

Northern Planning Committee

Agenda

Date:	Wednesday, 25th September, 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 - 8)

To approve the Minutes of the meeting held on 25 August 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. **13/1365M-Extensions to the existing care home to provide an increase in the number of bedrooms. There are 40 existing bedrooms, the extensions will allow 29 bedrooms to be added to provide a total of 69 bedrooms. The extensions include enlarging the buildings footprint to the east and west, and adding an extra floor (third floor) to most of the building - the additional floor will be in the form of a mansard. The existing single storey wing, closest to Riseley Street, will be altered to be three storeys (currently one storey), where it faces the site car park toward the west, however the roof of this part slopes down to retain the single storey building closest to the houses on Grosvenor Street for Edmund Carley, Oaklyn Construction Ltd (Pages 9 - 28)**

To consider the above application.

6. **13/1236M-Retention of Tree House, Spinney End, Chelford Road, Knutsford for Hadow (Pages 29 - 40)**

To consider the above application.

7. **13/2655M-Outline Planning Permission for Residential Development comprising up to 6 no dwellings including demolition of all existing buildings on site, Ovenhouse Farm, Henshall Road, Bollington, Macclesfield for J C Wood (Pages 41 - 52)**

To consider the above application.

8. **13/3160M-Variation of condition 17 on planning permission 13/2105M to retain the existing squash court in a modified form to provide a 'palm house' or garden room for the dwelling that is currently under construction, The Coach House, Sparrow Lane, Knutsford for John Ross (Pages 53 - 60)**

To consider the above application.

9. **13/2551M-Change of Use from (A1) Shops to A2 (Financial & Professional Services) to Ground Floor & Basement, 56-58, Mill Street, Macclesfield, Cheshire for Mr E Taylor, John Taylor (Macclesfield) Ltd (Pages 61 - 64)**

To consider the above application.

10. **13/2704M-Change of use of land to airport parking for a period of 6 months use of the year (April to October) - for a temporary period of 3 years, Land at Wilkin Farm, 77, Moss Lane, Styal for Mr T Mitcheson (Pages 65 - 76)**

To consider the above application.

11. **13/3525C-Proposed first floor extension over existing single storey section of dwelling, 39, White Park Close, Middlewich, Middlewich, Cheshire for Mr S McGrory (Pages 77 - 80)**

To consider the above application.

12. **13/1071M-Reorganisation of existing playing fields/ sports pitches including provision of floodlighting to Hockey pitch. Relocation and reorientation of sports Pavilion. Relocation of School parking and coach drop off, to include a new access and egress onto Westminster Road. Replacement of existing ground maintenance buildings and associated hardstanding, King's School, Cumberland Street, Macclesfield Cheshire for Jonathan Spencer-Pickup, King's School, Macclesfield (Pages 81 - 94)**

To consider the above application.

13. **13/0987M-Erection of 38 affordable dwellings - Includes demolition of existing buildings on site, Priors Hill Children's Home, 26 Kennedy Avenue, Macclesfield, Cheshire for Joanne Fallon, Affordable Homes Consultancy (Pages 95 - 112)**

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 28th August, 2013 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors C Andrew, L Brown, B Burkhill, H Gaddum, A Harewood,
J Macrae, D Mahon and D Neilson

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor P Findlow

OFFICERS PRESENT

Mrs P Evans (Planning Lawyer)
Mr N Jones (Principal Development Officer - Highways)
Mr M Lomas (Planning Officer)
Mr T Poupard (Senior Planning Officer)
Miss L Thompson (Senior Planning Officer)
Mrs E Tutton (Principal Planning Officer)
Mr P Wakefield (Principal Planning Officer)
Mrs J Zientek (Democratic Services Officer)

29 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K Edwards and L
Jeuda.

30 DECLARATIONS OF INTEREST/PRE DETERMINATION

With regard to application numbers 13/2415M and 13/2296M, Councillor R
West declared that he had been appointed as a Council representative on
the Board of the Peaks and Plains Housing Trust and that he would
withdraw from the meeting during consideration of these items.

With regard to application number 13/2384M, Councillor R West declared
a pecuniary interest by virtue of the fact that he had worked for Astra
Zeneca and stated that he would withdraw from the meeting during
consideration of this item.

With regard to application number 13/2384M, Councillor B Livesley
declared a pecuniary interest by virtue of the fact that his wife worked for
Astra Zeneca and stated that he would withdraw from the meeting during
consideration of this item.

With regard to application number 13/2402C, in the interests of openness, Councillor D Neilson declared that he had contacted the Ward Members for Alsager to remind them that the item was on the agenda for the meeting. They had confirmed that they agreed with the comments of Alsager Town Council. Councillor Neilson declared that he had not been involved in any discussions regarding the application and had kept an open mind.

With regard to application number 13/2210M, Councillor P Findlow, who was in attendance at the meeting, declared that he lived in close proximity to the development site. Councillor Findlow declared that he would exercise his speaking rights as a Ward Councillor and withdraw from the meeting during consideration of this item.

With regard to application numbers 13/2415M and 13/2296M, in the interests of openness, Councillor L Brown declared that she was the Chairman of the Friends and Residents of Upton Priory, which involved representatives from different organisations, including housing associations, the police and the Council, but that she had not made any comments in respect of the application.

31 MINUTES OF PREVIOUS MEETING

RESOLVED – That, subject to the following amendment to minute 26, the minutes of the meeting held on 31 July 2013 be approved as a correct record and signed by the Chairman:

That condition 3 be amended to read:

3. A06EX - Details and samples of materials to be submitted and approved prior to use of facing materials. Requirement for the roof **and building** colour/materials to be sympathetic to the existing building. (Members requested consultation on materials with the Chairman and Ward Councillor, however the Officer advised that this could not be included as part of the condition as it could not be enforced, however the requested was noted)

32 PUBLIC SPEAKING

RESOLVED - That the public speaking procedure be noted.

33 13/2210M - CONSTRUCTION OF TWO PAIRS OF SPLIT LEVEL SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPE WORKS AT MEADOW HEY, BOLLIN HILL, PRESTBURY; FOR MR J CLARKSON, BRADLEY EDGE LLP

Note: Having exercised his speaking rights as a Ward Councillor, Councillor P Findlow withdrew from the meeting during consideration of this item.

Note: Councillor T Jackson (on behalf of Prestbury Parish Council), Mr J Reeves (objector) and Ms K Ludlam (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

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

The proposed development by reason of its density and introduction of three additional access points would adversely affect the character and appearance of the area within which it is located. It would therefore be contrary to policies BE1, DC1, H13 of the MBC Local Plan and the guidance contained in the Prestbury Village Design Statement which identifies and seeks to protect or enhance the key visual character of the area, it is similarly contrary to the guidance contained with paragraph 55 of the National Planning Policy Framework.

34 13/1236M - RETENTION OF TREE HOUSE AT SPINNEY END, CHELFORD ROAD, KNUTSFORD; FOR MR HADDOW

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

35 13/1259M - ERECTION OF FOUR DETACHED DWELLINGS, EXTENSION OF EXISTING DRIVE AND PROVISION OF TURNING AREA AT LAND TO THE REAR OF OAK PARK; FOR MR STEPHEN PRICE, CHESHIRE HOUSEBUILDERS LTD

Note: Mr S Price (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection. The Principal Planning Officer also reported that revised plans had been submitted.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the satisfactory completion of a S106 agreement to secure a financial contribution of £40,000 for off-site provision of public open space for improvements, additions and enhancement of existing public open space facilities at Alderley Park, Heyes Lane allotments and Chorley Hall Playing Fields

and the following conditions:

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

3. A02EX - Submission of samples of building materials
4. A06EX - Materials as application
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A01GR - Removal of permitted development rights
8. A25GR - Obscure glazing requirement
9. A22GR - Protection from noise during construction (hours of construction)
10. A23GR - Pile Driving
11. A02TR - Tree protection
12. A32HA - Submission of construction method statement
13. Site to be drained on a separate system
14. Phase 2 contaminated land investigation to be submitted
15. All arboricultural works shall be carried out in accordance with Arboricultural Statement
16. Survey for breeding birds to be submitted
17. Development to be carried out in accordance with the recommendations of the biodiversity statement submitted with the application
18. Proposed levels

36 13/2415M - DEMOLITION OF EXISTING THREE-STOREY RESIDENTIAL APARTMENT BLOCK AND SUBSEQUENT DEVELOPMENT OF FIFTEEN NEW AFFORDABLE DWELLINGS AND ASSOCIATED LANDSCAPING AND CAR PARKING AT WINLOWE, BANK STREET, MACCLESFIELD; FOR MS LOVEDAY GIMSON, PEAKS AND PLAINS HOUSING TRUST

Note: Prior to consideration of this application, the meeting was adjourned for a break.

Note: Having declared his appointment as a Council representative to the Peaks and Plains Housing Trust, Councillor R West withdrew from the meeting during consideration of this item.

In the absence of the Chairman, Councillor B Livesley, Vice-Chairman, took the Chair.

Note: Mr N Bennett and Mr A Gray attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the satisfactory completion of a S106 agreement or a Unilateral Undertaking approved by Legal Services to secure:

- Mechanism to ensure that the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure, including a cascade effect in accordance with Cheshire Homechoice.
- Commuted sums of £15,000 to mitigate for the loss of existing open space and for POS in lieu of onsite provision.

and the 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. A08HA - Gates set back from footway/carriageway
 6. A01LS - Landscaping - submission of details
 7. A04LS - Landscaping (implementation)
 8. A12LS - Landscaping to include details of boundary treatment
 9. A06NC - Protection for breeding birds
 10. A04NC - Details of drainage
 11. A22GR - Protection from noise during construction (hours of construction)
 12. A23GR - Pile Driving
 13. Floor Floating (Polishing Large Surface Wet Concrete Floors)
 14. Dust Control
 15. Travel Plan
 16. Bin and Cycle Store in accordance with approved details
 17. Gated Access
- 37 13/2296M - DEMOLITION OF EXISTING BEDSIT BLOCK AND ERECTION OF FIFTEEN DWELLINGS AND ASSOCIATED CAR PARKING AND LANDSCAPE WORKS (RESUBMISSION) AT DYTELEGH COURT, GREENHILL WALK, DISLEY; FOR L ASTWOOD, PEAKS AND PLAINS HOUSING TRUST**

Note: Having declared his appointment as a Council representative to the Peaks and Plains Housing Trust, Councillor R West withdrew from the meeting during consideration of this item.

In the absence of the Chairman, Councillor B Livesley, Vice-Chairman, took the Chair.

Note: Mr N Bennett and Mr P Jeffrey attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be **APPROVED** subject to the satisfactory completion of a S106 agreement or a Unilateral Undertaking approved by Legal Services to secure:

- Commuted sums of £15,000 to provide Amenity Open Space, play and amenity improvements in the vicinity of the development at the Arnold Rhodes playing field and play area.
- 100% affordable housing in perpetuity of an appropriate tenure, including a cascade effect in accordance with Cheshire Homechoice.

and the following conditions:

1. A03FP - Commencement of development (3 years)
2. A03AP - Development in accord with revised plans (unnumbered)
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 - Landscaping to include details of boundary treatment
8. A06NC - Protection for breeding birds
9. A04NC - Details of drainage
10. A22GR - Protection from noise during construction (hours of construction)
11. A23GR - Pile Driving
12. A26GR - Obscure glazing requirement
13. Floor floating (polishing large surface of wet concrete floors)
14. Dust Control
15. Travel Plan
16. Bin and Cycle Store in accordance with approved details
17. Compliance with noise mitigation scheme
18. Contaminated land
19. To accord with Arboricultural Statement

38 13/2384M - NEW FACILITY FOR THE MANUFACTURE OF PHARMACEUTICALS TOTALLING 6668 SQ. M GROSS INTERNAL FLOOR AREA AT ASTRA ZENECA, CHARTER WAY, MACCLESFIELD; FOR MR D AYRES, ASTRA ZENECA

Having declared a pecuniary interest in this application, Councillors R West and B Livesley withdrew from the meeting during consideration of this item.

In the absence of the Chairman and Vice-Chairman, Councillor H Gaddum was appointed to chair the meeting during consideration of this item.

The Committee considered a report regarding the above planning application.

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

1. A03FP - Commencement of development (3 years)

2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A11LS - Implementation of landscaping scheme submitted with application
5. A04LS - Landscaping (implementation details)

39 13/2143M - VARIATION OF CONDITION 3 (RESTRICTION OF CARAVANS FOR HOLIDAY OCCUPATION ONLY) AND CONDITION 4 (RESTRICTION OF OCCUPATION OF CARAVANS DURING ANY YEAR) OF APPROVAL 10/1711M TO PROVIDE ON-SITE STAFF ACCOMMODATION AT THE FORMER HOLLANDS GARDEN CENTRE, CONGLETON ROAD, GAWSWORTH; FOR TONY LOVERAGE

Note: The Planning Officer read a statement that had been submitted by Councillor L Smetham, the Ward Councillor, who had registered her intention to address the Committee on this matter but was not in attendance at the meeting.

Note: Ms L Dowd attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application and a written update.

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

Insufficient justification has been submitted to demonstrate that there is an essential need for the manager of the caravan park to live on the site. In coming to this conclusion regard has also been had to the fact that the site is not yet established or operating as a caravan park. It is therefore considered contrary to policies GC5, GC6 and RT13 in the Macclesfield Borough Local Plan 2004 that seek to restrict development in the countryside and advice contained in the National Planning Policy Framework.

40 13/2402C - PROPOSED CONVERSION AND EXTENSION OF FORMER PUBLIC HOUSE INTO TWELVE RESIDENTIAL APARTMENTS AT THE WOODLANDS, SHADY GROVE, ALSAGER; FOR PUNCH TAVERNS LTD

Note: Councillor C Andrew left the meeting during consideration of this application.

The Committee considered a report regarding the above planning application and a written update.

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

1. Standard 3 year time limit
2. Development to be carried out in accordance with approved plans
3. Materials to be submitted to and approved
4. Submission of details of boundary treatments
5. Details of boundary treatments submitted
6. Details of bin storage / waste strategy to be submitted
7. Hours restriction – construction including delivery vehicles
8. First floor windows in south facing elevation to be obscured and fixed shut below a height of 1.7 metres
9. Details of external lighting to be submitted
10. Car parking spaces to be laid out prior to first occupation

The meeting commenced at 2.00 pm and concluded at 6.23 pm

Councillor R West (Chairman)

Application No: 13/1365M

Location: Trinity Court, Risley Street, Macclesfield, Sk10 1BW

Proposal: Extensions to the existing care home to provide an increase in the number of bedrooms. There are 40 existing bedrooms, the extensions will allow 29 bedrooms to be added to provide a total of 69 bedrooms. The extensions include enlarging the buildings footprint to the east and west, and adding an extra floor (third floor) to most of the building - the additional floor will be in the form of a mansard. The existing single storey wing, closest to Riseley Street, will be altered to be three storeys (currently one storey), where it faces the site car park toward the west, however the roof of this part slopes down to retain the single storey building closest to the houses on Grosvenor Street.

Applicant: Edmund Carley, Oaklyn Construction Ltd

Expiry Date: 06-Aug-2013

Date Report Prepared: 13 September 2013

SUMMARY RECOMMENDATION

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

MAIN ISSUES

- Principle of the Development
- Developer Contributions
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways / car parking;
- Residential Amenity;
- Nature Conservation;
- Environmental Health; and
- Other Material consideration, or matters raised by third parties.

REASON FOR REPORT

This application is brought before Members in line with the Council's Constitution, any development in excess of 10 dwellings should be determined by Committee. The application seeks full planning consent for an additional 29 bedrooms.

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 a nursing home. The site is near to the town centre and Macclesfield District General Hospital. The area is predominantly residential in character, but with some commercial property along one site boundary. The properties range from Victorian, through Edwardian to contemporary.

The site adjoins residential properties to the south, across Riseley Street (three storey Victorian properties), and to the east to the rear of properties on Grosvenor Street (including Western Garage), and to the rear/side of properties which front Whalley Hayes (the road opposite Sainsburys). The site also has a boundary with commercial properties at the top end of Grosvenor Street. To the north of the site (on Cumberland Street) are commercial properties and to the west are a children's day nursery, offices and a Masonic Hall.

The application site comprises a detached part single, part two storey brick built nursing home which was built in the 1980's. The building has brick walls and sloping roofs. The windows are a similar brown colour to the walls and roof. The internal layout of the building is extremely complicated. The existing building is not aesthetically pleasing.

The nursing home has 40 bedrooms and communal lounge areas as well as on site catering and admin rooms. The existing bedrooms do not benefit from ensuite bathrooms. Ensuite bathrooms are very much part of a modern standard for nursing homes. The nursing home has been vacant for approximately 5 years, since it was closed.

The existing nursing home has the main vehicular access from Riseley Street (to the south) and 11 car parking spaces are currently provided in a forecourt area. 4 additional car parking spaces are accessed from Whalley Hayes.

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

The site falls within a Predominantly Residential Area as outlined in the Macclesfield Borough Local Plan 2004.

The application site is bound to the northern boundary by a hit and miss fence (approximately 1m in height) and a 1m to 2m high brick wall to the southern boundary.

The application site is located within a predominantly residential area.

There is a clear mix in the type, age and design of properties within the immediate area (including semi detached, terraced two storey dwellings and commercial properties) and no single architectural characteristic prevails.

DETAILS OF PROPOSAL

Full Planning Approval is sought for the construction of an additional 29 bedrooms. The total number of bedrooms would therefore, be increased to 69.

The proposals also seek to enhance the amenity standards within the care home and bring them up to a modern level of acceptability. Each of the 40 existing bedrooms amenity spaces will be increased by approximately 25% with the provision of ensuite facilities, shower / wet room and WC. The result is a proposal which see an extension of the floor plan outwards towards all the boundaries. This allows for a rationalisation of the structure and simplification of the buildings envelope and built form.

The proposal will enable Trinity Court to have three separate floors to address various levels of care, although all residents will be free to move around the whole building as they choose.

The roof structure would be removed completely apart from the wing on the eastern boundary. The new second floor accommodation would be a mansard type structure clad in slate. The mansard will sit behind a parapet wall, in traditional mansard style, in order to minimise the impact of the additional storey when viewed from ground level. In the main, the additional floor with a mansard style roof will be no higher than the existing ridge height of the building.

Internally, many of the walls (previously required to support the roof structure) would be removed to create brighter, airy spaces. An outdoor roof terrace would be formed on the first floor, on the eastern side of the care home, in the area opposite Western Garage. Two atrium areas would also be formed. The care home would benefit from a communal garden/amenity space around the building.

The main access to the parking area would be from Riseley Street, in a similar position to the existing, therefore, this would allow provision for 11 spaces (including 3 disabled spaces). A further 12 spaces are now proposed off Whalley Hayes. The total number of parking spaces would be 23.

A location has been identified for refuse bins, on the western side of the care home.

The application is made by Oaklyn Construction, a local company who have been providing care for the elderly for almost 25 years in three other facilities.

RELEVANT HISTORY

29149P	40 Place elderly persons home with staff accommodation - Approved - 22-Apr-1982
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66124P Retention of use as elderly persons home -
Approved - 11-Mar-1991

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 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 as allocated 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:

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- NE11 Nature Conservation;
- BE1 Design Guidance;
- RT1 Open Space;
- T2 Provision of public transport;
- DC1 New Build;
- DC3 Amenity;
- DC6 Circulation and Access;
- DC8 Landscaping;
- DC9 Tree Protection;
- DC37 Landscaping; and
- DC38 Space, Light and Privacy
- DC57 C2 Residential Institutions

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 Document (SPD) has been adopted and is a material consideration in planning decisions:-

- Supplementary Planning Guidance on Section 106 Development (Macclesfield Borough Council);

CONSULTATIONS (External to Planning)

HIGHWAYS:

The Strategic Highways Manager raises no objection, subject to a Section 106 agreement attached to the delivery of a site Travel Plan, which would seek to ensure that the proposed level of parking is sufficient to meet the identified needs of staff and visitors. It is considered that these measures are necessary to limit the severity of the proposed development on the amenity of surrounding residential streets.

ENVIRONMENTAL HEALTH:

No objection is raised subject to conditions relating to hours of operation and dust control.

MACCLESFIELD CIVIC SOCIETY:

Macclesfield Civic Society support the scheme in principle. This is a good location for such a facility and its return to beneficial use is to be welcomed. The factors to be assessed include the effect of the increased height and massing upon the amenities of nearby residents in terms of potential overlooking and dominance and secondly, the impact upon the mature tree cover on the site which has value in screening/softening the impact of the new building form.

REPRESENTATIONS

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. Neighbours were renotified twice during the application, firstly, with a revised description of development to ensure that residents were fully aware of all the proposals and secondly following the receipt of a revised car park plan. The last date for comments expired on 21st September 2013.

Representations have been received from 8 properties on Grosvenor Street, Whalley Hayes and Cumberland Street. The objections/concerns raised are summarised as follows:

- Affect on privacy / overlooking and consequential loss in property value;
- Lack of clarity from the plans;

- Existing loss of early afternoon sun to properties on Whalley Hayes due to the size of the Lime Trees that run along the boundary from Whalley Hayes towards Riseley Street and the Tree at the front of Trinity House,
- In the proposal, Trinity Court is referred to as an "existing nursing home". However, the property was in fact a residential care home subject to specific legislation. The legislation specific to nursing homes can have a major impact on the requirements which would have to be included in the proposed plan for the site;
- Lack of parking despite the increase in clients, staff and visitors.
- There is no indication of a supply of disabled parking;
- There is no indication of trade access and parking;
- Parking on Cumberland Street is open to public parking and two parking spots are directly in front of a fire exit;
- One of the residents of Crockatt House is worried that residents and visitors do not park on the car park by Crockatt House, otherwise, no further objections are raised.
- The impact of outdoor security lighting on residents' properties, and potential to infringe on privacy;
- The building footprint is to be increased by approximately 30% which reduces the garden area for clients;
- The application indicates that the property is currently NOT vacant. I understand the property IS currently vacant;
- There should be no building working on Saturday or Sunday Extensive gardening work has already been carried out on a Sunday (2nd June) despite the assurance on the proposal that building work will only occur Mon-Sat.;
- Confirmation of who owns and maintains the retaining boundary wall between the back gardens of Grosvenor Street and Trinity Court is requested. When this was owned by Trinity they declared they owned it and were responsible for maintenance. Trees have been removed on Trinity's Grounds and this has caused severe damage to the wall on both sides;
- An assurance is needed that the new owners will keep the tree/shrub growth under control on the Trinity side of the wall between Trinity and Grosvenor Street. Damage to the wall and even the possibility of it being pushed over is possible if trees are left to grow too close or even into the brickwork;
- The area around the complex is a good residential area where residents take pride and care of their surroundings. Increasing the height and the capacity of the home simply seems "out of place" here. It cannot be described as being sympathetic with the immediate area.

APPLICANT'S SUPPORTING INFORMATION

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Planning Statement
- Arboricultural Statement
- Heads of Terms for S106 legal agreement.

OFFICER REPORT

Principle of the Development C2 - INSTITUTIONS:

The site is identified as being within a predominantly residential area within the Macclesfield Borough Local Plan.

There is no objection in principle to the extension of the care home within a predominantly residential area. It is considered that this development on this site would provide a much higher standard of accommodation than that already available.

The relevant Local Plan Policy for assessing this application is Policy DC57. This policy states that proposals for residential institutions, accommodating seven or more people will be subject to the following criteria:

1. The site must be close to local facilities such as bus services, local shops and other community facilities and is normally sited in a residential area;
2. a satisfactory balance of residential uses must be maintained in any neighbourhood and that the concentration of specialist housing and care facilities is avoided;
3. the development must not materially prejudice the amenity of neighbouring property by virtue of overshadowing, overlooking, loss of privacy and noise disturbance;
4. the development must comprise a reasonable sized private garden in the order of 10 sq metres per resident, for the use of residents, which has a pleasant aspect and is not overlooked or overshadowed;
5. that the development satisfies the general requirements for all developments including the provision of on site car parking for residents, staff and visitors;
6. vehicular and pedestrian access should be safe and convenient, particularly by the adequate provision of visibility splays.

Each of the above criteria is addressed below: -

1. The site falls in a sustainable location, close to the town centre, shops and facilities. Bus routes run close to the site.
2. Although the Macclesfield District General Hospital and Prestbury House Care Home are nearby, it is not considered that the extension of this existing care facility would give rise to a concentration of specialist house.
3. As the site is surrounded by existing residential properties to the east and south and commercial properties to the west. The relationship between these properties and the proposed extended care home has been considered. Local Plan policies DC3 and DC38 relate to amenity for residential development. DC38 sets out guidelines for space between buildings which developments should aim to meet. These policy tests have been taken into account when assessing this application

and whilst the scheme is a high density scheme that is compact, it is considered that this scheme broadly accords with these guidelines.

In further detail, working in a clockwise direction around the site from the north: -

The north east elevation - fronting Whalley Hayes.

- There are no properties opposite this elevation.

The east elevation - fronting the side elevation of 58 Whalley Hayes.

- The distance between the proposed extended care home and the side elevation of no 58 Whalley Hayes would be approximately 24m – Local Plan Policy DC38 requires a minimum distance of 16.5m for the interface distance between a three storey building with habitable rooms and side elevation of another property. Although the proposal includes the addition of a third floor, there would be no increase in the height of the care home and due to the orientation of the properties, it is not considered that there would be a significant loss of light to the properties fronting Whalley Hayes.

The east elevation – fronting the rear elevation of Western Garage.

- A first floor roof terrace is proposed approximately half way along the eastern elevation of the care home. This would face Western Garage. It is not considered that there would be a significant impact on neighbouring properties due to the distance of the roof terrace from the boundary and mature tree cover.

The east elevation - fronting the rear elevation of 9 Grosvenor Street.

- The distance between the proposed extended eastern elevation of the care home and the rear elevation of 9 Grosvenor Street would be approximately 21.5m – Local Plan Policy DC38 requires a minimum distance of 16.5m for the interface distance between a blank elevation of a three storey building and rear elevation of another property.

The east elevation - fronting the rear elevation of 3 - 9 Grosvenor Street.

- The distance between the proposed extended eastern elevation of the care home and the rear elevations of nos 3 – 9 Grosvenor Street would be approximately 21m – Local Plan Policy DC38 requires a minimum distance of 25m for the interface distance for the back to back distances between a rear elevation with habitable rooms and the rear elevation of another property. The potential for overlooking to these properties was considered by the original architects of the care home and the proposals do not encroach significantly on this area. The Grosvenor Street properties are at a lower ground level than the care home site and there is a wall on the boundary between the properties. Given that the care home would only be single storey in this part of the site, it is considered that there would be no

overlooking from the care home windows, and the extended care home would not appear overbearing.

The south elevation - fronting the 8-12 Riseley Street.

- The distance between the proposed extended two/three storey southern elevation of the care home and the front elevation of the Riseley Street properties would be approximately 19.5m – Local Plan Policy DC38 requires a minimum distance which would range between 16.5m and 21m for the interface distance for the front to front distances, dependant on the siting of windows. In this case there is one window on this elevation, opposite no. 10 Riseley Street. Given that this relationship would be at a slight angle and there is a degree of screening provided by mature trees along the Riseley Street boundary, it is considered that this relationship would be acceptable, and the extended care home would not appear overbearing.

The western elevation – fronting commercial properties.

- The western elevation of the extended care home would largely face commercial properties and this relationship is considered to be acceptable. The southern wing would have some windows incorporated in it on all three floors, however, due to this elevation being at an approximately 80 degree angle; it is not considered that there would be a significant amount of overlooking.

In conclusion, 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.

4. Accommodation would be provided for up to 69 residents. This would require a private garden in excess of 690 sq metres for the use of the residents. The garden area on the eastern side of the care home would be in excess of 1 000 sq metres, which would have a pleasant aspect and due to the mature landscaping, it would not be overlooked, or overshadowed;
5. The existing car parking provision would be retained and parking provision for 23 cars would be made available. The site lies in a highly sustainable location and the Whalley Hayes car park is located close by. The Strategic Highways Engineer has raised no objections, this matter is considered on more detail below under the highways section.
6. Given the historic use of the site as a care home, the Strategic Highways Engineer raises no significant concerns with regards to vehicular or pedestrian access.

The proposal therefore complies with the key relevant Development Plan policy for care home development: DC57. In accordance with paragraph 14 of the NPPF, the decision taker should be granting permission unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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.

Developer Contributions:

The Council would be looking for a commuted sum in order to provide Amenity Open Space within the immediate locality. Additionally, in accordance with the Councils SPG on S106 (Planning) Agreements, in line with the current CEC policy.

The SPG requires a contribution of £750 per bedroom, therefore the total contribution required based on 29 bedrooms is £21 750. The requirement for play and sport and recreation are waived in recognition that future residents are unlikely to make use of such provision.

The commuted sum would be used to make amenity improvements, additions and enhancements in West Park, which is across the road from the development. Amenity improvements include by way of example; seating, landscaping, access improvements, signage and interpretation etc and may also include projects specifically targeted at the future residents of the care home, such as appropriate fitness equipment.

Design, Layout and Visual impact:

The proposed extensions are clearly large in nature, by virtue of the way the buildings footprint would be made both wider and the fact that the majority of the site building would be increased in height from two to three stories to provide the additional bedrooms. The central section would have an additional storey added in order to make a large reception/foyer area and communal areas on the upper floors, which would have atrium roofs above.

The existing building has a dated appearance. The proposals add larger amounts of glazing and the render will provide a modern design.

It is considered that the scale of the development is in keeping with the massing, rhythm and general character of the existing context.

The external walls would be treated in a mixture of render (colour to be agreed) and hanging slate. The pitched roofs would be slate. These materials are considered to be acceptable for this location.

Landscape/Trees:

The Arboricultural Officer has been consulted with regards to the proposal and raises no objections.

The proposed re-development of the site can be accommodated with the removal of a limited number of low value trees and shrubs, the impact of which on the amenity of the area is considered negligible.

The two primary alterations to the existing site in arboricultural terms relate to the expanded build footprint and alterations to the car parking layout.

Some trees are highlighted for removal within the group which front Riseley Street. These are considered to be of low value. These don't form part of the existing Tree Preservation Order on the site which was served in 2007, and are not considered worthy of formal protection.

The revised car parking layout associated with the southern aspect of the site encroaches within the Root Protection Area of the linear group of Limes which form the Riseley Street frontage. Existing levels appear to be able to accommodate the revised layout with new hard surfacing to be installed to an engineered designed specification and method statement. It is considered that this relationship would be acceptable.

The expanded build footprint has no direct implications in terms of its direct impact on protected trees with the revised footprint established an acceptable distance from the group adjacent to 58 Whalley Hayes. The tree adjacent to 11 Grosvenor Street was omitted from the Tree Preservation Order as a result of its position in relation to the existing building. A number of areas of ground protection, and an engineered designed surfacing treatment will be required, but this can be accommodated within current best practice guidelines, without detracting from the trees

The revised footprint does not establish a significantly worse relationship to the protected trees. Issues of light and nuisance, should an application be received under the TPO legislation, could be confidently dealt with on merit.

With an appropriate condition, officers are comfortable that the development can proceed without having a detrimental impact on the protected trees and the proposal is considered to comply with Policy DC9 of the Local Plan, which seeks the retention of protected trees.

The majority of the existing boundary treatments can be retained and 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 raises no objections to the proposals. The site is located within a comfortable walking distance of amenities and essential services within the town centre, with the main retail centre lying within a five minute walk of the site entrance, and all local (bus) and strategic (rail) public transport connections no further than 10 minutes travel on foot.

The site is therefore considered to be sustainable for the purposes of promoting viable alternatives to staff that would be employed at the site.

The Strategic Highways Manager has reviewed the proposal and would make the following comments on highways and transportation grounds. All recommendations are provided within the context of the National Planning Policy Framework (NPPF), which states that "severe"

residual cumulative impacts should be demonstrated in order to prevent or refuse a development on transport grounds (para. 32).

Access and Parking

The principal means of access to the site would be via Riseley Street, as per that of the historic care home use on the site. It would provide access to 11 car parking spaces. A further 12 spaces would be provided to the rear of the site (via Whalley Hayes), utilising existing bays located at 90 degrees to the public highway. The total proposed parking provision at the site would be 23 spaces. This figure represents an increase from the 15 originally proposed by the applicant, and therefore represents a degree of betterment in the region of 50% to that originally considered.

Notwithstanding the sustainable location of the site, the supply of parking has been regarded as a concern by the Strategic Highways and Transportation Manager, both in terms of employees at the site, and visitors during designated periods. It is clear that the level of provision identified at the site does not correspond to recommended standards contained within Cheshire East's emerging guidance. For a C2 use operating as an "Extra Care" facility, the following standards are provided:

- Residents: 0.5 per unit and 1 per 3 units (for visitors)
- Staff: 1 per resident staff and 1 per 2 non-resident staff
- Facilities (open to non-residents): 1 per 4 sq.m

Notwithstanding the above, it recognised that a site specific approach is often preferable at sites where representative data exists. Furthermore, the guidance states that the number of people that visit residents by car will depend partly on the accessibility of the site. "Those in more accessible areas should be permitted fewer parking spaces."

The Planning Statement asserts that the site would create employment for 80 staff; however, in view of the 24 hour a day / 7 day a week operation of such sites, it is likely that the actual requirement at a specific time would be significantly less than this, and the applicant's prediction that there would be a requirement for approximately 15 staff at a given time appears sensible. Notwithstanding this, there would be additional demands upon parking created at shift change times that would potentially create congestion within the site and its environs if the available resource is not managed correctly from the commencement of operations at the site.

Discussions have taken place with the applicant's agent, as a means to define the potential demand at the site within the context of representative examples that are operated elsewhere by the applicant / operator. In this instance, information has been provided for a site which is of a similar size (51 beds), and offers a similar level of care provision to that proposed at Trinity Court, albeit in a less accessible location. Where applicable, the levels of recorded demand have been factored upwards to reflect the 69 bed site as proposed at Trinity Court.

This process is summarised below:

Resident Parking

Firstly, due to the extra care nature of the site, the applicant has confirmed that the vast majority of residents would be infirm and therefore unable to independently leave the site. As such it is considered reasonable to not provide a parking allocation for residents as they are highly unlikely to require use of a vehicle.

Visitor Parking

Secondly, if visitor parking standards are applied in accordance with the prescribed standards, there would be a requirement for circa 23 spaces. This figure would represent the full parking allocation at the site, without accommodating the needs of staff. Notwithstanding the prescribed standards, in this instance it is considered that the prescribed standard is overly onerous in view of the location, and the type of care that would be provided at Trinity Court. To this end, further scrutiny of potential demand has been carried out, and the applicant has provided profile data of visitor arrivals and departures from one of their other sites over the course of a representative week.

The highest recorded level of demand for an individual day (08.00-22.00) was 21, with the duration of stay typically around an hour to an hour and a half. Factoring this data upwards to represent the Trinity Court site, the maximum daily demand (for 69 beds) would be 28. Again, looking at profiles of activity, the demand for parking during peak visitor periods is unlikely to exceed 8 spaces during a given visiting period.

Staff Parking

The prescribed standard for staff parking is 1 space per 2 non-resident staff. Again drawing up representative data from the Laurel Bank site factored to reflect the Trinity Court site, the peak level of staff activity is anticipated to be 20, which would equate to a recommended level of 10.

On-site parking summary

Notwithstanding staff shift change periods, where there is likely to be additional demand, it is considered that the 23 parking spaces that are now proposed are sufficient to accommodate the typical daily parking requirements within the site, without creating an off-site problem on surrounding residential streets. The reasons for this conclusion takes into account the local resident parking scheme that prohibits such activity, and the availability of public parking within the adjacent Whalley Hayes Car Park. To reinforce this, it is recommended that a site Travel Plan be delivered under a Section 106 Agreement, to provide suitable information to staff and visitors regarding these matters, and the sustainable travel options that are available.

Resident Parking Zone H (Riseley Street)

The immediate frontage to the site on Riseley Street is of a residential nature, characterised by terraced property. It has been subject to historic occurrences of on-street parking nuisance associated with major trip attractors to the area, including the town centre and the nearby General Hospital. To this end, the local street network defined by Cumberland Street to the north and Chester Road to the south has been designated as the Macclesfield Zone H

Residents Parking Zone (Prestbury Road), and was implemented in 2011. The zone includes Riseley Street and its immediate environs, with designated bays, and “No Waiting” restrictions to prevent parking outside of the permitted area. This scheme effectively reduces opportunities for users of the Trinity Court Scheme to use local streets for parking purposes to the immediate south of the site without penalty.

Whalley Hayes

To the northern frontage of the site, Whalley Hayes is of strictly limited width, and therefore, not conducive to parking, as it would potentially obstruct the onward flow of traffic close to the junction with Cumberland Street. There is an existing “No Waiting at any Time” plate at this location; however, it is relatively inconspicuous at present and not reinforced by associated road markings such as double yellow lines. It is considered that additional enforcement is required at this location to prevent overspill parking from the site at this sensitive location.

Public Parking

It is fully acknowledged that the sustainable location of the site provides ready access to sustainable travel modes and amenities within the town centre. It also enables access to significant levels of public parking within a comfortable walking distance. The closest parking provision is located at Whalley Hayes within 75 metres of the site entrance, with 258 spaces available on a daily basis. The tariffs for this car park range between 70p for one hour, up to £5.50 for the full day. Furthermore, the Whalley Hayes car park is available at no charge after 3pm, therefore, should there be occasional requirements for additional parking over that stated above, it is considered that the Whalley Hayes car park would provide a suitable alternative to meet residual demand if necessary during evening visiting periods.

Emergency Vehicles

It is noted that there is no specific provision has been identified at the nursing home for the accommodation of ambulances. It is expected that such provision would be likely at such a facility and therefore, further details of how ambulances would be accommodated have been requested.

Highways Summary

In summary, the Strategic Highways Manager raises no objection, following the provision of additional parking (totalling 23 spaces), and representative information regarding typical daily activity at other sites that the applicant operates, subject to a Section 106 agreement attached to the delivery of a site Travel Plan, which would seek to ensure that the proposed level of parking is ultimately sufficient to meet the identified needs of staff and visitors.

- Provision of a suitable parking management plan, identifying relative priority for the following user groups:
 - Residents (including those with disabilities)
 - Staff (including lone or vulnerable users on late shifts)
 - Visitors
 - Emergency Vehicles

- Promotion of sustainable measures to staff and visitors:
 - Information for walking, cycling and public transport
 - Viable incentives to use of sustainable modes (discounted travel, national bike schemes etc)
- Provision of suitable information to visitors regarding the use of the Whalley Hayes car park, in the event of there being no parking available within the site.
- Provision of suitable information regarding the local resident parking scheme, and the penalties that would result from parking within a restricted area.
- Provision of appropriate covered cycle parking in accordance with emerging Cheshire East Standards

Accessibility:

The purpose of the building is to provide a safe and tranquil environment for elderly people, many of whom will be wheelchair users, have sight and hearing impairment, and require a high level of carer attention. Aside from the standard observance of such details as flush thresholds, appropriate door and corridor widths and conveniently located electrical controls, the applicants have ensured that the expansion and simplification of spaces enhances the overall environment for its end users. All of the communal amenity areas have adjacent toilets and subsidiary food preparation areas. Colours will be light and simple with bold primary colours, identifying significant items such as handrails, doors, or changes of floor texture – providing clarity, as well as aesthetic appeal.

While the existing lift is proposed to be retained, it is understood that it is woefully inadequate for its purpose and inappropriately located. A new, larger lift is proposed, located prominently within the expanded entrance foyer.

In the event of fire, under the British Standard regime, the evacuation times are significantly extended. The applicant has provided generous refuge areas at each staircase landing, to allow staff the time to effectively evacuate the residents with the appropriate equipment.

Nature Conservation:

The Council's Ecologist has confirmed that there are unlikely to be any significant ecological issues associated with the proposed development.

Environmental Health:

The application site is surrounded by a mixture of both existing residential properties and commercial 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 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 Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require a contaminated land Phase I report site and any subsequent remediation required.

OTHER MATERIAL CONSIDERATIONS

It is considered that the majority of issues raised by residents have been addressed in the main body of the report above. In addition, the following is noted: -

- The loss of property value is not a material consideration,
- This issue of security lighting has been raised.
- It is understood from the applicant that the existing security lighting is temporary, as the building has been targeted by vandals and been the subject of criminal damage. It is considered that it would be reasonable to allow low level, security lighting on the building, to assist staff and residents alike. However, in the interests of protecting neighbour amenity, it is recommended that a condition is attached to require details of any lighting to be submitted prior to installation.
- The agent has confirmed that the boundary wall is historic and was in existence before the modern domestic residences on Grosvenor Street, therefore the boundary wall must be the responsibility of the applicant. Ultimately, any disputes about repairs and maintenance of the wall are a civil matter.
- The applicant has provide assurance that the grounds will be landscaped to the benefit of the residents of the care home, however, they will endeavour to provide benefit to the neighbours too.
- One of the residents of Crockatt House is worried that residents and visitors do not park on the car park by Crockatt House. The car park adjacent to Crockatt House is privately owned and therefore it will be up to its owner to ensure that it is only utilised by residents of Crockatt House.
- Officers requested further information on the likely levels of staff who may be present on site at any one time. The applicant has confirmed that staffing levels will follow shift patterns with the expectation of 16 - 20 persons on site at any one time. The applicant aims to give employment to both young and more mature people who live locally and who may walk, cycle or use public transport to travel to Trinity Court. The applicant considers that the proposed number of parking spaces will be sufficient for normal daily traffic i.e. staff, doctors, ambulance and disabled access. The applicant is in addition,

happy to propose a travel plan for both staff and visitors to the care home, which could be secured by way of a S106 Legal Agreement as noted by the Strategic Highways Manager.

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 a modern form of care home provision 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
- The proposal accords with relevant policies of the Development Plan and therefore, should be approved without delay.

It is considered that the proposed extension to the care home to provide an additional 29 bedrooms is acceptable and the application is recommended for approval subject to conditions and the completion of a Section 106 Agreement.

HEADS OF TERMS

- Commuted sums of £21 750 to provide Amenity Open Space at West Park.
- The delivery of a site Travel Plan and monitoring fees. It is considered that these measures are necessary to limit the severity of the proposed development on the amenity of surrounding residential streets:
 - The Travel Plan would look to achieve the following, not only from the perspective of limiting impact upon local parking, but also in terms of the commercial benefits to the operator:

Provision of a suitable parking management plan, identifying relative priority for the following user groups:

- Residents (including those with disabilities)
- Staff (including lone or vulnerable users on late shifts)
- Visitors
- Emergency Vehicles
- Promotion of sustainable measures to staff and visitors:
- Information for walking, cycling and public transport

- Viable incentives to use of sustainable modes (discounted travel, national bike schemes etc)

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 commuted sum in lieu for amenity open space is necessary, fair and reasonable, as the proposed development will provide an addition 29 bedrooms in a care home, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities accordingly. The contribution is in accordance with the Council's Supplementary Planning Guidance.

A Travel Plan with associated measures is necessary, fair and reasonable, as it is considered that these measures are necessary to limit the severity of the proposed development on the amenity of surrounding residential streets:

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

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

1. A03FP - Commencement of development (3 years)
2. A05EX - Details of materials to be submitted
3. ATRA1 - Tree retention
4. ALS61 - landscaping - details of boundary treatment
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A22GR - Protection from noise during construction (hours of construction)
8. A17MC - Decontamination of land
9. A04HP - Provision of cycle parking
10. All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement
11. Bin and Cycle Store in accordance with approved details
12. Dust control

13. Plan to be submitted which shows location for service / emergency vehicles to park

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Application No: 13/1236M
Location: SPINNEY END, CHELFORD ROAD, KNUTSFORD, WA16 8LY
Proposal: Retention of Tree House
Applicant: Haddow
Expiry Date: 20-May-2013

Date Report Prepared: 14 August 2013

SUMMARY RECOMMENDATION

Approval, subject to conditions.

MAIN ISSUES

- The main issue is the effect of the tree house on the general living conditions of people living in the surrounding area by reason of loss of privacy and outlook, noise and disturbance and light intrusions.

REASON FOR REPORT

The application has been referred to Northern Planning Committee at the discretion of the Northern Area Manager.

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

DESCRIPTION OF SITE AND CONTEXT

The site comprises Spinney End, a large property that has been extended over the years; the house adjoins the neighbouring property to the east. The property has a paved area to the front of the house and a detached garage and summer room set to the west of the property. The house sits amidst mature secluded gardens with a wooded back drop; the grounds extend to over two thirds of an acre. Access to the property is from a long private drive to Chelford Road.

The site is located within a Predominantly Residential Area and the Legh Road Conservation Area.

DETAILS OF PROPOSAL

This application is retrospective. The applicant has stated that they erected the structure within their garden under the misapprehension that it was permitted development. As the

structure exceeded the height limitations for permitted development, this application seeks to regularise the building.

The tree house is located in the large rear garden of a dwelling Spinney End, to the North. Whilst it would stand between two attractive mature trees, it is an independent structure, not attached or supported in any way by the trees.

The tree house is located some 30m to the south of Spinney End at the bottom of their garden. It would stand the following distances from the boundaries of the plot of Spinney End: about 6.5m from the rear boundary with No. 3 (Walmer Cottage) Green Acre Close; 2.2m from the west side boundary with the rear garden of Cherry Trees that adjoins Spinney End and approx 10m for the east side boundary. To the south of the application site lies, there is a cul-de-sac of five dwellings known as Green Acre Close, off Parkfield Road. Three of the closest of the properties of Green Acre Close to the application site have raised objections to the scheme, Nos. 2, 3 and 4. To the south of the site is the rear garden of Keisley, a property that faces Parkfield Road. This property has also raised objections.

The proposal comprises of three timber platforms with a timber house, measuring about 4.5 metres to the ridge and 1.8m wide, siting on the lower and middle platform. The lower platform starts with steps from ground level rising to about 0.9m from the ground. This then rises again with a second set of steps to a level platform about 2.1m above ground level. This level is where the timber house is accessed and there is also a 'firemans' pole', cargo net and slide to ground level. The third platform is situated to the east and is access via a rope bridge. The third platform is 2.1m above ground level and there is a climbing wall attached to the north. Below this platform is a 'jail'. The scheme has been amended to include screening on the third platform, in the form of *castle battlement* style timber balastraide. This screening would be 1.5m high.

The tree house forms a centre piece to a newly completed pebbled playground area, which includes swings, trampoline, sandpit and summer house. However, these elements do not require planning permission.

RELEVANT HISTORY

There is no relevant planning history on this site.

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 form 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 application site lies within a Predominantly Residential Area, within an Area of Special County Value and within the Legh Road Conservation Area, therefore the relevant Macclesfield Local Plan policies are considered to be: -

- Policy H13: Protecting Residential Areas;
- Policy NE1: Landscape Protection and Enhancement;
- Policy BE1: Design Guidance;
- Policy BE3: Development must preserve or enhance the Conservation Area;
- Policy BE4: Conservation Areas;
- Policy BE13: Legh Road Conservation Area, Knutsford;
- Policy DC1: Design – New Build;
- Policy DC2: Design – Extensions and Alterations;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access; and
- Policy DC9: Tree Protection.

Local Policies can be read in full with the Macclesfield Local Plan (January 2004), with an electronic copy on the planning pages of the Council's Website.

Other Material Considerations

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.

- Paragraph 9: Achieving Sustainable Development;
- Paragraph 14: The presumption in favour of sustainable development;
- Paragraphs 56, 57 and 61: Requiring good design; and
- Paragraphs 196 and 197: Determining Applications.

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.

The National Planning Policy Framework can be read in full with an electronic copy on the Department for Communities and Local Government's Website.

CONSULTATIONS (External to Planning)

Environmental Health: The above application has been assessed by Environmental Protection Officers: Public Protection & Health, Air Quality and Contaminated Land. There are no objections/ comments to be raised.

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council: If the tree house does not affect the privacy of adjacent properties, have no objections.

REPRESENTATIONS

Objections to the scheme have been made by Leith Planning Ltd on behalf of the local residents at Nos. 2, 3 and 4 Green Acre Close and Keisley, Parkfield Road.

These neighbours believe that the proposed development is far from an innocuous amenity for children, it is injurious, harmful and offensive. It is an engineered, large, elevated structure built on the boundary of the property with no regard for the residential amenity of neighbours. As a small children play structure it is unacceptable, when compounded by illumination and use by adults late in the evening it moves into the realms of offensive.

They have requested that the application be refused for the following reason: -

1. The tree house by reason of its scale and height would be an obtrusive and incongruous feature detrimental to the character of the Legh Road Conservation Area and the setting of neighbouring properties, contrary to policy BE13 of the adopted Macclesfield Local Plan (2004). Furthermore, if approved, it would set an unwelcome precedent for similarly large structures in rear gardens, within the Legh Road Conservation Area and Area of Special County Value.
1. The tree house and associated raised platform would, by way of its height, permit views into the amenity space of neighbouring dwellings to the south. The resulting overlooking and perception of overlooking are considered to be harmful to the amenity space of neighbouring dwellings, along with the impact of noise associated with increased activity; contrary to the policy H13 of the adopted Macclesfield Local Plan (2004).

The objection letter also references other planning issues such as:

- Interpretation of Development Plan Policies;
- Government Advice and Local Plan Policy;
- Principle of Development;
- Localism Agenda;
- Procedural Matters;
- Similar Applications;
- Lack of a Conservation Application;
- Lack of Arbicultural Survey;
- Lack of Ecological Survey
- Comments on Landscape Scheme/Boundary Treatment;
- Comments on Lighting

- Suggested Conditions; and
- Question whether the New Summerhouse is PD.

The amendments to the scheme have been shared with the neighbours and they have stated that the revisions to the plan have done little to alleviate their concerns. They believe that the development is still in breach of the referable provisions of the development plan as detailed above. The tree house and associated raised platform would still, by way of its height (in certain areas, increased height), permit views into the amenity space of neighbouring dwellings to the south, as comprehensively detailed in our Objection Submission (dated 26/04/2013). The resultant overlooking and perception of overlooking are considered to be harmful to the amenity space of neighbouring dwellings, along with the impact of noise associated with increased activity; despite the additional screening provision proposed on the revised plans.

Additionally, it is noted that the revised plan proposes an additional 'timber ballustrade to form battlement of castle feature'. This proposed feature will increase the height of the eastern element of the Tree House, in a location adjacent to the boundary of the curtilage. It is considered unreasonable that under circumstances where we would expect mitigating changes to the plans, the applicant has further heightened the proposal, in turn, increasing the impact on the amenity of neighbouring properties.

In light of the above, we would ask that the application be refused and the tree house be removed, in circumstances where the applicant appears to offer little mitigation.

Additional objections to the scheme and rebuttal on the previous committee report have been made by Leith Planning Ltd on behalf of the local residents at Nos. 2, 3 and 4 Green Acre Close and Keisley, Parkfield Road, dated 23 August 2013, and these can be summarised as follows:

- Interpretation of Development Plan Policies;
- Government Advice and Local Plan Policy;
- Principle of Development;
- Localism Agenda;
- A Conservation Application is required;
- An Agricultural Report is required;
- An Ecology appraisal is required;
- Further details of landscaping mitigation would be required to give reassurance to the neighbours;
- Requested that conditions are incorporated on the application that require the removal of the lights, the tree house remains ancillary to the main dwelling and PD rights are removed;

The comments in the rebuttal can be summarised as; -

- It is noted that this application does not benefit from permitted development and as such should be determined with no bias toward such a benefit;
- It should be noted that the 'battlement of castle' feature, resulting from the addition of timber balustrade to the east platform has been neglected from the description of the proposal;

- It is also noted that this addition has increased the height of the east element, at a point adjacent to the boundary;
- It is noted that Section 3 & 4 deal comprehensively with the development plan and the referable provisions of both the National Planning Policy Framework and the Macclesfield Local Plan;
- It is felt that given the location of the application site and the description of the development that certain statutory consultees should have been involved, including; Tree Officer, Ecologist and Landscape Officer;
- Given the brief response provided, it is therefore a concern that the Parish Council has not undertaken a visit and is therefore reliant on the opinions of others.
- The neighbours can confirm that their opinions and views have not changed, despite revisions to the plans and attempts to mitigate the development. They respectfully request that this application be refused and the tree house removed from the application site.
- Amendments are considered to be derisory attempts to mitigate what is considered to be unlawful development and the detrimental impact on neighbouring amenity as a result.
- It is a concern, given that the Case Officer has visited site that they can consider the structure to be 'not unduly prominent', given that he 'sympathy with the neighbouring properties';
- These revisions to the scheme are felt to add to the visual impact on the neighbouring properties, adding further height to an already oversized development.
- They feel that little mitigation would be offered through this provision and fail to see it as 'screening', in circumstances where foliage is only carried for 5 months of the year.
- It is evident that the Case Officer has noted the issue of overlooking from the tree house into neighbouring properties and as he states, he has 'sympathy with the neighbouring properties'. It is therefore a concern that he then goes on to report that the development is 'not duly prominent' despite the elevated position and close proximity to No. 3.
- The neighbours would contend that the 'noisy' activities resulting from the development would have an unacceptable impact on the neighbour's enjoyment of their amenity space. This is a further concern given that the Case Officer has noted that 'there is no way that disturbance of this sort can be effectively mitigated. Given this adverse impact on neighbouring amenity, they would request that the application be refused.
- Comments on Agricultural information is considered to be contradictory.

A full copy of all the comments made by the local residents toward this application as summarised above, can be viewed on the electronic file on the Council's public access website.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a *Design & Access and heritage Statement*, details of which can be viewed on the electronic file on the Council's public access website.

Determination:

During the course of the application, officers did seek to negotiate a solution that would be acceptable to all parties, the applicant and the neighbours. Whilst this was unsuccessful, the applicant did confirm the following:

The reason behind the height of the platforms: The platform was set at the current height as it allowed play equipment to be stored underneath. The height was also chosen as it meant children could pass underneath the tree house without the risk of banging their head and sustaining an injury, a serious health and safety implication.

Willingness to reduce the height of the platforms: Reducing the height of the platform would have serious implications; it is really the last thing the applicant would like to amend.

Removal of the lighting: The applicant is prepared to remove the lighting from the treehouse although they do not feel it is required as the lighting is very low voltage and does not omit a strong or glaring light.

Willingness to move the structure further into the centre of the garden or remove elements that are closest to the rear boundary: The applicant has stated that this is not possible. The structure is based around a tree, therefore to move the structure would require moving 2 x mature trees! Additional boundary planting is something they will happily complete if it keeps everybody happy.

Notwithstanding the reasoning for the erection of the tree house and that the application is retrospective, the application should be determined on its own merits and with no bias to the above.

OFFICER APPRAISAL

The Principle of the development:

The erection of detached buildings/structures within the residential curtilage of houses can be acceptable in principle subject to the scale and appearance of the building/structure and compliance with other relevant policies.

Character and Appearance of the Conservation Area:

The Legh Road area is characterised by large houses of interesting and individual design set in spacious grounds with mature planting. Existing mature planting and frontage enclosures are important features of the Conservation Area and their retention is essential if the character of the area is to be preserved.

The tree House is a well designed rustic structure. Although its upper parts can be seen from the rear gardens of neighbouring properties, the backdrop of trees and other garden vegetation, with the use of natural materials have helped to assimilate the structure into the surroundings. It is considered that the structure is not unduly prominent or intrusive in the wider Conservation Area, due to its organic material and rustic picturesque form are consistent with the spacious grounds of Legh Road. The Council's Conservation officer has no objections to the scheme. It is therefore considered to preserve the Character and Appearance of the Conservation Area.

Residential Amenity (loss of privacy and outlook):

Cherry Tress would be located about 28m from the tree house. The views of the people inside that house would be reduced significantly by that distance. It is accepted that the tree house is in close proximity to the bottom on the garden to Gerry Trees and this area of the rear garden can be overlooked. However with additional boundary tree planting this can be mitigated. It is noted that Cherry trees have not objected to the tree house. 4 Green Acre Close would be in the region of 40m from the tree house. The occupiers of No.4 would not suffer a material loss of privacy, having regard to that distance and the acute angle of views from the Tree House towards the first floor windows in that building. The front windows of 2 Green Acre Close would look directly at the tree house. However they are over 40m from the tree house which would substantially reduce any views into the house from the tree house. View of the tree house from No.2 would be partially blocked by No.3. The property known as Keisley, Parkfield Road would be located about 70m from the tree house. The views of the people inside that house would be reduced significantly by that distance.

Amendments to the scheme have been secure which additional screening, in the form of 1.5m castle battlement style screen to the third platform to block views out of the platform. This would mitigate any loss of privacy to Cherry Trees, the east portion of the garden and windows to No. 3 and No. 4 Green Acre Close.

The views into all the rear gardens of Cherry Trees, 2 and 4 Green Acre Close and Keisley in the surrounding area would be substantially reduced by distances they are located from the tree house, the existing boundary treatments and mature trees on the appeal site from those properties. Additionally, for much of the year, the existing trees and shrubs growing between the tree house and those properties would screen those views. The retention of the tree house would not harm the amenities of the people living in Cherry Trees, 2 and 4 Green Acre Close and Keisley by reason of loss of privacy and outlook.

The tree house platforms are at a raised level higher than the intervening boundary fence so that its elevated position and proximity to the boundary allows views into an extensive part of the neighbouring garden and windows on No. 3 Green Acre Close. No. 3 is approx 13m from the tree house. The tree canopy would significantly obscure views for the majority of the year. From a usage point of view, it is likely to be a summer play area and less used in the autumn and winter months when the leaves have dropped. A semi mature evergreen hedge, 3 to 3.5m high has been planted on the boundary between the tree house and No. 3. The applicant has agreed to continue that planting along that boundary.

The existing planting along the adjacent side boundary is mainly evergreen shrubs. This includes Rhododendron, a spring flowering evergreen shrub which can grow to large proportions if untended. They like a shady aspect and thrive in woodland. Other existing planting includes the taxus bacatta and ilex aquifolium. Both are evergreen shrubs and if left will over the years will grow into trees.

In terms of the proposed planting, the applicants have proposed to plant 3x Betula pendula, strategically positioned within the planting bed to provide screen between the two neighbours. Betula pendula is a silver birch. They are a medium sized deciduous tree. Thuja Plicata an evergreen hedging plant will be grown and trimmed to head height to be in fitting with other boundary treatments. A condition is suggested to control these details and to ensure they are not removed, replaced if they die and managed and maintained.

It is considered that the additional planning would mitigate the loss of privacy from overlooking to a significant degree and sufficiently so to make the development acceptable and compliant with policies H13 and DC3 of the Local Plan.

Residential Amenity (*noise and disturbance*):

Some of the activities associated with the tree house could be noisy. However the distances the tree house would stand from 2 and 4 Green Acre Close and Keisley on Parkfield Road would attenuate the sound levels emanating from the structure substantially. The noisiest activities would not be heard by people whilst indoors and would be highly unlikely to be at a level which would disturb people relaxing in these gardens.

It is accepted that due to the close proximity of no. 3 Green Acre Close, this property would hear the most noise when the tree house is in use. However, noise from children playing on the tree house or in the garden or on any of the other play equipment in the play area would be indistinguishable. There is no way that disturbance of this sort can be effectively mitigated by acoustical measures, and it is unrealistic and unreasonable for the Council to condition that the tree house is used at certain times.

Residential Amenity (light intrusions):

It is considered that lighting emanating from the tree house during the hours of darkness would be out of keeping with the rustic character of large gardens. It would be visually intrusive, particularly at the times of the year when the trees and shrubs have shed their leaves. It would not preserve and enhance the character and appearance of the Conservation Area. It should be noted that garden lighting could be used without planning permission but there is specific concern about the level of lighting illuminating the structure. A condition is suggested to remove these lights to prevent this harm.

Impact on trees:

Although no Arboricultural Survey was submitted with the application, as the Tree House is self supported on timber poles and not secured to the tree (Cedar), it is considered that there is no evidence that would suggest any substantial physiological harm to the tree. The tree is also afforded pre-emptive protection by virtue of its location within the Knutsford Legh Road Conservation Area. The Council's Tree Officer has raised no objections to the scheme. It is therefore considered that the impact upon the Conservation Area in terms of the trees long term contribution to the historical character is not detrimentally affected by the tree house. The proposal is in accordance with policy DC9 of the Local Plan which seeks the retention of trees worthy of protection and of amenity value.

Ecology implications:

Although no Ecology Survey was submitted with the application, The Council's Principal Nature Conservation Officer has reviewed the application submission and has stated that it is not anticipated there being any significant ecological issues associated with the retention of this structure.

Highways:

There are no highways issues in relation to the proposal. The tree house is to be used by existing occupiers of the site and will not generate additional traffic movements.

Other Matters:

Circular 11/95 gives advice about the use of planning conditions. Paragraph 86 states that it is possible, exceptionally, to impose conditions to restrict further development which would normally be permitted by a development order. There is a presumption against such restrictions (paragraph 87). It is not considered that such exception circumstance exists and that the condition imposed would be sufficient to protect the neighbours. Similarly it is not considered necessary to impose a condition that ensures that the tree house must remain ancillary to the main dwellinghouse during the lifetime of the development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst the comments of neighbours are duly considered, it is considered that the retention of the tree house would not cause undue harm to the living conditions of the occupiers of Cherry Trees, 2 and 4 Green Acre Close and Keisley by reason of loss of privacy and outlook, noise and disturbance and light intrusions. Sufficient mitigation has been provided that would alleviate any significant loss of amenity to the Occupiers of No. 3 Green Acre Close.

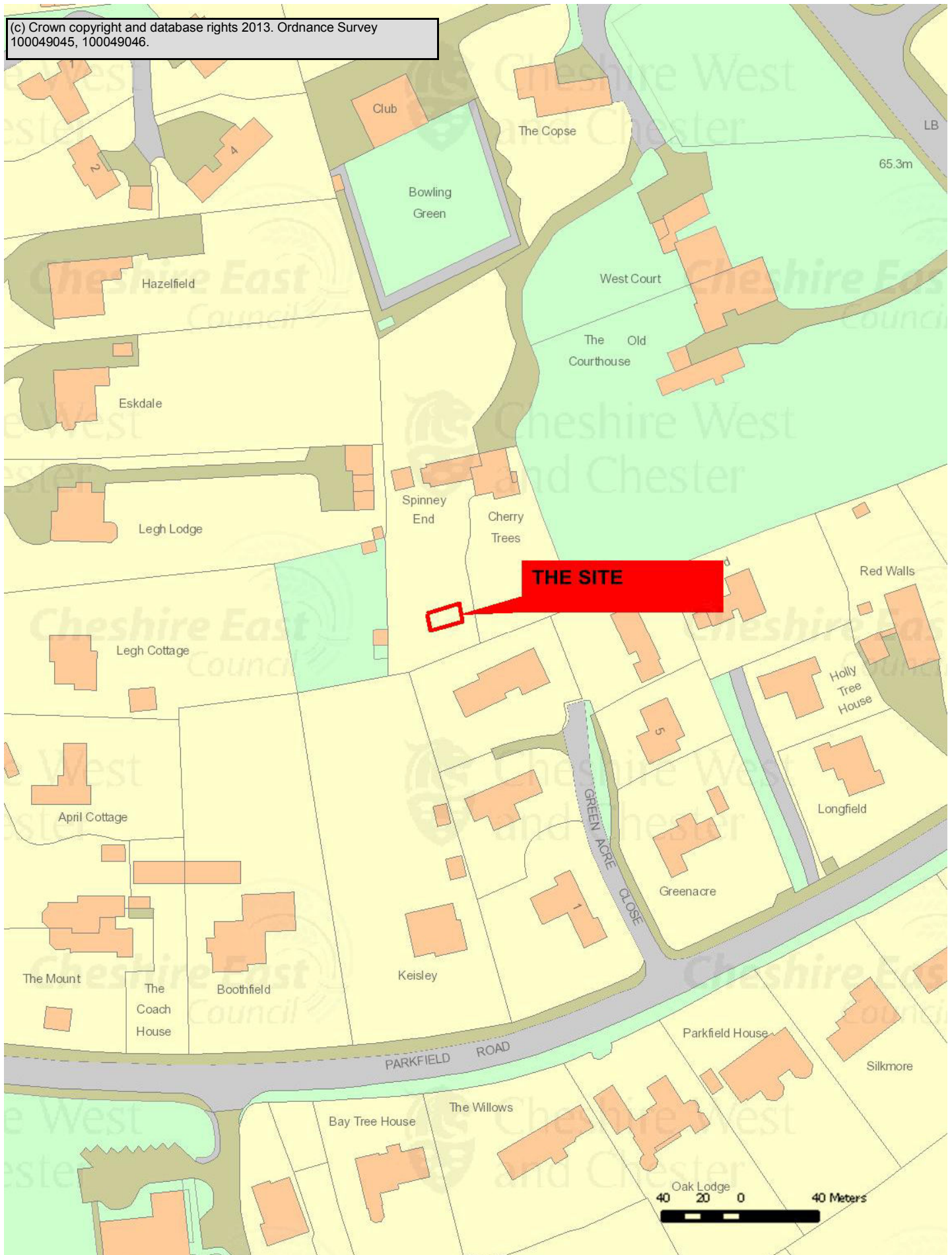
Subject to the recommended conditions the development proposal complies with the relevant policies of the Macclesfield Borough Local Plan. The amenity of neighbours will be adequately safeguarded to comply with policies H13 and DC3 of the Local Plan and one of the core planning principles of the NPPF. The character and appearance of the Conservation Area is preserved in accordance with Local Plan policy BE3 and chapter 12 of the NPPF.

The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:

1. A01AP - Development in accord with approved plans
2. Additional screening/planting to be completed within 2 months and retained thereafter
3. Remove of lighting within 2 months
4. No additional external lighting

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Application No: 13/2655M

Location: OVENHOUSE FARM, HENSHALL ROAD, BOLLINGTON,
MACCLESFIELD, CHESHIRE, SK10 5DN

Proposal: Outline Planning Permission for Residential Development comprising up to 6 no dwellings including demolition of all existing buildings on site.

Applicant: JC WOOD

Expiry Date: 20-Aug-2013

Date Report Prepared: 16 September 2013

SUMMARY RECOMMENDATION

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

MAIN ISSUES:

- The principle of development (*loss of employment*);
- The principle of development (*need for housing/sustainable Location*);
- Requiring good design and character and appearance of the area;
- Residential amenity implications;
- Highways access, parking, servicing and highway safety;
- Developer contributions, and
- Other material planning considerations.

REASON FOR REPORT

The application has been referred to Northern Planning Committee at the discretion of the Northern Area Manager.

Subject to the recommended conditions, 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 comprises a yard containing two large buildings which are divided into four commercial units. In the north eastern part of the site is a stone building with profiled sheet roof. This building contains a tyre fitting business and a beer storage business.

In the south western part of the site is a part two storey/part single storey stone building with a slate roof. This building houses a welding and fabrications business and car sales lot. The yard area around the buildings is used for access and circulation, parking for customers and staff, and for the display of cars for sale.

The south western site boundary abuts the rear of residential properties in Ovenhouse Lane and consists of a stone wall with metal railings atop. The south eastern boundary abuts the curtilage of Ovenhouse Farmhouse, although it is partly undefined where it passes through the existing yard. To the north east the boundary is defined by a stone wall which adjoins the rear of dwellings in South West Avenue, and to the North West the frontage of the site is defined by a low stone wall.

The site slopes gently from south east to North West with the highest levels being in the south east corner. There are no significant changes in level however, and the variation over the whole site is less than 1 metre.

The site is shown as being within a predominantly residential area and it has no special designation other than this and is not shown as being within an existing or proposed employment area.

DETAILS OF PROPOSAL

The application seeks outline planning permission for a proposed development of 0.3 hectares (0.74 acres) of land at Ovenhouse Farm, Henshall Road, Bollington for a residential development of up to 6 new dwellings. The proposed development also consists of the demolition of all existing buildings on the site.

The application is in outline with all matters other than access reserved for further approval. However, an illustrative plan has been submitted which demonstrates that a residential development of the scale proposed can be accommodated on the site and provide a development which respects the character of the locality and neighbouring residential development.

In terms of access, the scheme is proposed to be served from a new site access from Henshall Road approximately 10 metres to the south of the existing access serving the commercial units. The details of this access including visibility splays are included with the application.

RELEVANT HISTORY

Following a review of the Council's records the following planning history on the site is considered relevant:-

- The site has an established use for commercial development comprising the repair and maintenance of commercial vehicles, and a certificate of lawfulness for that use was issued in 1990;
- In 2007 a planning application was approved for the change of use of unit 4 to the retail sale of motor vehicles;
- In 2008 permission was granted for a single storey extension to Unit 3 which is used for the welding and fabrications business; and

- In 2003 permission was sought in outline for the re-development of the site for residential purposes, but this was refused solely on the grounds that at that time Macclesfield Borough Council had an over-supply of housing. There were no other reasons for refusal and it can be deduced that had it not been for the particular housing land supply issue that was current at the time the development would have been acceptable at that time.

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 application site lies within the mainly residential area in Bollington and is in employment use, therefore the relevant Macclesfield Local Plan policies are considered to be: -

- Policy H1 (Phasing policy);
- Policy H2 (Environmental quality in housing developments);
- Policy H5 (Windfall housing sites);
- Policy H13 (Protecting residential areas);
- Policy E1 (employment land Policies);
- Policy E14 (Employment in Housing Areas);
- Policy DC1 (High quality design for new build);
- Policy DC3 (Protection of the amenities of nearby residential properties);
- Policy DC6 (Circulation and Access);
- Policy DC8 (Requirements for Landscaping);
- Policy DC35 (Materials and finishes);
- Policy DC36 (Road layouts and circulation);
- Policy DC37 (Landscaping);
- Policy DC38 (Guidelines for space, light and privacy for housing development);
- Policy DC41 (Infill housing development);
- Policy NE11 (Nature Conservation); and
- Policies RT5 and DC40 (Children's Play Provision and Amenity Space).

Other Material Considerations

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:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- Section 106/Planning Obligations Supplementary Planning Guidance Note;
- Annual Monitoring Report (AMR; 2011/12);
- Strategic Housing Land Availability Assessment (SHLAA; February 2011); and
- Employment land review (2012).

CONSULTATIONS (External to Planning)

Environmental Health: No objections subject to conditions controlling the hours of construction, hours and method of pile foundations (if necessary), and submission of a scheme to minimise dust emissions.

Contaminated Land: A Phase 1 Contaminated Land Report has been submitted with the application which recommends a Phase II intrusive investigation is carried out. This should be conditioned.

Highways: No objections.

Environment Agency: No comments.

United Utilities: No objection provided the site is drained on a total separate system with only foul drainage connected into the public sewer. Surface water should be discharged directly into the adjacent watercourse and may require Local Authority consent.

Amenity/Greenspace: No on-site provision of public open space is proposed, therefore commuted sums will be required, in accordance with policies.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council: have objected to the application on the following grounds:

- Bollington should not be losing viable employment locations with prime access;
- The Town needs such sites to maintain a healthy mix of housing and employment;

- The continual erosion of our employment sites should not continue because businesses cannot now find suitable locations in Bollington and the viable businesses on this site will also be forced to move out of Bollington; and
- Cheshire East Council has apparently identified 5 years plus land supply for housing and there should be no need to utilise this site especially with the housing currently in the pipeline in and on the edge of Bollington.

REPRESENTATIONS

The application has been duly advertised on site by a site notice and immediate neighbours have been written to directly.

One letter of objection has been received and this can be summarised as follows: -

- The proposed demolition of the existing buildings will mean the loss to the community of several thriving local businesses;
- Nine more houses would put yet more strain on the currently stretched infrastructure;
- Is there any more need to housing in Bollington given the approvals for the Kay Metzler, Ingersley Vale and Hurst Lane wood yard sites.

One letter of support has been received and these comments can be summarised as follows:

-
- In favour of housing provided that there are no three storey houses;
- The present site is untidy with wagons vans and HGV wagons arriving and departing all day; and
- Housing would be a great improvement to this plot of land.

The scheme, although remaining in outline form, has reduced the numbers of dwellings sought from nine to six. This scheme has also been advertised and no comments have been received.

APPLICANT'S SUPPORTING INFORMATION

A Planning Supporting and Design & Access Statement were submitted with the application. These can be read on the file and they contend that: -

At present the site contains four commercial units contained in two buildings, which are in the ownership of the applicant. One of the units (Unit 3) is used by him for his welding engineering and fabrications business and the other 3 units are let. The applicant has stated that these units do not generate any significant employment and their existence is somewhat of a historic anomaly in what is otherwise a residential area. They continue to state that the use has generated complaints because of noise and disturbance in the past, and, whilst there have been no recent complaints, the lawful use of the site for vehicle repairs could in the future cause problems.

Other than the car sales lot the site is not controlled by any planning conditions. The applicant contends that the loss to the economy of the commercial use would be more than compensated for by the positive contribution the scheme would make to the residential amenity of existing dwellings in the locality.

The applicant, Mr J. C Wood, has operated the site on a commercial basis for over 20 years. However, he has stated that in recent times the return on the investment has fallen dramatically on account of the recession, whilst fixed costs, particularly for utilities, have risen to the point where the operation of the site is no longer commercially viable. He believes that a new use must therefore be found for the land, and it is considered that residential is the most appropriate given the context of the site.

The buildings on the site are of no particular architectural merit, having been altered and extended at various times in the past and their loss in terms of employment generated would be insignificant.

The applicant has stated that, at present, the site provides full time employment for no more than 5 people. Mr Wood is now nearing retirement and when he does the commercial use of the site will cease. Therefore, he believes that it is appropriate therefore, that a more efficient use of the site which is less damaging to the amenity of existing dwellings in the near vicinity is found.

OFFICER APPRAISAL

Principle of Development (*loss of employment*):

The site is located in a predominantly residential area. It is currently in use for employment purposes.

The majority of employment sites are shown on the Proposals Map, though some smaller sites are not. It is acknowledged that these sites are, or have been important employment sites and are an important part of the stock of employment land and buildings.

Policy E14 states that: -

THE BOROUGH COUNCIL WILL ENCOURAGE THE RELOCATION OF BUSINESSES WHICH CREATE AN UNACCEPTABLE LEVEL OF NUISANCE TO NEIGHBOURING DWELLINGS ARISING FROM NOISE, SMELL, SAFETY OR TRAFFIC GENERATION. INFILL HOUSING WILL BE ENCOURAGED ON SUCH SITES.

This policy largely applies to the Macclesfield and Bollington area, where backstreet industrial activities have outgrown their premises, or an intensification of use has taken place.

It is considered that this site is an anomalous location for a existing commercial development in the middle of almost exclusively residential development which has grown over the years around the original farm and its outbuildings.

In addition the Council is concerned to protect and enhance the character and amenities of housing areas. Any non residential uses should be appropriate in scale and should not adversely affect residential amenity. Uses which would create unacceptable noise, safety or health impacts or generate excessive traffic will not be acceptable.

The principle of development (*need for housing/sustainable Location*):

The National Planning Policy Framework strongly encourages Local Planning Authorities to be pro-active and positive in terms delivering sustainable forms of development.

At paragraph 187 it advises that "Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"

The benefits of redeveloping the site are recognised as:

- Clearing a contaminated site;
- Removing an unsuitable industrial businesses from a residential area; and
- Providing a choice of quality homes.

In respect of the provision of 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 SHLAA was approved in February 2013 demonstrating a 7.15 year housing land supply. This site is identified in the SHLAA as being deliverable, available, achievable and suitable within years 1 to 5. Whilst the loss of the employment land is an important consideration, the context of the site (it is a brownfield site within a predominantly residential area) weighs heavily in favour of allowing its redevelopment for residential purposes.

The site is located within the settlement of Bollington reasonably centrally and within easy access of the town centre. Bollington includes a range of shops and local services and amenities. There is easy access to bus routes.

Taking this into account the site is considered to be in a sustainable location and therefore accords with the NPPFs aims of fostering sustainable development.

It is therefore considered that the redevelopment of this site should be considered positively.

Design and Layout issues:

The proposal is in outline only and the detailed design of the scheme will be the subject of subsequent approval, however a revised (originally nine – reduced to six) indicative layout that demonstrates a scheme that in terms of overall density would respond positively to the surrounding area and would have no detrimental impact on the character of the locality.

Residential Amenity Implication:

The outline nature of the proposal means that detailed matter of layout, scale and appearance are not for determination at the present time. However, the illustrative scheme demonstrates that a layout in compliance with the criteria set out in Policies DC38 and DC41 can be achieved in a satisfactory manner.

Highways Access, Parking, Servicing and Pedestrian Safety:

There is one main access to the site taken off Henshall road and this access will serve the proposed development and two other existing dwellings to the rear of the site. There are no traffic impact concerns regarding the provision of six dwellings and it has to be borne in mind that the existing commercial traffic to the site will be removed from the road network.

The access design is an acceptable design to serve the development proposed and sufficient visibility is available. Although an indicative layout has been provided, no detailed comments are provided on the layout as this will be dealt with at reserved matters. No highway objections are raised.

Provision of Public Open Space and Heads of Terms:

The application triggers the requirement for the provision of both Public Open Space (children's play and amenity) and Recreation and Outdoor Sports facilities as identified in the Council's SPG on s106 Agreements as noted above.

6 family homes would generate need for £18,000 Public Open Space (POS) and £6,000 Recreational Open Space (ROS).

The commuted sum would be required by the Local Authority on commencement of development.

The POS commuted sum would be used (together with interest attributed to the sum) towards works of addition, improvement and enhancement of Bollington Cross play area and playing field and Coope Road open space. The ROS commuted sum would be used (together with interest attributed to the sum) at Bollington Cross playing Field. These would be agreed together with all proper and reasonable professional fees and administrative expenses directly attributable within the period of 15 years from receipt from the owner.

The applicant has suggested that these contributions would only become a requirement if six dwellings are achieved, and not if five or less, this being the threshold. They believe that this could be covered by a condition.

It is considered that the mechanism for provision of open space, or the payment of a financial sum in lieu, should this be required, would be through a S106 agreement under the Town and Country Planning Act 1990.

Other Material considerations:

ARBORICULTURAL IMPLICATIONS:

The site edged red does not contain any trees. However a large mature Oak is located within the garden of number 1, South West Avenue and a group of Silver Birch within an amenity area forming the eastern aspect of the junction with Henshall Road and Ovenhouse Lane are all considered to be a material consideration.

Ideally the application should have been supported by an Arboricultural Implication Assessment. This report would assess the environmental and amenity values of all trees, on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The illustrative layout plan identifies the Oak tree on the site boundary. The Council's Heritage & Design (Forestry) section have been consulted on the application. It is considered that a suitable tree protection condition can secure the long term safety of this tree.

ECOLOGICAL IMPLICATIONS:

The application is supported by an acceptable protected species survey report. The Council's Heritage & Design (Ecology) section have been consulted on the application. No evidence of protected species was recorded during the survey and it is considered that there are no significant ecological constraints on the proposed development. A condition is suggested to secure enhancement for biodiversity.

LANDSCAPE ISSUES:

The Council's Heritage & Design (Landscape) section have been consulted on the application. It is considered that the proposals will not result in any significant landscape or visual impacts. Conditions are suggested to secure a suitable landscaping scheme and its implementation.

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.

LAND CONTAMINATION:

This site is currently used as car sales and maintenance and therefore there is the potential for contamination of the site and the wider environment to have occurred. This site is located on a suspected former pond and within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Bearing the above in mind, the Council's Contaminated Land team has no objection to the above application, subject to a condition to secure an investigation report and remediation strategy with a completion reports if required.

DRAINAGE:

In accordance with Technical Guidance for National Planning Policy Framework (NPPF), surface water should not be allowed to discharge to foul/combined sewer as stated in the planning application. This prevents flooding and pollution of the environment. United Utilities have raised no objection to the scheme, subject to the imposition of a condition to ensure that the site is drained on a separate system, with only foul drainage connected into the foul sewer.

AERODROME SAFEGUARDING ISSUES:

A traditional residential development on this site would not breach safeguarding criteria and Manchester Airport has no safeguarding objections to the proposal.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is within the settlement boundary of Bollington on previously developed land, in a sustainable location close to existing services, community facilities and public transport links.

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 the loss of a site in existing employment use is unfortunate, the site is not allocated as such and as the relocation of businesses which create an unacceptable level of nuisance to neighbouring dwellings arising from noise, smell, safety or traffic generation is encouraged.

The site has already been identified by Cheshire East Council as being suitable for housing and deliverable within years 1-5 in the 2013 Strategic Housing Land Availability Assessment. The Council should therefore take a positive view of sites which will allow it to meet its targets for the provision of new dwellings in the Borough.

HEADS OF TERMS

- Commuted sums of £24k 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 commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide six 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.

- 1. A06OP - Commencement of development
- 2. A01OP - Submission of reserved matters
- 3. A03OP - Time limit for submission of reserved matters
- 4. A01AP - Development in accord with approved plans
- 5. A09OP - Height restriction (Max 2 ½ storeys)
- 6. A02TR - Tree protection
- 7. A04NC - Details of drainage (seperate)
- 8. A22GR - Protection from noise during construction (hours of construction)
- 9. A23GR - Pile Driving
- 10. Dust Control
- 11. Contaminated Land

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Application No: 13/3160M

Location: The Coach House, SPARROW LANE, KNUTSFORD, WA16 8ED

Proposal: Variation of condition 17 on planning permission 13/2105M to retain the existing squash court in a modified form to provide a 'palm house' or garden room for the dwelling that is currently under construction

Applicant: John Ross

Expiry Date: 19-Sep-2013

Date Report Prepared: 12th September 2013

SUMMARY RECOMMENDATION Approve subject to conditions

MAIN ISSUES

- Scale, design and layout and impact upon the character and appearance of the locality
- Impact upon the residential amenity of neighbouring properties
- Impact on trees/ landscaping

REASON FOR REPORT

The application has been requested to go to Northern Committee by Cllr Hunter (Knutsford Ward) for the following reasons:

The original application had condition 17 attached, which stated that the squash club be demolished within 12 months from the commencement of the development. The plot is too small for more than one building. The hedges and trees on site have already been damaged and water drainage is an ongoing problem with neighbouring properties.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a substantial, elongated plot on a relatively flat gradient, which accommodates a detached two storey building adjacent to the eastern and southern boundary. A dwelling is also currently being built on the plot, which was approved under application 13/2105M. This application was a material minor amendment to approved application 12/3673M.

The building to which this application relates is currently vacant and was formerly used as a squash club; this remains the lawful use. A number of trees, some protected, exist within the site. There is an existing vehicular access onto Sparrow Lane directly to the South. This lane is designated as a public footpath 'Knutsford No. 15'. An allotment exists opposite the site which has its own vehicular access off Sparrow Lane. The site is located within a Predominantly Residential Area of Knutsford, as defined by the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

The concerns regarding the damage to the hedges and drainage issues are noted and being investigated, however have no relevance to the determination of this application. It is also noted that condition 17 did not require the entire squash club building to be demolished, with the single storey element to be retained as a domestic outbuilding.

This application is solely to vary condition 17, to allow the retention of the main part of the existing squash court in a modified form to provide a 'palm house' or garden room, to be ancillary to the dwelling that is currently under construction. The building would be used as incidental accommodation by the applicant and his family, privately for a gym facility and for private social occasions.

The wording of condition 17 states:

The part of the squash building shown to be demolished on submitted plan labelled LANDSCAPE 10 received by the Borough Council 19th November 2012, shall be completely demolished within 12 months of the date of the commencement of development.

Reason: In the interests of neighbouring amenity and with due regard to the siting of the proposed development, in accordance with Macclesfield Local Plan policy DC3.

The existing roof is proposed to be removed and the walls reduced by 365mm. The roof would be flat with 2no glazed lanterns. Windows would be inserted in the west and east elevation. There would be an overall reduction in the height of the building by 2.4m to a height of 3.3m in total.

The existing single storey building is also to be retained to provide a toilet and storage. This element was also permitted to be retained under the previous permissions 12/3673M and 13/2105M.

There have been concerns raised that if granted permission for the variation of this condition, the applicants could choose not to implement the permission and then the squash club building could remain in its entirety. It is therefore recommended that the condition is varied to ensure the squash building/outbuilding is modified and completed in accordance with the detailed plans submitted prior to the occupation of the dwellinghouse on the site.

RELEVANT HISTORY

13/2105M

Variation of condition relating to proposed new dwelling house (12/3673M)

APPROVED

16/07/13

12/3673M

Proposed new dwelling house

APPROVED

22/11/12

11/0131M

DEMOLITION OF REDUNDANT SQUASH CLUB BUILDING AND CONSTRUCTION OF TWO-STOREY 5 BEDROOM HOUSE

APPROVED

08/07/11

03/3136P

Conversion of squash court and ancillary building to 1no. dwelling house Refused
21/01/2004

Appeal Dismissed 19/01/05

00/1719P

Detached dwelling (outline)

Refused

06/09/00

POLICIES

Local Plan Policy

H13 – Protecting Residential Areas

BE1- Design Guidance

DC1- New Build

DC2- Alterations and Extensions

DC3- Amenity

DC6- Circulation and Access

DC8- Landscape

DC9- Tree Protection

DC38- Space, Light and Privacy

Other Material Considerations

National Planning Policy Framework.

CONSULTATIONS (External to Planning)

None.

VIEWS OF THE TOWN COUNCIL

Knutsford Town Council object on the following grounds:

The Council objects on the grounds that this constitutes an application for additional development, which would result in a built form substantially greater in mass on the site, than that which has already been approved.

OTHER REPRESENTATIONS

There have been objections from residents of 4no nearby properties; the planning-related points of objection relevant to this application are summarised below:

- Condition 17 was imposed on the previous permission to make the erection of a dwelling on the site acceptable; this should be maintained.
- If this building remains in place, there could be a future application to change the use of this building to one involving some form of commercial enterprise.
- Proposed building would be out of keeping with the character and appearance of the locality

APPLICANT'S SUPPORTING INFORMATION

A design and access statement has been submitted in support of the application.

OFFICER APPRAISAL

Principle of Development

The principle to vary condition 17 on application 12/3673M, to allow the retention of this building and its conversion to an ancillary building with associated external alterations in this Predominantly Residential Area is considered to be acceptable, subject to design, amenity, tree, landscape issues as examined below.

Design / Character

Policies BE1, DC1, DC2 seek to promote high standards of design, with the overall vernacular, scale, density, height, mass, spacing and materials of new development being sympathetic to the character of the locality, surrounding buildings and site itself.

All of the objections have been carefully considered. It is noted that condition 17 on application 13/2105M was attached to ensure that the majority of the squash club building was demolished, to ensure that the approved dwelling and this two storey building could not both exist on the plot, as this would have resulted in the overdevelopment of the plot and also a potential adverse impact on residential amenity.

In assessing this application, speculation as to future planning applications submitted on the site cannot be considered and this application has to be assessed on its own merits.

The proposed ancillary outbuilding would be of a modern design. However it is considered that it would be in keeping with the character and appearance of the dwelling currently under construction. Crucially, it would remain subservient in scale to the main dwelling once built

and would not result in overdevelopment of the plot. It is considered that the building, whilst being along the front site boundary, would not be unduly prominent in the street scene and would not be out of keeping with the character and appearance of the locality, which consists of dwellings and outbuildings of a variety of different architectural styles. Furthermore, it is noted that the development would to some extent be screened from Sparrow Lane by virtue of the existing and proposed trees and hedging on or near to the front boundary.

It should also be noted that once built, the owners of the dwelling could still demolish the existing building and erect a domestic outbuilding in a similar location (albeit of lower height and further back into the plot) under permitted development legislation. This has to be given some weight.

Overall the revised scheme is considered to comply with all relevant design policies.

Amenity

The nearest property to the development proposed would be some 36m at no 23 Aylesbury Close. Overall the proposed development, by virtue of its size and siting in relation to surrounding properties, would not have an adverse impact on the residential amenities of neighbouring property and a commensurate degree of space, light and privacy would remain to all neighbouring properties.

A condition should be attached to ensure that the proposal remains ancillary to the main dwelling currently being built, in the interests of amenity.

The development would therefore accord with policies DC3, DC38.

Trees/Landscaping

The Tree Officer raises no objections. There would be no increase in the footprint of the building and no impact on protected trees; however to ensure this is the case during development a tree protection scheme should be conditioned in accordance with policy DC9. No alterations to the landscaping are proposed from the scheme that has been approved under 13/2105M, in accordance with policy DC8.

CONCLUSIONS AND REASON(S) FOR THE DECISION

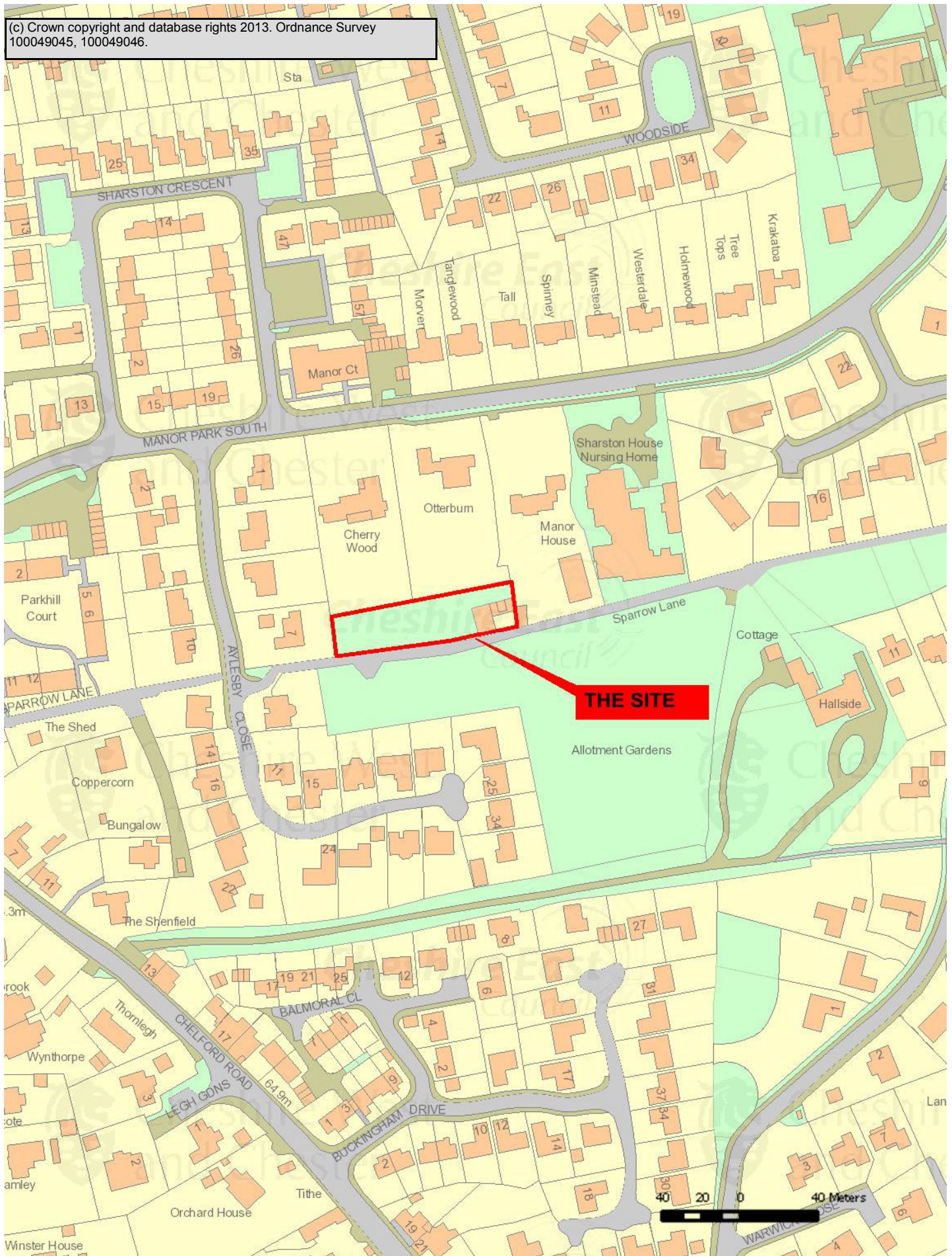
To conclude, whilst the objections have been carefully considered, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application.

Overall therefore a recommendation of approval is made to vary condition 17 on application 12/3673M to allow the modification of the squash building to form an outbuilding for the dwellinghouse prior to the occupation of the dwellinghouse which currently under construction, subject to other conditions as required on the original planning permission.

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01TR - Tree retention
4. A04LS - Landscape
5. A04NC - Details of drainage in accordance with previously approved plan
6. A08HA - Gates set back from footway/carriageway
7. A23GR - Pile Driving
8. A25GR - Obscure glazing requirement
9. A32HA - Construction method statement in accordance with approved details
10. Birds
11. Tree Protection Scheme as approved
12. Bat Mitigation as approved
13. Bats
14. Landscape Plan as approved
15. PROW Obligations
16. Materials-In accordance with approved and to be submitted for outbuilding
17. Hours
18. Remodelling of Squash Club Building- Prior to occupation of the dwellinghouse on the site
19. Doors to Bedroom None Opening

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Application No: 13/2551M

Location: 56-58, MILL STREET, MACCLESFIELD, CHESHIRE, SK11 6LT

Proposal: CHANGE OF USE FROM (A1) SHOPS TO A2 (FINANCIAL & PROFESSIONAL SERVICES) TO GROUND FLOOR & BASEMENT

Applicant: Mr E Taylor, John Taylor (Macclesfield) Ltd

Expiry Date: 13-Aug-2013

Date Report Prepared: 12th September 2013

SUMMARY RECOMMENDATION

Approval subject to conditions.

MAIN ISSUES

- Appropriateness of an A2 use in the prime shopping area of Mill Street.

REASON FOR REPORT

This application constitutes a departure from Macclesfield Borough Local Plan policy MTC3 and as such the application is required to be determined by Members of the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site occupies a corner plot between Mill Street and Queen Victoria Street and sits within the Prime Shopping Area of Macclesfield Town Centre. The site was formally occupied by the Early Learning Centre who vacated the property 6 months prior to the submission of this application.

DETAILS OF PROPOSAL

Planning approval is sought to change the use of no.56-58 Mill Street from Class A1 (Retail) to Class A2 (Financial and professional services).

RELEVANT HISTORY

13/3064M	Change of use from a B1a (Business Use) to C3 (Dwelling Houses) of the use of the first and second floors of the existing building. The change of use will include internal and external alterations. Awaiting determination.
04/0031P	Replacement shop and projecting sign (Advert Consent) Approved with conditions, 17.02.2004
78991P	Alterations to shop front; change of use of first floor to retail and second floor to coffee shop Approved, 28.09.1994

POLICIES

Local Plan Policy

BE1	High standards of design
DC1	High quality design for new build
DC3	Protection of the amenities of nearby residents
MTC1 & MTC3	Prime Shopping Area (Macclesfield)

National Planning Policy Framework

Chapter 2 Ensuring the vitality of town centres.

CONSULTATIONS (External to Planning)

None.

OTHER REPRESENTATIONS

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

APPLICANT'S SUPPORTING INFORMATION

This application is supported by the following documentation:

- **Design and Access Statement;** this document provides a background and policy context to the proposal;
- **Addendum Supporting Statement;** this document provides more detailed information relating to the prospective tenant; local and national planning policy.

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

OFFICER APPRAISAL

Principle of development

Prior to becoming vacant the site was occupied by the Early Learning Centre. It is proposed to change the use of the premises from Class A1 (Retail) to Class A2 (Financial and Professional Services). During the course of the application further information has been gathered on the prospective tenant, which is an insurance company. The prospective tenant provides various forms of insurance that can be purchased on-line or through a face to face meeting with an advisor. The company have confirmed that 65-70% of their business is generated through 'walk-ins' from the high street with no prior appointment.

Macclesfield Borough Local Plan policy MTC3 advises that the change of use from Class A1 to Class A2, A3 and other non shopping uses will normally be allowed provided that the proposed would not 1) cumulatively lead to a loss in the vitality and viability of the shopping area; 2) lie between no.2 and 82, and no.3 and 77 Mill Street; 3) lead to a concentration of non A1 uses in a particular street or part of a street thereby reducing the dominant characteristics.

Paragraph 23 of the National Planning Policy Framework comments that Local Planning Authorities should promote competitive town centres that provide customer choice and a diverse retail offer, existing markets should be retained and enhanced to ensure that markets remain attractive. The Framework suggests that the proposed use would be an appropriate town centre use.

The reasoning behind policy MTC3 recognises that the amount of non retail uses in the prime shopping area is already high and any further losses are *likely* [my emphasis] to undermine the area as a whole. At present 6.7% of the prime shopping area are in non-A1 use. If the Council were to support this application, this figure would increase to 8.5%.

It is noted that within the prime shopping area, between no.34 and no.71 Mill Street there are currently 7 vacant A1 units, namely nos. 24, 34, 36, 38 to 40, 42, 55 to 57 and 56. Unit vacancy was carefully looked at during the recent Wilson Bowden application and it is acknowledged that there needs to be some degree of flexibility in the type of uses within town centres in order to reflect changing market trends.

A2 frontages often lack activity. The application site has a large frontage to both Mill Street and Queen Victoria Street. In the interest of mitigation it is considered appropriate to add a condition to restrict the painting of, or obscuring of the windows without the prior approval of the Local Planning Authority.

Residential Amenity

The use is an appropriate town centre use and will cause no harmful impact on any nearby residential properties.

Other

Members are made aware that the proposed change of use could, in principle, be carried out under the Town and Country Planning (General Permitted Development) Amendment Order 2013. However, any change of use implemented would be limited to a period of 2 years, at which point the applicant would be required to apply for planning permission or convert the premises back to its former A1 use.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Planning approval is sought for the change of use from Class A1 to Class A2. Approval of this application would form a departure from Local Plan policy MTC3(criterion 2); however it is accepted that there needs to be some degree of flexibility to ensure the vitality and viability of the Town Centre, in accordance with the objectives of the NPPF. The application site is on the fringe of the prime shopping area of Macclesfield and it is considered that bringing the unit back into an active use would outweigh the loss of this retail unit and would justify the departure from policy. The proposal will not harm the vitality or viability of the town centre.

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. Window displays

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Application No: 13/2704M

Location: Land At Wilkin Farm, 77, MOSS LANE, STYAL, SK9 4LQ

Proposal: Change of use of land to airport parking for a period of 6 months use of the year (April to October) - for a temporary period of 3 years.

Applicant: Mr T Mitcheson

Expiry Date: 30-Sep-2013

Date Report Prepared: 12.09.2013

SUMMARY RECOMMENDATION

REFUSE:

INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT, DETRIMENTAL IMPACT ON ITS OPENNESS AND ENCROACHMENT. NO VERY SPECIAL CIRCUMSTANCES PRESENTED THAT CLEARLY OUTWEIGH THE HARM IDENTIFIED.

MAIN ISSUES

- Whether or not the proposal is inappropriate development in the Green Belt, whether there is any other harm to the Green Belt. If so, whether very special circumstances have been demonstrated that overcome the harm.
- Impact on residential amenity
- Highways safety

REASON FOR REPORT

The application is to be determined by the Northern Planning Committee, as it is an application for a commercial site covering an area greater than 1 hectare.

DESCRIPTION OF SITE AND CONTEXT

The site to which the application relates is a field covering an area of 1.59ha situated broadly to the south of Wilkin Farm farmhouse; the site is located on Moss Lane, Styal (which is immediately south of Manchester Airport). Access to the site is off Moss Lane. The site edged blue on the Location Plan submitted (situated broadly north of the application site, but immediately adjacent to it) includes the farmhouse and an area of land which is the subject of a current Lawful Development Certificate for airport parking, 13/1343M (the Council is yet to determine the application). The site is bounded by hedges on 3 No. sides approx. 3m high. A restricted byway runs to the east of the site.

The site lies within the North Cheshire Green Belt, as defined in the Local Plan.

DETAILS OF PROPOSAL

The proposed seeks full planning permission for retrospective planning permission, for a temporary period of 3 years, for change of use of land for airport parking for a period of 6 months each year (April to October).

RELEVANT HISTORY

NB. The planning history outlined below relates to the area of land edged blue on the location plan submitted with the current application. The area of land that these applications relate to is adjacent to the area of land which is the subject of the current application, which vehicles have to pass through in order to get to the field proposed to be used for parking in the current application.

- | | |
|----------|--|
| 73887P | Full planning. Change of use of land and building for the storage of motor vehicles. Refused, 02.06.1993. (Inappropriate development in the Green Belt, no very special circumstances; highways safety re inadequate visibility at point of access).
Appeal T/APP/C0630/A/93/227188/P7. Dismissed, Nov 1993 |
| 06/0917P | Certificate of lawfulness for existing use of land for parking/storage of motor vehicles. Negative issued., |
| 13/1343M | Certificate of lawfulness for existing use of land for parking/storage of motor vehicles. Application is yet to be determined. |

POLICIES

Macclesfield Borough Local Plan – saved policies

DC3 (Protection of the amenities of nearby residential properties)
DC6 (Circulation and access)
T21 (Airport-related development)
T23 (Airport operational area)

National Planning Policy Guidance

National Planning Policy Framework

CONSULTATIONS

Manchester Airport:

Responses have been received from the Safeguarding Authority of Manchester Airport, who does not object on the grounds of safeguarding (subject to a condition regarding the direction in which the cars are to be parked – to avoid windscreen glare that could dazzle pilots).

Responses have also been received from the planning dept of the Airport objecting to the proposed development and recommending refusal. In summary the reasons provided are as follows:

- Inappropriate development in the Green Belt, outside of Manchester Airport's Operational Area
- Impact on the openness of the Green Belt
- No very special circumstances presented which overcome the harm identified
- Does not accord with National policy guidance (NPPF, section 9, Protecting Green Belt land), which is a significant material consideration
- Fails to meet provisions of saved policies in the Local Plan, policies T21 and T23
- Development would compromise Manchester Airport's ability to fulfil its ground transport objectives and surface access strategy. Car parking is a fundamental aspect of the strategy. It needs careful management and integration with public transport, so as to avoid dissuading the use of public transport. A rigorous control over airport parking is required to deliver the surface access strategy.

Strategic Highways Manager:

The Strategic Highways Manager recommends refusal on the grounds of insufficient information.

Heritage & Design - Landscape:

The Landscape Officer has provided the following comments:

Although the application indicates that 'no drainage works or resurfacing has taken place on the field, nor is it needed', it is clear that a ground reinforcement plastic mesh has been used on the circulation track within the field and despite the relatively mature hedgerows, there are intermittent views into the site from the restricted byway running along the eastern boundary. The use of the field for car parking has a visual impact on users of the restricted byway and the unpredictability of the weather may well mean that the circulation route within the site will continue to degrade and depending on the weather it is also likely that parking and movement of cars within the site will further degrade the appearance of the whole field over time; ultimately this could prove restrictive to any hay cropping activities.

National Trust:

Object and recommend refusal due to inappropriate development in the green belt, detrimental impact on openness of the green belt, no very special circumstances presented, contrary to Local Plan policies T21 and T23 and guidance in the NPPF. Also note local concerns regarding adverse effects of additional traffic.

PARISH COUNCIL

Styal Parish Council:

Object to the proposal due to increased traffic on country lane and loss of agricultural land/green belt.

REPRESENTATIONS

3 No. representations have been received, details of which can be read on file. A summary of the issues raised is provided below:

- Detrimental impact of additional traffic - safety
- Use of the countryside for car parking, even seasonal, should not be supported
- Unacceptable intrusion onto agricultural land and into the green belt
- Detrimental impact on visual appearance of the countryside with a mass of cars parked on a field
- Noise disturbance to local residents (Moss Lane) due to continuous traffic movements day and night
- Styal will resemble a giant car park if this sort of development continues

APPLICANT'S SUPPORTING INFORMATION

The following additional information has been submitted: '*Planning Statement*'. Details can be read on file. A summary of the key points outlined in the document is provided below:

- In 1987 the applicant started to store cars on his land for various car dealerships in the area which didn't have space for their work volume. In 1988 the applicant started to take cars as overspill airport parking
- The applicant's business operates on the basis of an overflow airport parking facility for other airport parking companies in the locality (as such there is no direct advertising); used during the summer months
- It is claimed that the Local Plan is out of date and does not address the issue of insufficient provision for in the area for airport parking
- Reference is made to particular sections of the NPPF: - 1) presumption in favour of sustainable development (para. 14); 2) the 12 core principles include proactively supporting economic development and promoting mixed use developments (para. 17); 3) policies should support economic growth in rural areas inc. promoting diversification of agriculture (para. 28); 4) plans should take account of the growth and role of eg. airports in serving business, etc.; 5) ref is made to paras. 79, 80, 87, 88 and 90 regarding Green Belt (i.e. essential characteristics of the Green Belt are openness and permanence, outline of the purposes of including land within the Green Belt, inappropriate development being harmful to the Green Belt by definition and should not be allowed, unless very special circumstances exist; some forms of development are not inappropriate providing that they preserve openness (this includes local transport infrastructure which can demonstrate a requirement for a Green Belt location); 6) local authorities should work together with transport providers for the provision of viable infrastructure to support the growth of eg. airports
- Ref is made to Local Plan policies GC1 (new buildings in the Green Belt), DC3 (residential amenity), T21 (airport development) and T23 (airport operational area)
- Manchester Airport is the largest in the UK outside the south-east and is the third busiest – there are no Local Plan policies that address this nor are there any in the

Emerging Core Strategy which address accommodating growth associated with the growth of Manchester Airport – eg. ‘Airport City’

- Aim to demonstrate that very special circumstances exist to justify approval of the retrospective application as it is accepted that the proposed is inappropriate development
- Consent is sought for temporary permission for 3 years on a seasonal basis (April to October); the land will remain fallow; no drainage works or resurfacing has taken place on the field nor is it needed; accepted that the parking of cars has an impact on openness of Green Belt but in this case it is temporary and minimal and it has the potential to be readily reversed
- The application site (1.59 ha) constitutes a small part of the applicant’s agricultural holding (12.1 ha), which is purely a grassland providing a hay crop; a hay crop can still be taken when the number of vehicles parked is low; parking is restricted during wet weather to prevent damage to the field
- Parking already takes place on the area of land adjacent to northern end of the site (related to current certificate of lawful development 13/1343M) and there is no form of boundary between the 2 sections of land
- The airport parking is a means of diversification (unpredictable weather affects the crop yield each year); the NPPF (para. 28) promotes diversification of agricultural land and it is considered that airport parking falls within this category
- Bullet point 1 of Local Plan policy GC1 allows for development within the Green Belt if required for agriculture; the parking is a form of diversification to the agricultural holding and therefore is policy compliant
- The site is surrounded by mature hedgerows and the parking is only visible from within the site; parking only takes place between April to October (when the hedgerow is in full leaf); therefore the openness is not lost; bullet point 2 of policy GC1 allows for change of use of land providing it preserves the openness of the Green Belt, as the permission sought is temporary, only 6 months in each year and there is no surfacing or drainage openness is retained and therefore the proposed is policy compliant
- There is an immediate need to provide additional temporary parking facilities in and around the airport to address the current shortfall; there is no current Local Plan policy that addresses this need; airport parking needs to be close to the airport
- Local Plan policies are out of date re on-going development and growth at Manchester Airport; current Core Strategy makes no reference to development at the airport, this is contrary to the NPPF; it is considered that there is not adequate land in the urban area close to the site, eg. Wythenshaw, to accommodate current demand and need for airport parking; therefore, until the matter is addressed sites such as the proposed play a vital social and economic role in support of the airport
- The provision of long-stay car parks close to the airport is clearly sustainable
- The above demonstrates very special circumstances exist and permission should be granted for a temporary period

OFFICER APPRAISAL

Principle of Development

The principle of the proposed development is, at the outset, unacceptable as it is considered that the proposed development constitutes inappropriate development in the Green Belt. In

reference to the NPPF – the proposed development is a form of development that does not preserve the openness of the Green Belt. Therefore, for the application to be approved the applicant has to demonstrate that very special circumstances exist which clearly outweigh the harm caused by inappropriateness and any other harm identified.

Policy

The relevant policies are listed above and relate to the issues identified. NB. The '*Planning Statement*' summarised above makes reference to policies GC1 and GC3. It needs to be clarified that a) policy GC3 (visual amenities of the Green Belt) is not one of the saved policies of the MBC Local Plan and b) policy GC1 relates to new buildings in the Green Belt, NOT changes in the use of land. Hence, these 2 policies are not relevant to the current application, and therefore the claims in the '*Planning Statement*' that make reference to these policies in support of the application do not apply.

NPPF

There are references made in the '*Planning Statement*' to sections of the NPPF. A summary of what are considered to be key elements of the NPPF relevant to this application is provided below:

- Sustainable development is at the heart of the NPPF (eg. foreword & paras.6, 7, 9, 14, 151) and that this includes economic, social and environmental roles (paras. 7, 18, 19)
- Applications must be determined in accordance with the development plan, unless material considerations indicate otherwise (paras. 2, 11, 150); development that accords with the Local Plan should be approved and development that conflicts should be refused unless other material considerations indicate otherwise (para. 12); it is desirable for Local Planning Authorities to have an up-to-date plan (para. 13); following 12 months of publication, due weight should be given to relevant policies in the Local Plan according to their degree of consistency with the Framework (paras. 214 & 215)
- The Core Principles include proactively driving and supporting economic development; securing good standards of amenity, protecting Green Belts, encourage the effective use of land by reusing previously developed land that is not of high environmental value, promote mixed use developments in urban and rural areas and actively manage patterns of growth to make full use of public transport, walking and cycling (para. 17)
- Supporting a prosperous rural economy includes supporting the development and diversification of agricultural businesses (para. 28)
- Sustainable transport should be promoted with the balance in favour of sustainable transport modes (para. 29); plans should take account of the growth of eg. airports and their role in serving businesses etc. (para. 33); developments that generate significant movements need to be located where the need to travel is minimised and the use of public transport modes maximised (para. 34); all developments which generate significant amounts of movement should provide a Travel Plan (para. 36)
- Section 9 relates to Protecting Green Belt land, key points being: a) fundamental aim of Green Belts is to prevent urban sprawl and essential characteristics of Green Belts are their openness and permanence (para. 79), b) five purposes of including land in Green Belt, which includes checking unrestricted sprawl and safeguarding the countryside from encroachment (para. 80), c) inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances (paras. 87 & 88), very special circumstances will not exist unless the potential harm to the Green Belt by inappropriateness, and any other harm, is clearly outweighed by other considerations (para. 88), certain forms of development are not inappropriate if they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Local Plan

Relevant policies of the Local Plan are outlined as follows;

Policy T21 states the following:

Airport-related development other than that referred to in policy T20 will not be permitted. The borough council will encourage development to be located within the airport operational area or within nearby urban areas where this is compatible with other local plan policies.

Policy T23 states the following:

The airport operational area is shown on the proposals map. The development and uses which will be permitted within this area are those which can be demonstrated to the satisfaction of the local planning authority to be necessary for the operational efficiency and amenity of the airport. These shall include airfield operational facilities, airport ancillary facilities, transportation infrastructure and landscaping.

Policy DC3 states that development, including change of use, should not injure residential amenity due to, amongst other things, noise, traffic generation and parking.

Policy DC6 seeks, amongst other things, to ensure safety from vehicular movements.

Impact on the Green Belt and the character and appearance of the area

The proposal is to park cars (related to visits to the airport) in a field off Moss Lane, Styal, which is located in the Green Belt, all-be-it for a temporary period of 3 years, during the period April to October each year. No figures are provided with the application regarding the number of vehicles that could/would be parked on the site. However, allowing for isles within and around the field to facilitate movement of vehicles in and out of the field, an area of between approx. 12000-14000 sq m could be available to actually park cars on, which could allow between approx. 900-1100 cars to be parked on the site at any one time (with a generous allowance of 12.5 sq m per car, i.e. 2.5 x 5m, being used for these calculations).

It is considered that the proposed development would have a detrimental impact on the openness of the Green Belt and therefore the proposed development would constitute inappropriate development in the Green Belt. The impact on openness should not be merely assessed in relation to what can or cannot be seen from outside the site. It is considered that a) vehicles on the field can be seen from the access to the site off Moss Lane (the existing gates across the access are 5-bar wooden gates that do not screen anything and vehicles are parked within the area of land immediately adjacent to the access in association with the current LDC application 13/1343M), b) vehicles parked on the land are visible from within the site, c) given the proximity to Manchester airport fields covered in vehicles in the area are

visible from the air and d) there would be a vast number of vehicles travelling through the surrounding Green Belt, into and out of the site, which would be visible. Hence, it is considered that there would be a detrimental impact on the openness of the Green Belt. This principle has also been established on other sites and through planning appeals.

As well as openness, a key characteristic of Green Belts is their permanence. It is considered that the parking between 900-11000 cars on a field in the Green belt would in itself erode the permanence of the Green Belt. It is also noted that during a recent site visit (early Sept 2013) it was observed that recent wet weather has lead to a muddy track around the site developing, which the applicant has responded to by laying rolls of plastic netting on the land. Again, this would contribute to eroding the permanence of the Green Belt. Furthermore, it is claimed as part of the application that no drainage or surfacing is applied for or required. It is considered that, as there can be no guarantees regarding what the weather will be like between the months of April to October, there is a strong chance that, should the application be approved, an application (or applications) would be submitted in the future for either hard-standing or a track and/or hard-standing over the areas which cars are to be parked on.

By definition, inappropriate development is harmful to the Green Belt. Therefore very special circumstances have to be presented that clearly outweigh the harm due to inappropriateness, and any other harm. The other harm identified thus far is the detrimental impact on the openness of the Green Belt.

Proposals should not threaten the purposes of including land within the Green Belt. It is considered that parking vehicles on the field as proposed is an encroachment into the Green Belt and therefore at least one of the purposes of including land within the Green Belt would be threatened.

Hence, the impact on the Green Belt of the proposed is: 1) inappropriate development, which is harmful by definition, 2) detrimental impact on the openness and 3) encroachment.

Very special circumstances

The applicant has referred to a range of issues which it is claimed amount to very special circumstances that should result in the proposed development being approved. The very special circumstances presented are summarised as follows: 1) the proposed is for a 3 year temporary period and only for 6 months in each year (April to October) and the impact on openness can be quickly reversed (the impact on openness is also limited due to the parking that currently takes place in the area adjacent to the northern boundary of the application field related to the LDC application); 2) the proposed is a diversification of the applicant's agricultural business; 3) impact on openness is limited, temporary and only for 6 months each year; 4) there is a current need for airport parking to cope with the growth that has occurred at the airport and that which is planned and at present there is no up-to-date Local Plan with policies to deal with airport growth and the associated demand for car parking; 5) the provision of long-stay car parks close to the airport is a sustainable form of development.

The following is a response to these aspects and the general case of very special circumstances presented by the applicant in support of the proposed development: 1) the fact that the proposed is for a temporary 3 year period and only for 6 months of each year does not prevent the significant harm that would be caused from between 900-11000 vehicles

being parked in a field in the Green Belt; 2) policy allows agricultural diversification and should be supported but not at the expense of significant harm to the Green Belt; 3) requesting permission for a 3 year temporary period with the use for 6 months of each year does not limit the impact on openness to any acceptable degree; 4) there are generalisations made within the application regarding the need for airport parking, airport growth, lack of sites in the neighbouring urban areas, sustainability of the proposed, out of date Local Plan, etc. which are not substantiated with credible data. Furthermore, such strategic issues are ones that are not to be dealt with through ad-hoc applications on individual sites. Hence, it is considered that the case presented does not amount to very special circumstances that clearly outweigh the harm to the Green Belt identified, i.e. inappropriate development, detrimental impact on openness and encroachment.

Impact on residential amenity

It is noted that there are residential properties virtually opposite the access to the site and that vehicles associated with the development would pass residential properties within the area travelling between the airport and the site. It is considered that the hundreds/thousands of vehicle trips that would be added to the local road network, passing the residential properties at all hours of the day and night, would have a detrimental impact on the amenities of residential properties in the area due to noise disturbance.

Highways safety

The Strategic Highways Manager has stated that a Transport Statement is required with the application which deals with eg. the number of parking spaces to be provided, the layout, the likely traffic generation, how the business would operate, etc. Details are also required regarding access and visibility. As no such details have been submitted there is insufficient information to assess the impact on highways safety.

CONCLUSIONS AND REASON(S) FOR THE DECISION

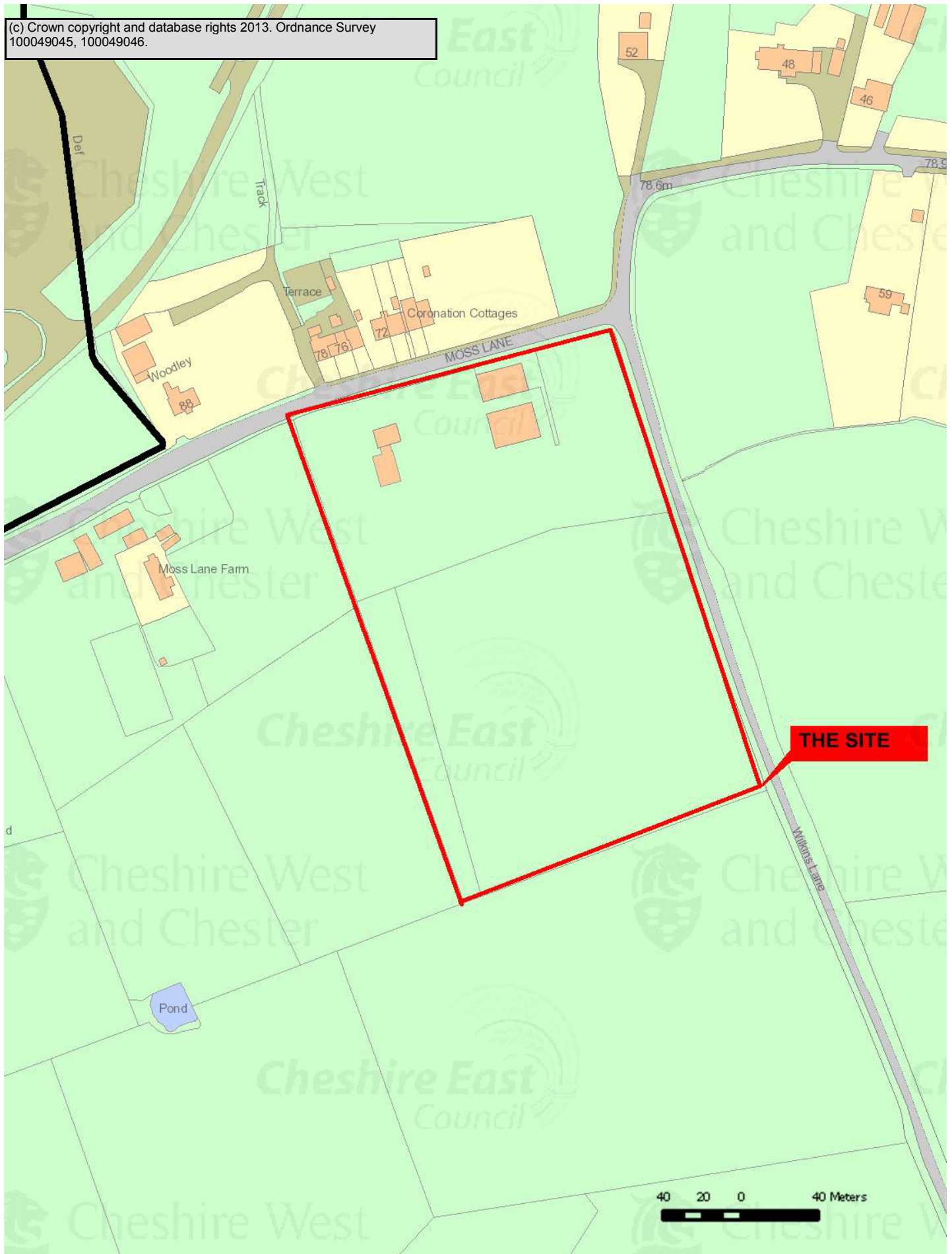
The proposed is an inappropriate form of development in the Green Belt, which is considered to have a detrimental impact on the openness of the Green Belt and to encroach into it. A case for very special circumstances has been presented. However, it is considered that the case presented does not constitute very special circumstances that clearly outweigh the harm to the Green Belt identified, which would be contrary to the NPPF (section 9, protection of Green Belt) which is a significant material consideration in determining the application. The proposed is outside of the Airport Operational Area and does not comply with policies T21 and T23 of the Local Plan. The proposed is considered to have a detrimental impact on the amenities of residential properties within the area due to noise disturbance and therefore the proposed does not comply with policy DC3 of the Local Plan. There is insufficient information with the application for an assessment of the impact on highways safety to be undertaken.

Hence, for the reasons outlined above it is recommended the application be refused.

RECOMMENDATION: Refuse for the following reasons

1. R04LP - Contrary to Green Belt / Open Countryside policies
2. R01LP - Contrary to Local Plan policies
3. Insufficient information

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Application No: 13/3525C

Location: 39, White Park Close, Middlewich, Middlewich, Cheshire, CW10 9GB

Proposal: Proposed first floor extension over existing single storey section of dwelling

Applicant: Mr S McGrory

Expiry Date: 11-Oct-2013

SUMMARY RECOMMENDATION – Approve with conditions**MAIN ISSUES**

- Impact on the host dwelling
- Impact on neighbouring houses
- Impact on street scene

REASON FOR REFERRAL

The application is being referred to Northern Planning Committee due to the applicant being a Member of the Council.

DESCRIPTION OF SITE AND CONTEXT

The site comprises a modern detached house with garden to rear located on a private access way and cul-de-sac. The front hard standing can comfortably accommodate two vehicles. The house has a sand brick/render finish with a plain brown tiled pitched roof.

DETAILS OF PROPOSAL

It is proposed to construct a first floor side extension around and above the existing converted garage/single storey extension. The two storey side extension would be slightly set back from the existing building line to coincide with the front canopy of the existing single storey extension. It would appear subservient in height to the existing main part of the house. The overall proposal would provide two additional bedrooms.

RELEVANT HISTORY

35977/3 – Garage conversion for kitchen, utility & study – Approved 21st July 2003

POLICIES

National Planning Policy

National Planning Policy Framework

Local Plan Policy

GR1 (New Development)

GR2 (Design)

GR6 (Amenity and Health)

GR9 (Accessibility, Servicing and Parking Provision)

Other Material Considerations - None

CONSIDERATIONS (External to Planning) – None

VIEWS OF THE PARISH / TOWN COUNCIL- None received at time of report writing.

OTHER REPRESENTATIONS – None received at time of report writing.

APPLICANT'S SUPPORTING INFORMATION – None

OFFICER APPRAISAL

Principle of Development

The application site is located within the Middlewich Settlement Zones and therefore domestic extensions are acceptable providing they accord with policies GR1, GR2, GR6 and GR9 in the Congleton Local Plan and advice contained within the NPPF. Although the site is within the overall Middlewich area of archaeological potential it is not a matter of concern as the development is proposed at first floor.

Design

It is considered that the proposal would be in character with the existing house and of an acceptable and attractive design. It would efficiently use a limited amount of space to provide additional accommodation without being over dominant of the plot or the existing house. The juxtaposition of the neighbouring house combined with the design of the proposed side extension would avoid the terracing effect, detrimental impact on the street scene, and the over encroachment on the neighbouring house

It would, therefore, not have an adverse impact on the existing dwellinghouse or the area in accordance with Local Plan policies GR1 and GR2.

Amenity

The impact on neighbouring houses by way of visual or residential amenity is negligible due to the efficient use of space and the recessed position of the neighbouring house. This, in turn, dilutes the visual intrusion and potential for overlooking to avoid detrimental effect and complies with Local Plan policy GR6.

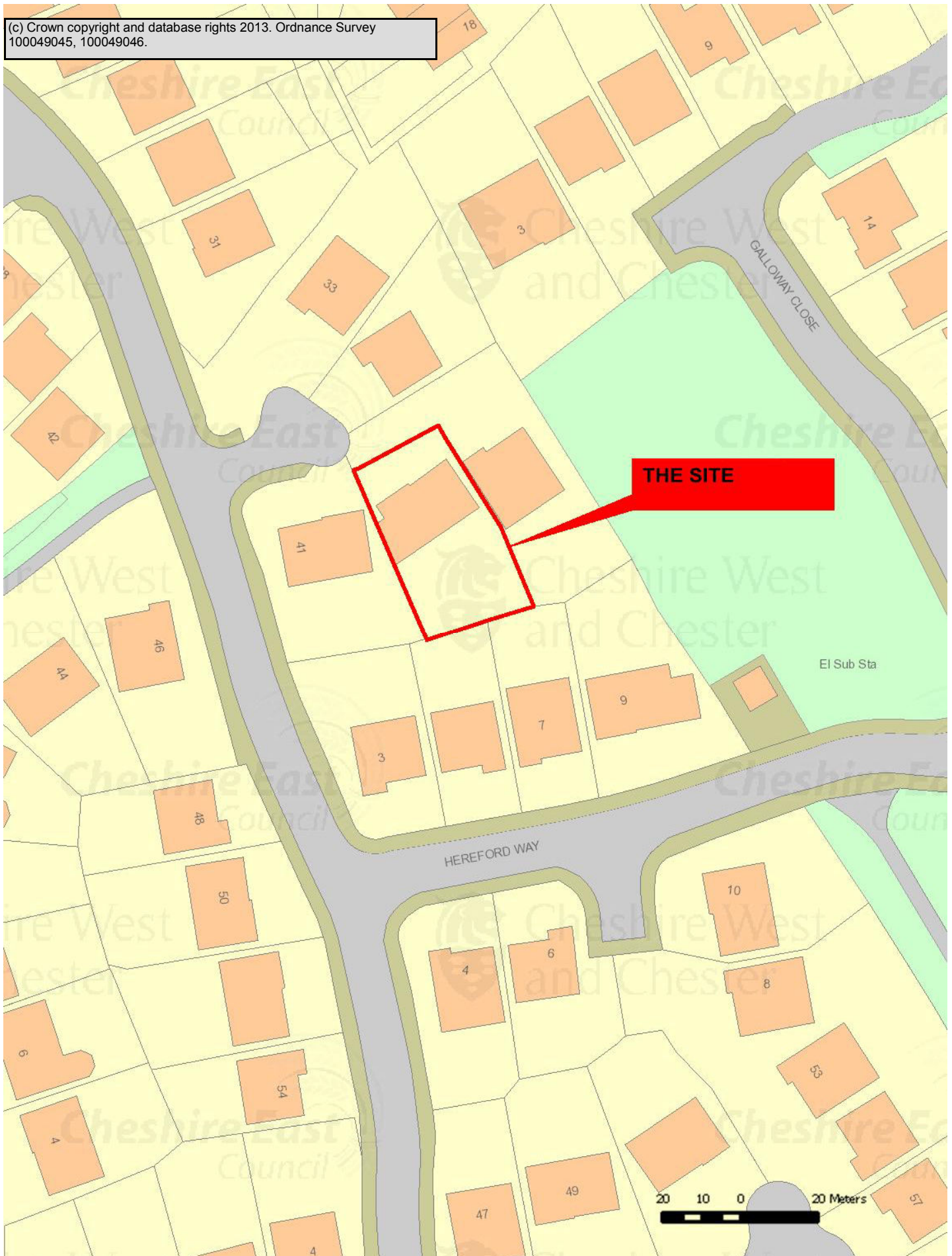
CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the proposed development is of size and position which is in-keeping with the host dwelling, and the surrounding area. It would not have an overly detrimental impact on the adjacent house and it is therefore considered to be acceptable and in accordance with the relevant policies of the Local Plan and the NPPF.

Conditions

- 1. Standard Time**
- 2. Materials to match existing dwelling**
- 3. Approved plans**

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Application No: 13/1071M

Location: KINGS SCHOOL, CUMBERLAND STREET, MACCLESFIELD, CHESHIRE, SK10 1DA

Proposal: Reorganisation of existing playing fields/ sports pitches including provision of floodlighting to Hockey pitch. Relocation and reorientation of sports Pavilion. Relocation of School parking and coach drop off, to include a new access and egress onto Westminster Road. Replacement of existing ground maintenance buildings and associated hardstanding.

Applicant: Jonathan Spencer-Pickup, King's School, Macclesfield

Expiry Date: 05-Jun-2013

Date Report Prepared: 12th September 2013

SUMMARY RECOMMENDATION Approve subject to conditions

MAIN ISSUES

- Impact upon the character and appearance of the area
- Impact on the Green Belt and Area of Special County Value
- Impact on residential amenity
- Impact upon highway safety, parking
- Impact upon existing open space
- Impact on trees and landscaping
- Impact on Protected Species
- Environmental Health (Land Contamination)

REASON FOR REPORT

As Westminster Road has considerable on-street parking, the applicant originally offered to fund the extension of waiting restrictions in the vicinity of the proposed exit to the car park, as some existing yellow lines were required to be removed. This was agreed by the Strategic Highways Manager. However subsequently, the Traffic and Road Safety Team did not agree to the provision of any double yellow lining in this location.

As an alternative, it has now been agreed by all parties that the existing yellow lines traversing the car park exit can be removed, with the provision of 'School Keep Clear' markings as an acceptable alternative to these double yellow lines and also the provision of these markings at the proposed car park entrance. It has been established that the provision of 'School Keep Clear' markings does not require the removal of any existing Traffic

Regulation Orders (TROs), or the delivery of a new TRO. Therefore an s106 Agreement is not now required. Furthermore, it has been agreed that the proposed markings can be delivered by the applicant's contractor.

The proposed development is therefore completely unchanged since Members resolved to grant planning permission. Members are being requested to amend the resolution to remove the requirement for the completion of the s106 agreement to enable this development to proceed without delay.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a private Secondary School located within the centre of Macclesfield. The school itself lies within a predominantly residential area as defined by the Local Plan, however the part of the site that this application relates to is designated as open space, which constitutes playing fields and pitches that lie to the rear of the existing school buildings. These recreational facilities and space are utilised by the school during normal school hours but are also used as public community facilities between 18.00-21.00 weekdays and on weekends. There is currently a hockey pitch and cricket nets in the area directly behind the school buildings, which is floodlit and enclosed with wire fencing.

A relatively small portion of the site to the northwest lies within the North Cheshire Green Belt and an Area of Special County Value. The River Bollin lies to the North of the site boundaries, at the bottom of a steep hill and it is noted that the site in general has differing gradient levels.

Substantial mature trees line the site boundary to the West along Westminster Road, and whilst these are not currently protected they provide an important amenity value to the area. This site boundary also has an established stone wall along its length. It is also noted that on street parking currently exists along part of the adjoining Westminster Road, and that 3no bus stops are in close proximity to each other, one on the side of the school close to the existing access to the existing sports pitches, one on the other side opposite, and one opposite the main school entrance and buildings.

Residential properties lie directly to the East and West of the site boundaries.

DETAILS OF PROPOSAL

The proposals are for:

- Reorganisation of existing pitches including tarmac surfacing to form area for 4no tennis courts, 3no netball courts and 6no cricket nets, with low level lighting.
- Formation of 101.4 x 63m hockey pitch including 3m wide spectator's zone, with floodlighting in the form of 8 x 15m high columns to the perimeter on existing area of open space.
- Formation of 51m x 63m hockey practice and five-a-side football pitch on an existing area of open space.

- Formation of 99m x 63m rugby union pitch, incorporating cricket pitch and 400m running track on existing area of open space.
- Formation of shot putt, high jump, long and triple jump areas on an existing area of open space.
- Demolition of existing maintenance shed buildings and erection of 1no replacement shed, on a new area of hardstanding (to be demolished as last phase of the works so that it can be used for storage during the construction process).
- Relocation and reorientation of existing Pavilion building.
- Formation of 26 space car parking (including 2no disabled spaces) and 6 space coach parking area, incorporating new vehicular access/ egress onto Westminster Road, the removal of 2no trees (contrary to some of the submitted documentation which denotes only 1no tree to be removed) and the formation of a 3m wide pedestrian and maintenance vehicle path along the boundary with Westminster Road.
- Landscaping of the site including mitigation works, where appropriate.

RELEVANT HISTORY

97/1739P

PROPOSED FLOODLIGHTING TO EXISTING ALL-WEATHER PITCH
WITHDRAWN

20/11/97

APPEAL ALLOWED

19/02/98

POLICIES

Local Plan Policy

NE1 (Landscape Protection and Enhancement)

NE11 (Nature Conservation)

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Circulation and Access)

DC8 (Landscaping)

DC9 (Tree Protection)

DC13 (Noise generating developments)

H13 (Protecting residential areas)

RT1 (Protection of Open Space)

DC63 (Contaminated Land)

DC64 (Floodlighting)

GC1 (Green Belt New Build)

Regional Spatial Strategy

DP1 (Spatial Principles)
DP2 (Promote Sustainable Communities)
DP4 (Making the Best Use of Existing Resources & Infrastructure)
DP7 (Criteria to promote environmental quality)
L1 (Health, Sport, Recreation, Cultural & Educational Services Provision)

Other Material Considerations

National Planning Policy Framework

The National Planning Policy Framework reinforces the system of statutory development plans. When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable ‘full weight’ to be given to Development Plan policies adopted under the 2004 Act. The Macclesfield Local Plan policies, although saved in accordance with the 2004 Act are not adopted under it. Consequently, following the guidance in paragraph 215, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)”*.

The Local Plan policies outlined above are all considered to be consistent with the NPPF and should therefore be given full weight.

CONSULTATIONS (External to Planning)

Highways and Transportation Manager- No Objection subject to conditions

Sport England- No Objection subject to conditions

Manchester Airport Safeguarding- No Objection

United Utilities- No Objection

VIEWS OF THE TOWN COUNCIL

N/A.

OTHER REPRESENTATIONS

12no neighbours have objected to the development from the following surrounding residential areas:

Westminster Road
Westbrook Drive
Brynton Road
Northgate Avenue

The objections have been received regarding the following issues:

-Insufficient parking provision, loss of existing parking spaces, highway safety issues, potential increase in congestion- 8no objections.

-If approved, the land would change in use from a greenfield site to a brownfield site. There is concern that in the future this site could then be sold to a developer to then built houses or a new school on the site- 2no objections.

-Adverse impact on the amenities of neighbouring properties in terms of the proposed additional floodlighting, including the proposed increase in time that the floodlights will be on- 6no objections.

-Adverse impact on the amenities of neighbouring properties in terms of noise nuisance, particularly due to the proposed hockey pitches and noise of the puck hitting the backboards, also the proposed increase in time that the pitches are to be used would result in noise nuisance over a greater period of time- 7no objections.

-Loss of existing full size football pitches for the community- 1no objection.

-No proposed toilet facilities on site- 1no objection.

-Adverse impact on the visual amenities of the locality- 1no objection.

-Inadequate security proposed which could pose a risk to neighbouring properties- 1no objection.

The main issues raised by objectors will be considered in the main body of the report. However it is noted that toilet facilities are actually proposed in the proposed replacement pavilion building.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement, Transport Assessment, Tree Survey, Community Use Statement, Feasibility Report, Habitat Survey, Phasing/ Methodology Report, letter regarding proposed drainage, have been submitted in support of the application and are available to view on the planning file.

OFFICER APPRAISAL

Principle of Development

The principle of development in this location is considered acceptable, subject to the impact upon the character and appearance of the area, the Green Belt and Area of Special County Value, residential amenity, highway safety and parking, the existing open space, Protected Species, trees and landscaping, and opportunities to improve sporting facilities.

Paragraph 73 of the National Planning Policy Framework states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable

location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Design / Character and Appearance

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

The existing pitches directly behind the school to be replaced would be improved both in terms of the upgrading of the facilities and their functionality, and also the character and appearance of this portion of the site.

Whilst it is noted that some open green space would be lost to the proposed hockey, rugby pitches and athletics track, subject to materials this is not considered to have a significant adverse impact on the character and appearance of the locality.

The proposed replacement buildings would be of a similar size, siting and design to the existing structures.

The proposed floodlighting would be similar in size and design to the existing floodlighting. The proposed pitches and tracks would not adversely impact on the character and appearance of the area. It is noted that this is a school site which already functions as an area for sport and recreation.

The siting of the proposed pitches, track and other engineering operations is considered acceptable in design/ character terms, utilising the site effectively without overdeveloping it.

Overall it is considered that, subject to conditions regarding elevational details to be submitted of the proposed fencing, gates and bollards and also proposed materials, the proposed development would have an acceptable impact on the character and appearance of the area.

Whilst the objection has been carefully considered, subject to conditions the proposed development is deemed to accord with local plan policies BE1, DC1, H13 and the National Planning Policy Framework.

Green Belt/ Area of Special County Value

The vast majority of the development lies outside of the Green Belt. The exception is a maintenance building and area of hardstanding that is proposed to replace an existing building and area of hardstanding.

Local Plan policy GC1 and paragraph 89 of the NPPF state that new buildings in the Green Belt are inappropriate by definition. However, there can be exceptions to this policy. Policy GC1 states that the construction of buildings to provide essential facilities for outdoor sport and recreation can be acceptable in the Green Belt, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Paragraph 89 of the National Planning Policy Framework replaces the word 'essential' with 'appropriate.'

Paragraph 89 also states that the replacement of buildings in the Green Belt can be acceptable, providing the replacement building does not have a greater impact on the openness of the Green Belt than the existing building.

In this case a maintenance building and associated hardstanding of the size proposed on the submitted site plan are considered to be appropriate for the existing and proposed facilities on the site. The height, bulk and massing of the building would not have more of an impact on the character, appearance and openness of the Green Belt than the existing buildings and hardstanding to be demolished/removed. It is also not deemed to have more of an adverse impact on the character and appearance of this Area of Special County Value.

A condition can be attached to ensure that the materials of the proposed building are acceptable in this location.

It is noted that the main existing maintenance building is to be retained during the construction process, and demolished as the final phase of works. This is so that it can be used for storage facilities during the process of development, and is considered acceptable.

Amenity

The objections have been carefully considered. Environmental Health do not object to the development, subject to the imposition of certain conditions.

Local Plan policies H13, DC3 and DC13 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 due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight, traffic generation and car parking and noise. H13 simply seeks to protect the amenities of the occupiers of adjoining or nearby houses.

Regarding floodlighting, policy DC64 and Supplementary Planning Guidance 'Floodlighting for Sporting Activities' states that proposals for floodlighting for sports facilities can be acceptable, where there is no significant impact on the landscape character, both during the day and at night. Furthermore, there must be no significant adverse impact on the amenity of residents or highway safety.

Local Plan policy DC13 ensures ambient noise levels are not unacceptably increased.

Floodlights

It is noted that there are currently floodlights on the existing enclosed pitches directly behind the school buildings. These were approved under planning application 97/1739P. The Environmental Health Officer has stated that there have since been no objections to these floodlights from any nearby residents.

The objections have been carefully considered. Submitted details show that the proposed floodlights would be of a similar design and appearance to the existing floodlights.

The nearest property on Northgate Avenue would be some 38m away from the nearest floodlight column. The nearest property on Westminster Road would be some 33m away. Furthermore it is noted that substantial boundary treatment exists along the boundary to Westminster Road, which would help to screen the floodlights from properties on this road.

It is also noted that the existing floodlights are closer to properties on Westminster Road than any of the proposed floodlights to any of the proposed pitches, and of a similar height and design.

The submitted floodlight plan shows that the level of illumination to the nearest properties to the nearest proposed lighting column would be 2 lux maximum. The addition of cowlings to the floodlighting would further mitigate the impact to all neighbouring properties; this can be conditioned. Furthermore a detailed lighting report can also be conditioned, to ensure that the direction and type of the lighting would not have a materially adverse impact on the amenities of neighbouring properties.

The sports facilities are proposed to be used by the School during the day (during term time) and the Community will have use after School hours, during weekends and Holidays. The Rugby Pitch would have Flood Lighting to the Southern side to allow Rugby Practice until 6pm, after this the lights would be turned off. The Flood Lighting to the Hockey Pitch and Tennis / Netball Courts would remain on until 9.30pm. This is an extension of 30 minutes to the current turn off at 9pm. As school practices and matches on the Astro finish at 5.15pm at the latest, this means that there are only three one hour sessions for the public use starting at 6pm and finishing at 9pm. Extending this until 9.30pm would mean that the School could get four one hour sessions for the public starting at 5.30pm and finishing at 9.30pm. This could increase community use by 33% and is something that is asked for by external hirers at present. There is currently no use of the Flood Lights on a Sunday but the School would like to amend this so that the lighting could be used until 7.30pm.

Overall, the principle of installing floodlighting onto the proposed main hockey pitch is accepted. Subject to the aforementioned conditions, the proposed usage of the floodlighting is deemed acceptable and can be conditioned so that they automatically switch off at the specified times.

Overall the floodlighting proposed is deemed to accord with policies BE3, DC64, H13 subject to conditions.

Noise

Bearing in mind the existing uses on the site attract a large number of people playing sport and spectating, a formal noise assessment was not required in this instance.

The objections have been considered, however the proposed hours of use as submitted with the Community Statement are considered to be acceptable in terms of the impact of noise levels on neighbouring properties.

With regard to the potential for adverse noise impact as a result of the hockey games and pucks/ balls hitting the backboards, these can be conditioned to ensure that the hockey goal back boards are padded to prevent the noise of hockey balls hitting the solid back boards, to the detriment of the local amenity.

Subject to this the proposals are deemed to accord with local plan policies DC3, DC13.

Highways

The Highways and Transportation Manager does not object to the application subject to conditions. They have no major concerns regarding the proposed alterations to the parking and access, and the increase in community use of the proposed facilities.

They have the following comments:

The proposed car park is a new car park and will be additional to the car parking currently in operation on the courtyard fronting the sixth form block.

There will be two access points to the car park off Westminster Road, the car park is proposed to operate a one way system with 'in' traffic using the northern entry and the exit using the access closest to the school.

The new exit to the car park does provide adequate visibility splays of 2.4m x 43m in both directions subject to the removal of existing trees. As Westminster Road has considerable on-street parking, the applicant originally offered to fund the extension of waiting restrictions in the vicinity of the exit to the car park, which was agreed by the Strategic Highways Manager. However the Traffic and Road Safety Team did not agree to the provision of any double yellow lining in this location.

As an alternative, it has now been agreed by all parties that the existing yellow lines traversing the car park exit can be removed, with the provision of 'School Keep Clear' markings as an acceptable alternative to these double yellow lines and also to be provided at the proposed car park entrance. It has been established that the provision of 'School Keep Clear' markings does not require the removal of any existing Traffic Regulation Orders (TROs), or the delivery of a new TRO. Furthermore, it has been agreed that the proposed markings can be delivered by the applicant's contractor.

The application also proposes improvements to the maintenance sheds at the western end of the sports pitches this also involves improvements to the existing access to which there are no objections.

The introduction of the car park and coach parking will have no material effect on the operation of the highway network in particular on Westminster Road, there will be some on-street spaces lost should the Traffic Regulation Order be implemented, but this would produce a safer junction on Westminster Road.

The objections have been carefully considered. However it is noted that the proposed coaching arrangements would improve highway safety over the existing situation. It is noted that parking issues exist within the vicinity of the school and particularly on Westminster Road, however this is related to the use of the school itself. The proposed increase in community use would be predominantly at times when the school itself does not operate, such as in the evenings and on weekends.

It is also noted that the school could increase the amount of community use of the site without the need for planning permission, which would have the same level of impact as the proposals under this application.

Subject to conditions, the development is deemed to accord with local plan policy DC6 and the National Planning Policy Framework.

Leisure Services/ Open Space

Sport England do not object to the proposed development. They state;

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.

The proposal will result in an increase in the quantity and quality of the sport facilities and ancillary facilities to support the sports. Although some of the sport facilities will be lost to the proposed car park and coach drop off points, these will be made available for community use and support the community use of the sport facilities. The coach provision will also allow teams to travel by coach to use sport facilities.

The new maintenance shed will be located in the northern corner of the playing field and will not impact on the ability to mark out pitches. The pavilion will be relocated between the hockey pitch and the tennis courts and a path will be provided along the western boundary to provide access to the maintenance buildings. The hockey practice area will provide an area for teams to warm up, receive coaching etc, whilst keeping the main hockey pitch free for competitive matches.

Therefore the development proposed is deemed to constitute an exception to the Sport England Playing Field Policy as;

- The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

- The proposed development affects only land incapable of forming, or forming part of, a playing pitch and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on the site.
- The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

Furthermore it is noted that the hockey practice area and AGP will result in the loss of grass playing field. In order to ensure sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field, they need to be designed to a standard that is fit for purpose; this can be conditioned.

Subject to this the development would accord with local plan policy RT1 and the NPPF.

Future Use of Site

The concerns from neighbours regarding the possibility that the site could in the future be sold to developers for buildings houses or a school are noted. The proposed development if approved would not constitute a change of use from Greenfield to brownfield land. Furthermore, should a future application for redevelopment of the site be submitted, planning permission would be required and any adverse impacts would be carefully considered at that stage. The planning department can only assess the application that has currently been submitted.

Trees/ Landscaping

It is noted that 2no. non protected trees are to be removed, to enable the proposed new access points. In terms of the value of both trees identified for removal it has been accepted they are high value category A specimens but this categorisation relates mainly as their contribution within the linear group rather than as individual specimens.

The Tree Officer raises no objections to this, providing some mitigation is implemented to offset this loss.

There are no objections to the proposed works to the car park area, formation of footpaths and new maintenance building as subject to conditions these works would not impact on the root protection zones of nearby trees.

As part of pre-application discussions it was suggested that in order to mitigate any potential tree losses landscape details should reflect that the linear group extending parallel to Westminster Road had historically lost a number of specimens. These details were to be included as part of landscape proposals but the design and access statement section C1.4 (Landscape) refers to the tree survey/statement for details and locations. These have not been included but it is accepted that this could be addressed as part of conditions should be development proceed.

The Landscape Officer raises no objections, stating that they do not think that the proposals will result in a significantly adverse landscape or visual impact.

Subject to conditions therefore the development would accord with local plan policies DC8, DC9 and the NPPF.

Nature Conservation

A badger sett has been recorded within 30m of the proposed development site. The proposed works to the maintenance area do have the potential to disturb the sett.

In order to ensure the badger sett is safeguarded during the construction phase a badger mitigation method statement is required to be submitted.

The loss of trees on this site may have the potential to disturb foraging/commuting bats however, considering the location of the proposed development I advise that this impact is unlikely to be significant. Therefore a bat survey is not required in this instance and the EU Habitat Regulations would not be breached. It is however recommend that replacement native tree planting is incorporated into a landscaping scheme for the site to compensate for this loss.

If planning consent is granted a condition would be required to protect breeding birds.

Subject to this the development is deemed to accord with local plan policy NE11.

Environmental Health- Land Contamination

No comments received to date. However due to the proposed infilling of certain parts of the site to ensure the site is level, a land contamination report shall be conditioned in accordance with local plan policy DC63.

United Utilities

United Utilities raise no objection to the development. The existing sewers would be utilised. A drainage plan and statement will be conditioned, to ensure appropriate drainage of the site.

Manchester Airport Safeguarding

Manchester Airport Safeguarding have no concerns and raise no objections.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is unchanged since Members resolved to grant planning permission in May 2013. Members are being requested to amend the resolution to remove the requirement for the completion of the s106 agreement to enable this development to proceed without delay.

The application is for a sustainable form of development that is in accordance with objectives of the Framework to promote improvements to education facilities and improvement to health and well being through improved sports facilities and use of open space.

The objections to the development have been considered. However, the development will not give rise to significant impacts in terms of additional noise, light pollution or traffic issues.

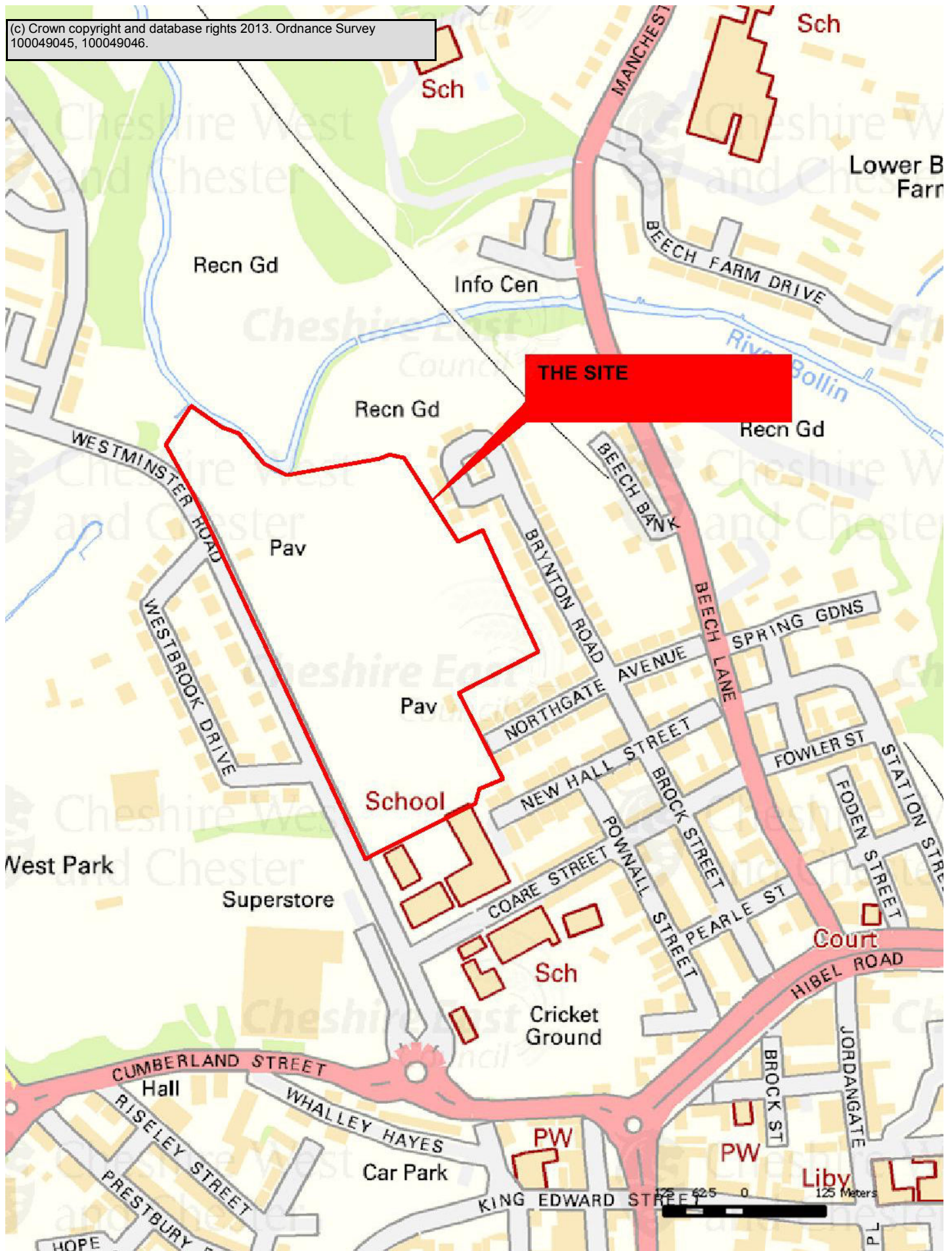
To conclude, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application.

Overall, therefore a recommendation of approval is made, subject to conditions.

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02AP - Detail on plan overridden by condition
3. A05EX - Details of materials to be submitted
4. A03TR - Construction specification/method statement
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. Lighting Report/ Details
8. Hockey Backboards
9. Use of facilities
10. Floodlights
11. Birds
12. Pitch Details
13. Community Use
14. Trees
15. Hours of Construction
16. Pile Foundations
17. Land Contamination
18. Visibility Splays
19. Drainage
20. Construction method and Phasing Statement
21. Badgers
22. Low Level Lighting

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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: 16 September 2013

SUMMARY RECOMMENDATION

Approval is recommended subject to conditions and an agreement under S.111 of the Local Government Act (*securing the completion of a S.106 agreement*).

MAIN ISSUES

- Due to the sale of the land from Cheshire East Council to a third party not having been completed, it is necessary to ensure that a mechanism is in place to secure the S.106 contribution can be delivered.

REASON FOR REPORT

Members of Northern planning Committee voted to approve this application on 3 July 2013. The resolution was to approve the application subject to conditions and a S.106 agreement. Previous committee report and minutes are attached bellow.

The application site is currently owned by Cheshire East Council. Consequently a S.106 agreement cannot be entered into at this time because as a matter of law, no Council can enter into an agreement as landowner and Local Planning Authority.

Instead the applicant will be required to enter into an agreement under S.111 of the Local Government Act 1972, in which the applicant will covenant to enter into a S.106 agreement as soon as the land is transferred from the Council to the applicant.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The original recommendation of APPROVAL remains, subject an agreement under S.111 of the Local Government Act (*securing the completion of a S.106 agreement*) and subject to the inclusion of an additional condition outlined below:-

1. No development pursuant to this permission shall be commenced on the Site unless and until all interests in that land are subject to and bound by the terms of a section 106 planning obligations agreement in the form of the draft s106 planning obligations agreement appended to the s111 agreement dated [XX] September 2013 relating to this planning permission.

Reason: To comply with the requirements of Policies H8 and TR1 of the Macclesfield Borough Local Plan 2004.

ANNEX 1

PREVIOUS COMMITTEE REPORT

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 Councils 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.

ANNEX 2

PREVIOUS COMMITTEE MINUTES

- 15 **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**

(Prior to consideration of the application, in the interest of openness, Councillor Mrs H Gaddum declared that as a former Portfolio Holder for Children and Family Services the site would have been within her remit).

Consideration was given to the above application.

(There was a brief adjournment during the presentation of the item, whilst the Northern Area Manager ensured the correct presentation was shown to Members).

(Councillor M Hardy, the Ward Councillor attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the oral update to Committee the application be approved subject to the completion of a S106 Agreement securing the following 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

And subject to the 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
17. Details of levels to be submitted prior to commencement of the development

(Councillor L Brown requested that the minutes include reference to the fact that she voted against approval of the application for reasons relating to overdevelopment and concerns regarding insufficient parking).

(Prior to consideration of the following item, Councillors L Brown and D Neilson left the meeting and did not return. Prior to consideration of the following item, Councillor B Livesley vacated the Chair and Councillor R West took over the Chair).

(Prior to the consideration of the following item, there was a further adjournment for a short break).

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. A23MC - Details of ground levels to be submitted
16. AD04 - Objections not of sufficient weight
17. AD14 - Acceptable relationship adjacent and wider
18. AD15 - Acceptable impact on amenity
19. POL01 - Policies
20. Bird and Bat Boxes

21. Bin and Cycle Store in accordance with approved details

22. NPPF

23. Land Contamination

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