

Northern Planning Committee

Agenda

Date:	Wednesday, 23rd October, 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 - 10)

To approve the Minutes of the meeting held on 25 September 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. **13/2655M-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, Cheshire for J C Wood** (Pages 11 - 24)

To consider the above application.

6. **13/3251M-New Glasshouse (Re-Submission Of 12/4295M), Les Halman Nursery, Parkside Farm, Crown Lane, Lower Peover, Cheshire for L Halman, Les Halman Nurseries Ltd** (Pages 25 - 32)

To consider the above application.

7. **WITHDRAWN-13/3276M-Variation of condition 2 of 11/0533M to allow the submission of amended plans, Site Of 2 & 4 Holly Road North, Wilmslow for Mr Wayne Seddon** (Pages 33 - 40)

To consider the above application.

8. **13/3605M-Variation of condition 10 attached to planning permission 13/0932M. (before the use of lighting is commenced, an artificial light/illumination validation test shall be completed and the results submitted to and approved in writing by the Local Planning Authority). Golf Academy and Driving Range, The High Legh Park Golf Club, Warrington Road, Mere, Cheshire for Mr Andrew Vaughan** (Pages 41 - 52)

To consider the above application.

9. **WITHDRAWN-13/3884N-Construction of Two Pairs of Semi-Detached 2 Bedroom 4 Person Affordable Dwellings and Associated Access and Parking Arrangements, Land to rear of 55, Sunnybank Road, Crewe for Adele Sumner, Wulvern Housing Ltd** (Pages 53 - 64)

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 25th September, 2013 at The Capesthorne Room -
Town Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors C Andrew, L Brown, B Burkhill, K Edwards, A Harewood, L Jeuda,
J Macrae, D Mahon and D Neilson

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr P Hooley (Northern Area Manager), Mr N Jones (Principal Development Officer), Mr T Poupard (Principal Planning Officer) and Mr N Turpin (Principal Planning Officer)

41 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs H Gaddum, Mrs O Hunter and P Raynes.

42 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 13/1365M, Councillors J Macrae and D Neilson declared that they had a minor association with a neighbouring property on Riseley Street.

In the interest of openness in respect of application 13/1236M, Councillor J Macrae declared that he had a minor association with the site due to property he previously owned near to the site.

In the interest of openness in respect of application 13/2655M, Councillor K Edwards declared that he was a member of Bollington Town Council who had considered the application and whilst he had been present at the meeting when the Town Council had considered the application he had not given any views on the proposals. As a result he reserved his right of debate.

In the interest of openness in respect of application 13/3160M, Councillor J Macrae declared that he had an association with the site as he knew some of the neighbours in the area.

In the interest of openness in respect of application 13/3525C, all Members declared that they knew the applicant Councillor S McGrory.

In respect of application 13/1071M, Councillor L Brown, declared a non pecuniary interest by virtue of the fact that they she was a Governor at Kings School. She left the meeting prior to consideration of the application.

In respect of application 13/0987M, Councillor R West declared a non pecuniary interest as he was a Board Member of the Peaks and Plains Housing Trust who were in the process of purchasing the land. He left the room prior to consideration of the application.

It was noted that Members had received written correspondence in relation to some of the applications on the agenda.

43 MINUTES OF THE MEETING

RESOLVED

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

44 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

45 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, TRINITY COURT, RISLEY STREET, MACCLESFIELD FOR EDMUND CARLEY, OAKLYN CONSTRUCTION LTD

Consideration was given to the above application.

(Councillor Mrs J Jackson, the Ward Councillor, Simon Plowman, the agent for the applicant and Mr Carley, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

- 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)

(It was noted that reference in the report to a commuted sum for public open space was no longer required).

And subject to 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

14. Lighting

46 13/1236M-RETENTION OF TREE HOUSE, SPINNEY END, CHELFORD ROAD, KNUTSFORD FOR HADDOW

Consideration was given to the above application.

(Councillor S Gardiner, the Ward Councillor, Mr Morse the agent for the objectors and Alison Freeman, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

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

(The meeting adjourned for a short break. Councillor D Neilson left the meeting).

47 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

Consideration was given to the above application.

(Liz Cowdray, the Planning Consultant for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the application be deferred for further information in respect of the future relocation of the existing businesses on the site. The decision for deferral was taken following the agreement by the Planning Consultant for the applicant that discussions with Council officers would be possible on this point.

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

(During consideration of the following application, Councillor D Neilson returned to the meeting. As a result he did not take part in the debate or vote).

48 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

Consideration was given to the above application.

(Councillor S Gardiner, the Ward Councillor and Alison Freeman, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written update to Committee 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. 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. The alterations to the squash club building, required to form the proposed palm house building, shall be substantially completed in accordance with the approved plans by 1st April 2014. For the avoidance of doubt “substantially complete” means the completion of all structural works, the completion of external building works so that the appearance of the building is as per the approved drawings and the building is watertight.

19. Doors to Bedroom None Opening

20. The proposed palm house building shown on the approved plans shall be ancillary to the dwellinghouse on the site and shall be retained as such thereafter.

21. Removal of permitted development rights for new outbuildings (Class E)

(Councillor D Mahon left the meeting and did not return).

49 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

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the oral update to Board 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. Window displays

(Prior to consideration of the following item, Councillor J Macrae left the meeting and did not return. Councillor Miss C Andrew also left the room and returned to the meeting during consideration of the following application. As a result she did not take part in the debate or vote).

50 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

Consideration was given to the above application.

(Alison Freeman, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. Inappropriate development in the Green Belt, harm to openness and encroachment contrary to policy. Very special circumstances do not exist
2. Contrary to Local Plan policy for airport infrastructure – T21 and T23
3. Significant harm to residential amenity through noise and disturbance contrary to policy DC3 of the Local Plan

51 13/3525C-PROPOSED FIRST FLOOR EXTENSION OVER EXISTING SINGLE STOREY SECTION OF DWELLING, 39, WHITE PARK CLOSE, MIDDLEWICH, MIDDLEWICH, CHESHIRE FOR MR S MCGRORY

Consideration was given to the above application.

RESOLVED

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

1. Standard Time
2. Materials to match existing dwelling
3. Approved plans
4. 3 car-parking spaces to be provided on site and retained thereafter.

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

52 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, KINGS SCHOOL, CUMBERLAND STREET, MACCLESFIELD CHESHIRE FOR JONATHAN SPENCER-PICKUP, KING'S SCHOOL, MACCLESFIELD

Consideration was given to the above 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 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

(Prior to consideration of the following application, Councillor R West vacated the Chair and Councillor B Livesley took over the Chair).

53 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

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the oral update to Committee the application be approved subject to either an agreement under S.111 of the Local Government Act 1972 in which the applicant will covenant to enter into a Section 106 Agreement as soon as the land is transferred from the Council to the applicant or 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

(The following condition to be included only if a S111 agreement was necessary):-

18. 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 obligation in the form of the draft s106 planning obligation appended to the s111 agreement dated [XX] September 2013 relating to this planning permission.

The meeting commenced at 2.00 pm and concluded at 5.35 pm

Councillor R West (Chairman)

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: 10 October 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

This application was presented to Northern Planning Committee on 25 September 2013. The application was referred to Northern Planning Committee at the discretion of the Northern Area Manager. Members voted to defer the application for further information in respect of the future relocation of the existing businesses on the site.

The decision for deferral was taken following the agreement by the Planning Consultant for the applicant that discussions with Council officers would be possible on this point.

Officers have met the applicant to discuss the future relocation of the existing businesses on the site and can confirm the following: -

1. The three tenants (Bollington Beer Supplies, TyrZ For Tyres and Bollington Car Centre) on Oven House farm are on informal lease agreements.
1. These informal lease agreements entail any tenants to give the applicant one calendar month of vacating the property and the applicant must give at leave 12 calendar months notice of termination. This is on a 'hand shake' agreement.

2. The applicant has confirmed that he has given all of the tenants notice in February 2013 that requires them to vacate on or before June 2015. (over 2 years notice).
3. The applicant has confirmed that he is actively pursuing the acquisition of alternative site upon which he intends to create enough floor space to accommodate his own business (to be carried on by his son) and the two existing tenants, if they have fail to find site on their own.
4. This has been evidenced by written confirmation from Bollington Beer Supplies, TyrZ For Tyres and Bollington Car Centre.
5. The tenants will vacate irrespective of the planning application.
6. Of the tree tenants, only one employee lives in Bollington.
7. The applicant has also stated that he is unable to make public his commercial dealings as they relate to confidential land purchases, however officers has seen evidence of this.
8. The applicant contends that he would need the funds made available from the granting of permission on this site to enable this land purchase to continue.
9. Finally the applicant has stated that they intend to cease the commercial use in such close proximity to their own residential property, hence the present employment on site will cease anyway.

Therefore as per the previous report and subject to the recommended conditions and S.106 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 (03/3436P) 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.

This planning history that the site itself has constantly been seen as a potential residential site, this is borne out by the site being identified in the SLAA and that the Local Planning Authority have look at favourably on sustainable residential schemes on both allocated and non allocated commercial sites in Bollington.

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 the mainly residential area in Bollington and is in employment use, therefore the relevant Macclesfield Local Plan polices 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.

Additional information submitted since the Committee on 25 September 2013 is included in the 'reasons for report' section of this report.

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.

The application site is not within a Conservation Area and none of the buildings on site are listed or can be considered for listed status. The Conservation Section did visit Ovenhouse Farm in 2008 when there was some suggestion that the farm house should be listed, in the event while the farm and the buildings would appear to be mid 1800's the house was not of sufficient merit to warrant listing. The barns do appear to be in the original location although one is much extended.

The applicant is not prepared to convert the building and officers do not believe that the buildings are convertible, without significant alterations. However, a condition is suggested to secure that the stone (where possible) is reused within the new housing scheme.

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;
- (a) Directly related to the development; and
- (b) 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.

Application for Outline Planning

RECOMMENDATION:

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
12. Re-use of existing stone

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Application No: 13/3251M

Location: LES HALMAN NURSERY, PARKSIDE FARM, CROWN LANE, LOWER PEOVER, CHESHIRE, WA16 9QA

Proposal: NEW GLASSHOUSE (re-submission of 12/4295M)

Applicant: L HALMAN, LES HALMAN NURSERIES LTD

Expiry Date: 25-Sep-2013

REASON FOR REPORT

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

SUMMARY RECOMMENDATION	APPROVE subject to conditions
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MAIN ISSUES

- Impact on the Green Belt
- Visual impact
- Impact on residential amenity
- Impact on protected species

DESCRIPTION OF SITE AND CONTEXT

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

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

DETAILS OF PROPOSAL

Planning permission is sought for the erection of a 24 bay glasshouse in 8 spans of 9.6m, measuring 76.8m x 72m and providing 5529.6 sq metres of floorpace. It would measure

5.1m to the ridge. The glasshouse would be constructed to the northern end of the existing complex within 3m of an existing glasshouse and is designed to match the most recent glasshouses built on site in terms of its height and appearance. It would be constructed on part of an adjoining field. It is proposed to re-position the existing timber post and rail fence which separates the field from the working area of the nursery and plant native trees and hedgerows around the northern and western elevation of the glasshouse to connect the eastern hedgerow with the field boundary to the west to provide replacement screening for the glass house complex when viewed from the north.

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

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

Amended plans were received which include the introduction of a mixed native species hedgerow to the northern and eastern site boundaries adjacent to the new building.

RELEVANT HISTORY

12/4295M New glasshouse refused 18-Feb-2013

The following applications were submitted to Cheshire West and Chester Council as the application site straddles the boundaries between the two authorities:

13/03354/FUL Erection of glasshouse - Amendment to application 12/04517/FUL Pending consideration (Cheshire West and Chester Council)

12/04517/FUL Erection of glasshouse application refused (Cheshire West and Chester Council)

POLICIES

Regional Spatial Strategy

The North West of England Plan Regional Spatial Strategy to 2021 (RSS) was abolished on 20 May 2013 and therefore the policies within this document carry no weight.

Local Plan Policy

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

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Environmental Health: no objection.

VIEWS OF THE PARISH / TOWN COUNCIL

Have reviewed this application and support the proposal

OTHER REPRESENTATIONS

None received.

APPLICANT'S SUPPORTING INFORMATION

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

OFFICER APPRAISAL

Background to the application

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

The previous application was refused solely because of insufficient information in respect of ecology. Correct surveys have now been undertaken by a suitably qualified and experienced ecologist.

Principle of Development

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

Green Belt

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

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

Design/Visual Impact

As stated, the building is designed for purpose and is similar in appearance to other glasshouses on site, in particular the glasshouse which lies immediately to the south of the application site. It would have a maximum height of 5.1m. The glasshouse is to be sited at the northern end of the existing complex of buildings and structures on the site, partially on a landscape area of the nursery and partially on an agricultural field. The field boundaries are marked by a combination of timber post and rail fencing and hedging. There is existing mature landscaping to the rear of residential properties fronting Crown Lane.

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

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

Highways

Vehicular access to the site would remain as existing off Crown Lane. There are no highways implications to the proposal as the building is required in connection with an existing business and given that the highways arrangements are not to change.

Amenity

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

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

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

Ecology

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE11 states that the LPA will seek to conserve enhance and interpret nature conservation interests and development which would adversely affect these interests will not be permitted. This policy is in full accordance with the NPPF.

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

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

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

In this case, the previous application was refused because the Phase I Habitat Survey submitted found that there are a number of ponds located in the vicinity of the site and as such recommended that further survey work was required to establish whether the proposal would impact upon Great Crested Newts, a European protected species. In the absence of this further survey work, there was insufficient information to demonstrate that Great Crested Newts would be unaffected by the proposal.

Further survey work has since been undertaken - the surveys have been undertaken broadly in accordance with standard best practice however one survey visit was completed when the temperature was below the recommended minimum. However, the Council's ecologist advises that given the overall results of the survey and the relatively low level impacts of the proposed scheme Great Crested Newts are not likely to be present or affected by the proposed development. No further action in respect of this species is therefore required.

The proposals would therefore satisfy the three tests, the NPPF and Local Plan policy NE11.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The reason for refusal of application 12/4295M has not been addressed by the proper consideration of the impact upon European Protected Species. The development continues to represent appropriate development in the Green Belt and would not raise any issues in respect of amenity, highway safety, nature conservation, design or in any other way. In so doing the proposals accord with policies NE2, NE3, NE7, NE8, NE11, NE12, NE13, BE1, DC1, DC2, DC3, DC6, DC9, DC10, DC13, DC14, DC17, DC21, DC22, DC33 and guidance within the Framework.

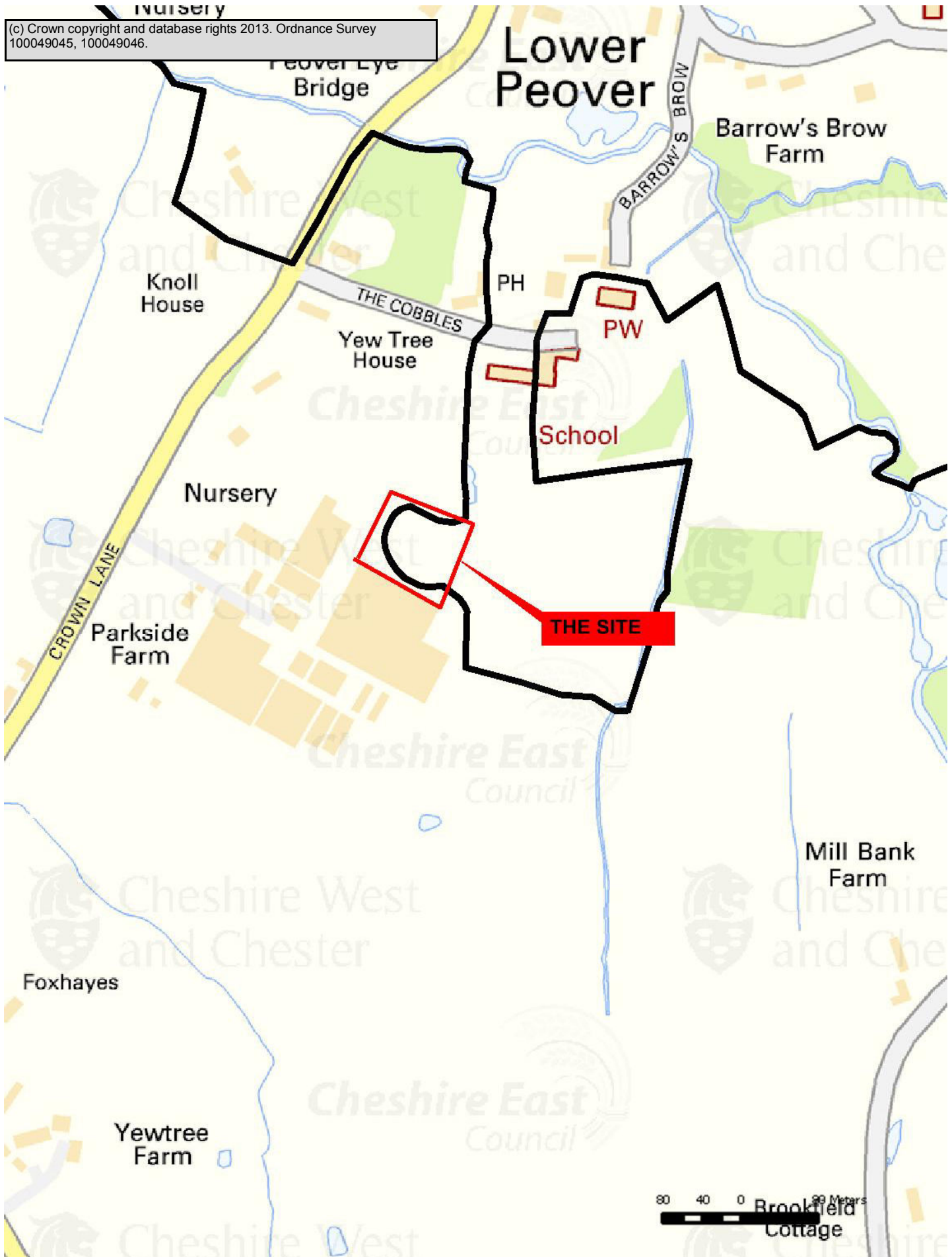
The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A03EX - Materials to match existing
3. A01AP - Development in accord with approved plans
4. A04LS - Landscaping (implementation)

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Application No: 13/3276M

Location: SITE OF 2 & 4 HOLLY ROAD NORTH, WILMSLOW, SK9 1LX

Proposal: Variation of condition 2 of 11/0533M to allow the submission of amended plans

Applicant: MR WAYNE SEDDON

Expiry Date: 01-Nov-2013

Date Report Prepared: 10th October 2013

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

The main point for consideration is whether not the proposed revisions have any greater impact on –

- The character and appearance of the application site or wider locality;
- The residential amenity of nearby properties;
- Highway safety;
- The long term health and wellbeing of trees protected by a Tree Preservation Order.

REASON FOR REPORT

This application seeks to vary condition 2 of planning reference 11/0533M (extension of time limit application of planning reference: 08/0783P) for the construction of an apartment block comprising 10no. apartments with associated basement parking. Therefore in line with the Council's Constitution, this application should be determined by Members of the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site is positioned on the southern side of Holly Road North within a predominantly residential area. The site is currently vacant following the demolition of 2 dwellings some years ago. A number of TPOs are present on the site.

DETAILS OF PROPOSAL

Approval is sought to vary the plans approved under reference: 11/0533M. Essentially, alterations are solely proposed to the overall design and massing of the approved apartment block. No alterations are proposed to the siting of the building within the plot, the number of units contained within it or the overall footprint of the building.

It is noted that the proposed vehicular access to the basement car park is to be relocated from the centre of the site, as approved, to run adjacent to the western site boundary, shared with the property known as 'Beechwood'.

Members are advised that the principle of the access as now proposed was tested on Appeal following the refusal of planning reference: 07/0961P. The location of the access was considered acceptable by the Inspector and the Appeal was Allowed. The time limit of that application was extended under planning reference 11/0534M and as such this permission remains extant.

RELEVANT HISTORY

11/0534M	Extension of time limit for 07/0961P. Apartments in a 5 storey building, including attic space and basement parking (amendments to approved application ref: 05/0789P). The application 07/0961P was refused on 11 July 2007. Approved on Appeal ref: APP/C0630/A/08/2063072. Approved with conditions, 07/06/2011
11/0533M	Extension of time limit to 08/0783P for erection of 10no. apartments with basement parking Approved with conditions, 10/06/2011
08/0783P	Erection of 10no. apartments with basement parking Approved with condition 25/06/2008
07/0961P	Amendments to approved application 05/0789P. Erection of a three-storey apartment building comprising 9 apartments, living accommodation in roofspace and basement parking for 20 cars & 2 external car parking spaces.
06/1914P	Erection of 10No. apartments in a 5-storey building, including attic space & basement parking. Refused 04/10/2006.
05/0789P	Demolition of 2no detached dwellings. Erection of 3 storey apartment building comprising of 9no. apartments, living accommodation in roofspace & basement parking for 17no. cars & 2no. external car parking spaces – approved 23.05.2005
04/1959P	Demolition of 2no. Detached houses. Erection of three-storey apartment building comprising 9 no. Apartments with additional living accommodation in roofspace and basement parking for 18 cars and 2 no. External visitor car park spaces (scheme 3) – approved 15.09.04
03/2450P	Demolition of two detached houses. Erection of three-storey apartment building, with loft accommodation, comprising 10 apartments with basement parking for 17 cars, 5 external car parking spaces and formation of new access – refused 08.10.03. Appeal lodged and dismissed 16 06.04.

03/2187P	Demolition of two existing dwellings and erection of 1 four-storey apartment block comprising 10 apartments with basement car parking for 17 cars and 6 external car spaces – withdrawn 08.09.2003.
03/1388P	Demolition of two existing dwellings and erection of 9 apartments – approved 16.07.2003.
02/2398P	Demolition of two existing dwellings and erection of nine apartments (Scheme 2) - approved 08.01.2003.
02/2397P	Demolition of two existing dwellings and erection of nine apartments - approved 08.01.2003.
02/1886P	Demolition of two existing dwellings and erection of nine flats in a three-storey block – refused 09.10.2002.
01/2452P	Demolition of two existing dwellings and erection of nine flats in a three-storey block – refused 12.12.2001. Appeal dismissed 10.06.2002.

POLICIES

Macclesfield Borough Local Plan Policy

- BE1 Design Guidance
- DC1 New Build
- DC3 Amenity
- DC38 Space, Light and Privacy
- DC6 Circulation and Access
- DC8 Car Parking
- DC9 Tree Protection
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments

National Planning Policy Framework

- Chapter 2 Ensuring the vitality of town centres.

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that all of the local plan policies listed above are consistent with the NPPF and should therefore be given full weight.

CONSULTATIONS (External to Planning)

Environmental Health: No objection.

OTHER REPRESENTATIONS

Representations have been received from No's.3, 5, 6 and 9 Holly Road North, 'Beechwood', and no's.16 and 18 Summerfield Place. Objections have been raised on the following grounds:

- Loss of privacy due to height and sub-standard separation distances;
- Confirmation of the height increase is required as could lead to overshadowing;
- Bin storage may become an issue;
- The size and height of the proposal is disproportionate to surrounding houses along Holly Road North;
- Harm to highway safety and school children due to increased traffic movements around the site due to additional bedroom and additional parking provision within the basement;
- Since 2001 there have been 15 applications on this site, some of which have been successful and not constructed;
- The site has been derelict and overgrown;
- Potential for flooding due to disturbance of the water table.

OFFICER APPRAISAL

Design

Local Plan policy DC1 advises that the overall scale, density, height, massing and palette of materials of new buildings should be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. Similarly policy BE1 promotes high standards of design that should follow set design principles which are detailed as follows:

1. Reflect local character;
2. Respect the form, layout, siting, scale and design of surrounding buildings and their setting;
3. Contribute to the rich environment and add to the vitality of the area;
4. Be human in scale and not normally exceed 3 storeys in height; and
5. Use appropriate materials.

Local Plan policies DC1 and BE1 are consistent with the NPPF and should therefore be given full weight.

The NPPF attaches great importance on the design of the built environment. Paragraph 63 states that 'in determining applications great weight should be given to outstanding or innovative designs which raise the standard of design more generally in the area'. Furthermore, paragraph 64 advises that 'planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.'

The application site has a lengthy planning history dating back to September 2001. Essentially, as a result of a combination approvals by the Northern Planning Committee and those allowed on appeal, extant permission exists for the construction of 10 no. apartments contained within a five storey apartment block. This includes basement parking for up to 17 No. cars and bicycle storage. Living accommodation is spread across the ground, first and second floors with further accommodation contained within the roof space.

The approved scheme ultimately allows for a building that would take the appearance of a two and a half storey structure with three storey gables and each side of the front and rear elevations. This has been achieved by maintaining a lower eaves height and containing the second and third floor accommodation within the roof space.

It is proposed to significantly alter the design and scale of the approved building by increasing the ridge height by 500mm, increasing the eaves height by approximately 2m to sit at second floor level (an increase from 5m to 8m); increasing the height of feature gables to the front elevation by approximately 1.5m; the introduction of a further gable that would sit centrally on the front elevation; gables to the rear would sit approximately 2.5m higher than those approved; two storey wings to the each side elevation would increase in height from 5m to 9m at eaves level and 6m to 10.3m to the ridge; 6 no. additional windows are proposed to the west facing elevation and 9 no. additional windows are proposed to the east facing elevation. The approved scheme allows for balconies to be enclosed within feature gables to the front and rear, the depth of these gables has essentially been removed and replaced with stand alone balconies.

The application site is bound by two storey detached dwellings to the east and west. Similarly two storey dwellings are located opposite the site. It is acknowledged that there are a number of apartment blocks within the vicinity of the application site, located to the rear and along Holly Road North. Nevertheless the setting and scale of those blocks are significantly different to that which is proposed under this application and therefore no direct comparison can be made.

Properties within the immediate vicinity of the site comprise of a variety of properties of varying design and age. It is therefore arguable that there is no strict uniformity in terms of design within the immediate street scene. Though the footprint of the building is to remain as previously approved, cumulatively the amendments proposed would see a material increase in the overall massing and bulk of the block, particularly to the side and rear.

It is considered that the development would present a visually stark and intrusive contrast to existing properties contained within the street scene and the approved development. Approval of the scheme would allow for the construction of a prominent and unduly overbearing addition to the detriment of the character and appearance of Holly Road North and the wider locality and is therefore considered contrary to Local Plan policies BE1, DC1 and the advice contained within the NPPF.

Residential Amenity

Local Plan policies H1, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of nearby properties as a result of undue harm to privacy, overbearing impact, loss of sunlight and daylight, traffic generation and car parking. Policy DC38 provides guidelines for spaces between buildings. The space between the apartment block and neighbouring properties has been tested on Appeal previously. The Council would therefore not be justified in revisiting this point now.

Paragraph 17 of the NPPF outlines 12 Core Planning Principles that should underpin both plan-making and decision-taking. Paragraph 17 identifies the importance in the need to 'seek

high quality design and a good standard of amenity for all existing and future occupants of land and buildings’.

The apartment building would be positioned to the east of ‘Beechwood’ which comprises of a two storey detached dwellinghouse with attached single storey garage. Due to the positioned of the apartment block, the building would essentially extend the full depth of the rear garden serving this property. There is a slight change in land levels between ‘Beechwood’ and the application site, which I understand to be approximately 500mm. This will be confirmed on receipt of a street scene plan. Approximately 5m will exist between the apartment block and the shared site boundary. As the positioning of the building has been tested and considered to be acceptable under previous applications it is not necessary for Members to re-visit this point.

However, alterations proposed to the overall height of the building, heavy stone copings, increases in the height and massing of a two storey wing, and additional glazing, albeit obscured and none opening, would create an oppressive and extremely intrusive form of development to the significant detriment of this neighbouring property. For this reason the proposal is considered to be contrary to Local Plan policy DC3 and the core principles of paragraph 17.

Consideration has been given to all objections raised in respect of a loss of privacy. However, having considered these matters in comparison to the extant permission, it is not considered that the proposed scheme would result in a significantly greater impact on privacy than that previously considered to be acceptable.

Other Matters

Objections have been raised in respect of highway safety. This application does not propose to increase the density of the approved scheme. Though it is accepted that this revision would provide 1 no. additional bedroom within Apartment 10, additional parking provision would be provided within the basement for 4 no. cars. Matters of highway safety have been deemed to acceptable under previous permissions and it would be unreasonable for the Council to refuse this application on such grounds.

Comments received from the Council’s Forestry Officer have made light of the recent changes to the British Standards for the protection of trees. The application site contains a number of trees covered by a Tree Preservation Order. Though this application has not been supported by an up to date Tree Survey, extant permission does exist for a scheme that would sit on the same footprint and access as that proposed. Refusal of this application would not prevent the applicant from constructing that permission. It is therefore considered that a refusal on forestry grounds could not be sustained.

Public Open Space and Outdoor Sport would normally be expected for residential developments of 6 no. units or more. Historically, S106 contributions have not been sought. Extant permission exists for the construction of 10 units and it would be unreasonable for the Council to engage in such negotiations at this stage.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Approval is sought to vary plans approved under planning reference: 11/0533M. Cumulatively the proposed scheme constitutes a re-design with unacceptable increases in height and massing. The development would present a visually intrusive form of development that would appear unduly prominent and overbearing to the detriment of the character and appearance of Holly Road North and the amenity of neighbouring properties.

The NPPF includes a presumption in favour of the sustainable development. Applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal is considered contrary to policies DC1, BE1, and DC3 which should be given full and substantial weight as they are consistent with the objectives of the NPPF. In this case the harm is considered to be substantial and demonstrable.

The fall back position of the extant permission would result in significantly less harm than that proposed and should therefore be given little weight.

Recommend refusal.

Application for Variation of Condition

RECOMMENDATION: Refuse approval

1. R07RD - Development unneighbourly
2. R10MS - Design of substandard quality

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Application No: 13/3605M

Location: THE HIGH LEGH PARK GOLF CLUB, WARRINGTON ROAD,
MERE, CHESHIRE, WA16 0WA

Proposal: Variation of condition 10 attached to planning permission 13/0932M.
(before the use of lighting is commenced, an artificial light/illumination
validation test shall be completed and the results submitted to and
approved in writing by the Local Planning Authority.
Golf Academy and Driving Range.

Applicant: Mr Andrew Vaughan

Expiry Date: 24-Oct-2013

**SUMMARY RECOMMENDATION: APPROVE subject to conditions
MAIN ISSUES**

Impact of the proposed variation of condition on:

- Amenity and living conditions of nearby residential properties
- Impact on landscape and Green Belt

REASON FOR REPORT

The application has been referred to the Northern Planning Committee by the Northern Area Manager because the original application (13/0932M) for a Golf Academy and Driving Range was determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site is known as High Legh Park Golf Club – which is a 27 hole golf course of approx 82ha in the open countryside. The site itself is in the North Cheshire Green Belt and is situated off the A50 Warrington Road.

There is an existing clubhouse visible from Warrington Road, with maintenance facilities on another part of the site near to Broadoak Lane. Wrenshot Lane runs across the middle of the course.

To the west of the course is the village of High Legh. The large detached houses that are off Candelan Way share boundaries with the course. There are isolated detached houses on Wrenshot Lane.

The site is located in a gently undulating landscape which is characterized by open fields, many enclosed by hedges, and blocks of woodland. The site and the area around it does not have any special landscape designation.

DETAILS OF PROPOSAL

The proposals relate to the variation of Condition 10 attached to permission ref 13/0932M. That condition related to the submission of a lighting validation test. The applicant is suggesting an alternative wording for the condition.

That permission was for a golf academy and driving range building and associated lighting and screens.

RELEVANT HISTORY

13/0932M Golf Academy and Driving Range approved 05-Aug-2013

POLICIES

Regional Planning Policy

The North West of England Plan Regional Spatial Strategy to 2021 (RSS) was abolished on 20 May 2013 and therefore the policies within this document carry no weight.

Local Plan Policy

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

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

Macclesfield Borough Local Plan – saved policies (MLP)

NE11 Nature Conservation

NE17 Nature Conservation in Major Developments

GC1 Green Belt – New Buildings
DC3 Amenity
DC6 Circulation and Access
DC33 Outdoor commercial recreation
DC64 Floodlighting

Other Material Considerations

National Planning Policy Framework
Cheshire East Local Plan Draft Development Strategy
Ministerial Statement of 23 March 2011 on "Planning for Growth"
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.
The SPG on Floodlighting (Originally adopted June 1998; policy in MBLP Jan 2004; SPG reproduced April 2005)

CONSULTATIONS

High Legh Parish Council – High Legh Parish Council wish to keep in the words "and independently verified" in Condition 10:

10. Before the use of the lighting is commenced, an Artificial Light/Illumination Validation Test shall be completed and the results submitted to and independently verified and approved in writing by the Local Planning Authority.

We agree with the amendments in 10 c) and d).

Environmental Health - After further consideration of the issue and the reasoning for condition 10: protection of residential amenity by way of light overspill from the proposed development (light overspill occurs when light enters property from a light source outside of that property).

Artificial light from the proposed golf driving range shall be commensurate and shall not exceed the existing ambient luminance arising from both natural and artificial illumination sources at this location.

To clarify our position, no light overspill shall occur beyond the applicant's boundary. This Directorate recommends the following amended wording (in order that the applicant is informed the design specification and to ensure the conditions enforceability):

Before the use of the development is commenced, an Artificial Light/ Illumination Validation Test shall be completed and the results submitted to and independently verified and approved in writing by the Local Planning Authority.

Such validation test shall:

a) Be completed in accordance with an approved method statement.

- b) Be completed by a suitably qualified Lighting Engineer/ Consultant.
 - c) Demonstrate that no artificial light overspill occurs at the boundary of the residential properties to the North of the golf driving range.
 - d) In the event of light overspill from the golf driving range, a further scheme of artificial light (illumination) attenuation works capable of achieving “no light overspill at the boundary of the residential properties to the North of the golf driving range” shall be submitted to and independently verified and approved in writing by the Local Planning Authority.
 - e) The Validation Test scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained unless otherwise agreed in writing with the Local Planning.
- Reason: In the interests of amenity having regard to the location of the site in accordance with policy DC3 of the Macclesfield Borough Local Plan 2004.

OTHER REPRESENTATIONS

Letters of Representation from The Damsons and Park Cottage objecting on the grounds that:

- Applicant's draft amended condition 10 (as set out on the submitted application forms) would not satisfactorily achieve the level of control that the Environmental Health department originally required

In order to remove the ambiguity caused by the current wording of condition 10 the local planning authority should allow a variation of condition 10, but that criteria b), c) and d) but request that this should be reworded in the following (or equally similar) way:

10. Before the use of the development is commenced, an Artificial Light/ Illumination Validation Test shall be completed and the results submitted to and independently verified

and approved in writing by the Local Planning Authority. Such validation test shall:

- a) Be completed in accordance with an approved method statement.
- b) Be completed by a suitably qualified and independent Lighting Engineer/ Consultant who's appointment should be approved by the local planning authority.
- c) Demonstrate that the illumination level: zero Lux additional to the existing Lux level resulting from the development hereby permitted at the boundary of the residential properties to the North of the golf driving range has been achieved.
- d) In the event that the specified Lux level has not been achieved, a further scheme of artificial light (illumination) attenuation works capable of achieving the specified zero Lux additional to the existing Lux level resulting from the development hereby permitted level shall be submitted to and independently verified and approved in writing by the Local Planning Authority.
- e) The Validation Test scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained

unless otherwise agreed in writing with the Local Planning.

-concern is also raised that any '*further attenuation works*' (in whatever form of development they may take) would have an even greater impact on the openness of the Green Belt and significantly injure residential amenity.

OFFICER APPRAISAL

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

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

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

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

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

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

Principle of Development

Planning permission has been granted for the golf academy and driving range with associated lighting and landscaping. The principle of development has already been accepted. The variation of condition as suggested by Officers (and informally agreed by the applicant) is in line with the requirements of Environmental Health and would continue to provide appropriate protection to living conditions and the amenities of the nearest residential properties and would protect the character of the wider landscape and Green Belt.

Condition 10

Condition 10 reads as follows:-

'Before the use of the development is commenced, an Artificial Light/ Illumination Validation Test shall be completed and the results submitted to and independently verified and approved in writing by the Local Planning Authority. Such validation test shall:

- a) Be completed in accordance with an approved method statement.*
- b) Be completed by a suitably qualified Lighting Engineer/ Consultant.*
- c) Demonstrate that the illumination level: "zero Lux" at the boundary of the residential properties to the North of the golf driving range has been achieved.*
- d) In the event that the specified Lux level has not been achieved, a further scheme of artificial light (illumination) attenuation works capable of achieving the specified Zero Lux level shall be submitted to and approved in writing by the Local Planning Authority.*
- e) The Validation Test scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.*

Reason: In the interests of amenity having regard to the location of the site in accordance with policy DC3 of the Macclesfield Borough Local Plan 2004.'

The condition as proposed by the applicants is as follows:

'Before the use of the lighting is commenced, an Artificial Light/ Illumination Validation Test shall be completed and the results submitted to and approved in writing by the Local Planning Authority. Such validation test shall:

- a) Be completed in accordance with an approved method statement.*
- b) Be completed by a suitably qualified Lighting Engineer/ Consultant.*
- c) Demonstrate that the illumination level: +/- 1 additional Lux resulting from the development hereby permitted at the boundary of the residential properties to the North of the golf driving range has been achieved.*
- d) In the event that the specified Lux level has not been achieved, a further scheme of artificial light (illumination) attenuation works capable of achieving the specified +/- 1 additional Lux resulting from the development hereby permitted level shall be submitted to and approved in writing by the Local Planning Authority.*
- e) The Validation Test scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.'*

Amenity

Policies DC3, DC33 and DC64 indicate that development should not significantly injure amenities of adjoining or nearby residential property or sensitive uses.

One of the main amenity impacts identified were light glare and light trespass.

The submitted Lighting Report and supplementary Lighting Report were carried out in accordance with Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting GN01: 2011. The Floodlighting SPG provides guidance on the interpretation of policies DC33 and DC64. Both of these policies look at the issue of lighting. Sky glare and light trespassing can result in artificial light nuisance which is actionable under the Environmental Protection Act 1990.

Whilst, there is no set level at which artificial light from premises becomes a statutory nuisance, the document referred to above provides guidance on acceptable levels.

The condition imposed was suggested by Environmental Health following negotiations and amendments agreed between the applicant and Environmental Health. Environmental Health withdrew their original objection to the application following the submission of additional information and amendments to the scheme which were as follows:

- The number of "berm" ground mounted light units reduced to 7 from the original 8 proposed (furthest line, towards Wrenshot Lane, of lights reduced from 3 to 2 units).
- The 2 furthest units will have reduced output of 250 watts rather than 400 watts.
- 6 of the 7 ground mounted units will have light spillage blocks to prevent light spillage emulating towards neighbouring land
- The 6 floodlights would be angled with overhanging caps
- 2m high screen to the boundary with Park Cottage.

The Report concludes that lighting conditions would be within +/- 1 Lux of the current lighting conditions for neighbours and on that basis, Environmental Health considered that as residents would be using their gardens more readily in summer and subject to appropriate controls, this would limit the impact of light pollution from the driving range to neighbours. Notwithstanding this, Environmental Health recommended a condition in respect of the submission of an illumination validation test (to ensure zero lux is achieved at nearby residential properties).

The applicant is applying to vary the condition because the condition as currently worded might be interpreted in a way that is unnecessarily onerous given that existing lighting levels are likely to be in excess of zero lux. The objectors also agree that existing lighting levels are likely to be in excess of zero lux. Environmental Health has confirmed that, if interpreted in that way, the wording in the condition would be overly restrictive and that the intention was to ensure that no additional lux produced at the site boundaries with The Damsons and Park Cottage. The proposed condition as recommended in this report would achieve this objective.

The objectors and Parish Council have suggested an alternative wording that requires the information be independently verified and that it be retained at zero lux as they consider anything over this would be unacceptable.

Given that any information submitted would be ratified by Environmental Health it is not considered necessary to have this independently verified as the Council is satisfied that it has the expertise internally to be able to analyse any information submitted in conjunction with the condition.

The applicants originally suggested that the condition allow for +/- 1 Lux when measured against existing conditions. It allowed, this would mean that artificial light levels could increase by up to 1 Lux above existing. However, Environmental Health consider that an increase of 1 Lux above existing should not be accepted with the information available. The proposed wording within this report suggested by officers differs from the various suggestions submitted. This is to ensure that the condition meets the requirements of the applicant, Environmental Health, protects the amenities of neighbours and meets the tests within Circular 11/95. Both the applicant and Environmental Health have informally commented that the wording suggested by officers would meet their requirements.

The suggested wording by officers to be imposed on the planning permission is:

Prior to the installation of any lighting associated with the development hereby permitted, an Artificial Light/ Illumination Validation Test shall be completed and the results submitted to and approved in writing by the Local Planning Authority.

Such validation test shall:

- a) Be completed in accordance with an approved method statement.
- b) Be completed by a suitably qualified Lighting Engineer/ Consultant.
- c) Demonstrate that no additional artificial light overspill associated with the development hereby permitted occurs at the boundary of the residential properties to the North of the golf driving range.
- d) In the event of light overspill from the golf driving range, a further scheme of artificial light (illumination) attenuation works capable of achieving "no additional artificial light overspill associated with the development hereby permitted occurs at the boundary of the residential properties to the North of the golf driving range" shall be submitted to and approved in writing by the Local Planning Authority.
- e) The Validation Test scheme of works shall be installed as approved in writing by the Local Planning Authority before the use of the lighting is commenced and shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity having regard to the location of the site in accordance with policy DC3 of the Macclesfield Borough Local Plan 2004.

As noted above, the relevant policies within the Local Plan suggest that permission can only be withheld where an impact on amenity is significantly adverse. Given the existing

site conditions and the mitigation proposed within the condition, any impact on neighbouring amenity would not be significantly adverse. On that basis and in accordance with para 14 of The Framework the proposals do not raise any amenity issues.

Planning permission should only be refused if the harm cannot be addressed by conditions. In this case the revised condition properly safeguards living conditions and visual amenity.

Green Belt Issues

The impact of the proposed lighting on the landscape and wider Green Belt was a material consideration during the last application not just in terms of the light pollution but also the light installations and associated mitigation measures.

Under the last application, the Berm light system is designed to minimise sky glow and the provision of caps and angling would further mitigate the impact. The Berm lighting is set into the ground which reduces its visual impact and the floodlighting was to be attached to the proposed building. The mitigation proposed included a series of structures under 2m in height and therefore do not require planning permission.

These mitigation measures are not considered to have any harmful impact on the openness of the Green Belt. Any additional attenuation measures required by the condition would be of a similar nature and would not materially affect openness or visual amenity of the Green Belt.

Notwithstanding this, to control concerns regarding the visual impact of associated mitigation which would only be a required as a direct consequence of the development requiring planning permission, it was considered appropriate to condition full details to be submitted.

The contents of the objectors letter is duly noted and the condition relating to the submission of details would be imposed accordingly.

Other Matters

Applicants Proposed Amendment

After this application was submitted, the applicants informally requested that the condition be varied to allow 1 Lux at 3m of the building but have not explained the justification for this. Environmental Health has expressed concerns regarding the enforceability of this. On that basis, this alternation is not considered reasonable. In any event, the applicants have since informally agreed that the revised condition as suggested by officers would meet their requirements.

Stray Balls

Since granted planning permission, it has been noted that the Stray ball report submitted by the applicant included an aerial photograph with an overlay of the position of the driving range which has since been acknowledged to be slightly inaccurate when compared to the red edge site plan. The true position of the driving range is actually slightly further away from 'The Damsons' and 'Park Cottage' but is angled slightly more towards 'Park Cottage'. Planning officers and Environmental Health consider this has made no material difference in the assessment and conclusion made and that adjoining properties are adequately safeguarded.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Planning permission has already been granted and the development was considered appropriate development in the Green Belt. The condition as amended would continue to ensure that the development would not have a significant adverse impact upon neighbouring amenity or the landscape character of the site. In addition, this variation does not raise any new issues in respect of highway safety, nature conservation or in any other way. The proposals therefore accord with policies NE11 Nature Conservation, NE17 Nature Conservation in Major Developments, GC1 Green Belt – New Buildings, DC1 Design – New Build, DC3 Amenity, DC6 Circulation and Access, DC8 Landscaping Scheme, DC9 Tree Protection, DC13 Noise, DC33 Outdoor Commercial Recreation and DC64 Floodlighting of the Macclesfield Borough Local Plan 2004. In so doing, The Framework indicates at para 14 that under such circumstances, permission should be granted.

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

Application for Variation of Condition

RECOMMENDATION: Approve subject to following conditions

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

4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A02TR - Tree protection
7. A22GR - Protection from noise during construction (hours of construction)
8. A23GR - Pile Driving
9. Floor Floating Details
10. Illumination Validation Test –

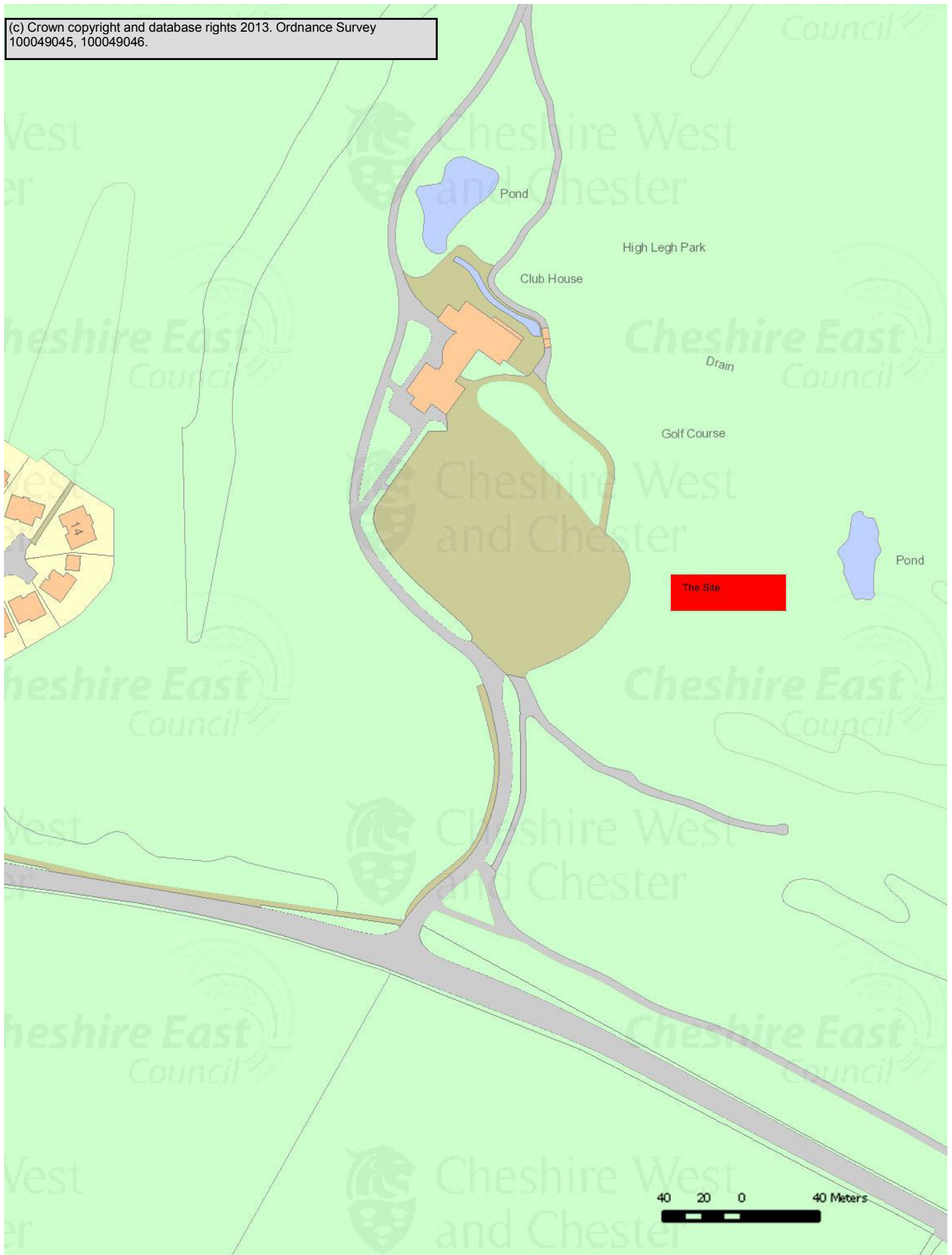
Prior to the installation of any lighting associated with the development hereby permitted, an Artificial Light/ Illumination Validation Test shall be completed and the results submitted to and approved in writing by the Local Planning Authority.

Such validation test shall:

- a) Be completed in accordance with an approved method statement.
- b) Be completed by a suitably qualified Lighting Engineer/ Consultant.
- c) Demonstrate that no additional artificial light overspill associated with the development hereby permitted occurs at the boundary of the residential properties to the North of the golf driving range.
- d) In the event of light overspill from the golf driving range, a further scheme of artificial light (illumination) attenuation works capable of achieving “no additional artificial light overspill associated with the development hereby permitted occurs at the boundary of the residential properties to the North of the golf driving range” shall be submitted to and approved in writing by the Local Planning Authority.
- e) The Validation Test scheme of works shall be installed as approved in writing by the Local Planning Authority before the use of the lighting is commenced and shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.

11. A13GR - Business hours (including Sundays)
12. Details of Screens and Blockages
13. Details of Berm Mounds
14. Removal of Floodlights on Existing Clubhouse
15. A12MC - Hours of illumination and no additional lighting

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Application No: 13/3884N

Location: Land to Rear of 55, SUNNYBANK ROAD, CREWE, CW2 8SY

Proposal: Construction of Two Pairs of Semi-Detached 2 Bedroom 4 Person Affordable Dwellings and Associated Access and Parking Arrangements

Applicant: Adele Sumner, Wulvern Housing Ltd

Expiry Date: 11-Nov-2013

SUMMARY RECOMMENDATION

APPROVE with conditions - subject to the submission and approval of a noise survey and mitigation scheme to the Environmental Health department and the favorable outcome of all other outstanding consultation responses

MAIN ISSUES

- Principle of Development
- Design, Impact on the Character and Appearance of the Locality/Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety and parking
- Impact on contaminated land
- Ecology
- Affordable Housing
- Other Matters

1. REASON FOR REFERRAL

This type of application would normally be considered under delegated powers however, Councillor Sherratt has called the application into Committee for the following reasons,

'My constituent at number 65 would like this calling in please.

This is due to the development being at the rear of his house and will adversely impact his privacy by encroaching on his boundaries and will create overlooking, also the entrance to the site is extremely narrow with several accidents to my constituents fence already.'

'I have just visited with Mr Tew at number 55 who also objects to the development, he has showed me detailed plans showing a 10 meter non build clause next to the railway line which is part of the development, this is due to heavy cabling underneath, there is also issues with

Mr Tew's drains, Mr Tew built his house and also paid for the drains to be installed, which exclusively serve his property, the development would use his drains and he objects to this. '

2. DESCRIPTION OF SITE AND CONTEXT

The proposal site is situated within the Crewe town settlement boundary to the rear of No.55 Sunnybank Road and 10-18 Christleton Avenue, Crewe. The application site is an area previously used for garages associated with the Local Authority housing previously owned by the former Crewe and Nantwich Borough Council, now owned by Wulvern Housing. The area of land is approximately 0.14 ha and is covered in hardstanding with a number of garage building and a container. The site adjoins the boundaries of 10-18 Christleton Avenue to the south western boundary, with the Crewe to Chester railway line to the north. The eastern boundary of the site abuts the rear garden of dwelling at 55 Sunnybank Road, with access to the site between No.55 and No.53 Sunnybank Road.

3. DETAILS OF PROPOSAL

This application seeks permission for four affordable dwellings, in the form of two pairs of semi-detached properties. Each property has two associated parking spaces and the existing access will be utilised between No.55 and No.53 Sunnybank Road.

4. RELEVANT HISTORY

No site history

5. POLICIES

The development plan includes the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

Local Plan Policy

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Accessing and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on potentially contaminated land)
RES.2 (Unallocated Housing Sites)
RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in RES.4)
TRAN.3 (Pedestrians)
TRAN.5 (Provision for Cyclists)
TRAN.9 (Car Parking Standards)

Supplementary Planning Documents

Local Development Framework - Development on Backland and Gardens Supplementary Planning Document (2008)

Other Material Considerations

National Planning Policy Framework 2012

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager – None received at time of writing this report.

Environmental Health – Recommend refusal on the ground of insufficient information relating to noise mitigation. In order to adequately assess the impact on the proposed properties, having regard to noise from the adjacent industrial process and locomotive noise from the railway line. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

No further objections subject to conditions for hours of operation, pile foundations, external lighting, dust and a phase II contaminated land report.

United Utilities: No Objections

Network Rail: [Full consultation response available to view on the website]

The proposal document states that there is existing palisade fencing and that the developer is to erect a 2.1m high close boarded fence adjacent to the railway boundary.

- Acoustic fencing / close boarded fencing that is proposed to be installed along the boundary with Network Rail is a cause for concern. Therefore the acoustic fence and its foundation design would be subject to the Network Rail Asset Protection Engineer approval. Any acoustic fencing should be set back from the boundary with Network Rail by 1m. Condition requested:

Prior to the commencement of the development, acoustic fencing mitigation measures shall be approved in writing by the Local Planning Authority and Network Rail.

Reason: To protect the adjacent railway boundary.

- All developments within 10m of the operational railway line and Network Rail land should be flagged up to Network Rail by the applicant. Request condition:

A method statement and risk assessment must be submitted to Network Rail's Asset Protection Engineer for approval prior to works starting on site.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

- The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- Any scaffold which is to be constructed within 10 metres of the Network Rail / railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.
- All surface water is to be directed away from the railway.
- Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and our boundary fencing.
- NR remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should then use conditions as necessary.

7. VIEWS OF THE TOWN COUNCIL – The Council accepts the principle of the application providing that the views of Network Rail are taken into account.

8. OTHER REPRESENTATIONS

Letters of representation have been received from the occupiers of 10 Christleton Avenue and 294 West Street, Crewe. The main issues raised are;

- Retention of hedge requested between No.10 Christleton Avenue and the development site,
- Concerns of the safety of the access as it is only a single access car width with no opportunity to widen it,
- Concerns raised that Wulvern did not consult neighbours who rent garages on the site,
- Proposal will have a negative impact on wildlife
- Concerns raised over the safety of boundary fence with railway

9. APPLICANT'S SUPPORTING INFORMATION

- Protected Species Report by Rob Smith Ecology Consultant
- Arboricultural Impact Assessment by Goodwin Tree Consultants
- Phase 1 Land Quality Report by ESI

10. OFFICER APPRAISAL

Principle of Development

The application site is situated within the Crewe town settlement boundary where the general principle of residential development on this site is acceptable, subject to compliance with Policy RES.2 (Unallocated Housing Sites) of the Local Plan and the Crewe and Nantwich Council Supplementary Planning Document on Development in Backland and Gardens which is also relevant and provides more detailed advice. In order to fully accord with Policy RES.2 the development must also be in keeping with the requirements of policies BE.1 – BE.5.

National Planning Policy Framework

Significant weight is attached to the guidance contained in the National Planning Policy Framework. Paragraph 47 of the National Planning Policy Framework requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The current SHLAA has put forward a figure of 7.1 years housing land supply. This is currently in the process of being adopted.

The National Planning Policy Framework clearly states at paragraph 49 that:

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

However as the site is within the settlement boundary of Crewe where there is a presumption in favour of development the main issues of this application are impact on amenity, design and access and parking.

Design - Impact on the Character and Appearance of the Streetscene

The application site is largely vacant with some outbuildings on the hardstanding. The application site is a triangular shape with residential development on two sides and a railway line on the other.

The application proposes two pairs of semi-detached dwellings on the land. The dwellings will be sited at a right angle to the rear elevation of the existing dwelling on Sunnybank Road and fronting towards the rear garden areas of No. 10-18 Christleton Avenue. The proposed dwellings will be of a design which replicates those in the surrounding area and appears to be of size and design which relates well with the streetscene. The dwellings will have a hipped roof and is proposed to be constructed in materials to match the surrounding dwellings. It is therefore considered that the design is acceptable and will not have a detrimental impact on the surrounding area. Whilst backland development is not a prominent feature in the area, the application site compromises a small area of land which surrounded by other development and the railway line and therefore forms a suitable site for residential development given its current ancillary to residential use status.

The details for boundary treatment, surfacing materials and landscaping plan have been submitted with the application. The site plans also shows the position of garden sheds, wheelie bin storage areas and drying areas for washing. All these elements appear to be acceptable. However network rail have required that the boundary treatment adjacent to the existing palisade fencing be set back 1m, and that a reduction in the height is sought. This can be dealt with by condition.

It is therefore considered that the proposed development is acceptable and in accordance with Policy BE.2 of the Crewe and Nantwich Replacement Local Plan.

Impact on the Amenity of adjacent properties and future occupants

Loss of Privacy/Overlooking/Overshadowing

As noted above the application site is a triangular plot of land surrounded by neighbours on two sides and the railway line on the other. This area has previously housed garages associated with the former Council Housing in the area. The four dwellings are proposed to be positioned at a right angle to the rear elevation of No.55 Sunnybank Road. No 55 has several principal windows on the rear elevation of the property. There is a separation distance of 19m proposed between the side elevation of Plot 4 and the rear elevation of No.55. The side elevation of Plot 4 will have two windows which will serve a landing at first floor level and a kitchen dinner at ground floor level, a separation distance of 13.5m is required by the Councils SPD for Development on Backland and Gardens between elevations with principal windows and flank elevations or elevations with secondary windows. Neither of the windows on the side elevation of Plot 4 are principal windows serving habitable rooms and therefore it is considered that with the addition of a condition which requires these side windows to be obscure glazed the proposed dwelling will not have a significantly detrimental impact on neighbouring amenity by means of overlooking. Similarly, although the dwelling on plot 4 will be clearly more visible to the neighbours at No.55 it will be situated a suitable distance away that it will not have an overshadowing impact on the neighbours dwelling.

The proposed dwelling will face towards the rear elevations of No.10 – 18 Christleton Avenue, however none will be directly overlooked by the proposed dwellings due to the orientation of the units. There will be a minimum distance of 26m between the rear elevation of the dwelling on Christleton Avenue and the proposed dwellings. The Councils SPD for Development on Backland and Gardens required a separation distance of at least 21m between principal elevations and principal elevations and therefore in this instance the development will exceed this requirement and therefore will not have a significantly detrimental impact on neighbouring amenity by means of overlooking or overshadowing.

The Environmental Health department have requested condition restricting the times of development and pile driving the external lighting, dust management to safe guard the amenity of the existing neighbours. It is considered that given the close proximity of the neighbours to the development site these conditions are reasonable in this instance.

Private Amenity Space

The SPD for Development on Backland and Gardens identifies that all new dwellings should have a minimum of 50sqm of private amenity space. In this scheme the proposed private amenity spaces provided would exceed this level in all cases. However with the reduced rear garden space of 1m, as required by Network Rail, units 3 and 4 will only just meet the 50m² requirement.

Noise Impact

The site is bounded by a railway line to the rear of the site and therefore to allow residential development in such close proximity noise mitigation is required. At this time the Environmental Health Department are recommending refusal on the basis of insufficient information as a noise survey and mitigation package has not been submitted. The applicant has commissioned a survey to be carried out; however at the time of the writing the officers report the survey is still outstanding. It is therefore considered that provided an adequate survey and mitigation is submitted and accepted the application could be acceptable and an update will be given to the Councillors on this matter. However should a survey not be received in sufficient time the

application will be unacceptable on the basis of insufficient information and would therefore be contrary to policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan.

Impact on Highway Safety and Parking

The application site will be accessed from the existing access off Sunnybank Road. This area was previously used for access to garages and therefore the access has been used for vehicle movements previously. Furthermore each dwelling will have two offsite parking spaces which is in line with the requirements of the Highways Authority, with the addition of two additional visitor spaces. It is therefore considered in the Planning Officers opinion that the proposal will be acceptable and not have a significantly detrimental impact on highway safety.

However, at this time the Highway Authority's comments are still outstanding and therefore will form an update to the planning committee.

Contaminated Land

The application area has a history of brick works and lock-up garage use and therefore the land may be contaminated. This site is within 250m of an 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. The applicant has submitted a Phase I Preliminary Risk Assessment for contaminated land which recommends further works be undertaken in order to investigate identified potential contaminant linkages. It is therefore considered reasonable to condition that a Phase II investigation is carried out and approved by the Local Planning Authority.

Ecology

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE.5- Nature Conservation and Habitats states

The local planning authority will protect, conserve and enhance the natural conservation resource. Proposals for development will only be permitted:

Where they ensure that any wildlife habitat unavoidably damaged by development is compensated for by the provision of a similar or equivalent feature nearby, or by mitigation works to safeguard protected species; and

Where natural features such as trees, woodland, hedgerows, heathland, ponds, wetlands and watercourses are, wherever possible, integrated into landscaping schemes on development sites.

Where appropriate, the borough council will enter into management agreements under section 33 of the wildlife and countryside act in order to safeguard sites.

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

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

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

In this case a protected species survey has been submitted with the application which outlines that there is no evidence of any protected species on the land, garage or in the hedgerow. The survey concludes that the development of this site would have a negligible impact on any protected species but could improve the area for wildlife if sympathetic planting and conservation measure in the new builds were included in the plans.

At the time of writing this report the Council's Ecologist has yet to comment on the survey, this will form part of an update report to the committee. However, given the loss of hedgerow and trees it is considered that any works carried out between the bird breeding seasons will require a further survey to be submitted and approved and details of bird nesting facilities shall be incorporated within the house designs, also to be approved in writing by condition.

Affordable Housing

The application has been submitted on behalf of Wulvern Housing Ltd, who is a register Social Landlord. The proposed dwellings will therefore be affordable housing units, although given the development is for less than 15 units the Local Plan does not require a certain percentage of the affordable units to the required as part of the development. Therefore in this instance it is not necessary to condition or secure the affordable housing by legal agreement.

Other Matters

Network rail have proposed a conditions which requires that the applicant to submit method statement and risk assessment to Network Rail's Asset Protection Engineer for approval prior to works starting on site, this has been requested as a condition to be attached to any permission. It is not considered that this is a material planning matter and therefore would not be reasonable to attach a condition to require it. All other matters raised on the consultation response for network rail are aimed at the applicant.

11. CONCLUSIONS

The application site is situated within the Crewe settlement boundary and therefore the principle of development is acceptable.

Subject to consultation responses to the contrary from the Highway Authority and the councils Ecologist it is considered unlikely that the proposal would have a detrimental impact on highways safety or protected species.

The proposal will not have a significantly detrimental impact on neighbouring amenity as conditioned, and subject to a suitable level of noise mitigation being submitted to ensure that the future occupier of the dwelling are not negatively impacted upon from the adjacent railway it is considered that the development site will be suitable for the development proposed.

12. RECOMMENDATIONS

APPROVE with conditions - subject to the submission and approval of a noise survey and mitigation scheme to the Environmental Health department and the favorable outcome all other outstanding consultation responses

Conditions;

- 1. Standard time – 3 years**
- 2. Approved plans**
- 3. External Materials, including surfacing materials, as stated in the application**
- 4. Boundary treatment to be set back 1m from railway boundary and details to be submitted and approved by LPA and Network Rail**
- 5. Landscaping scheme to be implemented in accordance with scheme submitted**
- 6. Remove PD Rights for extensions and alterations to the approved dwellings**
- 7. Hours of construction**
- 8. Piling works**
- 9. Dust Control**
- 10. External lighting to be submitted and approved**
- 11. Contaminated land Phase II report to be submitted and approved**
- 12. Side elevation windows of Plot 4 to be obscure glazed**
- 13. No works during 1st March – 31st August, unless breeding bird survey is carried out and approved in writing**
- 14. Bird breeding mitigation to be included in development**

INFORMATIVE – Applicant to be aware of details within the Network Rail Letter which lie outside material planning considerations

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