree loss associated with the new dining extension, which will be located in an existing car parking area accessed from Bexton Road. However, it is considered that any tree loss will be mitigated with new additional planting, which is proposed along the Bexton Road frontage. Detailed landscape conditions are proposed to secure the detailed planting proposals required.

The proposed new building for the studio school will approximately follow the existing alignment of school buildings and the leisure centre and is also of a similar height. However the boundary planting between the leisure centre and properties along Cranford Avenue is more substantial than that which exists further to the south. Consequently it is not considered that the new building would have a visual impact on a number of properties situated along Cranford Avenue.

Residential Amenity:

The nearest residential properties to the new studio school are on Cranford Avenue, whilst the nearest properties facing the school opposite the new entrance are on Bexton Road.

The new studio school building is located 21.5 metres away from the nearest boundary and is 28 metres away from the rear elevations of the properties facing Cranford Avenue. The new building has been design so that the majority of the classroom windows look within the site. It is considered that the new proposals will not significantly alter the relationships between existing school buildings/ and neighbouring properties. Therefore, the proposals are considered to have a very limited and acceptable degree of impact on the amenities of neighbouring residential properties.

It is considered that the proposed new entrance extension will have no impact on the residential amenity of the properties on Bexton Road. Although the extension is less than 10 metres from the school boundary, there is boundary screening and the properties are on the opposite side of the road.

The whole application site is in close proximity to existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities,

this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore a condition is suggested to control hours of demolition and construction works in the interest of residential amenity.

Although a condition has been suggested by the Council's Environmental Health Section in the event that piled foundations are necessary and if concrete floor are floated, this is considered to be unnecessary as the hours of construction would be controlled via the condition above.

Highways access, service and parking issues:

It is proposed to extend the dining room, improve entrance facilities and construct a new studio school, the dining extension is located on the existing car park and the car parking spaces lost are to be replaced.

The access to the site is unchanged by the proposals, although the car park to the front of the building has been remodelled to replace the lost car parking spaces.

As there is no practical increase in the school capacity proposed in the application, there are no highway issues raised by the proposed development and no objections are raised.

Other Materials Planning Considerations:

There is no compelling objection to the application proposal in highways or infrastructure terms. Whilst understanding local views, the site is an existing school in a sustainable location. It is accepted that the objective of reaching the right balance between development and provision for infrastructure in Knutsford might need to be further considered as a strategic planning matter in the context of the Council's emerging Core Strategy and any subsequent Allocations Development Plan Document (DPD) or other DPD.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Extensions to schools are not listed in the exception categories to inappropriate development in the Green Belt set out in the NPPF or Local plan policy GC1. Buildings in the Green Belt may be extended so long as the extensions are not disproportionate to the original building. In this case the original building has/would not be extended by more than a "proportionate" amount. The proposal is therefore not inappropriate development in the Green Belt.

The development is set against the existing built form and therefore is acceptable in landscape and visual terms. However, an extension of this size does have an impact on openness of the Green Belt which adds to the harm to the green belt. To justify a grant of planning permission, other consideration must exist which *clearly outweigh* the identified harm to the Green Belt.

The government has issued very strong guidance supporting the development of state funded schools and academies. This is a material consideration which should be afforded significant weight in the consideration of this application. The applicant has demonstrated a clear need for the accommodation to improve the functioning of the school in a way that minimises the

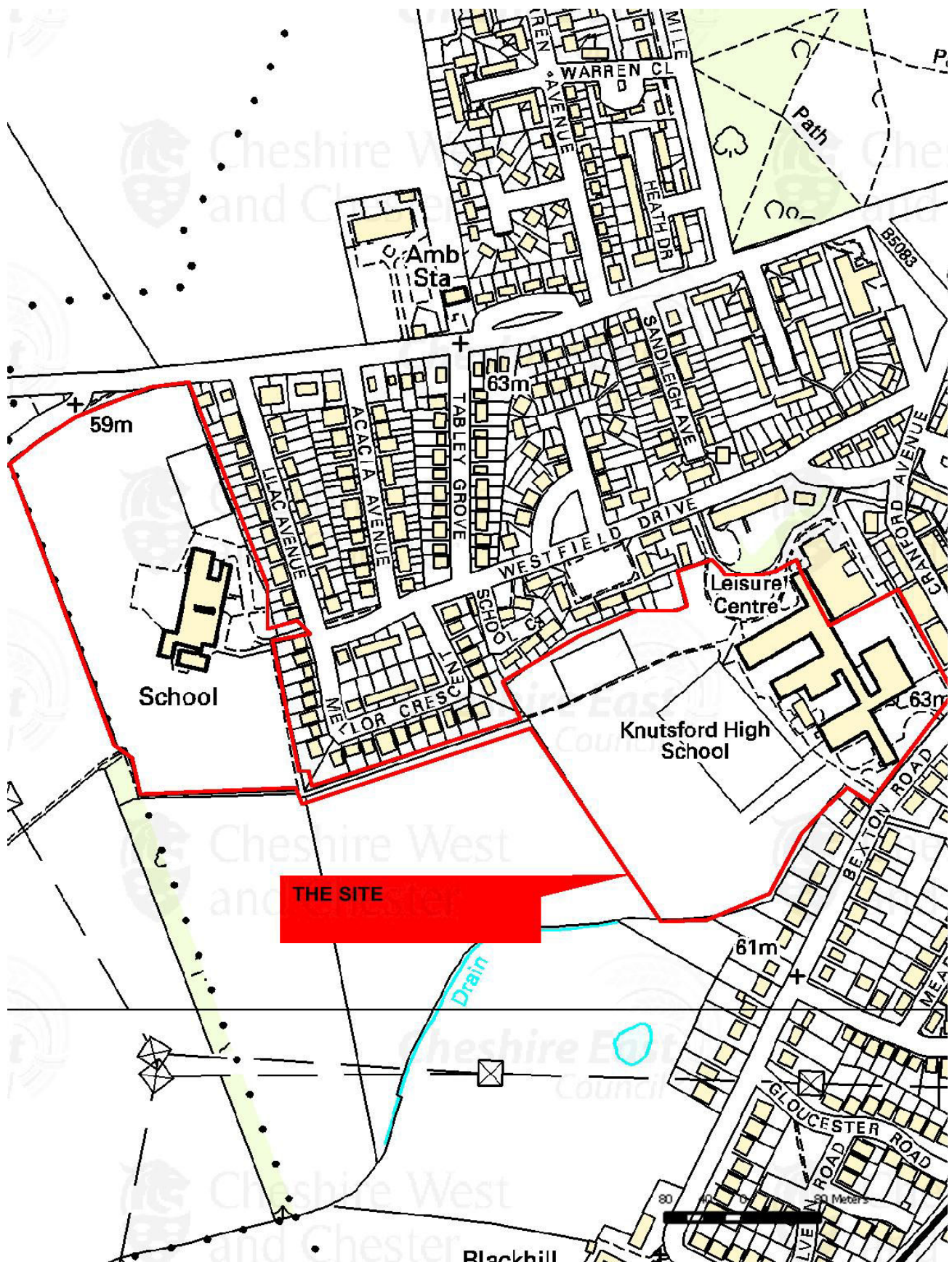
visual impact on the Green Belt. It is considered that other considerations do exist which clearly outweigh the harm to green belt by loss of openness.

Objections to the scheme have been fully considered. However, subject to conditions, the proposal complies with all other relevant policies of the Development Plan and the Framework.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A22GR - Protection from noise during construction (hours of construction)
5. A01LS - Landscaping - submission of details
6. AD01 - Complies with development plan
7. AD14 - Acceptable relationship adjacent and wider
8. AD15 - Acceptable impact on amenity
9. POL01 - Policies
10. Pile foundations
11. NPPF



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Application No: 13/0987M

Location: PRIORS HILL CHILDRENS HOME, 26, KENNEDY AVENUE,
MACCLESFIELD, CHESHIRE, SK10 3HQ

Proposal: Erection of 38 affordable dwellings - Includes demolition of existing
buildings on site

Applicant: Joanne Fallon, Affordable Homes Consultancy

Expiry Date: 29-May-2013

Date Report Prepared: 19 June 2013

SUMMARY RECOMMENDATION

Approve, subject to conditions and the completion of a S106 agreement.

MAIN ISSUES

- Principle of the Development (*Windfall Housing Sites*);
- Principle of the Development (*Loss of Open Space*);
- Principle of the Development (*Need for Affordable Housing*);
- Developer Contributions;
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Environmental Health; and
- Other Material consideration or matters raised by third parties.

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution such applications are required to be considered by Committee.

Subject to the recommended conditions and Legal agreement, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of an apartment block that predominantly occupies a corner plot between Kennedy Avenue to the north and Suffolk Close to the west.

The application site comprises a detached two storey building that previously formed the Priors Hill Children's Home, the use has since ceased and the building is currently redundant.

The former school building and associated car parking is positioned on the northern half of the site fronting Kennedy Avenue and falls within a Predominantly Residential Area as outlined in the Macclesfield Borough Local Plan 2004. A field positioned to the rear of the school building is designated as Existing Open Space. It was noted during a site visit that this area of land is enclosed by fencing which limits/prevents public access onto this section of the site.

The application site is bound to the north by a mature Beach hedge, to the east and west by a closed board timber fence and mesh fencing measuring approximately 1.8m in height and to the south by a timber fence. A timber fence and gates provides a physical separation between the school building and the area of open space positioned to the rear.

There are a number of mature trees located along the site boundary; the majority of which are protected by a Tree Preservation Order.

Access to the site is taken from Kennedy Avenue. There are two vehicular access points which are positioned to the east and west of the school building respectively.

The front section of the application site is positioned within a predominantly residential area and the rear section is designated as a site of Existing Open Space.

There is a clear mix in the type, age and design of properties within the immediate area including semi detached and detached two storey dwelling and a number of four storey apartment buildings. The area comprises clusters of developments of similar character however; there is no strict sense of uniformity between properties within the street scene.

Semi-detached two storey dwellings, which were constructed circa 1993, are located opposite the application site to the north. These dwellings form part of a larger housing development comprising 40 dwellings. These properties front Kennedy Avenue, each has a fairly open frontage with vehicular access and parking to the front and side of each dwelling. This is characteristic of other properties fronting Kennedy Avenue.

The Fir Court development is positioned to the east of the application site. This is a two storey development comprising 40 residential units with associated car parking. The vehicular access and car park serving Fir Court is positioned adjacent to the shared site boundary with the application site.

The rear gardens of properties fronting Home Farm Avenue adjoin the application site to the south. Home Farm Avenue forms part of a wider Jones Homes housing development that was constructed circa 1990's and comprises a mix of detached and semi-detached dwellings.

To the west of the application are properties that serve Kent Walk. The rear elevation and rear gardens of these properties face the application site. The application site and these dwellings are separated by the vehicular highway that serves Suffolk Close.

A four storey apartment building is positioned to the north west of the application site and sits on the eastern side of the road junction between Kennedy Avenue and Suffolk Close.

DETAILS OF PROPOSAL

Full Planning Approval is sought for the construction of a residential housing development comprising a total of 38 units.

The application is made by the Affordable Housing Consultancy for development comprising 100% affordable housing of mixed tenure.

The proposal includes detached family dwellings of 2 and 3 bedrooms, and apartments providing 1 and 2 bedrooms. 6 two storey townhouses would be provided on the frontage of the site, directly accessed from Kennedy Avenue, together with a 3 and 4 storey block containing 11 apartments. A new access road, terminating in a cul-de-sac, would be provided from Kennedy Avenue giving pedestrian and vehicular access to a further 21 two storey dwellings behind the frontage development.

All properties would be provided with off street parking spaces, and the houses would have private gardens. Shared amenity space and parking would be provided for the apartments. The apartments and 2 bedroom dwellings would each have one parking space whereas the 3 bedroom dwellings would each have 2 spaces. 6 visitor spaces would also be provided.

RELEVANT HISTORY

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

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

North West of England Plan Regional Spatial Strategy to 2021:

Please note that the Secretary of State for Communities and Local Government has revoked the North West Regional Strategy on the 20 May 2013. Therefore this document no longer forms part of the Development Plan.

Local Plan Policy:

The site is located within a predominantly residential area with the rear part of the site allocated as existing open space on the Macclesfield Borough Local Plan. A number of trees on the site are protected by Tree Preservation Orders (TPO's). Therefore, the relevant Macclesfield Local Plan Saved Policies are considered to be: -

- NE11 Nature Conservation;
- BE1 Design Guidance;
- RT1 Open Space;
- H2 Environmental Quality in Housing Developments;
- H5 Windfall Housing Sites;
- T2 Provision of public transport;
- DC1 New Build;
- DC3 Amenity;
- DC6 Circulation and Access;
- DC8 Landscaping;
- DC9 Tree Protection;
- DC35 Materials and Finishes;
- DC36 Road layouts and Circulation;
- DC37 Landscaping; and
- DC38 Space, Light and Privacy.

Other Material Considerations:

National Policy:

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Supplementary Planning Documents:

The following Supplementary Planning Documents (SPDs) have been adopted and are a material consideration in planning decisions (within the identified former Local Authority areas):-

- S106 SPG; and
- Interim Planning Statement on Affordable Housing.

CONSULTATIONS (External to Planning)

HIGHWAYS:

No objection has been raised for the following reasons:

- The site is in a sustainable location due to proximity to local services and public transport networks;
- Proposed 2-bed terraced houses will have one allocated parking space. This is a relaxation of the Council's parking guideline, but given the location and type of properties proposed is considered acceptable;

- Visitor spaces and informal parking spaces are available within the site confines;
- Kennedy Avenue is traffic-calmed and additional traffic generation will not materially increase overall traffic levels.

ENVIRONMENTAL HEALTH:

No objection subject to conditions relating to hours of operation, dust control, pile driving and contaminated land.

UNITED UTILITIES:

No objection subject to a condition relating to site drainage.

ENVIRONMENT AGENCY:

No objection.

CHESHIRE POLICE:

No objection has been raised however comments have been provided to advise on ways in which the development could be improved in order to design out opportunities for crime.

HOUSING:

Supports the Scheme as there is an urgent demand for Affordable Housing in Macclesfield.

REPRESENTATIONS

The applicant engaged in the Council's formal pre-application procedure where advice was given in the form of a written response. The applicant has borne in mind the advice given by the Council and has demonstrated where amendments could or could not be achieved within the submitted Design and Access Statement.

Prior to submitting the application, a public consultation event was held by the applicant at Macclesfield Leisure Centre on Thursday 29th November 2012. The event was advertised by leafleting within the area and by posters in the Co-Operative supermarket and pharmacy on Kennedy Avenue. 17 residents attended the event and it is commented in the Design and Access Statement that feedback from residents was positive. The key points raised during the event were as follows:

- Parking provision;
- Height of the four storey apartment block; and
- Bedroom tax.

The planning application was advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice. Comments were invited within a 21 day period and the last date for comments expired 17th April 2013.

Representations have been received from no.57 Kennedy Avenue, no.57 Orme Crescent (The Civic Society), no.33 Fir Court, no.55 Kennedy Avenue and no.4 Merrydene Close. Two representations have illustrated support for the proposal with the remaining three raising objection.

The objections/concerns raised are summarised as follows:

- The height of the proposed apartment block;

- Highway safety due to increased traffic generation/parking;
- Loss of light to lounge window serving no.33 Fir Court;
- Disruption during demolition and built process;
- Four storey apartment block will impinge on light and privacy to no.55 Kennedy Avenue; and
- Impact on protected trees that are to be retained.

APPLICANT'S SUPPORTING INFORMATION

Pre-application discussions were undertaken with this applicant and in addition to the plans the following detailed reports were submitted with the application:-

- Design & Access Statement;
- Affordable Housing Statement;
- Tree Survey;
- Ecology Report; and
- Draft Heads of Terms for S106 legal agreement.

OFFICER APPRAISAL

Principle of the Development (Windfall Housing Sites):

The front part of the site (containing the former Children's Home) is identified as being within a predominantly residential area with the rear part of the site identified as existing open space on the Macclesfield Borough Local Plan.

The site (including the open space beyond) is identified within the Strategic Housing Land Availability Assessment 2012 (SHLAA) as part of the Council's 5 year land supply. The site is assessed as being suitable, available, developable and deliverable. Therefore, it has to be acknowledged that this site would come forward for development and that the Council is reliant upon the residential development of this site to contribute to meeting our 5 year housing supply.

The site is identified within the SHLAA as having capacity for provision of 31 dwellings. The development proposed in this application would provide 28 Dwellings, 7 units in addition to those predicted in the SHLAA for this site. As the site is not specifically allocated for residential development it would be considered a windfall site. Policy H5 advises how windfall sites will be assessed. Primarily windfall housing sites should make effective use of land by the re-use of previously developed land.

There is no objection in principle to the erection of new dwellings within a predominantly residential area. It is considered that this development on this site would make effective use of the land with a higher density scheme and make a contribution to the Council's 5 year land supply.

Principle of the Development (Need for Affordable Housing):

The *Strategic Housing Market Assessment 2010* (SHMA) identifies a shortfall in provision of 555 affordable homes per annum in Macclesfield up to 2013/2014. Indeed the current *Annual Monitoring Report 2011* (AMR) shows that the number of affordable houses provided in

Cheshire East in 2010/2011 was 205, down from 334 in the previous year and the lowest since 2006/2007. There is a significant discrepancy between the affordable housing needs identified within the SHMA and the actual level of affordable housing provision.

The proposal would provide 100% affordable housing.

The Council's Interim Policy Statement on Affordable Housing (dated February 2011) sets a minimum requirement of 30% affordable housing provision on windfall sites in settlements of 3000 population or more. It also states that a Registered Social Landlord (RSL) should be involved in all 100% affordable housing schemes.

The Council's Strategic Housing Market Assessment 2010 identified a net requirement for 318 affordable homes each year between 2009/10 and 2013/14 in the Macclesfield & Bollington sub-area. There are currently 946 applicants who have selected either the Upton Priory area or Macclesfield as their first choice

There have only been 131 affordable units built in the Macclesfield & Bollington sub-area from 2009/10 to date. This is less than half the affordable housing requirement identified by the SHMA 2010 for 1 year.

100% affordable housing provision on this site would offset some of the reduced provision elsewhere, as acknowledged in the AMR, and would exceed all policy requirements for the proportion of affordable housing within new developments.

It is Officers understanding that the scheme utilising Homes & Communities Agency grant funding in the delivery of the proposed scheme. This grant will in future, be recycled via the Homes & Communities Agency's "Recycled Capital Grant Fund" to support the provision of further affordable housing development in Macclesfield and Cheshire East.

In accordance with policy H9 and the council's interim policy on affordable housing provision, the applicant has a partner Registered Provider, Peaks and Plains, involved in the scheme to ensure that the dwellings remain affordable in perpetuity.

The scheme would provide a significant benefit in contributing to achieving affordable housing targets

Principle of the Development (*Loss of Open Space*):

Local Plan policy RT1 states that areas of recreational land and open space as shown on the proposals map will be protected from development. Redevelopment of a building footprint that does not harm the integrity of the open space will normally be permitted. The reason for the policy states that existing facilities form an important resource which must be retained for the benefit of the community and also recognises that open spaces are important for their amenity value and can contribute to the character of the townscape.

Paragraph 74 of the NPPF states that existing open space should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

Clearly in order for planning permission to be granted for the development proposed, a justification would need to be provided for building on the area of existing open space.

It is worthy of note that the site has never provided any public recreational or other open spaces function and members of the public have never had access to it. It has always performed the function of private amenity space for the occupants of Priors Hill.

It has to be accepted that if this application were approved, it would result in the loss of the open space. However, whilst the proposal does not comply with all relevant policies of the Development Plan, it is considered to be acceptable because it will provide much needed affordable housing in a sustainable location.

Developer Contributions:

To mitigate for the loss of the open space on the site the Council would be looking for a commuted sum in order to improve/provide facilities elsewhere within the immediate locality. Additionally in accordance with the Council's SPG on S106 (Planning) Agreements, the proposal triggers the need for both Public Open Space (POS) and Recreation / Outdoor Sports (ROS) provision, in line with the current CEC policy.

In lieu of onsite provision, the commuted sum for POS based on £3000 per dwelling/2 bed apartment and £1500 per 1 bed apartment is £108,000. The commuted sum for ROS is £30,500. However, for 100% affordable housing schemes, the commuted sum for ROS is normally waived. The developers (Affordable Homes Consultancy) have offered £15,000 in lieu of onsite provision. This is due to the viability of the scheme.

A financial appraisal for the scheme has been submitted and this shows a small profit margin for the scheme (less than 2% of scheme value compared with a standard developer's return of between 15%-20% of GDV).

It is considered that an exception could be made in this case and a lower POS contribution agreed as the scheme has been specifically designed in consultation with the Council's Housing Department and with Peaks and Plains Housing Trust to meet a locally identified demand and urgent requirement for affordable housing in Macclesfield. Members should also be aware that the scheme is dependent on Homes & Communities Agency (HCA) grant subsidy as well as revenue subsidy from Peaks & Plains to ensure it is built.

Design, Layout and Visual impact:

It is considered that the scale of the development is in keeping with the massing, rhythm and general character of the existing context. The existing 4 storey flat block adjacent to the site is reflected in the proposed 3 and 4 storey apartment building, which serves to reinforce this prominent corner section of the site. In order to reduce the impact of the proposed apartment building, the partial fourth storey will be recessed. It is also considered that the proposed 2 storey terraced and semi-detached dual pitch houses integrate within the existing residential context. The proposed building line along Kennedy Avenue is to be set back from the site boundary to provide an element of defensible space, privacy and parking.

One of the key improvements to the existing site is that a street scene along Kennedy Avenue will be introduced. Whilst materials will be conditioned, the elevational treatments are likely to consist of red facing brick, timber effect rain screen cladding with either recessed entrances or porch covered entranceways. The red facing brick is in keeping with the surrounding existing residential developments. However, the inclusion of some brick detailing above door and window openings provides an additional detailing to the elevations to reflect the character of the area. Grey concrete interlocking tiles to the main roofs and entrance bay/porch areas are intended to reflect the existing properties.

Landscape/Trees:

Amendments to the scheme have been agreed which have improved the relationship of the layout and design of new builds to existing retained trees. This relationship is not considered to be ideal in some locations and that there has to be some recognition that there is the likelihood that future requests for pruning of retained trees may be expected where shading and reduced daylight to gardens is anticipated. That being said, the layout is considered to be acceptable in relation to the retained trees.

The proposal will require the removal of five TPO trees, two of which are in relatively poor condition. It is recognised that the submitted landscape/tree planting scheme and improvements in layout design have made provision for space for replacement planting which provides adequate if not significant mitigation for the replacement of these trees. Given the replacement planting proposed and the poor condition of two of the trees, the proposal is considered to comply with Policy DC9 of the Local Plan which normally seeks the retention of protected trees.

Discussions have considered at the retention of the Beech hedge, a pleasant and attractive boundary feature located on the Kennedy Avenue frontage. However, due to the design of the scheme and the requirement for off road parking off Kennedy Avenue, retention of the full length of the hedgerow has not been possible, although a section of the hedge fronting the 3 and 4 storey element is to be retained.

Overall a satisfactory landscape scheme is capable of implementation and the proposal complies with policy DC8 of the Local Plan.

Highways:

The Strategic Highways Manager has assessed this application and has confirmed that there are no highway objections to this application.

The direct access from Kennedy Avenue and the internal road layout has been designed to accord with Council guidelines. Kennedy Avenue is traffic calmed and the additional traffic generation from the development of 38 dwelling houses on this site will not materially increase overall traffic levels.

All units will have private off street car parking. Car parking will be 100% for the 1 to 2 bed dwelling and at 200% for the 3 bed dwelling. Additionally, six visitor parking spaces have been provided within the scheme.

A lockable external cycle store will be provided for each house. A lockable external cycle store will be provided in the amenity space of the apartments (100% provision).

Rear garden access is proposed for some of the terraced properties, whilst this is not ideal it has been accepted in this instance. Bin stores have been proposed for the majority of the site (as an alternative to rear garden ginnels) as a means of retaining scheme density and parking levels.

Residential Amenity:

Local Plan policies DC3 and DC38 relate to amenity. DC38 sets out guidelines for space between buildings which developments should aim to meet. Whilst the scheme is a high density scheme that is compact, it is considered that these scheme accords with these guidelines.

As the site is surrounded by existing residential properties, the relationship between these properties and the proposed dwellings has been considered.

The apartment block and terraces facing onto Kennedy Avenue would be separated by 24 metres from the existing houses on the other side of Kennedy Avenue. The end terrace to the front on the site, adjacent Fir Court would be separated by nearly 15 metres, whilst the middle terrace would be 18 metres away. In addition these properties would show an end gable elevation to Fir Court and there are retained trees and landscaping on this boundary. The apartment block and middle terraces would be 25 metres away from the four storey apartment building on the road junction between Kennedy Avenue and Suffolk Close. The two semi detached dwellings on the west boundary of the site would be 15 metres away from the existing apartment block. The dwellings to the rear or south of the site would be position a minimum of 26 metres for the rear of the dwellings that face Home Farm Avenue.

It is considered that the application proposals do not have a detrimental impact on residential amenity to the surrounding properties through overlooking, loss of privacy or overbearing. This is due to the distances proposed, their relationship and existing boundary landscaping.

Nature Conservation:

An ecological survey and assessment was submitted with the application and the survey indicates there are no significant ecological concerns or constraints, with no evidence of roosting bats, nesting birds or other protected faunal species.

The Council's Ecologist has confirmed that there are unlikely to be any significant ecological issues associated with the proposed development. A condition is suggested to safeguard breeding birds during construction and to ensure some additional provision is made for breeding birds and roosting bats following completion of the development.

Environmental Health:

The application site is surrounded by existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment.

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present on the site. The Site Investigation report submitted in support of the application recommended that a further investigation is required. As stated above, the Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require an additional site investigation survey and any subsequent remediation required.

Other Material considerations or matters raised by third parties:

The application site is within Flood Zone 1, so there is little or no risk of flooding. The scheme proposes to drain the surface and foul water on a separate system combining on site prior to connecting into the existing public sewer. United utilities have no objections subject to the imposition of a drainage condition to control the details of the above.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The provision of 100% affordable housing is a significant benefit of the scheme and should be viewed in the context of wider social sustainability, as well as the development being located in a sustainable location.

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be 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 this Framework taken as a whole

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

Whilst there are shortcomings in the scheme noted in this report, the disbenefits are not considered to be significant and a refusal of permission would not be justified.

Whilst some conflict with local plan policy has been identified, the material considerations in favour of granting planning permission for the affordable housing development are significant

and the application is recommended for approval subject to conditions and the completion of a s106 agreement.

HEADS OF TERMS

- Mechanism to ensure that the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure
- Commuted sums of £15,000 to mitigate for the loss of existing open space and for POS in lieu of onsite provision

Community Infrastructure Levy (CIL) Regulations:

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

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

The mechanism to ensure that the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 38 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01GR - Removal of permitted development rights
4. A05EX - Details of materials to be submitted
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A12LS_1 - Landscaping to include details of boundary treatment

- 8. A01TR - Tree retention
- 9. A02TR - Tree protection
- 10.A05TR - Arboricultural method statement
- 11.A06NC - Protection for breeding birds
- 12.A04NC - Details of drainage
- 13.A22GR - Protection from noise during construction (hours of construction)
- 14.A23GR - Pile Driving
- 15.Bird and Bat Boxes
- 16.Bin and Cycle Store in accordance with approved details

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Application No: 13/1008M

Location: LAND SOUTH OF, 3, LAND LANE, WILMSLOW, CHESHIRE

Proposal: Erection of three detached dwellings

Applicant: P.E. Jones

Expiry Date: 30-Apr-2013

Date Report Prepared: 20.06.2013

SUMMARY RECOMMENDATION

APPROVE, SUBJECT TO CONDITIONS

MAIN ISSUES:

- Impact on the green belt
- Design/impact on the character and appearance of the area and the street-scene
- Impact on the amenity of neighbouring properties
- Highways safety
- Forestry/landscaping/ecological issues
- Housing policy and supply

REASON FOR REPORT

The application has been presented to committee for determination in line with the constitution. Part of the site lies within the green belt. The proposed constitutes a departure from policy and a recommendation of approval is made.

DESCRIPTION OF SITE AND CONTEXT

The site to which the application relates is a wedge of 'residual land' measuring approx. 0.2 hectares, located between the A538 bypass/Prestbury link road, Land Lane, Wilmslow, and residential properties on Land Lane, Thorngrove Road and Thorngrove Hill. The site is situated at the east of the turning head at the end of Land Lane. A planted embankment screens the site from A538. High hedges screen the development from properties on Thorngrove Hill. The embankment is slightly elevated above the site.

The site is situated approx. 0.7k south east of Wilmslow Town Centre on the edge of a Predominantly Residential Area, as defined in the Local Plan. A strip of land covering approx. a third of the site along its southern boundary technically lies within the green belt. A footpath leads from Land Lane with a footbridge over the bypass giving access to Wilmslow Town

Centre (and all its amenities/facilities) and the Bus and Railway stations. Hence, the site is considered to be in a reasonably sustainable location.

The area is characterised by two-storey detached dwellings. A mix of architectural styles exists. Opposite the site is a modern 1990's estate developed by the same developer. Immediately adjoining the site is an older (1970's) development of two-storey detached dwellings, also built by the same developer. Brick is the predominate building material, though recently properties with extensions/renovations have included more render on the external walls, renovations have included more render on the external walls, and the plots within which the houses sit are generally generous – with the exception of the more modern houses opposite, which have smaller plots than the 1970's dwellings.

The planning history shows that there have been a number of applications on the site, the most recent of which was approval for a single dwelling in August 2010. It is noted that the current application is virtually identical to the 08/2492P withdrawn application, the key issue identified at that time was the green belt issue. Since 2004 there has been an exchange of communication between the Council (Planning & Legal Depts) and The Emerson Group, in particular following the withdrawal of the 08/2492P application, regarding the issue of whether or not part of the site does lie within the green belt following a change in Local Plans from 1997 to 2004. A letter from the Council's Legal Services to The Emerson Group dated 29.07.2009 is significant in that it concludes that there was a cartographical error in the production of the 2004 Proposals Map which differed to the 1997 Proposals Map regarding the green belt boundary of relevance to this application. Thus, apparently there was a difference in the green belt boundaries shown on the 1997 and 2007 proposals maps – on the 2004 map there was a "*small extra parcel of land*" identified as being within the green belt.

Notwithstanding the above, it appears that some of the land to which the application relates was still in the green belt on the 1997 proposals map. It is also noted that the Spatial Planning department are taking this into account in drawing up the proposals map for the emerging Local Plan.

DETAILS OF PROPOSAL

The proposed seeks full planning permission for erection of three detached dwellings.

A revised site plan has been received which includes a) a timber fence along the northern boundary of plot 1 and b) removal of the entrance gates to plots 2 and 3 (which provides a layout akin to a cul-de-sac rather than plots 2 and 3 being "gated").

The proposed dwellings are all two-storey and range in height from approx. 7.4m to 8.1m. The design of each varies a little, though they are fairly typical of detached, family type homes erected on modern housing estates. The materials will broadly be red brick with brick detailing, render and hanging tiles in the rooflines of the bays/gables. Plot 1 fronts the turning head at the head of Land Lane; it will have a separate driveway giving access to an attached double garage. Plot 2 is set towards the rear of the site and is served by a joint access for plots 2 and 3. Plot 2 has a detached double garage. Plot 3 is also to the rear of the site and is located at the head of the access shared with plot 2. Plot 3 also has an attached double garage projecting off the front elevation. The access driveways will be constructed in water

permeable brick pavements. Waste bins will be stored within the curtilages of each of the dwellings and placed on the pavement on Land Lane on collections days.

RELEVANT HISTORY

- | | |
|----------|--|
| 10/2111M | Erection of 1 No. detached dwelling.
Approved, 19.08.2010 |
| 08/2492P | Erection of 3 No. detached dwellings.
Withdrawn, 16.02.2009 |
| 08/0816P | Erection of 8 No. apartments and ancillary development.
Withdrawn, 10.07.2008 |
| 5/30818 | Eight flats in a single block.
Refused, 01.09.1982 |

POLICIES

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)
DC1 (High quality design for new build)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 & DC37 (Landscaping)
DC9 (Tree protection)
DC35 (Materials)
DC38 (Guidelines for space, light and privacy for housing development)
DC41 (Infill housing development or redevelopment)
H13 (Protecting residential areas)
H1 (Housing phasing policy)
H5 (Windfall housing sites)
NE11 (Protection and enhancement of nature conservation interests)
GC1 (New buildings in the green belt)

Policies BE1, H13 and DC1 seek to ensure a high standard of design for new development and that new development is compatible with the character of the immediate locality of the site; DC35 seeks to ensure appropriate materials are used. Policies H13, DC3, DC38 and DC41 seek to protect the residential amenities of adjoining properties and ensure adequate space, light and privacy between buildings. Policies DC8 & DC37 seek appropriate landscaping of new development and policy DC9 exists to ensure the long-term welfare of trees of amenity value. Policy DC6 seeks to ensure that there is safe access/egress from the site for all users and appropriate levels of parking. Policies H1 and H5 relate to phased housing development and windfall housing sites. Policy NE11 seeks to protect and enhance nature conservation aspects and policy GC1 seeks to ensure that there are no new buildings in the green belt other than the listed exceptions.

National Planning Policy Guidance

National Planning Policy Framework

CONSULTATIONS

Spatial Planning:

The comments from Spatial Planning are reproduced below, as they are significant re the assessment and determination of the application. Thus:

“...we came to the conclusion that the Green Belt boundary shown in the 1997 Local Plan was the correct one. Between 1997 and 2004, the OS Map base used for the proposals map changed slightly in this vicinity. When the 2004 Proposals Map was produced, it seems that the Green Belt boundary was altered to fit the new base map. However, the 2004 Local Plan did not consider any changes to the Green Belt and did not propose any amendments to it at any stage. Therefore, it is clear that it should not have been changed.”

An appreciation of the legal position is outlined in the solicitor's letter (referred to above) – copy submitted with the application dated 29.07.2009.

Heritage & Design – Forestry:

No objections, subject to conditions related to tree retention, tree protection and landscaping.

Heritage & Design – Landscape:

No objections subject to conditions re landscaping details to be submitted and implemented accordingly.

Environmental Health

No objections, subject to conditions related to restrict hours of operation, require details of pile driving and floor floating (if required), details of dust control and a contaminated land risk assessment.

Heritage & Design – Nature Conservation:

The Nature Conservation Officer is satisfied that the proposed will have no significant ecological impact and recommends a condition to enhance nature conservation (provision of facilities for bats and birds).

Highways:

The Strategic Highways Manager raises no objections, subject to a S184 for the provision of foot-crossovers.

United Utilities:

No objections, subject to informatives related to discharge of surface water, meter supply, connection to water mains/public sewers

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council:

Recommend refusal on grounds of overdevelopment of the site.

OTHER REPRESENTATIONS

Representations have been received from the occupants of 9 No. neighbouring properties. Details can be read on file; a summary of the points raised is provided below:

- Unresolved greenbelt issue/impact on the green belt
- Over development of the site
- Out of character with surrounding plots
- Out of keeping with the area
- Drainage/sewage problems
- Wish to ensure no further loss of light from planting
- Insufficient levels of parking
- Impact on existing boundary hedge - request to ensure high conifer hedge along boundary with 13 Thorngrove Road is retained
- Infrastructure cannot cope with 3 additional homes
- Over provision of housing in the area
- Driveway too close to 3 Land Lane and wall proximity compromised
- Safety of children playing in the area during construction phase
- Poor access/egress to site for construction purposes
- Impact on house values
- Plot 3 boundary unclear
- Lack of sunlight to resultant plots
- Unneighbourly
- Fence along the boundary with 45 Thorngrove Road was agreed as part of the approved application 10/2111M; this should be reinstated
- Suggested that land is only suitable for 2 No. dwellings

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a '*Planning Statement*', '*Design & Access Statement*', '*Extended Phase 1 Habitat Survey*', '*Tree and Hedge Survey*' and a '*PPS3 Housing Self Assessment Checklist*', details of which can be read on file. A summary of some key points presenting the case for the development (outlined in the '*Planning Statement*') is provided below:

- The site forms residual land created by the construction of houses and the Prestbury Link Road
- The eastern boundary backs onto to the rear gardens of dwellings on Thorngrove Hill and there is a substantial conifer hedge on the boundary; the northern boundary is

hedged and fenced along the garden boundaries of two detached dwellings; the western boundary abuts the turning head.

- The site is within a reasonably sustainable location – previously assessed as being ‘good’ in terms of the North West Sustainability Checklist (no longer available)
- Car parking for 4 No. cars per dwelling will be provided
- Development represents the general density (taking account of the shape of the site), scale and size of existing dwellings in the area; materials would be commensurate with the residential area
- Appropriate landscaping and boundary treatments will be provided
- Outline of relevant sections of the NPPF is provided, eg. especially presumption in favour of sustainable development, green belt issues, delivering a wide choice of high quality homes
- Noted that permission exists on site for 1 No. dwelling (10/2111M)
- Application meets all normal standards of new residential development. The site is an infill plot bounded along 3 sides by residential development and makes efficient and effective use of land, contributing to the housing needs of the area. The issue of Green Belt is outlined further below
- It has been shown, and the Council has accepted, that there was an error in printing the 2004 Proposals Map re Green Belt boundary adjacent to the site. Regardless of issues that may still be debated surrounding this matter, the case is presented in favour of the proposed on the Green belt land
- Thus, the embankment along the southern boundary of the site reduces and eliminates visibility of the residential area from the Green belt lying to the south and there would be very little views of the proposed development from the Green Belt. Consequently the impact on openness would be minimised.
- The proposed would not impact on the 5 purposes of including land within the Green Belt
- Hence, there would be no impact on the fundamental aims of the Green Belt - preventing urban sprawl and retaining openness
- Para 85 of the NPPF states that Green belt land should not include land which it is unnecessary to keep permanently open. It is asserted that the area of the site which falls within the Green belt falls within this category.
- *“On balance, given the history of part of this sites inclusion in the Green Belt, and the fact that it contributes little or nothing to the openness of the Green Belt nor fulfils any of the purposes of Green Belt land , the benefits of developing this land outweigh any harm that could conceivably be identified to the Green Belt”.*

OFFICER APPRAISAL

Principle of Development

The principle of the proposed is contrary to policy – new building in the green belt.

Policy

The relevant policies are listed above and relate to the issues identified.

Impact on the Green Belt

The proposed development consists of new buildings in the Green Belt and as such the proposed development constitutes inappropriate development within the green belt.

The proposed development is considered to cause other harm to the Green Belt in the form of (albeit limited) impact on the openness of the Green Belt. Given the physical delineation of the embankment it is not considered that the proposal leads to encroachment into the countryside.

The applicant has presented various material factors in favour of the development and asserts that these outweigh the harm to the Green Belt identified – i.e. the cartographical errors, the nature of this particular section of Green Belt (limited views in to the site/limited views out of the site, therefore limited impact on openness of the Green Belt, purposes of including land within the Green Belt not threatened, no impact on fundamental aims of Green Belt (preventing sprawl and retaining openness), the area of land falls within the category identified in para 85 of the NPPF (i.e unnecessary to retain in the Green Belt), the proposed development is in a sustainable location and would contribute to the housing needs of the area.

It is considered that the material considerations presented in favour of the development, in this instance, given the history of the Green Belt boundary issue, the acknowledgment from the Council's Legal Dept and Spatial Planning team that errors have occurred re mapping the Green Belt boundary and the fact that the Spatial Planning team are reviewing the boundary of the Green Belt next to this site in the forthcoming Local Plan, and the lack of visual and landscape harm arising from the proposal, combine to offer a compelling argument for amounting to considerations that clearly outweigh the harm to the Green Belt identified. Hence, it is considered that there are very special circumstances that clearly outweigh the harm.

Design/impact on the character and appearance of the area and the street-scene

As noted above, the proposed dwellings are all two-storey and range in height from approx. 7.4m to 8.1m. The design of each varies a little, though they are fairly typical of detached, family type homes erected on modern housing estates. The materials will broadly be red brick with brick detailing, render and hanging tiles in the rooflines of the bays/gables. Plot 1 fronts the turning head at the head of Land Lane; it will have a separate driveway giving access to an attached double garage. Plot 2 is set towards the rear of the site and is served by a joint access for plots 2 and 3. Plot 2 has a detached double garage. Plot 3 is also to the rear of the site and is located at the head of the access shared with plot 2. Plot 3 also has an attached double garage projecting off the front elevation. The access driveways will be constructed in water permeable brick pavements. Waste bins will be stored within the curtilages of each of the dwellings and placed on the pavement on Land Lane on collections days. The proposed layout is that of a cul-de sac.

The design is considered to be acceptable as is the impact on the character and appearance of the area and relationship with the street-scene. Hence, the proposed accords with policies BE1, H13, DC1 and DC35 of the Local Plan.

Impact on neighbour amenity

The site is located on the southern boundary of a housing estate which is adjacent to a Low Density Housing Area (as defined in the Local Plan). The proposed density and distances between properties is commensurate with surrounding neighbouring properties and the area. The distances between the proposed dwellings themselves and the neighbouring properties meet the distance standards outlined in policy DC38, as such the proposed dwellings would not be overbearing nor would they have any significant impact on privacy or outlook from neighbouring properties. Given the siting of the dwellings, their orientation and the distances from neighbouring properties it is considered that there would be no significant impact on existing levels of daylight and sunlight. Existing boundary treatments and the boundary treatments proposed contribute to ensuring appropriate levels of privacy are maintained and created. It is also considered that, given the layout, orientation, boundary treatments and distances between properties the proposed would not result in any significant noise disturbance. Hence, the proposed is considered to have an acceptable degree of impact on the amenities of neighbouring properties and therefore accords with policies DC3, H13 and DC41 of the Local Plan

Highway safety

The strategic highways manager raises no objections to the proposed. The proposed development site is located at the head of a cul-de-sac, and Land Lane is of sufficient dimension to accommodate three dwellings without material impact upon its safe operation. Appropriate levels of off-street parking are provided with each of the proposed dwellings. As such it is considered that there are no highways safety/parking issues arising from the application.

A condition could be attached to any approval requiring a construction method statement to ensure that vehicle movements associated with construction will be undertaken safely.

The applicant will be required to enter into a Section 184 agreement under the 1980 Highways Act for the provision of a footway crossover to serve plot 1, and a separate footway crossover to serve plots 2 & 3.

Bearing these points in mind it is considered that the proposed accords with policy DC6 of the Local Plan.

Forestry/landscaping/ecological issues

The Arboricultural Officer considers there to be no major implications for trees resulting from the proposed development. It is noted that an offsite Oak overhangs the site by 4 metres with a ground clearance of 7 metres. The position of the garage to Plot 2 is shown slightly beneath the canopy of this tree and close to an adjacent suppressed 'C' category Oak, located close to the site boundary. The Arboricultural Officer is satisfied that the position of this Plot satisfies the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction.

The site layout is provided on the site plan with the access driveways clearly indicated and the existing and proposed boundary treatments noted. The layout is considered to be a logical extension of the existing estate at the head of the existing cul-de-sac – the site layout

creating an off-shoot cul-de-sac from the existing turning head. Each plot is provided with a domestic curtilage. The Landscape officer raises no objections, subject to conditions requiring a detailed landscaping plan and implementation of the approved details.

Nature Conservation Officers does not anticipate there being any significant adverse ecological impacts associated with the proposed development. He notes that the adjacent wooded embankment does support a number of common native species and therefore would seek to ensure that this is retained. As the embankment falls outside the site edged red there are no alterations to this area. In order to enhance the value of the development site for bats and breeding birds (thereby leading to a biodiversity gain as required by NPPF) artificial bat roosts and features for breeding birds should be incorporated into the design of the new buildings. This can be achieved via a condition.

Bearing the above comments in mind it is considered that the proposed accords with policies DC8, DC9, DC37, BE1 and NE11 of the Local Plan.

Housing policy and supply

It is considered that the proposed would contribute to the housing needs of the area and comply with all relevant housing policy.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, the points raised in objection have been borne in mind. The design of the proposed is considered to be acceptable and to have an acceptable impact on the area and relationship with the street-scene. The proposed is considered to have a limited and acceptable degree of impact on the amenities of neighbouring properties. There are no significant highways, landscape, forestry or ecological issues arising from the application. There are no significant environmental health matters arising from the application. The proposed would contribute to the housing needs of the area. The proposed does constitute inappropriate development in the Green Belt. It is also considered that the proposed causes additional harm to the Green Belt by virtue of impact (limited) on openness of the Green Belt. Very special circumstances have been presented and it is claimed that these outweigh the harm to the Green Belt identified. It is agreed that the unusual factors of this case, specifically the evidence that the designation as green belt has resulted through a cartographical error, the physical characteristics of the site and the lack of visual harm to the green belt combine to clearly outweigh the identified harm to the green belt.. It is considered that very special circumstances exist and the application be approved, subject to conditions.

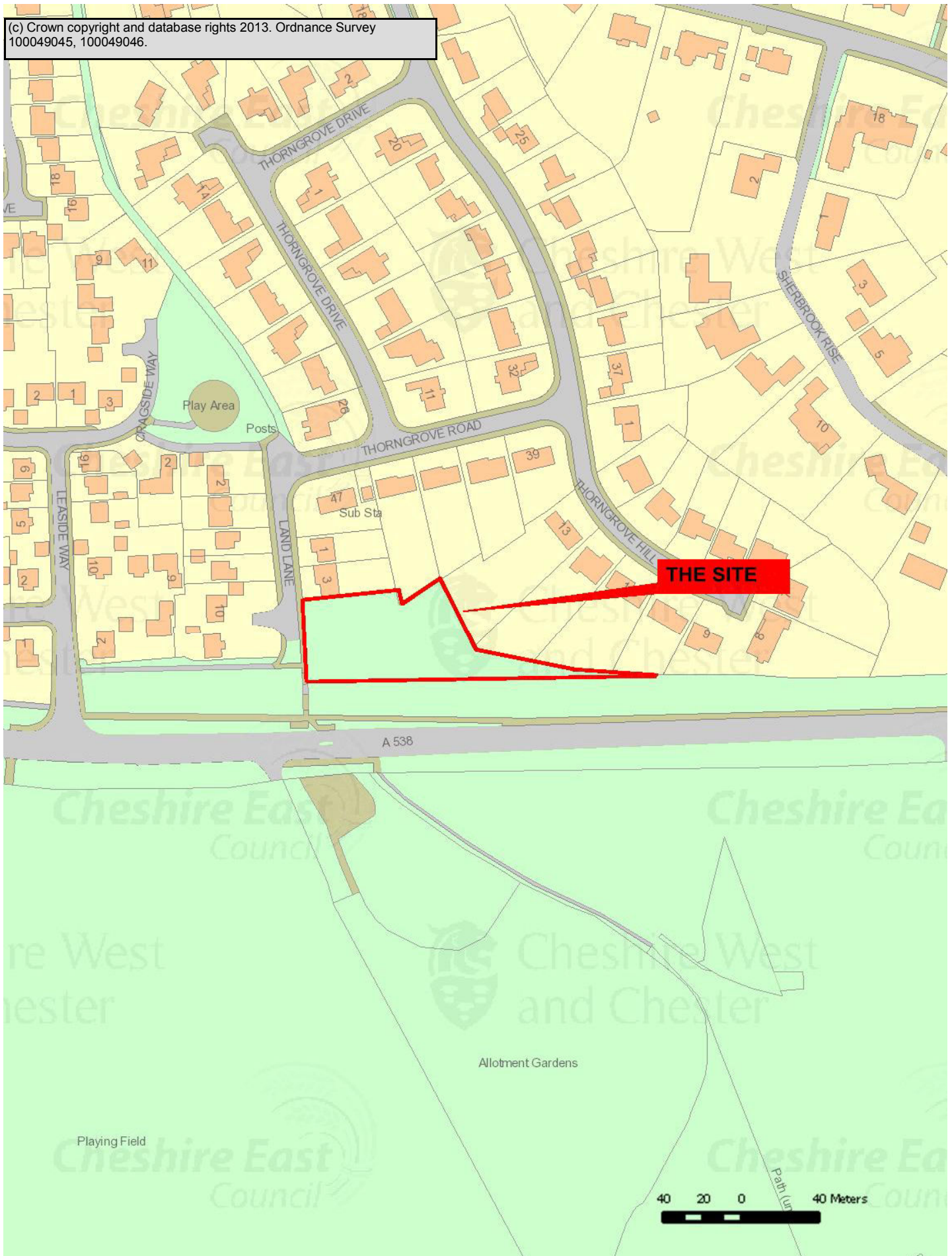
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Developemnt within 3 years
2. In acordance with plans
3. Materials to be submitted

4. Landscape details to be submitted (inc. boundary treatment)
5. Implementation of landscape details
6. Tree protection details
7. Trees to be retained
8. Restrict hours of construction
9. Dust control details
10. Pile driving details
11. Contaminated land Phase I report
12. No gates across drive to plots 2 and 3
13. Submission of construction method statement
14. Submission of details within scheme for roosting bats and breeding birds

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