

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 18th December, 2013</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

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

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

**2. Declarations of Interest/Pre Determination**

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

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

To approve the Minutes of the meeting held on 20 November 2013 as a correct record.

**4. Public Speaking**

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**Please Contact:** Sarah Baxter 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto: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. **13/2314M-Erection of an Endurance 50kw wind turbine and associated infrastructure, including a kiosk and access track, Land East of Dawson Farm, Bosley, Cheshire for Hallmark Power Ltd (Pages 7 - 28)**

To consider the above application.

6. **13/3536M-Demolition of an existing house and the erection of 2 No pair of Semi-detached houses, 44, Chester Road, Poynton, Stockport for Edmund Carley (Pages 29 - 38)**

To consider the above application.

7. **13/4431M-Demolition of a pair of semi-detached dwellings and the construction of a terrace of four two-storey dwellings with associated car parking (Resubmission of 12/3540M), 71, South Oak Lane, Wilmslow for Clare Hughes (Pages 39 - 50)**

To consider the above application.

8. **13/3520M-Reglazing windows including relocation of existing stained glass into the existing stained frames; protective guards to stained glass as existing, St Johns Parish Church, Church Hill, Knutsford, Cheshire for Parochial Church Council (Pages 51 - 60)**

To consider the above application.

9. **13/2906M-Redevelopment of site from kennels to office accommodation, Brybour Lodge Kennels, Altrincham Road, Wilmslow for Matthew McNulty, McNulty Architects (Pages 61 - 76)**

To consider the above application.

10. **13/4373M-Extension of existing building consisting of a single storey 2 classroom building with toilets and staff areas. External landscaping and construction of 6 new car parking spaces, Dean Oaks Primary School, Handforth Road, Handforth, Wilmslow for Dean Oaks, Dean Oaks Primary School (Pages 77 - 84)**

To consider the above application.

11. **13/4039M-Construction of a two-storey, two-classroom extension, and construction of 6 new car parking spaces, Wilmslow Grange C P School, Ullswater Road, Handforth for Children, Families & Adults, Cheshire East Council** (Pages 85 - 92)

To consider the above application.

12. **13/3663M-Erection of Agricultural Building to replace existing redundant buildings. Extension to Existing Agricultural Building, Tabley Hill Dairy Farm, Tabley Hill Lane, Tabley for The Crown Estate** (Pages 93 - 98)

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 20th November, 2013 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

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

Councillors L Brown, B Burkhill, K Edwards, H Gaddum, O Hunter, L Jeuda,  
D Mahon, D Neilson and P Raynes

### **OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Solicitor), Mr P Hooley (Northern Area Manager), Mr N  
Jones (Principal Development Manager), Mrs E Tutton (Principal Planning  
Officer) and Mr J Williamson (Planning Officer)

### **63 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Miss C Andrew,  
Mrs A Harewood and W Macrae.

### **64 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of applications 13/3596M and  
12/4814M, Councillor Mrs H Gaddum declared that she knew Mr Yates  
who had registered to speak on both of the applications as he was the  
former Chief Planning Officer at Macclesfield Borough Council and he  
lived in her Ward. In addition she declared that she knew the applicant  
mother by virtue of the fact that she used to be a Councillor.

In the interest of openness in respect of the same applications Councillor  
D Neilson declared that he had worked on a Ward matter with Mr P Yates  
who was speaking on the applications.

In the interest of openness in respect of application 13/2645N, all  
Members declared that they knew the applicant's wife as she was a  
Member of Cheshire East Council.

### **65 MINUTES OF THE MEETING**

RESOLVED

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

### **66 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

**67 13/3596M-RETENTION OF A RANGE OF BUILDINGS, HARDSTANDING AND PARKING AREAS, HORSE WALKER AND CHANGE OF USE OF LAND FOR EQUESTRIAN PURPOSES, FLORENCE STABLES, WOODFORD LANE, NEWTON, MACCLESFIELD, CHESHIRE FOR MR PAUL JACKSON**

Consideration was given to the above application.

(Samia Hirstwood, an objector, Fiona Daniel, a Supporter and Mr Yates, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A01AP - Development in accord with approved plans
2. A12MC - No additional external lighting permitted without express consent from the LPA
3. A03HP - Retention of existing parking/turning area
4. 5 hectares of grazing land included within the application site shall be used solely in respect of the 18 horses stabled at Florence Stables, and shall be limited to use by 18 horses only. The land shall not be sold off, rented out or disposed of separately to Florence Stables.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

**68 12/4814M-REGULARISATION OF STABLES AND YARD, TWO ADDITIONAL STABLES, HORSE WALKER, CHANGE OF USE OF STORE INTO STABLES, FLORENCE STABLES, WOODFORD LANE, NEWTON, MACCLESFIELD, CHESHIRE FOR MR PAUL JACKSON**

Consideration was given to the above application.

RESOLVED

That for the reasons provided in the oral update to Committee the application be approved subject to the completion of a Section 106 Agreement to tie the land to the stables and to limit the use of the land to the 18 horses stabled at Florence stables and subject to the following conditions:-

1. A01AP - Development in accord with approved plans
2. A12MC - No additional external lighting permitted without express consent from the LPA
3. A03HP - Retention of existing parking/turning area

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

(There was a change in the Officer's original recommendation from one of refusal to one of approval).

**69 13/2073M-PROPOSED RESIDENTIAL DEVELOPMENT FOR 14 NO. TOWNHOUSES, THE TOWERS, PARK GREEN, PARK STREET, MACCLESFIELD FOR WELBECK LAND**

(Prior to consideration of the item, the Northern Area Manager gave a summary to Members regarding the recent Planning Inspector's decisions on a number of appeals prior to consideration of the following item).

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report the application be approved subject to the completion of a Section 106 Agreement securing the following:-

£14000 commuted sum towards public realm improvements in the Park Green Area.

And subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A02AP - Detail on plan overridden by condition
3. A02EX - Submission of samples of building materials (external surfaces)
4. A07EX - Sample panel of brickwork to be made available
5. A11EX - Details to be approved (eaves, rainwater goods, doors, chimney stacks, etc.)
6. A20EX - Submission of details of windows
7. A18EX - Specification of window design / style
8. A01GR - Removal of permitted development rights
9. A01LS - Landscaping - submission of details
10. A04LS - Landscaping (implementation)
11. A13LS - Details of walls, piers, gates, fencing , steps, railings, copings to be submitted
12. A02TR - Tree protection (details to be submitted)
13. A22GR - Protection from noise during construction (hours of construction)
14. Noise mitigation scheme to be submitted
15. Details of mechanical ventilation and heat recovery scheme to be submitted
16. Dust control (details to be submitted)
17. Floor floating (details, if undertaken)
18. Contaminated land Phase II Study to be submitted
19. Drainage (to comply with united utilities requirements) details to be submitted
20. Details of existing and proposed levels to be submitted
21. Submission of a Construction Method Statement
22. Bin storage

70 **13/2559M-PROPOSED DEMOLITION OF THE EXISTING TOWER BLOCK, THE TOWERS, PARK GREEN, PARK STREET, MACCLESFIELD FOR WELBECK LAND**

Consideration was given to the above application.

RESOLVED



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

1. A03CA - Standard Time Limit
2. A02CA - Demolition as precursor of redevelopment

**71 13/2645N-EXTENSION TO TIME LIMIT OF APPLICATION 10/2328N FOR CONVERSION OF THREE BARNs TO SEVEN DWELLINGS WITH THREE DETACHED GARAGE BLOCKS, ACCESS ROADS, REFUSE COLLECTION BAYS AND DEMOLITION OF OTHER AGRICULTURAL BUILDINGS, UPPER LIGHTWOOD GREEN FARM, AUDLEM FOR MR STEVEN BAILEY**

Consideration was given to the above application.

**RESOLVED**

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

1. Standard time limit 3 years
2. Details of all materials to be used on the development to be submitted to the LPA and approved in writing
3. Details of all surfacing materials to be used on the development to be submitted to the LPA and approved in writing
4. Landscaping details to be submitted including native hedgerow to all boundaries, with removal of Permitted Development for hedgerow removal
5. Landscape to be completed in accordance with the approved details
6. Retention of garage spaces
7. Removal of all Permitted Development
8. Drainage details to be submitted to the LPA and approved in writing
9. Contaminated land survey to be submitted to the LPA and approved in writing
10. Windows and doors to be timber with a minimum 55mm reveal
11. All roof lights to be Conservation Area roof lights
12. The proposed development to proceed in accordance with the recommendations made by the submitted Ecological Survey report dated September 2013 unless varied by a European Protected Species license subsequently issued by Natural England.
13. Prior to the commencement of development an inspection should be carried out to ensure no nesting birds are using the site
14. If protected species are found, works are to stop and qualified Ecologist is to be contacted to be contacted
15. Restoration and repair of the buildings only
16. Limit residential curtilage to that shown on the submitted plans
17. Removal of modern agricultural buildings prior to the occupation of the barns

18. Details of 2 passing places to be provided on the eastern and western side of the existing drive at 100m and 200m from the farmhouse
19. Bin storage details to be submitted and approved in writing by the Local Planning Authority
20. Retention of open bays to barn 3 which shall not be enclosed
21. Approved Plans
22. Hours of construction restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

The meeting commenced at 2.00 pm and concluded at 3.36 pm

Councillor R West (Chairman)

Application No: 13/2314M

Location: Land east of Dawson Farm, BOSLEY, CHESHIRE, SK11 0PX

Proposal: Erection of an Endurance 50kw wind turbine and associated infrastructure, including a kiosk and access track.

Applicant: Hallmark Power Ltd

Expiry Date: 19-Jul-2013

**SUMMARY RECOMMENDATION:**

Approve subject to conditions

**MAIN ISSUES:**

- Renewable energy development;
- Principle of development;
- Landscape and visual impact;
- Residential amenity;
- Ecology;
- Safety;
- Electromagnetic Interference.

**REASON FOR REFERRAL**

This application has been called-in to the Northern Planning Committee by Councillor Smetham due to concerns about the impact of the development on the landscape.

**SITE DESCRIPTION**

The application site is situated to the north of the A54 (Dumbers), approximately 400 metres east of Dawsons Farm, and approximately 1 mile (as the crow flies) north east of Bosley village. The site forms part of the landholding of Thornlea Farm, Wincle, which is situated just short of a mile to the north east along the A54 heading towards Buxton. The Peak District National Park is in close proximity to the South and East. Access to the site is via an existing field gate from the A54.

The surrounding area is predominantly rural in character and in agricultural use. It is in the Countryside beyond the Green Belt (as defined by the Local Plan) and the Peak Park Fringe Area of Special County Value (ASCV).

## **DETAILS OF PROPOSAL**

The application seeks planning permission for a single three bladed Endurance E-3120 50kW wind turbine and associated infrastructure, which includes an access track from the A54 and ancillary kiosk.

The wind turbine would include a 23.6 metre high tower on top of which the turbine hub would sit. The individual blades would be 9 metres in length with an overall rotor diameter of 19.2 metres (blades and hub). The maximum blade tip height would be 34.5 metres. The turbine would sit on a concrete foundation approximately 6 metres by 6 metres in size and 1.4 metres in depth. The turbine would be connected to the grid via underground cables leading to the existing high voltage overhead line to the north where a new pole mounted transformer would establish the link.

The kiosk would be sited to the east of the turbine. The kiosk would be 2 metres by 1.08 metres with a height above ground of 2.37 metres. It would be finished in a dark green colour.

The proposed access track would be constructed from the existing field gate on the A54 to the south of the turbine. It would wind left, then right, then left again to account for the topography, being approximately 100 metres in length. It would be constructed from 40mm limestone hardcore.

## **RELEVANT HISTORY**

There is no relevant planning history relating to this site.

## **RELEVANT PLANNING POLICIES**

### **Macclesfield Borough Local Plan – Saved policies:**

- NE1 (Areas of Special County Value)
- NE2 (Diversity of Landscape)
- NE11 (Nature Conservation)
- GC5 (Countryside beyond the Green Belt)
- DC3 (Protection of amenities of nearby residential properties)
- DC6 (Circulation and access)
- DC13 (Noise generating developments)
- DC14 (Mitigation of noise)
- DC62 (Renewable Energy Development)

### **Other Material Considerations:**

- National Planning Policy Framework;
- Planning Practice Guidance for Renewable and Low Carbon Energy (CLG, 2014);
- Cheshire Landscape Character Assessment (Cheshire County Council, 2008);
- Cheshire East Landscape Sensitivity to Wind Energy Developments (2013).
- ETSU-R-97 *Assessment and Rating of Noises from Wind Farms*
- A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise (Institute of Acoustics)
- Tall Structures and Their Impact on Broadcast and other Wireless Services (Ofcom)

In addition to the above, the Government has published a series of National Policy Statements (NPSs) across a range of infrastructure types in accordance with the Planning Act 2008. The NPSs are statements of government policy that are used in the determination of nationally significant energy infrastructure projects.

NPSs are not part of the statutory development plan and planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPSs are a material consideration where development plans have not been updated to take account of NPSs. Additionally NPSs set out government policy and therefore provide a good source of guidance on such matters.

The NPSs relevant to this application are:

- National Policy Statement for Renewable Energy Infrastructure (EN-3)
- National Policy Statement for Energy Infrastructure (sections 1.1 and 4.1) (EN-1)

## **OBSERVATIONS OF CONSULTEES**

The application was subject to a second period of consultation following the submission of further information i.e. an addendum to the Landscape and Visual Impact Assessment with photomontages from additional viewpoints, a site specific Noise Impact Assessment, an updated Ecological Appraisal and additional information in relation to highways.

### **British Telecom**

The proposal would not cause interference to BT's current and presently planned radio network.

### **Environment Agency**

No objection.

### **Environmental Health**

The submitted noise assessment stops at a speed of 10m/s and it is not clear if topography and tonal loadings have been applied to the operating parameters.

Given the application is for a single wind turbine in a very rural location and the proximity of the nearest noise sensitive dwelling, it is not unreasonable to impose an absolute noise limit of 35dB LA90 (10mins). A monitoring speed of 10m/s should be considered for compliance.

**Manchester Airport**

No safeguarding objections.

**Ministry of Defence**

No objections

**National Air Traffic Service (NATS)**

No safeguarding objection to the proposal.

**Natural England**

No objections.

**Ofcom**

A fixed link report for the co-ordination area identified 3 links. The operators (BT and Arqiva) were contacted separately.

**Peak District National Park Authority**

The turbine would be seen from within the National Park and it will have an impact on the setting of the National Park, however, in this case it is not considered the proposal would have a significant impact upon the landscape character of the National Park.

It considered insufficient information has been submitted to conclude if the development would have an adverse impact upon bats or birds. *(note: this was prior to the submission of additional ecological information)*

**Strategic Highways Manager**

Following the submission of additional information, no objections, subject to a condition regarding the agreement of construction periods and traffic management arrangements.

**VIEWS OF THE PARISH COUNCIL**

Object on the following grounds:

- Detract from the quality and diversity of the landscape contrary to policies NE1 and NE2;
- The proposal is not essential for agriculture, forestry, outdoor recreation therefore contrary to GC5; The energy does not link to a local property.
- Site would be visible in many directions contrary to DC62 and PPG22;
- There are SBI's in the vicinity and would result in loss of heathland or ancient grassland.

The following comments were also made:

- Disappointed an on-site bat movement survey hasn't been carried out.
- Government guidelines on separation distances are vague however legislation is progressing through parliament to set clearer guidelines;
- If allowed it may set a precedent.

## **OTHER REPRESENTATIONS**

A number of representations have been received from groups/organisations other than those consulted as statutory consultees. These are summarised below.

### National Trust

The Cloud (nr Bosley) forms part of the National Trust's portfolio. The National Trust do not consider the visual impact on the Cloud to be so significant to warrant refusal.

### Visit England

The location of the Peak District and adjacent areas of high landscape value are an inappropriate location for wind turbines and will have an adverse impact on the landscape. This could have negative consequences for tourism.

## **Members of the Public**

Additionally around 50 representations have been received from members of the public, although some responders have submitted many separate letters. The objections raised are summarised below, grouping them into key themes.

- Impact on the landscape, focusing on the location of the site in an ASCV, close to the Peak District National Park.
- Nearby residents would be subject to unsatisfactory levels of noise from the turbine. Some objections identify the lack of site specific information submitted in the Noise Impact Assessment.
- Nearby residents and motorists on the A54 would be subject to shadow flicker which would affect living conditions and highway safety.
- The turbine would result in accidents due to its proximity to the A54;
- There would be an adverse impact on wildlife;
- Viability and validity questionable and rely on taxpayer subsidies;
- Electromagnetic interference affecting TV, radio and all fixed link communications.
- Wind turbines have an adverse affect on health due to low frequency sound and electromagnetic radiation.
- Some objectors also note a Bill currently laid before parliament requiring minimum distances from residential properties.

- It would set a precedent for further wind turbine development;
- The application is submitted by a utility provider and therefore provides no local benefit;
- There has been no community engagement;
- It would be overbearing, cause psychological distress and ill health;
- There would be a negative impact on tourism in the area.
- A number of objectors query how the turbine will be connected to the grid and raise concerns about the visual impact of any over ground cabling.
- The information submitted is inadequate, particularly in terms of the viewpoints submitted as part of the Landscape and Visual Impact Assessment.
- It contravenes Article 7 of the Aarhus Convention, the Equality Act 2010 and the Human Rights Act.

Three representations in support of the proposal have been received, although it should be noted one is from the landowner.

## **APPLICANTS SUPPORTING INFORMATION**

The following documentation has been received in support of the application:

- Acoustic Performance Test report;
- Ecological Appraisal;
- Generalised Noise Predictions report;
- Landscape and Visual Impact Assessment;
- Manufacturer technical specification brochure.
- Planning Statement Including Design and Access Statement;

Following requests for further information the following additional supporting documents have been submitted:

- Wind Turbine Noise Assessment;
- An updated Ecological Appraisal;
- An addendum to the Landscape and Visual Impact Assessment which considers additional viewpoints.

## **OFFICER APPRAISAL**

### **Renewable Energy Development**

The Climate Change Act 2008 was put in place to set legally binding targets for the UK to reduce greenhouse gas emissions by 80% by 2050. The EU 2009 Renewable Energy Directive has set the UK with a legally binding target of achieving 15% of all energy from renewable sources by 2020.

The government has subsequently produced a Renewable Energy Roadmap to set out a program for achieving renewable energy targets to 2020 and beyond. The Roadmap



highlights the Government's commitment to onshore wind as part of a diverse energy mix contributing to our security of supply and carbon reduction targets.

Questions around the efficiency, validity, and viability of wind turbines are matters of debate for Westminster and an individual planning application is not the place to determine the merits of wind power in the overall energy mix of the UK and its contribution to reduction in greenhouse gases and decreasing the reliance on fossil fuel. There is a vast array of government documents supporting the use of wind energy and current planning policy reflects this position and accepts that wind energy development is a key component in meeting climate change and the energy needs of future generations. This is discussed in more detail below.

## **Principle of the Development**

### Policy

Chapter 10 of the National Planning Policy Framework (NPPF) deals with *Meeting the challenge of climate change, flooding and coastal change*. It states that the role of planning in supporting renewable and low carbon energy development is central to the economic, social and environmental dimensions of sustainable development. Furthermore, supporting the transition to a low carbon future and encouraging the use of renewable resources is one of 12 core planning principles identified in the NPPF that should underpin all decisions.

The NPPF also states, at Paragraph 98, that applicant's should not be required to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a contribution to cutting greenhouse gas emissions. It goes on to state that LPA's should approve the application if its impacts are (or can be made) acceptable. The NPPF also places emphasis on protecting the countryside and its intrinsic beauty.

Local Plan Policy DC62 states that when determining applications for renewable energy development the following will be taken into account: whether the proposal would be unduly obtrusive having regard to its size, height or long range visibility; whether there would be undue loss of amenity; and, whether the proposal would have a significant adverse effect on the character of the area. Local Plan Policy NE1 seeks to conserve and enhance the quality of the landscape in Areas of Special County Value.

### Energy Contribution

The applicant has advised that the projected energy production of the turbine would amount to approximately 200,000 kW hours per year, or the equivalent of providing electricity to 51 homes per year. It would offset approximately 91 tonnes of CO<sub>2</sub> per year. This is based on the predicted wind resource, with the NOABL wind speed at 25 metres measuring 6.9 metres per second. NOABL is a wind speed database made available by the Department for Energy and Climate Change (DECC) which gives estimates of annual mean wind speed throughout the UK. It is worth noting that this database is based on historic information and does not

come from measured data and should not be considered up-to-date or accurate. However in the absence of on-site measured data it does represent a rough guide to the likely wind resource.

### Economic Context

All of the energy produced by the wind turbine would be exported directly into the grid with any income from supply going to the operator. The operator would lease the land from the landowner. It is important to note that neither Local Plan policy nor national planning guidance require renewable energy projects to be directly linked to the operation needs of the holding (i.e. the energy needs of the business operating from the holding) on which it stands.

### Conclusions on the Principle of Development

The NPPF is supportive of renewable energy developments and the contribution which such proposals would have towards achieving renewable energy targets. This is clearly an environmental benefit which weighs in favour of the proposed development. There are also other economic benefits which would arise from the proposed development, supporting the business at Thornlea Farm which would receive an income from land rental, representing farm diversification, as well as the income generation for the operator from feed-in tariffs.

However, the *Planning Practice Guidance for Renewable and Low Carbon Energy* states that the need for renewable energy does not automatically override environmental protections. The energy contribution to be made and the economic and renewable energy benefits of the proposal must be balanced with landscape and visual impact and other planning considerations set out in this report.

### **Landscape and Visual Impact**

The site is within a sensitive and highly valued landscape. It is in the Peak Park Fringe Area of Special County Value (ASCV) and at its closest point, approximately 150 metres from the boundary of the Peak District National Park.

The Cheshire Landscape Character Assessment (CLCA) locates the site in the Upland Fringe Character Type and Sutton Common Character Area. Due to the elevated topography and average wind speeds, combined with the open nature of the landscape this area is likely to be targeted by wind developments, as is the case here. This is recognised in the CLCA.

There is no requirement for a sequential approach in determining the siting of wind turbines as they are usually limited to sites where the resource exists (i.e. wind) and where the scheme is economically feasible. The electricity generated by wind turbines increases disproportionately with the increase in wind speed and therefore its economic and environmental benefits are greater where wind speed is higher.

The *Planning Practice Guidance for Renewable and Low Carbon Energy* advises that cumulative landscape and cumulative visual impacts are best considered separately. It advises:

*‘Cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become significant or defining characteristic of the landscape.*

*Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequence of views), and the impact this has upon the people experiencing those views.’*

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application. It considers the landscape and visual impacts separately.

The LVIA considers the impact of the wind turbine on the following landscape features: pattern, scale, topography, vegetation, field boundaries, activity and land use, roads and public footpaths, culture and heritage and landscape quality. It states that the key features which make up the character of the landscape would remain unaffected by the siting of the turbine in the local area and would not have a direct impact on key landscape features. It concludes that the proposed wind turbine would have a *slight to moderate* impact on the landscape character of the area.

The LVIA includes a Zone of Theoretical Visibility map (ZTV) which demonstrates the area over which the wind turbine could be visible within a 15 km radius of the site. This map indicates that the turbine would potentially be visible over a large area to the west and to the south of the site. However, this type of mapping is based on topography alone and does not take account of natural or man-made obstacles that would screen views.

The visual impact on receptors (viewers) was assessed from 12 representative viewpoints within the ZTV. From each of these points wireframe landform models and photomontages were produced. At the Council's request, views from a further 4 viewpoints were assessed and submitted as an addendum report.

The LVIA describes the visual impacts on the following receptor types: Recreational & road users, residential receptors, heritage receptors and the Peak District National Park. Cumulative landscape and visual impacts are also considered.

### Landscape Impacts

As stated above the site is located in the open countryside, Peak Park Fringe ASCV and in close proximity to the Peak District National Park. The CLCA locates the site in the Upland Fringe Character Type and Sutton Common Character Area.

The description of the Sutton Common Character Area includes the following:

*‘This Character Area includes the top reaches of the upland enclosed moor to the west of Wildboarclough with an elevation of 220 to 400 metres AOD. This includes the two prominent hills of Sutton Common and Cessbank...’*

*'This is a large scale, open and expansive landscape where long ranging panoramic views provide the defining characteristic feature.'*

*'The telecommunications mast at Croker Hill in the west of this character area is probably the most widely visible landmark in Cheshire. The height of the structure and its elevated location on the edge of the Cheshire lowlands ensures that this obvious man-made feature is visible from a very great distance. The smooth topped ridge of Croker Hill and Sutton Common forms a dominant skyline in views from the surrounding areas of lower altitude.'*

Earlier this year Cheshire East Council commissioned an assessment of the sensitivity of the landscape to wind turbine development within each of the borough's 15 Landscape Character Types. The final report titled *Cheshire East: Landscape Sensitivity to Wind Energy Development*, is a Key Evidence document for the emerging Local Plan.

In this study, landscape sensitivity is defined as:

*'The extent to which the character and quality of the landscape is susceptible to change as a result of wind energy development.'*

The study is based on an assessment of landscape character using carefully defined criteria based on the landscape attributes most likely to be affected. The criteria are: landform shape and scale, land cover pattern and presence of human scale features, skylines, perceptual qualities, historic landscape character and scenic and special qualities.

The study considers a range of wind turbine sizes. A tip height of 35 metres falls within the small category (i.e. 26 – 50 metres tip height)

The study finds that the Upland Fringe LCT has a sensitivity level to small wind turbines of *moderate to high*, i.e. *the key characteristics and qualities of the landscape are sensitive to change from the type and scale of the development of renewable energy being assessed.*

Considering each of the key criteria:

- The proposed turbine would not have an adverse impact on the landform shape and scale.
- It would not have a permanent impact on the land cover and pattern, though there would be some short term impacts due to the underground cabling works which could be mitigated.
- At an elevation of 254m AOD, the site lies near the lower boundary of the Character Type and the wind turbine would not therefore affect the sensitive skyline of Sutton Common.
- The site is in close proximity to the A54 and is not therefore a particularly remote or tranquil part of the Character Area.
- There would not be an adverse impact on historic landscape character.

- With regard to scenic and special qualities, the proposed turbine would be a large scale and uncharacteristic feature which would adversely affect this part of the Peak Park Fringe.

It is therefore considered that the proposed development would be likely to have a *moderately adverse* impact on the landscape character of the local area.

### Visual Impacts

The proposed site is located at an elevation of 254 metres AOD on the western facing slopes of Sutton Common which is a very prominent hillside in views from the west.

The wind turbine would be a large-scale and uncharacteristic feature in the landscape and due to the movement of the rotor blades it would be more noticeable than a static structure of a similar scale. The off-white colour of the mast, hub and rotor blades would make the turbine less prominent when viewed against the sky and more conspicuous against darker, vegetated backgrounds. The Peak District National Park Authority (PDNP) have commented on the application and although recognising that the wind turbine would be seen from within the National Park, do not consider it would have a significant impact upon the landscape character of the National Park. They have however requested the turbine blades are coloured grey. The applicant and manufacturer have advised that the only colour available is white and that the colour is impregnated during the fibreglass manufacturing process and subsequent painting would significantly change the weight and balance of the components and therefore their operation. As such it is not considered a condition would be reasonable to require the blades to be grey. Furthermore, the colour of wind turbines is often about striking an appropriate balance, as white turbines are less visible against the skyline whereas grey turbines tend to be more inconspicuous against a vegetated backdrop. White is a worldwide standard accepted colour for wind turbines. In this case, it is considered white is acceptable.

Views of the proposed wind turbine from Turnhurst Farm are substantially screened by trees and Dawsons Farm is outside the Zone of Theoretical Visibility (ZTV), as are Golden Hill and Golden Slack, two other properties in the vicinity. There may be views of the turbine from Sourbutts Farm, however, this is approximately 650 metres away to the south west and due to its orientation these would probably be from secondary windows. It is unlikely that the turbine would be visible from dwellings in Bosley village due to the intervening landform and tree cover. Any other residential properties within the area are equally distant and/or outside the ZTV.

The A54 is a main road in to the Peak District National Park so although it is a relatively busy main road it is also a scenic visitor route. There would be a distant view of the turbine rotor blades from the A54 near to Bosley cross roads. Beyond this point, when travelling east, the road winds up hill and is generally flanked by roadside vegetation. Views of the turbine would be partial and momentary except for the section of road immediately adjacent to the site from where the whole of the turbine would be visible on the hillside above the road. From this area it would be highly visible and the impact would be substantially adverse from this location, but

it would be a fleeting view and given there are no footpaths or parking in this area it would be a short transitory view.

The submitted photomontage from Viewpoint 12 indicates the turbine would be visible from the A532 Leek Road to the south of Bosley but would not be very conspicuous from this area and would be at a considerable distance.

There are no public footpaths in the immediate vicinity of the site. There would be mid-distance views from two footpaths (FP Bosley 16 & 17) at the eastern end of Bosley reservoir. From these viewpoints the turbine would be viewed against a backdrop of the hillside and would not be very conspicuous.

Views from the Peak Park would generally be screened by Sutton Common and Bosley Minn. The turbine would, however, be visible from parts of Minn End Lane, which is an elevated track that runs along the top of Bosley Minn within the Peak Park to the east/south east of the site.

The LVIA states:

*While views of the turbine are possible from more elevated parts of the national park, such as around 1.17Km south west of the A54 from Minn End Lane, the actual level of impact is still very limited as the topography of the site is low enough to ensure the turbine does not protrude above the horizon, but is in fact located well below and has land wrap which minimises skylining.*

A number of photomontages from viewpoints along Minn End Lane have been submitted and all show that the turbine would not be visible. It is however possible the turbine would be visible from some parts of Minn End Lane where the topography allows it. Such views would be against a backdrop of the hillside well below the horizon. The proposed wind turbine would therefore not be very conspicuous from this position.

It is also necessary to consider the cumulative visual impact of the wind turbine. There are 3 wind turbines located to the east of Sutton Common on the northern side of the A54. These turbines are smaller in scale than this proposal with hub heights of between 9 and 15 metres. They are all located in proximity to the farm buildings and viewed in context with the farmsteads. They are all Proven turbines consisting of a steel mast and relatively small black hub and rotor blades and because they are seen mainly against a vegetated background they are relatively inconspicuous in the landscape.

Due to the landform, it would not be possible to see the proposed turbine and the three existing turbines simultaneously from the A54 but there would be sequential views of the four turbines when travelling along this road. From the northern section of Minn End Lane it would be possible to see both the existing turbine at Dollards Farm and the hub and blades of the proposed turbine, although this would not be within direct line of sight.

#### Landscape and Visual Impact Conclusions

The proposed wind turbine would have a moderately adverse impact on the landscape character of the local area. The visual impact on the scattered residential properties and Bosley village is likely to be low to negligible. It is likely to have a fairly minor visual impact on the Peak Park. Views from the A54 in the immediate vicinity of the site would be substantially adverse but fleeting and, in general, the turbine would be fairly well screened and any views from the road would be partial and fleeting. Views from the A532 and public footpaths would tend to be middle to long distance views and the turbine would be seen against the background of the hillside and the photomontages indicate that it would not be particularly conspicuous.

Whilst landscape and visual impacts have been identified these are not considered to be so substantial as to warrant a refusal of planning permission.

## **Residential Amenity**

### Visual Amenity

The wind turbine would be located a considerable distance from nearby residential properties, the closest, Turnhurst Farm, is approximately 180 metres to the south and Dawsons Farm is approximately 400 metres to the east. Whilst the turbine would be quite tall its overall bulk and massing is minimal and combined with these distances, it would not be visually overbearing to the detriment of living conditions nor would it lead to a significant loss of light (shadow flicker is dealt with separately below). The siting of the wind turbine and its relationship with nearby residential properties is therefore considered to provide adequate protection to the living conditions of the occupiers.

Objections have pointed to a Bill currently going through Parliament which suggests minimum separation distances of wind turbines from residential properties. There is no guarantee this will become legislation and/or be subject to change. This carries no weight in the determination of the application which must be determined in accordance with current legislation and policy which does not include any minimum separation distances. Also reference to separation distances in Scotland and Wales are quoted, however these again carry no weight.

### Noise

The potential noise impact on nearby residential properties is a material consideration and has been raised as a concern by a number of local residents.

The *Planning Practice Guidance for Renewable and Low Carbon Energy* makes clear that the report *Assessment and Rating of Noises from Wind Farms* (ETSU-R-97) should be used to assess and rate noise from wind energy developments. ETSU-R-97 was produced by the Working Group on Noise from Wind Turbines Final Report, Sept. 1996, and recommends noise limits to protect the amenity of residents living near wind turbines. More recently, the Institute of Acoustics prepared a good practice guide regarding the application of ETSU-R-97 (A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of

Wind Turbine Noise), which is endorsed and accepted as current industry and good practice by DECC.

The applicant has provided a site specific noise assessment to establish noise levels at the nearest noise sensitive receptors. The assessment has been carried out in relation to the requirements of ETSU-R-97 and with reference to the good practice guidance noted above.

The noise assessment identifies the nearest residential property to the site, Turnhurst Farm, as being the Noise Sensitive Receptor (NSR). It is identified as being approximately 180 metres away.

ETSU-R-97 recommends that noise levels at the nearest NSR should be limited to 5dB(A) above background noise levels. For locations with low noise levels, ETSU-R-97 recommends noise levels be limited to the range 35dB(A) to 40dB(A) during the day and 43dB(A) during the night. The higher limit at night relates to the need to protect indoor amenity whereas during the day it makes provision for enjoyment of private outdoor space.

However, ETSU-R-97 and the good practice guide have an overarching role of considering wind farm developments (i.e. multiple turbines on a single site) and thus consider the additional noise relative to the generating capacity, with those figures to 43dB LA90 to allow for greater output and commercially significant application.

ETSU-R-97 considers that an absolute noise level of 35dB LA90 (10min) offers sufficient protection to amenity such that no measurement of background noise is required.

The Environmental Health department have expressed the view that in this instance, given the proposal is for a single wind turbine of 50kW in a very rural location, and the proximity of the nearest NSR, that an absolute noise limit of 35dB LA90 (10 mins) should be imposed as highlighted in ETSU-R-97 (where single turbines are to be installed) and referred to in the submitted noise assessment. This is also based on concern that the submitted NIA only assesses noise to 10 m/s and it is not clear whether topography and tonal loadings have been applied to the operating parameters.

### Shadow Flicker

Shadow flicker is the effect caused when a wind turbine is located between the sun and a receptor, where under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over the neighbouring property, with the blade rotation causing the shadow to flick on and off. Only properties within 130 degrees either side of north relative to the turbine can be affected in the UK. National Policy Statement (NPS) EN-3 identifies a number of factors that influence the significance of the effect:

- the location of the relevant building relative to the path of the sun and the turbines;
- the distance of turbines from such buildings; the size of the window



- apertures and their location in the building relative to the turbines;
- the turbine height and rotor diameter;
  - the presence of intervening topography, buildings or vegetation;
  - the frequency of bright sun and cloudless skies;
  - the time of the year; and
  - the prevailing wind direction and hence usual rotor orientation.

Nonetheless, current government research and advice (in NPS EN-3) states that shadow flicker is only likely to occur within 10 rotor diameters of the turbine. In this case the rotor diameter is 19.2 metres, thus only properties within 192 metres and 130 degrees either side of north of the turbine are likely to be affected.

Turnhurst Farm is approximately 180 metres away however it is not within 130 degrees either side of north of the turbine, being to the south. Dawsons Farm is approximately 400 metres away, over double the distance. Additionally it is outside the ZTV. All other nearby properties are even greater distances away and/or outside the ZTV.

As no residential properties are within the potential 'zone' for shadow flicker it is not considered further assessment and analysis is necessary, nor is it considered shadow flicker would have any significant impact on residential properties in the vicinity.

### Human Health

Concerns have been raised regarding the impact of wind turbines on human health, mainly from infrasound and low frequency noise. National Policy Statement EN-3 makes clear there is *'no evidence that ground transmitted low frequency noise from wind turbines occurs at a sufficient level to be harmful to human health'*.

The perception of health impacts is a matter that can be considered in the planning balance. Objections on these grounds may carry some weight but it is not considered that a refusal could be sustained on these grounds noting the proposal is for a single wind turbine, its scale and distance to residential properties. The level of apprehension about a development of this nature is not so severe to be a serious health consideration in its own right.

## **Ecology**

There is concern about the potential impact of wind turbines on wildlife, particularly birds and bats resulting in injury or death. The applicant has submitted an Ecological Appraisal.

### Bats

Of the five bat species identified as being vulnerable to turbines at either the medium or high level, only one is regularly recorded in Cheshire. Natural England Guidance advises that to minimise the potential impacts of turbines on bats they should be sited so the blade tip is 50 metres or more from any hedgerow or tree. In this instance, the nature conservation officer has calculated, based on Natural England guidance, that the turbine needs to be 57.83 metres away to achieve this. The turbine achieves a 57 metre stand-off. Whilst this drops

slightly short of the recommended stand-off, this is only 830mm which is considered negligible.

Bats are a European Protected Species and the decision must take account of the Habitat Regulations and consider the 'tests' under the regulations where the development is likely to have a significant adverse affect on a protected species. However, in this case, it is considered the proposed wind turbine is reasonably unlikely to have a significant impact upon bats due to the stand-off achieved.

### Birds

A limited number of bird species are considered to be at significant risk from wind turbines. No significant habitat for sensitive birds has been identified within 250 metres of the proposed development.

### Grassland Habitats

The proposed wind turbine would be located on semi-improved grassland considered to be of limited botanical value. Additional botanical information was requested by the Nature Conservation Officer and subsequently provided, which confirms that the grassland habitats affected by the proposed development are of low nature conservation value.

### Conclusions on Ecological Impacts

Whilst the proposed wind turbine may pose a risk to both bats and birds, the risk is low and is not likely to have a significant impact on either of these species. Therefore it is unlikely there would be any significant ecological impacts associated with the proposed wind turbine.

## **Safety**

### Highway Safety

The Design and Access Statement gives details of the wind turbine components, and the access proposals. Further information has been provided in terms of the likely vehicle movements (and type of vehicles) and the swept path analysis of vehicles entering and manoeuvring within the site at the request of the Strategic Highways Manager.

This indicates that site preparation would take approximately 5 weeks, depending on the weather. It involves excavation and infilling the foundation base with concrete which would take 1 week and involve the delivery of concrete to the site and one excavator to prepare the site. A 4 week period to allow the concrete to set would then follow.

The construction phase would then begin. This would involve two constructions vehicles (cranes) and two delivery vehicles (articulated vehicles). Once the components are delivered the construction lasts 4 to 5 days. Construction staff would number approximately 10 people, who would arrive and depart the site each day.

Post construction, vehicle movements are likely to be 2 each year in the form of a maintenance van.

Details of the site access and swept path analysis shows that alterations to the existing field access would be required during construction, with a new access gate constructed further back. It states that approximately 10 metres of fence and hedgerow to the south would need to be temporarily removed/cut back to achieve the appropriate width.

The Strategic Highways Manager has not raised any objections to the proposed wind turbine. He has requested that should the application be approved, a condition requiring the agreement of the construction periods and traffic management arrangements are agreed. It is considered this is reasonable and would ensure proper controls over any disruption during the construction phase. A condition requiring full details of the temporary site access and restoration and permanent access post construction should also be imposed should the application be approved.

Concerns have been raised that the wind turbine would be a distraction to drivers and result in accidents. The wind turbine would be set back from the road and although it would be visible from some areas of the A54, drivers are presented with a number of distractions whilst driving and there is no evidence to suggest that wind turbines are a particular road safety risk. Drivers are expected to take reasonable care to ensure their own and others safety. This is a single small scale turbine. The Strategic Highways Manager has considered this matter and reviewed Personal Injury Accident Data and does not object on safety grounds. Concerns that it would be a distraction to drivers could not sustain a reason to refuse the application.

#### Air Traffic, Defence and Radar

The *Planning Practice Guidance for Renewable and Low Carbon Energy* advises that wind turbines have the potential to adversely affect air traffic movement and safety, both civilian and military, either as a risk to low flying aircraft or by interfering with proper operation of radar. Additionally they could adversely affect a number of other Ministry of Defence operations and other radar systems, such as weather radar operated by the Meteorological Office.

Manchester Airport, NATS and the MoD were all consulted as part of the application and have raised no objections. The site falls outside the consultation zone for Met Office radar sites.

#### General Safety

Fall over distance (i.e. the height of the turbine) plus 10% is generally considered a safe separation distance. There are no buildings or public rights of way within this proximity. There are no bridleways in close proximity to the site and therefore no concerns are raised regarding potential effect on horses. There are no power lines within close proximity.

#### **Electromagnetic, TV and Radio Interference**

A coordination request sent to Ofcom revealed three fixed links within the coordination radius, one operated by BT and two operated by Arqiva Service Ltd. The response is in respect of microwave fixed links managed and assigned by Ofcom. BT has confirmed that the proposed wind turbine would not interfere with their currently and presently planned radio networks. No response has been received from Arqiva Services Ltd.

Additionally, the band managers for water, electricity and utilities industries operating in a different frequency band were consulted. The Joint Radio Company (JRC), acting on behalf of the UK energy Industry and North West Water Industry, raised an objection. However, this was based on incorrect coordinates. Subsequently they were re-consulted with the correct coordinates however a response has not been received. The applicant has forwarded a response from JRC to them based on the correct coordinates which confirms the siting is acceptable and there would be no anticipated problems based on known interference scenarios.

In view of the above, it is not considered the proposal would adversely impact upon electromagnetic transmissions.

The BBC offer a wind farm tool (now deactivated) which provides a rough estimate of the populations that may suffer interference to television services from wind farms built at a specified location inputted by the user. The wind farm tool indicates that this proposal would likely affect 65 homes for whom there is no alternative off air service and may affect up to 224 more homes for whom there may be an alternative off-air service.

Actual levels of interference would only be apparent post construction, the tool being a guide and providing only rough estimates. However a number of remedial measures are available in the event of interference such as: improvements to existing aerials; redirecting aerials to different transmitters; new higher grade aerials; or switching to digital tv, satellite or cable service. If Members are minded to approve the application it is proposed a condition is attached to require, prior to development commencing, the submission and approval of a protocol for the assessment of television interference in the event of any complaint, including remedial measures to be taken.

### **Other Matters**

There are a number of other matters that have been raised in objections to the proposal or that generally require some consideration in relation to wind energy developments. These are considered below.

#### Other Legislation

Reference has been made to the Equality Act, Human Rights Act, and Article 7 of the Aarhus Convention. It is accepted that the development would have a local impact in terms of the effect on the landscape, that there would be some visual impact and there would be a small increase in background noise levels. However, these rights have to be balanced against the right and freedoms of others and the national interest in terms of providing for renewable

energy. For the reasons discussed in this report it is not considered the effect on residents and the landscape would be unacceptable or disproportionate. Additionally, it is beyond the scope of an individual planning application to determine the validity of national government compliance with the Aarhus Convention and therefore does not justify refusing the application.

### Tourism

The potential negative impact of the development on tourism has been highlighted in responses received in relation to the application. As with all wind turbines this proposal would have an impact on the landscape which has been discussed in detail above. However, it would be speculation as to how this could impact on tourism in the area. This could not be substantiated or evidenced. The key issue is therefore the consideration of landscape impact (as a direct impact) and not any potential indirect impacts such as tourism. In this case, as the impact on landscape character is considered to be acceptable, there is no reason to believe that tourism would be harmed.

### Grid Connection

The wind turbine would be connected to the grid via the existing overhead lines to the north. Whilst concerns regarding the need for overhead power lines are noted, the applicant has stated the connection would be via underground cabling and this is something that could be controlled by condition.

## **CONCLUSIONS**

Decisions, as with any planning application, must be made as an objective assessment of the proposal against planning policy and guidance. Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 should be made in accordance with the Development Plan unless material considerations indicate otherwise. The proposal is considered to comply with the relevant Local Plan policy (DC62) in relation to renewable energy development. The application has been assessed against national planning guidance and is considered to be acceptable.

The proposal is for a single small scale (in planning terms) wind turbine. The site is located in a sensitive landscape location. Having carefully considered the representations made and the evidence submitted with the application, given the proposal would have only a moderately adverse impact on the landscape, and it would have only fleeting and partial views from sensitive receptors, it is considered that the proposal is acceptable when balanced with the policy support, and the environmental and economic benefits identified in the report. Additionally, for the reasons outlined above, and subject to the conditions listed, the proposal is considered acceptable in all other respects.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the

Committee's decision.

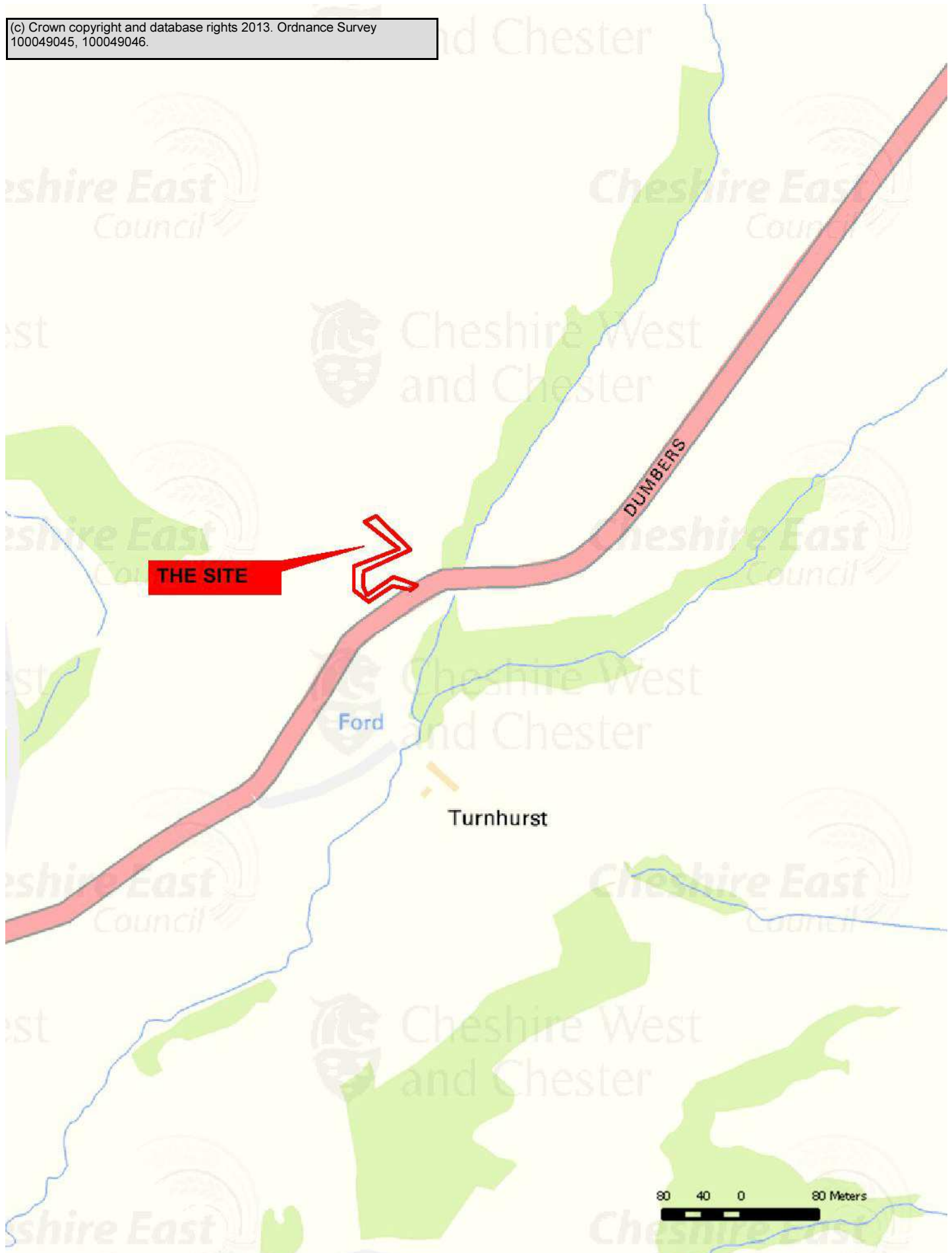
Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

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. Wind turbine shall be dismantled and removed from the site within 6 months of the date it ceases to be used for energy generation
5. Prior to commencement of development a scheme setting out the protocol for assessment of TV interference in the event of any complaint, including remedial measures shall be submitted and agreed.
6. All cabling between the wind turbine and supply cubicle, and the supply cubicle and new PMT shall be underground.
7. Prior to commencement full details of the construction period (start / end date) and associated traffic management arrangements shall be submitted and agreed.
8. Prior to commencement, full details of alterations to the access, including temporary alterations during construction, and how the boundary will be reinstated.
9. The noise emissions shall not exceed 35 dB LA90, 10 mins at the nearest noise sensitive receptor (dwelling) at wind speeds up to 10 m/s. Operator shall submit a compliance and monitoring scheme for approval in writing prior to installation.
10. The planning permission shall be for a period of 25 years from the date the turbine begins operating

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Application No: 13/3536M

Location: 44, CHESTER ROAD, POYNTON, STOCKPORT, SK12 1HA

Proposal: Demolition of an existing house and the erection of 2 No pair of Semi-detached houses

Applicant: Edmund Carley

Expiry Date: 24-Oct-2013

**Date Report Prepared: 4<sup>th</sup> December 2013**

#### **SUMMARY RECOMMENDATION**

Refuse

#### **MAIN ISSUES**

- the principle of the development,
- Impact on neighbouring amenity,
- Impact on the character and appearance of the street scene,
- any highway issues regarding access and parking,
- sustainability of the site and
- ecological issues

#### **REASON FOR REPORT**

Cllr West has called this application in to be heard by the Northern Planning Committee.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a detached two-storey dwellinghouse located on the corner of Chester Road and Hilton Grove within the predominantly residential area of Poynton. The site currently has two accesses, one to each road. A number of trees are located around the boundaries of the site, however none are formerly protected.

#### **DETAILS OF PROPOSAL**

Full planning permission is sought to demolish the existing dwellinghouse and erect 4no. 3-storey houses in the form of two pairs of semi-detached dwellings.

#### **RELEVANT HISTORY**

12/4196M Demolition of an existing house and the erection of 2 No pair of Semi-detached houses Refused 21-Dec-2012

- 11/3290M    Erection of Three 3 Storey Houses and 3 Flats with Parking and Service Space,  
Relocation of Vehicular Access on Both Chester Road and Hilton Grove  
Refused 12-Dec-2011  
Appeal Dismissed 03-May-2012
- 10/4317M    Erection of four 3 storey houses and 3 flats with parking and service space.  
Relocation of vehicle access onto Hilton Grove.  
Withdrawn 02/02/2011

## **POLICIES**

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

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

### **Local Plan Policy:**

The application site lies within a predominately residential area therefore the relevant Plan policies are considered to be: -

NE11 Nature Conservation  
BE1 Design Guidance  
H1 Phasing Policy  
H2 Environmental Quality in Housing Developments  
H5 Windfall Housing Sites  
H13 Protecting Residential Areas  
DC1 New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC35 Materials and Finishes  
DC37 Landscaping  
DC38 Space, Light and Privacy  
DC63 Contaminated Land Including Landfill Gas

### **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:**

- Poynton SPD

**CONSULTATIONS (External to Planning)**

**Environmental Health:** no objection subject to conditions

**Highways:** no objections

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Poynton Town Council – Recommend refusal** - on the grounds of RO2RD - loss of privacy by reason of overlooking, RO3RD - cramped development, RO5RD - inadequate space with regard both to adjoining houses and between the proposed houses, RO7RD - development unneighbourly, being unduly dominant when viewed from adjoining property, RO3TR - the proposed development by virtue of its size and siting would result in the direct loss of existing trees which are of amenity value to the area as a whole, RO6HW - parking provision detrimental to highway safety.

Members also noted that parking provision of two spaces for each four-bedroomed house was inadequate, and would lead to parking on Chester Road and on Hilton Grove to the side of the development. They also asked that United Utilities' conditions with regard to drainage and sewerage, as previously set out in the UU letter of 23rd November 2012, is still taken into account.

In summary Members felt that this application had not changed materially from previous applications for this site, which had been rejected by Cheshire East and on appeal.

**REPRESENTATIONS**

Fourteen objections have been received to date, the main points raised were:

- loss of light
- overlooking/inadequate separation distances
- overbearing
- height and location will impact on privacy
- contrary to policy
- impact on character of the area/streetscene
- plans include an additional bedroom/study in the attic
- plans incorrect as they show trees to be retained which have already been removed/loss of existing tree and shrub screening
- intensification of site increases road safety problems and concerns
- loss of landscaping/loss of trees/too much hardstanding
- concerned the internal layout is possible to convert to HMO

- inadequate parking provision/congestion around the site/result in on street parking/no visitor parking
- no provision for bins/waste disposable implications
- solid block on a prominent corner location/eyesore/impact on the character of the surrounding area
- scheme too dense/increase from one house to four houses is excessive/overdevelopment/cramped
- scheme fails to adequately address all of the concerns with the previous application/plans unchanged/changes to plans insignificant

## **APPLICANT'S SUPPORTING INFORMATION**

A Planning, Design & Access Statement, Bat Survey, Tree & Landscape Report, Sun Study, Birds Eye View and Agents Supporting Letter were submitted with or during the life of the planning application.

## **OFFICER APPRAISAL**

### **Principle of Development**

There is no objection in principle to providing new dwellings in Predominantly Residential Areas, subject to an acceptable design, impact on residential amenity, highway safety and ecological matters and compliance with prevailing policy.

### **Housing Policy**

Paragraph 49 of the NPPF, 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 Council cannot demonstrate a five year supply of housing, and there is need for additional housing within the Borough.

The application site is located within a sustainable location in close proximity to public transport links, local shops and services and a short distance from Poynton town centre. Accordingly, the redevelopment of the site for housing would help contribute towards achieving a 5-year housing land supply and this would weigh in favour of such an application.

### **Design/character and appearance of the area**

The proposed development would result in the demolition of a detached two-storey dwellinghouse with an attached garage. In its place it is proposed to erect two pairs of three-storey semi-detached dwellinghouses.

A gap of 3m would be provided between the two blocks of properties (previously 1.1m 11/3290M and then 2m 12/4196M). Both units would have a similar design with feature gables, hipped/half-hipped roofs, accommodation in the roofspace, rooflights, and a mix of brick and render to the walls and natural slate roofs.

Two vehicular accesses would be provided off Chester Road, one to serve each pair of semi's (with a pedestrian access off Hilton Grove). The existing front garden will be largely covered in hardstanding to provide the proposed off-street parking. Private amenity space including a patio area will be located to the rear of each dwellinghouse.

The site is surrounded by other residential properties. These are, in the case of Hilton Grove, two storey semi-detached properties of fairly regular design and on Chester Road, either Victorian or substantial Edwardian or later semi detached dwellings. Most present two-storey elevations to the road frontages although there is a dwelling sited a number of properties to the west which presents a steeply pitched gable to the front elevation with a second floor window. Most of these properties have a driveway or equivalent space separating the dwelling from the side boundary of the plot.

The applicant's agent has been advised to modify the design of the dwellings, taking into account the prominent corner location and character of the surrounding dwellings. Furthermore, the Inspectors raised concern in terms of creating a vertical emphasis which contrasts with the adjoining Victorian houses. Officers have suggested the removal of the gables to the second floor as well as a reduction in the overall height of the blocks. These revised plans have taken this advice on board; the height of the dwellings has been reduced by 0.4m, from 9.5m to 9.1m. Although the depth of the dwellings have increased, the dwellings as proposed are considered to be commensurate to the existing character of the dwellings 46 to 62 Chester Road in terms of spacing and style.

Based on the revised plans it is considered that the design would no longer appear incongruous to the existing streetscene, following omission of the front gables and the reduction in height, and the increase in the spacing between the two pairs of semi's (3m from 2m). The character of the dwellings is considered more akin to the existing character and appearance of the area than the previous refusals.

The proposed development is therefore considered to be acceptable in terms of LP policies BE1 and DC1.

### **Amenity**

The application site is bounded to the east by Hilton Grove and to the south by Chester Road. Residential properties bound the site to the north and west, whilst further residential properties are located on the opposite side of the roads. In respect of the properties on the opposite side of Chester Road, the proposed dwellings would exceed the separation distance outlined in policy DC38 of the Local Plan and therefore they are not considered to have a detrimental effect on the amenity of these properties.

Previously Officers' have noted that the windows in the side elevation of no. 42 Chester Road are secondary. Policy DC38 states that in this situation a distance of 16.5 metres would need to be maintained for three-storey properties. The proposed development would exceed this distance with no. 42, resulting in a separation distance of 23m and therefore it is not considered that it would have a detrimental effect on the amenity of this property.

No. 46 Chester Road is located to the west of the application site and comprises a three-storey semi-detached property which has windows within the side elevation of all three floors. The ground floor bay window serves a living/dining room and the first floor window serves a bedroom. Whilst both these rooms have windows to the side and rear, the windows in the side elevations are the larger of the two windows and therefore it is these that are deemed to be the principle window to each room. To the second floor, the two windows each serve a bedroom and are the only window to each room. All of the windows in the side elevation of No. 46 Chester Road face in an easterly direction and therefore they provide a significant function in providing light to these rooms.

In respect of policy DC38 of the Local Plan, the proposed development should be sited 16.5 metres away from these windows when considering a three-storey building. The proposed development would be sited 9.8m from the windows on the main side elevation of no. 46 (previously, just 5.5m - 11/3290M & 9m - 12/4196M) and 8.8m from the ground floor bay window. Once again constituting a significant breach to the policy requirement. Whilst this separation distance has been improved, it is still considered that the proposed buildings would be unduly overbearing and dominant causing an unacceptable overbearing impact, loss of light and outlook to the detriment of the neighbouring property's amenity.

The applicant has submitted a sun study in an attempt to demonstrate that sunlight to the affected window will not be overshadowed. The study indicates that there will be minimal overshadowing from the morning sun based on snapshots in February, June and November. The loss of sunlight is only one factor to be considered and has not been the determinative issue previously when considering impact on amenity. It should also be noted that there will be overshadowing from the morning sun at certain times of the morning during certain times of the year.

Policy DC38 provides guidelines (normally minimum standards). When considering impact on amenity the overbearing impact and dominating effect of the development from the principal window of a habitable room must be considered. In this case the spacing distances are materially substandard, achieving only 60% of the minimum guideline separation distance. So whilst it is acknowledged that some flexibility can be applied depending on site conditions the proposal is considered to be substandard to the extent that living conditions of the adjoining occupier will be significantly injured. This is contrary to policy DC3 and one of the core planning principals set out in paragraph 17 of the NPPF.

The property to the rear of the application site, No. 1 Hilton Grove is sited at right angles to the plot and therefore has its side elevation and rear garden along the full length of the shared boundary.

As per the previous submission, the LPA is sympathetic to the issues faced by the neighbouring property from an increase in the amount of development, an increase in the bulk and height of development, and an increase in the number of windows that would face across this property's rear garden however it is not considered to be significantly detrimental to the amenity of this property. Whilst the distance to the shared boundary with no. 46 Chester Road and the first pair of semi's has been increased (albeit still substandard) the distance to Hilton Grove has been reduced.

The existing dwellinghouse on the application site faces towards the neighbouring property and has principle habitable windows at first floor level that currently overlook the rear garden of no. 1 Hilton Grove. The proposed dwellinghouses would be located on a similar building line as the existing dwellinghouse; a substantial hedge (in the neighbour's ownership) and trees (to be retained) are located along the shared boundary that provide a high level of screening. The Government in the latest GPDO allow rear extensions of more than one storey in height to come within 7 metres of a rear boundary, the proposed dwellinghouses would be set back circa 11 metres (minimum) at ground floor and 12 metres (minimum) at first and second floors therefore exceeding this distance; and the rooflights within the rear elevation could be conditioned to be positioned a minimum distance above internal floor level to prevent any overlooking issues. For these reasons it is not considered that this revised proposal would have a significantly detrimental effect on the amenity of this property.

The Environmental Health Division have previously assessed the application and recommend that should permission be granted conditions should be attached to control the hours of construction, demolition and pile driving (if required) to specific days and times in order to minimise noise and disturbance to the residents in the neighbouring dwellings.

To conclude, the proposal namely the sizing, siting and scale of the pair of semi's located to the western boundary of the site (shared with no. 46) are considered substandard to the guidance set out in policy DC38, resulting in an unacceptably harmful impact on principle light sources at no. 46.

### **Heritage & Design – Forestry**

The Council's Arboricultural Officer noted that the site has been subject of an amount of historic pre-determination felling and pruning which has established a relatively open site with a limited number of retained low value trees scattered around the perimeter. Numbers are significantly less than has been depicted on the submitted plans.

The absence of any category A or B trees as defined within BS5837:2012 removes any objection to the application from an arboricultural perspective; with a net gain envisaged if a suitable specimen landscape scheme is implemented replacing those trees which have been removed. A quality scheme will be required given the sites position immediately adjacent to on of the main access routes serving Poynton This could be controllable by condition should the application be approved.

### **Ecology**

The Council's Nature Conservation Officer noted that the accompanying bat survey was completed slightly late in the season and is now just over 12 months old. No evidence of bats was recorded and considering the location of the building and the absence of any bat field signs. Accordingly the Ecologist is satisfied that roosting bats are not reasonable likely to be present or affected by the proposed development.

It is therefore considered that the proposed development would comply with policy NE11 of the Local Plan.

### **Highways**

The proposal would be accessed by two vehicular access points off Chester Road and a pedestrian access off Hilton Grove.

The parking for the housing is 200%, this level of provision accords with the Highways Department's parking standards and both access points provide adequate visibility. However, there is an existing bus stop on the frontage of the property that would need to be moved if these new accesses were constructed. The Strategic Highways Manager raises no issues with the relocation of the bus stop although the siting needs to be agreed with the Council's Integrated Transport Unit. It is for these reasons that the Strategic Highways Manager raises no objection to the application subject to conditions requiring no gates to be erected across the drives.

Whilst concerns have been raised regarding highway safety, subject to such conditions, it is considered that the proposed development would not have a detrimental effect on highway safety and would comply with policy DC6 of the Local Plan.

### **Land Contamination**

The Environmental Health Division has assessed the application in respect of land contamination. They note that the site is within 50m of a known landfill site or area of ground that has the potential to create gas and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with the NPPF, they recommend that a condition and note in respect of contamination be attached should planning permission be granted.

### **Other Matters**

Should members be minded to approve the scheme, they are recommended to apply the informatives raised in the consultation response from United Utilities' with regard to drainage and sewerage, as previously set out in their letter dated 23rd November 2012.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The LPA cannot currently demonstrate a five year supply of housing land and significant weight should be attached to the presumption in favour of sustainable development in accordance with paragraphs 49 and 14 of the NPPF. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole

However, this site could still make a contribution to housing needs by the potential reduction of 1 or 2 units from the proposal. This is also not a scheme which makes any significant contribution to housing land supply. The adverse impact on the adjoining property is significant and demonstrable and is supported by the framework as a core planning principle – to safeguard a good standard of amenity. Section 38(6) of the Planning and Compulsory Purchase Act 2004 still applies. The proposal is contrary to policies of the Local Plan which are consistent with objectives in the Framework.



It is acknowledged that the previous concerns in terms of design and the character and appearance of the streetscene have, on balance and despite objections received, been resolved. However, the amenity concerns have not been adequately addressed and this revised scheme is duly recommended for refusal as the proposed development would be contrary to policies DC3 and DC38 of the Local Plan.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

RECOMMENDATION:

1. R07RD - Development unneighbourly

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Application No: 13/4431M

Location: 71, SOUTH OAK LANE, WILMSLOW, SK9 6AT

Proposal: Demolition of a pair of semi-detached dwellings and the construction of a terrace of four two-storey dwellings with associated car parking (Resubmission of 12/3540M)

Applicant: Clare Hughes

Expiry Date: 13-Dec-2013

**Date Report Prepared** 5<sup>th</sup> December 2013

#### **SUMMARY RECOMMENDATION**

Approval, subject to conditions

#### **MAIN ISSUES:**

- The principle of the development;
- The design of the scheme and its affect on the character and appearance of the area;
- Highway access, parking and pedestrian safety;
- Protection of existing trees, landscaping and ecology implications; and
- Residential Amenity.

#### **REASON FOR REPORT**

The application has been requested to go to Northern Committee by Cllr Barton for the following reasons:

- *The proposal will result in overdevelopment of the plot;*
- *The application will increase the density of an already densely packed street increasing the number of houses on the street will also have a negative effect on an already chronic parking problem on South Oak Lane;*
- *It is requested that no hedges should be planted along the front of the property as they are likely to overgrow onto what is already a narrow pavement on a major school route to Ashdene Primary School;*
- *There is also a significant amount of local unrest regarding this development*

#### **DESCRIPTION OF SITE AND CONTEXT**

The site in question is located 1km southwest of Wilmslow Town Centre. The plot is an 'L' shaped and consists of a pair of semi detached properties with a detached flat roof garage to the side. The property encompasses a small garden area to the front and rear and off street parking.



The site located within a predominantly residential area and is characterised by two storey semi-detached and terraced properties, which front onto the South Oak Lane. Most of the properties include off street parking for at least one vehicle.

## **DETAILS OF PROPOSAL**

The application seeks full planning permission for the '*Demolition of a pair of semi-detached dwellings and the construction of a terrace of four two-storey dwellings with associated car parking (Resubmission of 12/3540M)*'

The applicant proposes four terraced properties (1 X two bedroom property and 3 X three bed roomed properties), which are to be spread over three levels; ground, first and second floor. Three of the properties will include integral garaging at ground floor, for one vehicle.

## **RELEVANT HISTORY**

This application is a resubmission of planning application 12/3540M that sought full planning permission for a similar scheme '*demolition on of semi detached properties. Replacement with four terraced houses with split-level plans over 3 storeys and associated car parking*'

This application was withdrawn due to concerns over the height of the development , highways safety and the impact upon protected species.

There is no other relevant planning history for the site.

## **POLICIES**

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

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

### **Local Plan Policy:**

The application site lies within 'Predominately Residential Area' in Wilmslow, therefore the relevant Macclesfield Local Plan polices are considered to be: -

- Policy BE1: Design Guidance;
- Policy NE11: Nature Conservation;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC9: Tree Protection;
- Policy DC38: Space, Light and Privacy; and

- Policy DC41: Infill Housing Development or Redevelopment.

### **Other Material Considerations**

Members will be aware that The National Planning Policy Framework (NPPF) 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.

### **CONSULTATIONS (External to Planning)**

**Strategic Highways Manager:** Raise no objections. The proposed parking provision is acceptable however, it is recommended that should planning permission be granted an informative with regard to the provision of vehicular crossings should be attached to the decision notice.

**Environmental Health:** No objection subject to conditions.

**United Utilities:** No objection provided the applicant ensure the properties are drained on a separate system.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

**Wilmslow Town Centre** - *“The Town Council’s Planning Committee recommend refusal on the grounds of the development being out-of-character with the street scene in size and volume”*

### **REPRESENTATIONS**

During the course of this application, it has been identified that the occupant of No 72 South Oak Lane had not been formally consulted on this application. A consultation notification has been sent out and any comments received will be updated to Member prior to the Planning Committee meeting.

14 letters of objection have been received. The key issues and concerns are summarised in brief below. Objections can be read in full on the Councils online planning system.

#### **Character of the area/Design**

- The size is dense, it will create an oppressive, ugly outlook for existing properties
- The development is too large and out of keeping with the character of the area and would have an adverse impact upon the value of existing properties;
- The proposal has the appearance of town houses they do not fit in with the character of the area;

- The density is overpowering for the plot size;
- Three houses with additional parking would be a more appropriate alternative;
- The proposal will result in an overdevelopment of the site;
- The existing cottages are attractive there is no justification for their demolition, why can they not be refurbished?;
- The height of the properties will dominate the lane;
- The proposal is cramming four dwelling onto a plot that can only take three;
- The partial proposed flat roof is out of character and will be visually poor;
- The bricks and roofing should match the existing and surrounded houses;
- The proposal is not in keeping with the existing Victorian homes;

### **Highways**

- The proposal will create chaos on the road;
- double the amount of cars will increase noise, pollution and create hazard;
- Create congestion on the road. This road already suffers from congestion due to the Funeral Service, School and playing fields;
- Alterations to the pavement will create hazard for pedestrians
- Each plot could potentially have four cars each on an already congested area this would make it difficult for existing residents to get off the driveways;
- The gardens are so small it is unlikely that the garages will be used for parking purposes. It is very likely they will be converted into additional living accommodation this will force additional on street parking;
- The proposal will exacerbate existing parking problems and congestion;
- Major building will cause a bottleneck and cause congestion;
- One, two storey house would be more appropriate compromise but would not illuminate issues with regards to highways, nature and drainage;
- Steps need to be taken to reduce traffic not increase it;
- Parking is already at saturation point
- Proposal would create an additional 12 vehicles to the area;
- This is a narrow land where residents already park either side;
- Visitors to the proposed properties will bring more cars;
- The proposal will cause access issues for several properties;
- Emergency vehicles will struggle to gain access;
- The proposal will restrict access to the Chapel and Slack Funeral Service;
- The road is currently used by a lot of traffic who use it as a link between Chapel lane/Altrincham rd and Knutsford Road;

### **Nature**

- The proposal will disturb bats at the back of the building, Pipestrel bats have been seen at the property;
- Will remove space for natural life;

### **Residential amenity**

- The proposal will create a loss of daylight, reduce privacy by overlooking by virtue of the proposed bedrooms;
- Will have an adverse impact upon existing living conditions
- The proposed windows in the front elevation in the roof space will be an invasion of privacy;
- The proposed roof lights will contravenes privacy and boundary guidelines;

### Other issues

- There are already problems with the existing drainage system which need updating and are already overloaded;
- Concerns that the artist impression is misleading and does not reflect a true representation of the existing street;
- The public need to be protected from this unsightly hazardous development;
- Object to any access to the site off Orchard Close due to security issues which will make the rear of the property accessible to burglars;
- Two houses with associated parking would be more in keeping and sympathetic to the area;
- The rear garden access will be a security risk;
- Who will retain the hedge?;
- The retained trees are no within the application site so they are irrelevant;
- A letter from United Utilities states that the existing problems will not be resolved until post 2015;
- Concerns raised with regard to the applicant creating a new foul sewer, would cause disruption on the road and threaten the funeral business which operates both during the day and night;

### APPLICANT'S SUPPORTING INFORMATION

In addition to the plans, the following detailed reports were submitted with the application:-

- Planning Statement;
- Protected Species Survey.

### OFFICER APPRAISAL

#### The principle of the development

The Framework sets out a presumption in favour of sustainable development. Located within close proximity of public transport and local amenities the site is considered to be in a sustainable location.

Paragraph 49 advises that;

*“Housing application 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”*

Following recent appeal outcomes Member will be aware that the Council do not currently have a 5 year supply of housing for the Borough and therefore attention should be had to the requirements of paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

***“Approve development proposals that accord with the development plan without delay, and***

*Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;*

- ***any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or***
- *Specific policies in this framework indicate development should be restricted”*

The site is designated within the Local Plan as a Predominantly Residential area and lies within close proximity to Wilmslow Town Centre.

The proposed site is considered as previously developed land. The definition of previously developed land however excludes private residential garden areas and therefore the garden area of the site cannot be classed as previously developed.

Paragraph 53 of the NPPF states that “*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area*”.

The footprint of the four dwelling is proposed to cover the footprint of the existing building and will have only a marginal impact upon the garden land.

Policy H5 of the Local Plan and paragraph 14 of the NPPF as the site utilises a predominantly brownfield site, within a recognised urban settlement in a sustainable location. Although the principle of residential development on this site is acceptable, development on this site should essentially be assessed against any harm cause to the character or appearance of the area or any other harm.

#### **Character and Appearance of the area:**

The application site lies in a residential area characterised by both semi detached and terraced properties which front South Oak Lane. Properties within this area are generally Victorian style dwellings constructed in Cheshire brick.

The four proposed properties are to be sited directly over the footprint of the existing buildings and will spread the full width of the site leaving a gap of approx 1 m either side of the property between the shared boundary and providing adequate space between neighbouring dwelling which is commensurate with distance between properties within the existing street scene. Parking provision is to be sited off street to the front of the properties and a small garden space for each of the properties to the rear.

The accommodation internally within each dwelling is to be spread over three floors. With integral garaging for one car in three of the properties. Whilst the main kitchen dining room is at ground floor, the properties have been designed with living room space at first floor looking out over the rear of the property and bedrooms and third floor.



This particular area of Wilmslow is characterised by a mix of two storey semi detached properties and terraced properties, which surround the application site. The dwellings have been designed to appear as two-storey with accommodation in the roof space, the only indication of a third floor is the roof lights proposed on both the front and rear elevations. Roof lights are not an uncommon feature for houses within this area, and our present on the neighbouring property, 15 Princess Road.

The ridge level of the proposed properties has been designed to measure approx 9m in height and will be a similar height and eaves level to the immediate neighbouring property No.69 South Oak Lane and 15 Princess Road.

The proposed dwellings are to be constructed in similar materials; red brick with grey slate on the pitched roof. Cills to windows are to be constructed in reconstituted stone and windows to be timber painted white. The design of the proposed dwelling will be in keeping and sympathetic to the mix and style of dwellings within this particular area.

The applicant proposes a small brick wall with constituted pier caps and hedging to the front of the properties. Examples of multiple driveways can be seen within the immediate area of the application site therefore this will not be out of keeping with the character or appearance of the existing street scene.

The concerns of the local residents and Parish Council are fully considered. This site is not, however, in a designated Low Density Housing Area; Conservation Area; Open Space, nor in any other designated environmentally sensitive location which would suggest that development should be specifically constrained beyond the normal considerations which apply to all new development. The proposed four terraced properties are not dissimilar in terms of height, scale, massing and bulk to neighbouring properties within the street and therefore the proposed development is in keeping with the character of this particular area. It is compliant with policy BE1, DC1 and DC41 of the local plan.

### **Highway access, parking and pedestrian safety**

The proposed layout incorporates four separate access drives to each property. Three of the properties will have integral garaging for one car at ground floor. All dwellings provide off street parking for two cars.

This site is considered to be in accessible location having regard to public and amenities and local transport provision. Future occupants of the dwelling would therefore not necessarily need to be car reliant. Concerns from local residents regarding existing parking problems along this particular street are acknowledged the parking provision proposed is however considered to be acceptable having regard to the type of dwelling proposed.

In order to ensure that the proposed garages are utilised for parking purposes only it is advised that a condition is attached to the consent which ensures the garaging will not be converted into living accommodation and will be retained for the parking of motor vehicles.

It is acknowledged that cars will need to reverse onto the road this is not however dissimilar from other properties within the street.

Whilst concerns by residents regarding highway access, parking and pedestrian safety issues are appreciated it is considered that the proposed development complies with Policy DC6 and

Paragraph 39 of the National Planning Policy Framework taking into account of the accessibility of the development the type of development the availability of public transport. The Council Highways Manager has therefore raised no objections subject to a informative with regard to the provision of vehicular crossings.

### **Protection of existing trees, landscaping and ecology implications**

There are no protected trees within close proximity to the application site and that are proposed to be removed. The proposed development is a sufficient distance from the mature horse chestnut tree located in the rear garden of Nursery Lane. It is therefore anticipated that the proposed development will have no implications upon existing tress.

In order to ensure the proposed development is in keeping with the character of the area and appropriate boundary treatment between neighbouring properties is maintained a condition requiring further landscaping and boundary details is advised.

In relation to protected species, a bat survey was undertaken at this site in 2012. Although bats were recorded as being active around the site there is no evidence to suggest bats are roosting at the properties. The Council's Nature Conservation Officer does not object to the scheme, as the proposal will comply with Policy NE11 of the Macclesfield Borough Local Plan.

### **Residential Amenity:**

Local Plan policies DC3 and DC38 relate to amenity. Policy DC38 of the Local Plan set out distance guidelines between buildings in order to safeguard residential amenities with respect to light and privacy. The distance set within this policy are however guidelines, and regard should also be had to: *the design, layout of the scheme the relationship to the site and its characteristics and provides a commensurate degree of light and privacy between buildings.*

### **69 South Oak Lane**

Proposed Unit 1 has been designed to project further into the rear garden then units 2,3 and 4. Set 1m from the boundary the proposed development will not however intercept into the 45-degree angle, when taken from the centre of the first floor rear facing window of the neighbouring property, No. 69 South Oak Lane.

There are a series of four windows at ground floor at No 69 South Oak Lane, which directly overlook the application sites. These windows however appear to be secondary in nature (two of which are obscurely glazed). The proposed development will be sited 7m from the side elevation No.69. Provided that the two small bathroom windows proposed at first and ground floor on the side elevation are conditioned to be obscurely glazed and the existing boundary is retained, or appropriately replaced, it is not anticipated that the proposed development will result in a detrimental impact in terms of loss of light or privacy for the occupants of No 69 South Oak Lane.

### **No. 15 Princess Road**

No 15 Princess Road has been the subject of a small two storey side extension which extends right up to the boundary of the applications site. Although the proposed development would have some impact upon level of light to reach existing windows on the side and rear elevation of 15 Princess Road. These windows are however considered to be secondary in nature and either provide light to rooms such as a dressing room and loft space or are a secondary source of light to a primary room.

Whilst it is acknowledged that the proposed extension will cause some loss of light and overbearing impact when viewed from these particular windows it is however not anticipated that the impact upon the residential amenity for the occupant of 15 Princess Road would not be significant enough to support a refusal.

## **20 Princess Road**

20 Princess Road is located directly to the south east of the application. The front elevation of this address will be sited approx 17m from the rear elevation of Unit 4 of the proposed development.

Policy DC38 of the Local Plan does not set a standard for properties, which face front to back. It is noted that Number 20 is located directly adjacent to No 15 Princess Road and is sited some 17m front to front.

Some concern is raised with regard to the internal layout of the dwellings (particularly unit 4), that seek a dining room at first floor, which will face the front bedroom window at No 20 Princess Road. The distance between properties is however considered to be commensurate with the spacing of properties within this particular area.

The Environmental Health Service has considered the application and raises no objection subject to a condition requiring the hours of demolition, pile foundations, dust control, waste provision and construction and deliveries of the site to be restricted. No contaminated land issues were raised.

For the reasons outlines above and subject to the specified conditions it is not considered that the proposed dwelling houses would have a detrimental effect on the amenity of neighbouring properties or one another and therefore would comply with policies DC3, DC38 and DC41 of the Local Plan.

## **Other Material Considerations:**

### **Drainage**

The applicant has advised that the existing development will be connected to new sewers located under South Oak Lane. United utilities have raised no objection to the development, subject to the site being drained on a totally separate system.

The Council Flood Risk Manager agrees with this and has advises that Surface water discharges from the site should be designed to mimic existing drainage arrangements and must not cause increased flows to existing sewers and/or watercourses/culverts in the locality.

Whilst concerns raised to disruption of the road have been raised the issues raised are only likely to be short term and therefore are not a reasonable reason for refusal.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The concerns of the Parish Council and local residents are understandable given that this proposal represents an increased density of housing on the site from a single dwelling to four. It is understandable that this type of development raises concerns in respect of highway safety, the character and appearance of the area and the other factors considered in the report.

However, this proposal accords with the relevant policies of the Development Plan. Those policies are considered to be consistent with the Framework. Paragraph 14 of the Framework is clear that proposals for development that are in accordance with the development plan should be approved without delay.

Whilst the development provides 4 terraced dwellings on the site, the built form and mass of the buildings is similar to existing properties within this particular street.

There are no ecological issues present at this site and the proposal will not harm the living conditions of adjoining property. Concerns around drainage and land levels have been addressed.

The site is considered to be within a sustainable and accessible location and the proposed development is unlikely, subject to condition to have a detrimental impact upon Highway safety.

The presumption in favour of sustainable development means that the balance of considerations lies in favour of approval of this scheme. Whilst some dis-benefits have been highlighted, these are not sufficiently significant or demonstrable to justify withholding planning permission, and that is the test that should be applied under paragraph 14 of the Framework.

The application is recommended for approval subject to conditions, in advance of any additional comments received from the occupant of No 72 South Oak Lane, which will be provided to Members within an update report.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A06EX - Materials as application
4. Boundary Treatment
5. Obscurley Glazed Windows
6. Landscaping
7. Hours of Demolition
8. Dust Control
9. Pile Fondations
10. Waste provision
11. Construction deliveries
12. Garage not to be converted into living accomodation without consent from the LPA
13. Untied Utilities
14. Highways- Vehicular crossing



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Application No: 13/3520M

Location: St Johns Parish Church, CHURCH HILL, KNUTSFORD, CHESHIRE, WA16 6DH

Proposal: Reglazing windows including relocation of existing stained glass into the existing stained frames; protective guards to stained glass as existing

Applicant: Parochial Church Council

Expiry Date: 14-Oct-2013

**SUMMARY RECOMMENDATION: Refuse**

**MAIN ISSUES:**

- Impact on the character, appearance and setting of the Grade 2 \* Listed Building
- Impact on residential amenity

**REASON FOR TAKING THE APPLICATION TO COMMITTEE**

Councillor Raynes has called the application in to committee on the following grounds:

By relocating the stained glass windows to the upper level of the building, access to them will be severely restricted, especially to those with mobility issues, rendering the detail of workmanship and commemorative inscriptions inaccessible to future generations.

**APPLICATION SITE AND CONTEXT**

The application site relates to St John's Parish Church, which is a C18th Georgian Grade 2 \* Listed Building located within Knutsford Town Centre and the Knutsford Town Centre Conservation Area.

**PROPOSALS**

The proposals are for the removal and relocation of 4no stained glass windows from the ground floor North and South elevations to the ground and first floor west elevation, and the removal and relocation of a ground floor north elevation stained glass window to the ground floor south elevation.

These windows were installed over time in the Victorian period.



It is also proposed to replace 2no ground floor and 4no first floor south elevation windows, which are currently 'plain glazed' with relatively clear glass. The same is proposed to the north elevation, to 3no ground floor and 4no first floor windows. The same is also proposed to a first floor level east elevation window.

The proposals are required to allow more light into the church and to 'open it up' to the community, offering a better internal and external view. It is also stated in the submission that relocating the stained glass windows to the West elevation would make them and the church more prominent and visually accessible to the community. This would be facilitated through making the relocated windows 'back-lit' internally.

It is noted that the proposed works do not require Listed Building Consent as they are covered by ecclesiastical exemption. Planning permission is required because the alterations materially affect the appearance of the building.

### **CONSULTATION RESPONSES (external to planning)**

English Heritage- do not wish to comment in detail and supply general observations. They have no objection in principle from a heritage point of view, subject to details regarding the technical aspects of the removal/ insertion of the windows. They do, however, note that there may be other considerations that need to be weighed into a decision, such as the community value the windows have in their current position. They conclude that the proposal should be determined in accordance with policy guidance and on the basis of our specialist conservation advice.

Knutsford Conservation and Heritage Group- object on the following grounds;

- The applicant has demonstrated insufficient justification for the proposed works and insufficient consideration of alternative possibilities.

- The stained glass windows proposed for relocation are the work of Heaton Butler and Bayne, one of the principal stained glass makers at the time, the firm's work including the Brunel memorial window in Westminster Abbey. The stained glass windows at St John's Church are in the Renaissance style, depicting Biblical scenes. They are an integral part of the Grade II\* listed building.

- The fact that the Church is listed as Grade II\* recognises the importance of the windows, demonstrated by their being expressly particularised and described in the national listing text as forming a "series". The series is of nave not gallery windows.

- There are other entirely viable methods to bringing light into the church which would not require the relocation of the windows.

- It is assumed the Church wishes to continue to focus the principal views as those within the Church, including of the Altar, rather than the views outwards from the inside of St John's Church. Views outwards would be very much a subsidiary reason for visiting the Church.



-The proposals do not provide a positive contribution to local character and distinctiveness.

Victorian Society- No Objection

Development Management Archaeologist- No Objection

## **VIEWS OF THE TOWN COUNCIL**

Knutsford Town Council- The Council objects to the application on the grounds that the proposed relocation of the stained glass windows would be to the detriment of the historical integrity of the building. The applicant has failed to provide sufficient reasoning for the Council to go against established practice for buildings of such significant historical importance.

## **REPRESENTATIONS**

Occupier of 9 Malvern Road (On behalf of the Royal British Legion)- recommends approval in relation to part of the proposal, which is to move the 1914-1918 War Memorial stained glass window from its present location to a new location.

28 other local residents have written in expressing support of the proposed development.

A Councillor is also in favour of the proposed development.

The planning related reasons for supporting the application comprise:

-The relocation of the windows would improve the light levels within this dark building and would make the windows more visible from the outside, to the benefit of the community

- Would open up the church to the community- it is noted that many other community groups already use the building for various activities such as Tatton Singers, Civic Services and May Day Celebrations and the works would open it up to more groups.

- No objections have been received from the Georgian Society, Victorian Society, the Diocese, or English Heritage.

## **RELEVANT HISTORY**

12/3273M

Alterations to entrance area, including new ramp, steps and railings. New bin store.

APPROVED

19/10/12

## **POLICY**

### **Macclesfield Borough Local Plan – saved policies**

BE1 (Design principles for new developments)

BE2 (Preservation of the historic environment)

BE16 (Setting of Listed Building)  
BE21 (Archeaology)  
DC1 (High quality design for new build)  
DC2 (Design quality for extensions and alterations)  
DC3 (Protection of the amenities of nearby residential properties)  
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)  
DC38 (Guidelines for space, light and privacy for housing development)  
H13 (Protecting residential areas)  
KTC1, KTC 2, KTC3, KTC 4 (Knutsford Town Centre Conservation Area)

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

## **National Planning Policy Guidance**

### **National Planning Policy Framework**

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

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

## **KEY ISSUES**

### **Impact on the Conservation Area/ Listed Building**

The comments from English Heritage have been carefully considered.

However, the Conservation Officer raises a strong objection to the proposals, stating the following;

There is an objection in principle to the assumed dismantling of and relocation of all the stain glass windows proposed with the exception of the war memorial window, for reasons outlined below. It is felt there is insufficient justification for the removal and potential damage to the windows which are an integral part of the building which is designated as Grade II\*. The current situation of light within the church is deemed more than sufficient for its use as a religious building and any issues relating to light can be overcome in less harmful ways, allowing the integrity of the windows and church to remain.

It is also considered that the replacement of the other windows to plain glazing would similarly have an adverse impact on the historical and architectural fabric of this Grade 2 \* Listed Building.

It is considered that the proposed works will constitute 'Less than Substantial Harm.' Under the NPPF Paragraph 134 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

St John's Church is Grade II\*, a grading attached to only 5.5% of the nationally listed building stock. Where there is less than substantial harm this harm has to be weighed against the public benefit.

The stained glass windows signify both a biblical story but also a memorial to local worshippers and their personal story and relationship to the church. The location of the windows at ground floor level allows the windows to be viewed by all; if the windows to be inserted to the upper floors was permitted, this would restrict access for disabled and infirm members of the community, which would not be in the public benefit.

Whilst the 28 letters in support of the works have been carefully considered, the objections received from the Town Council and from the Knutsford Heritage Group also indicate some lack of support from the community. These points further question what the public benefits actually would be.

The Heritage Statement submitted mentions that the theological message for St John's is to be "belonging" to the Town, there are objections from sections of the community which goes against this message.

It is noted that English Heritage do not object from a heritage point of view, but that they note that the impact on the historic fabric of the building has to be weighed against the benefit to the community as a result of the works. Advice from English Heritage states the following:

*All grades of harm, including total destruction, minor physical harm and harm through change to the setting, can be justified on the grounds of public benefits that outweigh that harm taking account of the 'great weight' to be given to conservation and provided the justification is clear and convincing (paragraphs 133 and 134). Public benefits in this sense will most likely be the fulfilment of one or more of the objectives of sustainable development as set out in the NPPF, provided the benefits will enure for the wider community and not just for private individuals or corporations. It is very important to consider if conflict between the provision of such public benefits and heritage conservation is necessary.*

In conclusion, the public benefit for the wider community is not considered clear nor substantiated by the proposed works and perceived harm to a grade II\* listed building.

Paragraph 132 of the NPPF states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.*

*Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*

The justifications put forward within the supporting documents attached to the application are considered to be; the need for additional light in the Church; for those in the Church to view outside, and vice versa, lastly to restore the original Georgian church as originally constructed in 1744 and showcasing the building and windows to a wider public audience.

### **Assessment of Submitted Justifications**

1. Graham Holland provided Officers with photographs of the inside of the church to show the lighting concerns. From these images the building appears to have sufficient light, and together with the proposed and granted faculty works the light exposure and overall feeling of light will be enhanced beyond this seemingly satisfactory baseline position. This photograph does not show a dark and unusable building, therefore displaying no justification for window removal.

2. Church windows are usually relatively high compared to domestic window height, assuming less visibility into and out of the building to allow for the church to become a place to reflect and worship, not to be distracted by the outside world. Whilst it is noted that the applicants want to make the church more accessible, the requirement to see into and out of the building is not considered to be in accordance with its use.

3. Restoring the church back to its 18th century character is considered to be an inappropriate approach to a grade II\* listed building. The Victorian additions are a clear historical marker of the churches history, one which now adds to its special architectural and historic interest. Removing (dismantling) historic fabric associated with this and reordering from their original context, will ultimately water down the integrity of the building as the 19th century additions are part of the buildings character and architectural and historic interest.

### **Significance of the Heaton Butler and Bayne Windows**

The supporting evidence states the windows are of low/moderate significance, but doesn't state why or how this assessment and judgement has been arrived at. Heaton Butler and Bayne were significant stained glass manufacturers and their work is present in many buildings, most of these are grade II\* and grade I. The heritage statement then contradicts this low/moderate significance by stating the windows have a "high impact on the interior". The negative impact around these windows appears to be based upon lights levels, which given the photographic evidence is considered to be unsubstantiated.

St Johns Church is grade II\* and the stained windows are mentioned in the list description. Whilst the windows will remain in the church, and it is noted that their relocation would make them more visible from outside the church, nevertheless their visibility will be reduced for all members of the community and church when inside the church. The window's relocation

could also be damaged in the process of being moved without enough justification, which would compromise the work by Heaton, Butler and Bayne and also the church as a whole.

The stained windows are displayed in a series; this is referenced in the recent Pevsner Architectural Guide 2011. They tell a biblical story but like many windows were personally dedicated to the church by members of the parish, over time, which suggests that these windows are important (or were) to the congregation and therefore belong within the body of the church where they were initially placed, to be preserved in situ for the wider public benefit.

The List Description of the church mentions the windows "north and south aisles form a series in a similar renaissance style depicting old and new testament scenes, dated 1868, 1895, 1919, 1921, Heaton, Butler and Bayne."

Whatever the age of the church, stained glass has played its part in the decoration and enrichment of the architecture. These windows have also continued to tell another story, that of the people who have donated the window or are commemorated in them. By inscriptions and depictions the glass records for posterity the whole story of their installation and purpose. And so they are deemed to have historical, artistic, theological and personal significance. This is also considered to some extent to be true of the other more plain glazing to the ground and first floors, which would be replaced, resulting in a further loss of historical fabric and significance.

### **War Memorial Window**

When the War memorial chapel was relocated, the war memorial window was not relocated alongside. There is logic therefore to the moving of this window so it can be with the memorial chapel. There is no objection to this work being carried out subject to a method statement being conditioned, which would inform the relocation and any new materials or repairs which are needed.

### **Potential for damage**

Historic glass is very delicate and easily subject to damage, the only real justification for dismantling or removal would be for restoration due to extensive damage.

Stained glass is made of many components, each with inherent risks when being restored or in this case removed. The decoration of the glass itself, fixing, fixing system, support frame, and the condition of each material needs to be understood to understand what the risks will be, knowing this condition is important for overall preservation of each window.

This information has not been produced and therefore there is no evidence to state the windows would withstand the removal and level of restoration required.

Benefit to the historic glass should come before any other consideration. The intervention and treatment of the windows should be kept to a minimum; and signs of age are considered to be an integral part of the history of this building. Overall therefore the conservation of the windows should be the priority, and little has been provided in relation to a conservation plan, potential risks removing them, method for reinstatement, and potential for the loss of historic fabric.

For the reasons examined above, the proposed development is considered to adversely impact on the historic fabric and integrity of this Grade 2 \* Listed Building. The public benefits of the proposals are not deemed to outweigh this (less than substantial) harm and therefore the development is considered not to accord with local plan policies BE2, BE16, and the NPPF.

### **Amenity**

No amenity issues are raised and the scheme would be DC3 compliant.

### **CONCLUSION AND REASONS FOR DECISION**

To conclude, it is considered that there is insufficient justification for the removal and potential damage to the windows which are an integral part of this Grade 2 \* Listed Building. The relocation of these windows would adversely impact on the architectural and historical significance of this Listed Building and its setting, contrary to Macclesfield Borough Local Plan policies BE2, BE16, BE18 and the NPPF. The public benefits that could arise from this proposal is not considered to be outweighed by the aforementioned harm.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

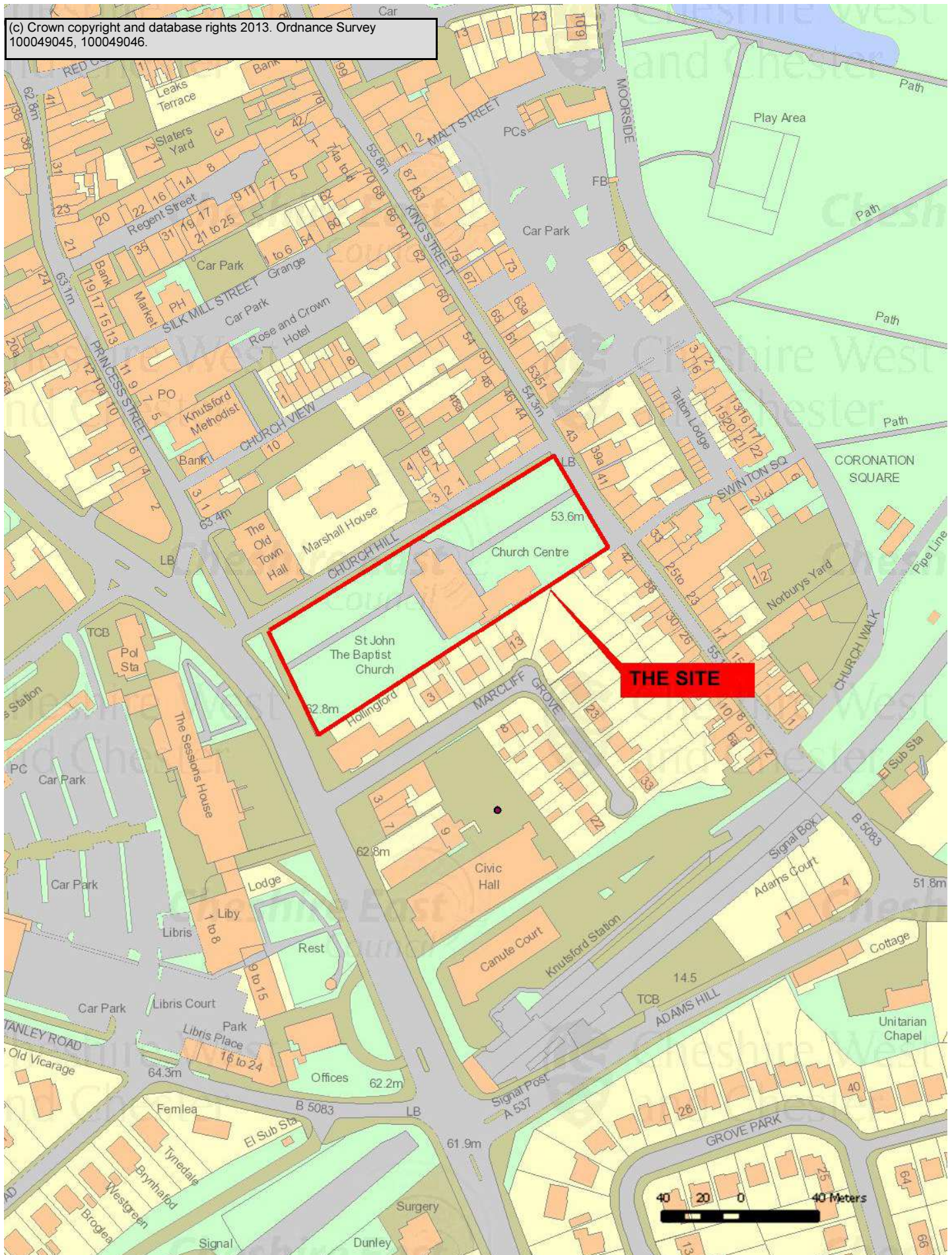
Application for Full Planning

**RECOMMENDATION:** Refuse approval

1. POL01 - Policies
2. Informative
3. Plans
4. Impact on the Grade 2 \* Listed Building



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Application No: 13/2906M

Location: BRYBOUR LODGE KENNELS, ALTRINCHAM ROAD, WILMSLOW, SK9 4LY

Proposal: Redevelopment of site from kennels to office accommodation

Applicant: Matthew McNulty, McNULTY ARCHITECTS

Expiry Date: 29-Oct-2013

Date Report Prepared: 05.12.2013

#### **SUMMARY RECOMMENDATION**

**APPROVE, SUBJECT TO  
CONDITIONS**

#### **MAIN ISSUES**

- Principle of the proposed development
- Design/impact on the character and appearance of the area
- Impact on Green Belt
- Highways safety
- Arboricultural, Landscape & Nature Conservation issues
- Environmental Health issues

#### **REASON FOR REPORT**

The application submitted originally included development of over 1000 sq. m of floorspace.

#### **DESCRIPTION OF SITE AND CONTEXT**

The site to which the application relates is Brybour Kennels, located on the western side of Altrincham Road, approx. 1.5k from Wilmslow Town Centre. The site is currently a mixed use site that includes kennels, a two-storey detached dwelling and a building which has a use as an office and storage facility. There are a range of buildings on site, of varying sizes, all scattered within the northern half of the site, mainly sited within the central area of this half of the site, between the existing house and the 2 No. main kennels. The two-storey dwelling is the highest building, there is a single-storey barn (the second highest building on the site) and the rest of the buildings on site are lower level single-storey. The main existing parking area is located in the south-eastern corner of the site, to the left of the site access. There is also a large area of hard-standing within the northern half of the site spread between all the buildings. The site covers an area of approx. 6595 sqm. There are trees and hedges

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

## **DETAILS OF PROPOSAL**

The proposed seeks full planning permission for redevelopment of the site from kennels to office accommodation. The proposal broadly consists of retaining the residential building on site and converting it to office use, demolishing all other buildings & structures on site and replacing them with 1 No. single-storey 'u' shaped building of office accommodation, with a 'courtyard area' created between the proposed new building and the retained building. The overall floor area will be 710sqm of office space. It will be possible to use the new building as 1 No. solo unit or divide it into 2 or 3 separate units, with the converted dwelling constituting a 4<sup>th</sup> unit; the units could be let or sold as 1, 2, 3 or 4 units. A substantial amount of hard-standing will be removed from within the site. The existing car parking area situated to the south eastern corner of the site will be used as the main car parking area with a small number of additional car parking spaces (5 No.) provided within 'courtyard area', mainly for disabled parking. The level of car parking is provided at a standard level of 1 No. space per 30sqm of office floor area. A covered cycle storage area is provided within the site along with a refuse storage point. The existing access to the site is to be retained with a pedestrian crossing point provided from the access across the road to link with a pedestrian/cycle path.

The main change to the external appearance of the existing building that is to be retained will be the removal of the paint over the brickwork. The external materials of the proposed new building will mainly be red brick and timber cladding walls and a slate roof.

It is noted that revised plans have been received during the course of the application as Officers expressed concerns about the size and scale of the proposals relative to the existing development on site. The revised plans should also help clarify some of the issues raised in the representations.

## **RELEVANT HISTORY**

- |          |   |
|----------|---|
| 06/2206P | Implement planning permission 06/0844P – Alterations to barn to provide additional living accommodation as part of existing dwelling, in non-compliance with condition 4, to allow upvc windows. Approved, 27.10.2006 |
| 06/0844P | Alterations to barn to provide additional living accommodation as part of existing dwellinghouse. Approved, 26.05.2006  |
| 04/1120P | Change of use of kennels reception and pet shop to office & storage area. Approved, 18.06.2004  |
| 46157P   | Conversion of pet food storage area to retail pet food. Approved, 03.09.1986  |
| 12660P   | Erection of detached dwelling. Refused, 21.12.1977  |

## **POLICIES**

**Macclesfield Borough Local Plan – saved policies**

BE1 (Design Guidance)  
NE11 (Nature Conservation)  
GC1 (New Buildings in Green Belt)  
DC1 (New Build)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC8 (Requirements for Landscaping)  
DC9 (Tree Protection)  
DC63 (Contaminated Land)

### **National Planning Policy Guidance**

National Planning Policy Framework

### **CONSULTATIONS**

#### **Manchester Airport:**

No safeguarding objections. Recommend an informative be added to any approval re use of cranes during the course of development.

#### **Heritage & Design – Forestry:**

No objections, subject to conditions re tree retention, tree protection and a construction specification/method statement (car parking area).

#### **Heritage & Design – Nature Conservation:**

A Bat Survey was submitted with the application following which additional information was requested and provided. The Nature Conservation Officer is satisfied that the proposed development does not raise any significant ecological issues. Hence, no objections and no conditions recommended.

#### **Strategic Highways & Transportation Manager:**

The Strategic Highways & Transportation Manager (SHM) requested a Transport Statement, which has been submitted. The SHM raises no objections, subject to condition and an informative.

#### **Environmental Health:**

No objections subject to a condition re hours of demolition/construction and an informative re action to take if any potential contamination is encountered on site.

#### **Greenspace:**

No objections, subject to requirement for commuted sums: the Public Outdoor Space commuted sum will be £5,200 (the element for children's play space has been waived on this

occasion given the location and nature of the proposal); the Recreation Outdoor Sport commuted sum will be £10,400.

NB. It is noted that the above sums were calculated based on the plans previously submitted. As noted, plans have been revised (reducing the extent of floor area) and therefore the commuted sums will need to be re-calculated. It is intended to provide the re-calculated figures in the committee up-date.

## **PARISH COUNCIL**

### **Wilmslow Town Council:**

Recommends refusal for the following reasons: overdevelopment of the site in the Green Belt and potential traffic issues on the A538.

## **REPRESENTATIONS**

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

- Concern about the site being developed for commercial purposes and the impact on the area (with the “Waters” site close by)
- Claim that there are many office premises vacant at the moment and therefore no need for more office development
- Impact on the openness of the Green Belt
- Suggested that decision should be delayed until Cheshire East Council ‘Strategy Plan’ is out for consultation
- Other sites in the Borough could be used for such development – eg, Green Belt land behind Royal London or site at Alderley Park
- The design seems to mirror the Waters Building across the road
- Concern about increase in number of vehicles adding to congestion on Altrincham Road and exiting the site close to the new roundabout
- Object to the proposal as consider it to be contrary to policy, i.e. 1) the NPPF, 2) the Macclesfield Borough Local Plan and 3) the Cheshire East Local Plan Document – ‘A Development Strategy for jobs and Sustainable Communities’. Specific concerns relate to: a) access for disabled, b) highways safety issues both traffic and parking and c) ‘other issues’. Thus, to expand on these ‘other issues’: i) proposed doesn’t comply with policy E3 (MBLP), ii) considered not to be ‘sustainable development’ and it doesn’t ‘promote mixed use developments, and encourage multiple benefits from the use of land in urban areas’ (NPPF), iii) doesn’t comply with the principles in Cheshire East ‘Development Strategy...’ document relating to sustainable development, iv) no parking for disabled, no lift in building 4 and therefore not accessible for disabled, and no disabled toilet facilities in any of the buildings, v) significant increase in traffic entering & exiting the site along with the nature of the road alignment and gated entry creating highways safety issues, vi) proposed 59 car parking spaces not sufficient for the occupancy levels and no motor cycle parking spaces, vii) Brybour Lodge is a mixed use site inc. having a dwelling on it, but this is not noted within the application (needs clarifying), viii) 20 cycle spaces noted on application but only 18 illustrated on plan, viii) no outside shelter for smoking shown and assumed one I required, x) results on ‘Draft

Wilmslow Vision' showed that 71% were against land within this vicinity being used for employment led use.

## **APPLICANT'S SUPPORTING INFORMATION**

The following additional information has been submitted with the application:

*Design & Access Statement*  
*Bat Survey*  
*Arboricultural Survey*

Additional information was submitted during the course of the application:

*Bat Survey.– Additional Information*  
*Demand for Office Accommodation*  
*Sustainability Statement*  
*Transport Statement*

Details can be read on file. A summary of some key points raised in the documents is provided below:

- The site comprises a dwelling, large number of outbuildings and barns and large areas of hard-standing; visitor parking is currently located primarily in the south-eastern corner
- The site is mainly used as kennels; one building has been used as a reception and pet shop area and as offices
- Site is approx. 6595 sqm and abuts Altrincham Road to the east; access is gained from Altrincham Road
- The house has brick walls, which are painted over, and a slate roof. The outbuildings are constructed of a range of materials inc. brick, corrugated metal, timber and cementitious board
- The proposed is to renovate and redevelop the site. The existing dwelling building will remain and will be renovated and the brick cleaned back (building 4)
- The proposed new building is a replacement for the range of other outbuildings scattered within the site
- The site layout broadly reflects the current layout of the larger buildings on site, though it is more coherent
- The buildings are designed to reflect the size and scale of the existing house and kennels
- An existing line of conifers within the site (located to the south of the kennels where building 1 is proposed) are overgrown and are to be removed to decrease the visual massing of this area
- All mature trees on site will be retained in order to retain the character of the site and provide some privacy
- The appearance of the buildings is a simple contextual response to the form and appearance of existing local vernacular – the new buildings will be reclaimed brick, with slate roofs, stained timber cladding and frameless glazed apertures to add a contemporary feel

- Existing access is to be retained; car parking spaces are to be provided in line with current policy of 1 space per 30 sqm of office space; secure bicycle storage is to be provided
- Bin and recycling storage is provided within the site (inc. timbered louvered housing screened with planting); waste is to be recycled
- Site is within close proximity to Wilmslow Town centre (approx. 1m) and the available transport interchanges and local services/facilities; 3m from Manchester Airport; a bus stop is located approx. 500m from the site; the nearest services is a convenience store and petrol station approx. 500m from the site; it is approx 200m to nearest outdoor space (Jim Evison playing fields)
- All buildings are fully accessed at ground-floor level and will be DDA compliant; all will comply to latest building regulations
- Materials include reclaimed Cheshire brick partly from the site, and other materials sustainably sourced; energy efficient construction
- Energy efficient series of buildings that reduces reliance on fossil fuel energy generation and subsequent CO2 impact; natural ventilation and heat recovery systems; rainwater is to be stored for use in washrooms and landscape maintenance
- High quality grade A offices to encourage businesses to stay in Wilmslow, stimulate local economy, contribute to economic opportunities, benefits to other local companies re supply, support and service, contributing to local skills and training
- Offices aimed at a wide audience of business operators within the South Manchester market; despite the economic turndown in recent years, Wilmslow has continued to attract a good level of office enquiries and there has been a steady up-take in levels; the majority of space taken has been refurbished 1980s/90s offices Category A; recent trends show a demand (from a range of sectors) for something different to the majority of office space currently supplied – there has been a lack of ultra modern, contemporary, design lead office space; the plans for the Brybour development have attracted a good level of interest.

## OFFICER APPRAISAL

### Principle of Development

The key policy test with this application is whether the proposal is compliant with Green Belt policy.

As is outlined below, within the NPPF there are some exceptions to the general presumption against new buildings in the Green Belt, one of which is...*the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use...which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.*

The site is a brownfield site and the proposed office development is for redevelopment of the site. Hence, the development may be considered appropriate development in the Green Belt, subject to the proposed development not having a greater impact on the openness of the Green Belt than the existing and not threatening any of the purposes of including land within the Green Belt.

### Policy

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

## **NPPF**

A summary of what are considered to be key elements of the NPPF relevant to this application is provided below:

### **(Foreword):**

*The purpose of planning is to help achieve sustainable development...Sustainable means ensuring that better lives for ourselves doesn't mean worse lives for future generations. Development means growth....We must accommodate the new ways by which we will earn our living in a competitive world...Sustainable development is about change for the better...sustainable development is about positive growth – making economic, environmental and social progress for this and future generations...Development that is sustainable should go ahead, without delay...There is a presumption in favour of sustainable development.*

### **(Introduction):**

*The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system...There are three dimensions to sustainable development: economic, social and environmental...The planning system needs to perform a number of roles to support all three dimensions. The **economic role** is about...contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure...*

*Pursuing sustainable development involves seeking positive improvements in the quality of the built...environment...Which includes...making it easier for jobs to be created in cities, towns and villages...and...replacing poor design with better design...*

### **(Core principles):**

*Planning is...not simply about scrutiny...It should...proactively drive and support sustainable economic development to deliver...business and industrial units...It should...meet the...business and other development needs of an area, and respond positively to wider opportunities for growth...It should...always seek to secure high quality design...It should...encourage the reuse of existing resources, including conversion of existing buildings...It should...encourage the effective use of land by reusing land that has been previously developed (brownfield land)...*

### **(1. Building a strong and competitive economy):**

*The Government is committed to securing economic growth in order to create jobs and prosperity...*

### **(3. Supporting a prosperous rural economy):**

*Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development...Local plans should...support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings...*

**(4. Promoting sustainable transport):**

*Transport policies have an important role to play in facilitating sustainable development...Local Plans should...support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport...In order to support reductions in greenhouse gases....All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment...*

**(7. Requiring good design):**

*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*

**(9. Protecting Green Belt land):**

*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence...*

The purposes of including land in the Green Belt are broadly: a) to check unrestricted sprawl; b) to prevent neighbouring towns merging; c) to safeguard the countryside from encroachment; d) to preserve the setting and character of historic towns and e) to assist with urban regeneration.

*As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances...*

*A local planning authority should regard the construction of new buildings as inappropriate in Green Belt....There are some exceptions, one of which is...the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

**(11. Conserving and enhancing the natural environment):**

*The planning system should contribute to and enhance the natural and local environment...*

**Local Plan**

Relevant policies of the Local Plan listed above are outlined as follows:



Policies BE1 and DC1 seek high standards of design; DC3 seeks to protect the amenities of neighbouring properties; DC6 seeks to ensure safe access and movement for pedestrians and vehicles; NE11 seeks to ensure ecological protection; DC8 requires appropriate landscaping; DC9 seeks to protect trees; GC1 relates to new buildings in the Green Belt; DC63 seeks to ensure contaminated land is appropriately dealt with.

### **Design/Impact on the Green Belt and the character and appearance of the area**

Revised plans have been submitted, which have reduced the size and scale of the proposed development from the plans originally submitted. In summary, the existing dwelling will be retained and converted (without the footprint being extended) and there will now be 1 No. single-storey building erected positioned broadly within the north-western quarter of the site (divided internally with the footprint being an incomplete 'U' shape). Positioning the building in this way creates a small courtyard area between the existing and new building, within which a small area of parking will be provided (primarily for disabled parking). The existing parking area to the south-eastern corner of the site will be retained as the main parking area. The existing access will be retained. Most of the existing trees and hedges around the perimeter of the site and the quality trees within the site will be retained.

**Table 1**

	EXISTING	PROPOSED	DIFFERENCE
HARD-STANDING	1953 sqm	1110 sqm	- 843sqm; 43% less
FOOTPRINT	847 sqm	710 sqm	- 137 sqm; 16% less
FLOOR AREA	1032 sqm	895 sqm	- 137 sqm; 13% less
VOLUME	3906 cu m	4012 cu m	+ 106cu m; 3% more

The paintwork on the retained dwelling will be stripped back to the brick. The new single-storey building will be constructed of brick, stained timber cladding with some large glazed openings and slate roofs.

The proposed new building has a ridge height of approx. 5.6m, eaves height of 3.2m and an internal floor to ceiling height of 2.5m. The height of the new building is approx. the same height as the existing barn on site, which is to be demolished. The overall area of hard-standing on site will be significantly reduced (see Table 1, above) by 843 sqm, i.e. 43% less. The overall existing footprint of buildings on site is approx. 847 sqm and the overall proposed footprint is approx. 710 sqm, i.e. a reduction of 137 sqm, i.e. 16% less. The overall existing floor area on site is approx. 1032 sqm, the proposed floor area is approx. 895 sqm, i.e. a reduction of 137 sqm, or 13% less. The overall existing volume on site is approx. 3906cu m, the volume of the proposed is approx. 4012cu m, i.e. an increase of 106cu m, or 3% more. Hence, there is a substantial reduction in the extent of hard-standing on the site, a significant reduction in footprint, a significant reduction in floor area and a slight increase in volume, i.e. 3%.

Whilst the footprint of buildings is reduced, the proposed replacement buildings are of a generally more substantial form and increased height when compared against existing kennel buildings, with the exception of one of the more substantial buildings being removed which is of slight greater height than those proposed. This explains why the volume of buildings shows a very marginal increase of 3% when compared to the existing.

Taking all of the different factors into account it is considered that the proposed buildings would have a comparable impact on the openness of the green belt when measured against the existing buildings on the site. The buildings would not have a greater impact on the openness of the green belt.

It is considered that the proposed development does not threaten any of the purposes of including land within the Green Belt, particularly as it does not encroach beyond the existing site.

The use of the site is likely to be intensified when compared to the existing use, with more activity to and from the site and more likely to be a greater number of cars parked at the site during the day. With the layout of the site and its proximity on a busy main road and opposite the Waters development it is not considered that the actual use of the site for offices will have an adverse impact on the openness of the green belt.

As such the proposal is considered to meet bullet point 6 of paragraph 89 of the NPPF and is therefore a listed exception to new buildings which would otherwise be inappropriate development in the green belt.

The weight to be given to policy GC1 of the Local Plan for the purposes of considering the redevelopment is a site in the Green Belt is reduced because it is silent on the exception set out in bullet point 6 of paragraph 89 of the NPPF.

The proposal is therefore considered as appropriate development in the Green Belt, under the definition of paragraph 89 of the Framework.

In terms of visual amenity it is considered that a) the removal of all existing buildings on site, with the exception of the dwelling, b) the overall reduction of hard-standing areas, footprint and floor area on site, c) the removal of the overgrown leylandii within the site, d) the positioning of the new building and the creation of the courtyard area, e) the main parking area being retained; f) the restricted views into the site (due to trees/hedges) from surrounding areas and the fact that when viewed from Nansmoss Lane to the west, the site is seen against the backdrop of the 'Waters Spectrometry' site, are all factors that ensure that the proposed development does not have a greater impact on the amenity of the Green Belt than the existing; indeed, when viewed through the entrance to the site (the point which provides the main view into the site) the removal of existing buildings, the siting of the proposed building and appropriate landscaping will all ensure that the visual amenity are improved.

Given that there are few other buildings within the immediate vicinity of the site (the main one now being the new 'Waters Spectrometry' building across the road from the application site) it is considered that the proposed design and the materials to be used (brick, timber cladding, slate roofs) have an acceptable impact on the character and appearance of the area and are an improvement on the range of dilapidated buildings currently on the site. It is noted that the most visible elevation of the existing dwelling (which fronts the main highway) is virtually retained as is in order to retain the rural appearance along the frontage.

### **Impact on residential amenity**

It is noted that there are no residential properties within the immediate vicinity of the site and therefore the proposed development does not have any detrimental impact on residential amenities.

### **Highways safety**

At the outset it is noted a) that the site is an existing commercial site, b) that the existing access is to be retained and c) that proposed parking levels are based on standard requirements of 1 No. space per 30 sqm of office space.

The Strategic Highways & Transportation Manager has assessed the application with particular reference to the Transport Statement and Access Layout plan. The key issues that have been considered are: 1) safety of the access proposal; 2) visibility at the site access; 3) refuse collection and servicing; 4) car parking and 5) sustainability of the proposal.

As noted above, the SHTM raises no objection to the proposal, being satisfied that: a) the proposal will not lead to capacity issues; b) the access will be safe; c) the access and internal layout will be suitable for refuse collection; d) appropriate levels of car parking are provided and e) the proposed crossing (to be linked to the proposed footway/cycleway on the opposite side of the road from the site) will provide improved accessibility for cyclists and pedestrians.

### **Arboricultural, Landscape & Nature Conservation issues**

The Arboricultural Officer considers broadly that the trees that are impacted upon within the site are either structurally damaged or of poor quality and do not contribute to the wider amenity of the site. Conditions relating to tree retention, tree protection and a construction method statement re car parking (to protect tree roots) will ensure the future well being of the trees of value that will remain on site.

The plans as submitted provide an overview of the site layout, landscaping and boundary treatments. It is considered that details of the landscaping and boundary treatments could be conditioned, should the application be approved.

The Nature conservation Officer is satisfied that the proposed development does not raise any significant ecological issues.

Hence, it is considered that the proposed development does not create any significant arboricultural, landscape or ecologic issues.

### **Environmental Health issues**

As noted above, the Environmental Health Officers raise no objections, subject to conditions and an informative. Hence, it is considered that there are no environmental health issues that would prevent the development from proceeding.

### **Response to representations**

Some of the issues raised in the representations have been addressed above. However, for clarification, the matters will be addressed below:

- As noted above, the NPPF allows for redevelopment of previously developed sites; the site is already a commercial site and there is no particular policy that would prevent this sort of development on this site.
- With the submission of the revised plans it is considered that the proposed does not have any greater impact on the openness of the Green Belt than the existing.
- Information has been submitted which indicates that high quality office space of the type proposed is in demand in the area, but this is not a test of planning policy anyway.
- Although there may be other sites within the Borough for developers to consider, the application has to be dealt with as submitted
- The design is actually considerably different to the 'Waters Building', which is of a different order of magnitude to this proposal.
- It is considered that the proposal complies with the NPPF, all matters have been weighed in reaching this conclusion
- It is considered that the proposed redevelopment of a brownfield site and the aspects that are included within the broad concept of 'sustainability' in the NPPF (eg. supporting economic growth and business development, creating jobs, encouraging the re-use of existing buildings, etc.) results in the proposed development being a sustainable form of development. Although emerging policies in the local plan for Cheshire East can only be afforded limited weight, some of the key principles of sustainability outlined in the 'Development Strategy for jobs and Sustainable Communities' document are adhered to.
- Policy E3 does not apply to this site.
- Parking is to be provided for disabled and the buildings will adhere to current DDA building regulations.
- There is no building regulations requirement to provide a smoking shelter.
- Appropriate levels of parking and cycle parking spaces are provided within the site.
- Pedestrian access will be provided into the site.
- The 'Draft Wilmslow Vision' has informed the Local Plan that is being drawn up. However, weight has to be given to the current Development Plan and other significant material considerations, including. the NPPF

## **HEADS OF TERMS**

A s106 legal agreement will be required to include the following heads of terms:

- £5,200 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities at open space facilities at Jim Evison Playing Fields; and
- £10,400 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure)

The commuted sums will be used at the Jim Evison Playing Fields and Burned Hey Wood.

NB. As noted above, revised commuted sum figures will be provided in the committee up-date to take account of the reduction in floor area of the proposed building.

## **Community Infrastructure Levy (CIL) Regulations**

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu of public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide office space, the occupiers of which will use local facilities as there is no open space on site, as such, there is a need 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 the development.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

In summary and to conclude, the issues raised in the representations have been addressed and all the issues raised have been borne in mind. In respect of the guidance in the NPPF the proposed redevelopment of a brownfield site is an appropriate form of development within the Green Belt, hence, the proposed development is acceptable in principle. The proposed development is considered not to have a greater impact on the openness of the Green Belt than the existing and not to threaten the purposes of including land within the Green Belt.

The proposed development is considered to be a sustainable form of development, bearing in mind the aspects of sustainability outlined in the NPPF, the location of the site and its proximity to Wilmslow Town Centre and other facilities. The design, size, scale, siting and materials of the proposed development are considered to have an acceptable impact on the character and appearance of the area and relationship with the street-scene. There are no issues re residential amenity arising from the proposal. The proposed development does not raise any significant arboricultural, landscape or ecological issues. The Strategic Highways & Transportation Manager is satisfied that the proposed does not raise any highways safety concerns.

The proposal complies with the relevant policies of the Development Plan, which are consistent with the NPPF. The only exception to this is policy GC1 of the Local Plan, which is silent on the issue of the redevelopment of previously developed land in the Green Belt.

In accordance with section 38(6) of the Planning and Compulsory Purchase Act (which requires planning application to be determined in accordance with the Development Plan unless material consideration indicate otherwise) planning permission should be granted.

For the reasons outlined above it is recommended the application be approved, subject to conditions and the completion of a s106 agreement for commuted sums as required.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for

approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

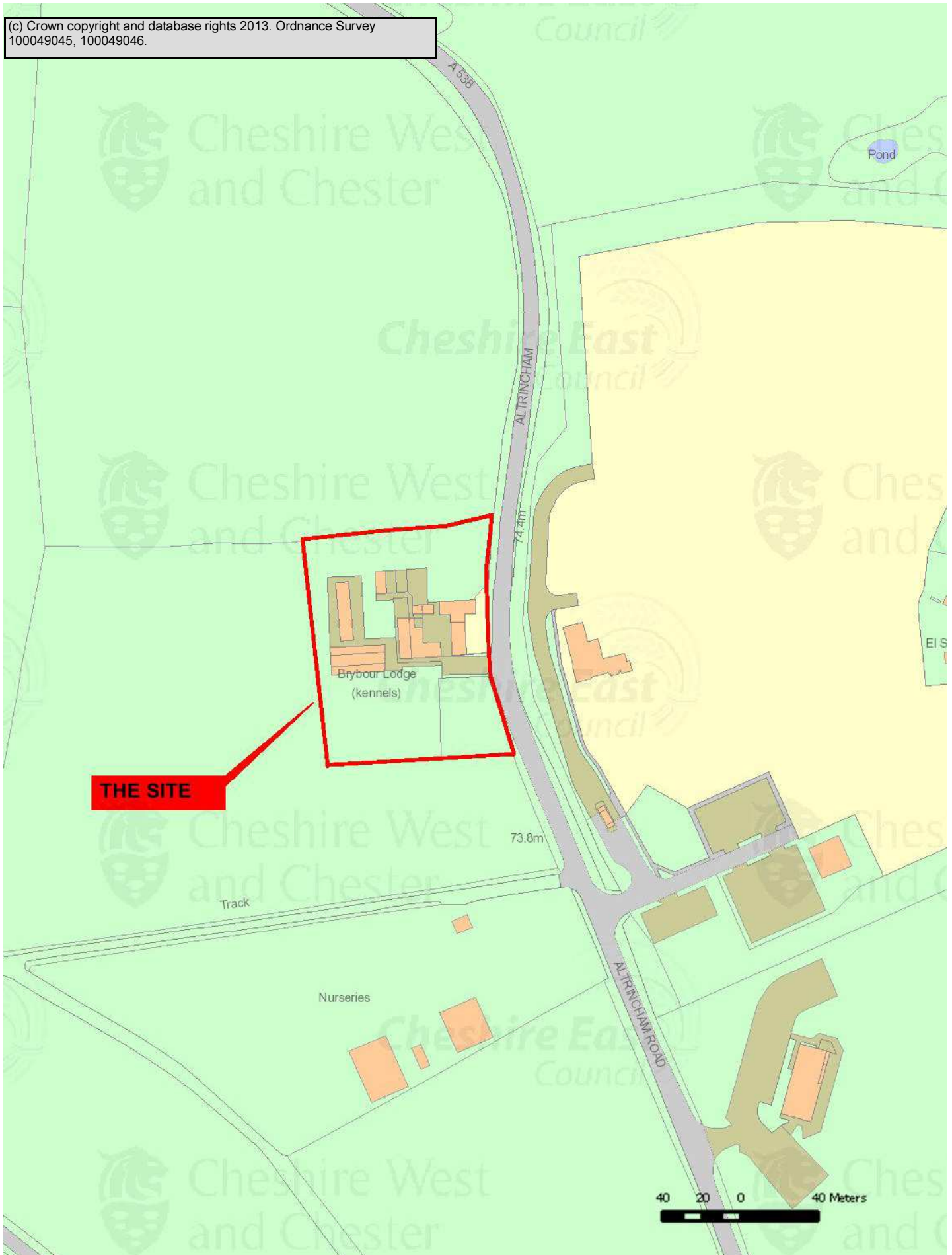
Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

#### Application for Full Planning

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

1. A03FP - Commencement of development (3 years)
2. A02AP - Approved plans and detail on plans overridden by condition
3. A06EX - Materials as application
4. A02EX - Submission of samples of building materials
5. A01TR - Tree retention
6. A02TR - Tree protection
7. A03TR - Construction specification/method statement - car park area
8. A02LS - Submission of landscaping scheme
9. A04LS - Landscaping (implementation)
10. Contaminated land
11. Crane
12. Highway consent
13. Noise generative demolition & construction restrictive hours
14. Dropped kerb and access

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Application No: 13/4373M

Location: Dean Oaks Primary School, HANDFORTH ROAD, HANDFORTH, WILMSLOW, CHESHIRE, SK9 2LX

Proposal: Extension of existing building consisting of a single storey 2 classroom building with toilets and staff areas. External landscaping and construction of 6 new car parking spaces.

Applicant: Dean Oaks, Dean Oaks Primary School

Expiry Date: 10-Dec-2013

**Date Report Prepared: 3<sup>rd</sup> December 2013**

#### **SUMMARY RECOMMENDATION Approve subject to conditions**

##### **MAIN ISSUES**

- Scale, design and layout and impact upon the character and appearance of the locality including Area of Open Space
- Impact upon the residential amenity of neighbouring properties
- Highways Issues
- Landscaping Issues

#### **REASON FOR REPORT**

The application has to go to Northern Planning Committee as the applicants are Cheshire East Council, and also because some objections have been received to the proposed development.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a primary school located within a predominantly residential area of Wilmslow. The site lies within a designated area of open space within the school grounds. Residential properties bound the site to the North, East and West.

#### **DETAILS OF PROPOSAL**

The proposals are for a single storey extension to the primary school to form 2no additional classrooms. This is due to the anticipated increase in pupil numbers to the school in the coming years. The extension would be circa 22.5m wide and project circa 13.2m to the rear of the existing building. Other works involve the relocation of an existing canopy to form cycle storage area, boundary fencing, formation of 6no car parking space for additional staff and

other hard and soft landscaping works. A new pedestrian entrance to the extension is also proposed from the existing public footpath to the rear of the site. 3no trees are to be removed as part of the works; these trees are not protected.

## **RELEVANT HISTORY**

08/1052P

EXTENSIONS TO DEAN OAKS JUNIOR SCHOOL TO CREATE DEAN OAKS PRIMARY SCHOOL

APPROVED

28/07/08

## **POLICIES**

### **Local Plan Policy**

H13- Protecting Residential Areas

BE1- Design Guidance

DC1- New Build

DC2- Alterations and Extensions

DC3- Amenity

DC6- Circulation and Access

DC8- Landscape

DC38- Space, Light and Privacy

RT1- Open Space

### **Other Material Considerations**

National Planning Policy Framework.

Ministerial policy statement – planning for schools development.

## **CONSULTATIONS (External to Planning)**

None.

## **VIEWS OF THE TOWN COUNCIL**

Wilmslow Town Council- The Town Council's Planning Committee raised no objections but was of the view that consideration must be given to facilitating improved drop-off facilities.

## **OTHER REPRESENTATIONS**

Occupiers of 56 and 58 Budworth Walk object on the following grounds:

-Would have an adverse impact on parking and increased traffic levels, exacerbating the current problem of parent's vehicles parking on parking areas designated for residents only and the associated congestion this causes. This would also increase problems of highway safety on roads surrounding the school.

Occupier of 'Dunedin' has concerns that if the works take place, excavated soil could be dumped close to his boundary as this is what happened when the school was previously extended- this had an adverse impact in terms of flooding his garden following heavy rain.

## **APPLICANT'S SUPPORTING INFORMATION**

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

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of the development is considered to be acceptable, subject to the impact on existing open space, design, amenity, highways, landscape issues as examined below.

### **Open Space**

Policy RT1 states that areas of open space as shown on the Proposals Map will be protected from development. However additional educational buildings may be permitted provided that the integrity of the open spaces is not harmed.

In this case the extension would be built over an existing area of hardstanding that is not used for recreational purposes. A large playground and playing field would not be affected by the development. Soft landscape works and large areas of open space would remain either side of the proposed extension. Overall the integrity of the area of open space within the school grounds would not be adversely harmed and so the development would accord with local plan policy RT1.

### **Design / Character**

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

The extension would remain subservient to the existing building and would have a similar ridge height to the existing building. The proposed vernacular would be sympathetic to the host building and the proposed materials would be in keeping with the existing building and locality. A condition should be attached requiring the submission of material samples, to ensure that they are in keeping with the existing building and locality.

The relocation of the canopy would be acceptable in design terms. A condition should be attached to require the submission of details of the proposed fencing, prior to the commencement of development.

Subject to this, overall the scheme is considered to comply with all relevant design policies.

### **Amenity**

The concerns of the neighbour at 'Dunedin' have been carefully considered. In order to ensure that no excavated soil is put on land close to their or other neighbouring properties, which could in the future result in localised flooding, a condition should be attached requiring the submission of a method statement for the proposed works, prior to the commencement of development.

Subject to this, the development would accord with policies DC3, DC38.

## **Highways**

The objections from the neighbours and the comments from the Town Council have been carefully considered. However, the Strategic Highways Manager raises no objections, stating:

*It is proposed to construct an extension to the existing building that will provide two classrooms and WC facilities. The additional classroom space is intended to meet the demand for pupils attending the school in the future.*

*As part of this application, there are an additional 6 car parking spaces to be provided for increased staff numbers.*

*As with all schools, parents dropping their children off at schools is a problem in regard to highways and it has proved extremely difficult to dissuade parents from making car trips to and from school, even with the introduction of Travel Plans. Residents have complained that there is a lack of dropping off facilities at the school, I would tend to agree with these comments as parking occurs on Handforth Road.*

*However, given the narrow access to the school and the internal layout it would be very difficult to provide such a dropping off facility internally without affecting the existing school building.*

*Therefore, I would have to deal with this application on whether the proposed extension is so severe as to warrant an objection to the application. As the extension is intended to cope with future expansion, the actual impact is gradual and is not in my opinion so severe as to reject the application.*

*No highway objections are raised.*

The Case Officer concurs with this view. The concerns regarding highway safety and parking have been carefully considered, however the proposed development is not considered to have a sufficiently adverse enough impact to warrant refusal of the application and hence the development would accord with local plan policy DC6 and the NPPF.

## **Ministerial Policy statement – planning for schools development**

This document is a material consideration, which states that it is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations.

There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.

Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.

It states that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes”.

The development of the school is therefore considered to be of paramount importance.

### **Landscaping**

The majority of land to be built on is an existing hardstanding area. The 3no trees to be removed are of relatively low amenity value and their loss, coupled with the proposed soft landscaping works in terms of the grassed area, are considered to have an acceptable impact on the visual amenities of the locality in accordance with local plan policy DC8.

### **Environmental Health**

The Environmental Health Officer raises no objections, subject to a condition regarding the hours of construction permitted, in the interests of neighbouring amenity. An informative is to be attached to advise the applicant that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

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

It is noted that there is a current problem regarding vehicles parking to drop off and pick up children from the school in areas designated for residential parking only. However it is considered that the proposed development would not have a substantially greater impact than the existing situation.

Furthermore, as stated in the Ministerial Policy statement – planning for schools development, there is a strong presumption in favour of the development of state funded schools, which is considered to outweigh the aforementioned harm in terms of the impact on the existing parking around the school.

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

In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee’s decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

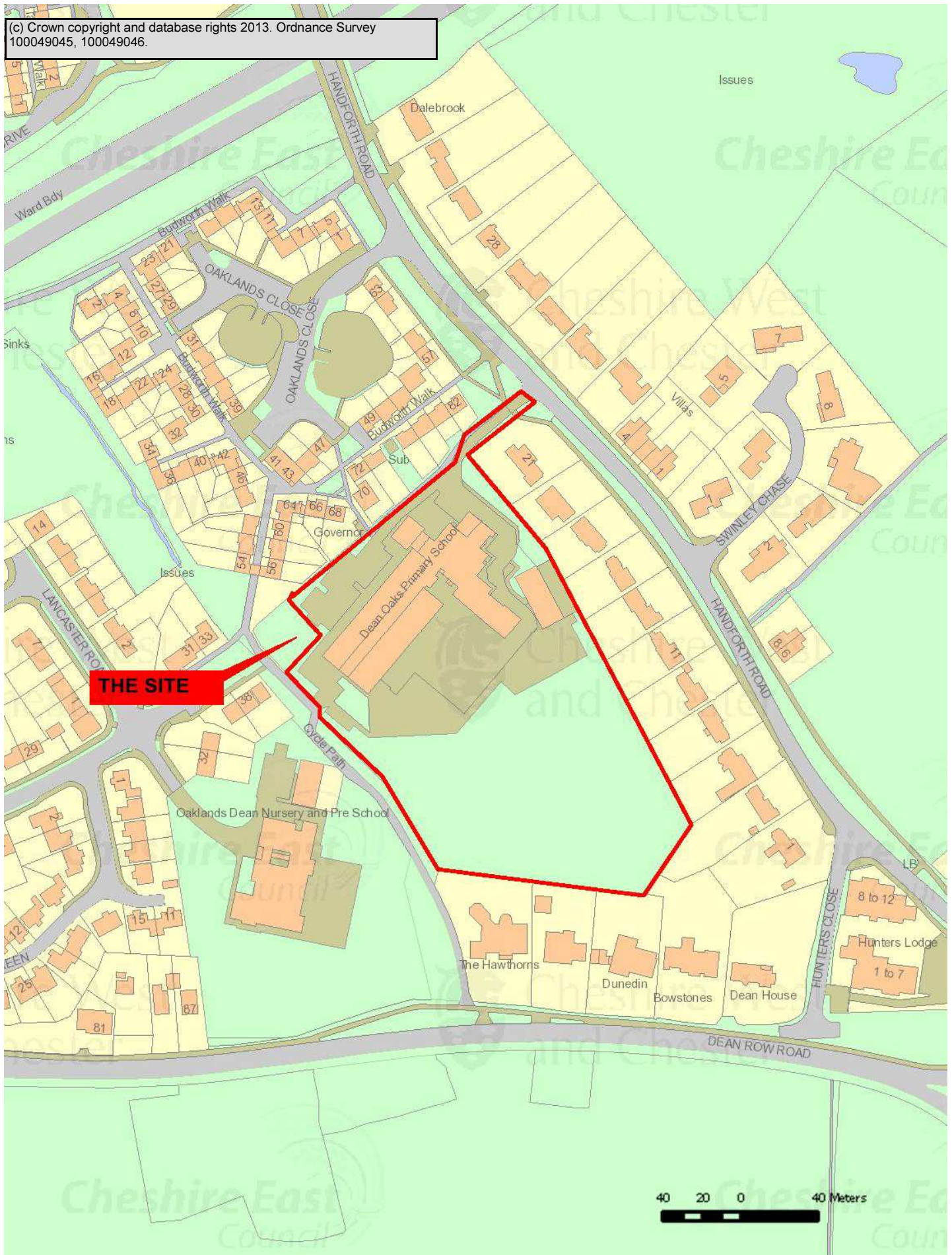
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A32HA - Submission of construction method statement
5. Hours
6. Fence Details



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Application No: 13/4039M

Location: WILMSLOW GRANGE C P SCHOOL, ULLSWATER ROAD, HANDFORTH, SK9 3NG

Proposal: Construction of a two-storey, two-classroom extension, and construction of 6 new car parking spaces

Applicant: Children, Families & Adults, CHESHIRE EAST COUNCIL

Expiry Date: 02-Dec-2013

Date Report Prepared: 05.12.2013

#### **SUMMARY RECOMMENDATION**

**APPROVE, SUBJECT TO  
CONDITIONS**

#### **MAIN ISSUES**

- Principle of the proposed development
- Impact on designated open space
- Design/impact on the character and appearance of the area
- Impact on residential amenity
- Highways safety
- Arboricultural, Landscape & Nature Conservation issues

#### **REASON FOR REPORT**

The application is referred to Northern Planning Committee as Cheshire East Council are the applicants and objections have been received.

#### **DESCRIPTION OF SITE AND CONTEXT**

The site to which the application relates is Wilmslow Grange CP School, located on Ullswater Road, Handforth. The site is located within a Predominantly Residential Area and, as with all School sites, lies within a designated Open Space area, as defined in the Local Plan.

The pedestrian and vehicle access to the site is off Ullswater Road at the front of the building. The site is bounded by residential properties to the north, east and west and the rear (southern) boundary abuts Meriton Road Park playing fields.

#### **DETAILS OF PROPOSAL**

The application seeks full planning permission for the construction of a two-storey, two-classroom extension and construction of 6 No. new car parking spaces. The proposed works also include provision of 120sqm of tarmac play area to replace the tarmac area lost to the proposed extension.

It has been clarified during the course of the application that the current application does not relate to any development in the School's playing field area.

## **RECENT HISTORY**

- 08/2754p Construction of surfaced path from the entrance to Meriton Park Road from Grangeways into the School grounds for pedestrian and cycle use. Approved, 12.02.2009
- 04/0772P Extensions to building, additional car parking and extensions to playground area. Approved, 25.05.2004
- 00/2336p Formation of library within courtyard area. Approved, 06/12/2000

## **POLICIES**

### **Macclesfield Borough Local Plan – saved policies**

BE1 (Design Guidance)  
RT1 (Open space)  
NE11 (Nature Conservation)  
DC1 (New Build)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC8 (Requirements for Landscaping)  
DC9 (Tree Protection)  
DC38 (Space, Light & Privacy)

### **Other Material Considerations**

National Planning Policy Framework  
Policy Statement – Planning for Schools Development (CLG August 2011)

## **CONSULTATIONS**

### **Sport England:**

No objections

### **Greenspace:**

No objections

### **Spatial Plans:**

No objections

**Strategic Highways & Transportation:**

The Strategic Highways & Transportation Manager raises no objections.

**Heritage & Design – Forestry:**

No objections, subject to conditions re a) details of a construction method statement for some of the car parking spaces, b) a landscape plan.

**Heritage & Design – Nature Conservation:**

No objections

**PARISH COUNCIL**

**Handforth Parish Council:**

Recommend the application be supported.

**REPRESENTATIONS**

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

- Increased inconsiderate parking (since last extension 8 years ago access to house is blocked 3 times per day)
- Increased Highways safety issues (parents park on the “keep school clear” zig zag lines)
- No objections to the plans but would like to see restrictions for parking around the School

**APPLICANT'S SUPPORTING INFORMATION**

The following additional information has been submitted with the application, details of which can be read on file:

*Design & Access Statement*  
*Structural Survey*  
*School Travel Plan*  
*Ecological Assessment*

**OFFICER APPRAISAL**

**Principle of Development**

The principle of the proposed is acceptable, subject to according with relevant Development Plan policies.

The Government department's policy statement in 2011 makes it clear that the development or expansion of state-funded schools should be supported and that any refusal of planning permission must be clearly justified.

### **Policy**

The relevant policies are listed above and relate to the issues identified. One of the key policies is RT1, which states that:

*Areas of recreational land and open space as shown on the proposals map will be protected from development. Redevelopment of a building footprint which does not harm the integrity of the open space will normally be permitted. Open space uses will be enhanced as appropriate. Additional or replacement educational buildings may be permitted provided that the integrity of the open space is not harmed.*

This policy will be referred to further below.

### **Local Plan**

Relevant policies of the Local Plan listed above are outlined as follows:

Policies BE1 and DC1 seek high standards of design; DC3 seeks to protect the amenities of neighbouring properties; DC6 seeks to ensure safe access and movement for pedestrians and vehicles; NE11 seeks to ensure ecological protection; DC8 requires appropriate landscaping; DC9 seeks to protect trees; RT1 seeks to protect designated open spaces.

### **Impact on Open Space**

The proposed extension encroaches into the existing tarmac play area to the extent of approx. 136sq m. The proposals include providing an additional 120sq m tarmac play area to replace the area lost (sited within an existing 'landscaped' area).

As noted above, policy RT1 allows for additional educational buildings within School sites which area designated as Open Space providing that the integrity of the open space is not harmed.

It is considered that the sitings of the proposed extension, the replacement tarmac play area and the proposed car parking spaces would not result in the integrity of the existing open space being threatened. As such, the proposed accords with policy RT1.

### **Design/Impact on the character and appearance of the area**

The proposed extension is sited to the rear of the main School building. The footprint of the proposed extension measures approx. 8.8m x 15.5m and the height is the same height as the existing building. The extension provides 2 No. additional classrooms, circulation and storage

areas and a lift that ensures the building meets the requirements for disabled access (in line with the DDA).

The materials to be used for the building are considered to be in keeping with the existing building – brickwork, cladding panels, felted felt roof and white polyester powder coated aluminium windows and aluminium louvers.

It is considered that the design, size, scale, mass and materials of the proposed extension area in keeping with the area.

The design, layout and materials of the proposed car parking and additional tarmac play area are also considered to be acceptable and in keeping with the site and area.

### **Impact on residential amenity**

The nearest properties to the proposed extension are located to the south-east of the proposed extension, at least 25m away on Grangeway. Hence, given a) the distance from the proposed extension, b) the manner in which the buildings are oriented towards each other and c) the existing boundary treatments around the School grounds and the gardens of the nearest properties (i.e. high hedges and some trees), it is considered that the proposed extension would not impact on neighbouring residential amenity.

It is also considered that the location of the proposed car parking spaces, which is adjacent to existing car parking spaces, would not have any detrimental impact on neighbouring residential amenity.

The concern raised within the representations regarding inconsiderate parking is noted. This is an existing problem and the proposal application will not have any significant bearing on these pre-existing issues..

### **Highways safety**

The Strategic Highways & Transportation Manager considers that the impact of the proposal will not be significant in terms of highways safety, noting that the issues associated with illegal parking is a matter for traffic enforcement.

### **Arboricultural, Landscape & Nature Conservation issues**

The Arboricultural Officer notes that although it is stated within the 'Design & Access Statement' that no trees are to be lost the proposed new car parking will potentially impact on a couple of Ash trees, both of which are visible from footpath 86 and therefore add some amenity value to the area. No arboricultural assessment has been submitted with the application. However, no objections are raised to the proposal, though it is considered that a 'reduced dig' or 'no dig' method for constructing some of the car parking spaces will be required, details of which can be obtained via condition, should the application be approved.

Although the plans submitted do not provide any detail of landscaping and boundary treatments, it is considered that such details could be conditioned, should the application be approved.

The Nature conservation Officer is satisfied that the proposed development does not raise any significant ecological issues.

Hence, it is considered that the proposed development does not create any significant arboricultural, landscape or ecologic issues, subject to conditions.

### **Other Matters**

During the course of the application it has come to light that certain play area works have been undertaken within the site without planning permission. Clarification is being sought as regards such works and any potential implications for this application. At this stage it is not considered that there is an implication for the determination of this application and Members will be updated accordingly.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

In summary and to conclude, the issues raised in the representations have been borne in mind and addressed above. The proposed development is considered to be a sustainable form of development. The principle of the proposed development is acceptable and it is considered that the integrity of the designated open space is not threatened. The design, size, scale, siting and materials of the proposed development are considered to relate to the existing building and to have an acceptable impact on the character and appearance of the area. There are no significant issues re residential amenity arising from the proposal. The proposed development does not raise any significant arboricultural, landscape or ecological issues. The Strategic Highways & Transportation Manager is satisfied that the proposed development will not raise any significant highways safety issues.

The proposal is in accordance with relevant policies of the Development Plan and in accordance with paragraph 14 of the Framework it should be approved without delay.

For the reasons outlined above it is recommended the application be approved, subject to conditions.

### **Application for Full Planning**

**RECOMMENDATION:** Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A03TR - Construction specification/method statement
7. A02LS - Submission of landscaping scheme

8. A04LS - Landscaping (implementation)



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Application No: 13/3663M

Location: TABLEY HILL DAIRY FARM, TABLEY HILL LANE, TABLEY, WA16 0EP

Proposal: Erection of Agricultural Building to replace existing redundant buildings.  
Extension to Existing Agricultural Building.

Applicant: The Crown Estate

Expiry Date: 26-Nov-2013

**Application No: 13/3663M**

**Location: TABLEY HILL DAIRY FARM, TABLEY HILL LANE, TABLEY  
WA16 0EP**

**Proposal: ERECTION OF AGRICULTURAL BUILDING TO REPLACE  
REDUNDANT BUILDING AND EXTENSION TO EXISTING  
AGRICULTURAL BUILDING**

**Applicant: The Crown Estate**

**Expiry Date: 26 NOV 2013**

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

- Appropriateness of Proposed Development in the Green Belt
- Impact upon the Openness of the Green Belt
- Purposes of Including Land within the Green Belt
- Design, Landscape Impacts

**REASON FOR REPORT**

The application is to be determined by the Northern Planning Committee under the terms of the Scheme of Delegation as the floor area of the proposed buildings would be over 1000 sq. m.

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises an existing and established dairy farm known as Tabley Hill

Dairy Farm located off Tabley Hill Lane in Tabley.

The site lies within the designated Green Belt.

## **DETAILS OF PROPOSAL**

The proposals relate to the construction of an extension to an existing building and the construction of a new agricultural building. Both would be utilised for a combination of livestock and machinery.

### **Planning History**

80026P Extension to cubicle cow shed Approved 17-Jan-1995

80025p Slurry store Approved 17-Jan-1995

02/2541p Extension to existing cubicle shed Approved 15-Jan-2003

## **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**

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

BE1 Design Guidance  
DC1 New Build  
DC3 Amenity  
DC28 Agricultural buildings  
GC1 New Buildings

### **Material Considerations**

National Planning Policy Framework

### **CONSULTATIONS (External to Planning)**

**Environmental Health** – recommends condition in respect of construction hours

## **REPRESENTATIONS**

None received

## **OFFICER APPRAISAL**

### **Principle of Development**

Para 89 sets out the forms of development appropriate within the Green Belt. Agricultural buildings are listed as one of the exceptions to inappropriate development in the Green Belt.

Policy GC1 reflects this guidance and therefore carries full weight.

Paragraph 28 of the Framework states that local plans should promote the development of agricultural businesses to support a prosperous rural economy.

The proposals are acceptable in principle.

### **Design and Visual Impact**

Both the extension and the new building would encroach into adjoining fields extending the farm complex slightly. Both, therefore, have the potential to impact upon the openness and landscape character of the Green Belt.

Policy DC28 indicates that buildings should harmonise with the landscape and should not significantly harm or detract from the visual character of the site and its surroundings. This policy is compliant with the design and green belt chapters of the NPPF and therefore carries full weight.

The extension is sited to the north of the complex adjoining a building which is in close proximity to Tabley Hill Cottage. The extension would not be prominent as it would tie in with the scale and appearance of the existing building and by virtue of its overall height as this is a low slung building in the context of the remaining farm complex.

Whilst the land is at a higher topographical level than the road, the extension would not significantly harm from the visual character of the site and surroundings. This is because it would be viewed against a backdrop of larger agricultural buildings and it harmonises with the scale and appearance of the existing building.

The new building is proposed to the south of the complex and an existing building which has seen better days is being removed to facilitate the construction of the new building. There is a distinct drop in topographical levels to the rear of this building which would increase the prominence of the building. Whilst the building would have a greater visual impact than the extension, the impact would not be significant as this building would be viewed as part of a farm complex and would be in keeping with the existing buildings.

### **Amenity**

Para 17 of The Framework notes that securing a good standard of amenity for all existing and

future occupants of land and buildings is a core principle underpinning the planning system. Policy DC3 within the Macclesfield LP is consistent with this core principle within The Framework and therefore carries significant weight. Policy DC3 seeks to protect residents from loss of privacy, overbearing effect, loss of sunlight/ daylight, noise, vibrations, smells, fumes etc, environmental pollution, hazardous substances and traffic generation.

It is considered necessary to condition construction hours given the presence of an adjacent neighbour. This would protect the amenities of the adjoining property in accordance with policy DC3 within the Macclesfield LP and guidance within para 17 of The Framework.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposals represent an appropriate form of development within the Green Belt. The proposals would also not detract from the visual character of the site or its surroundings and subject to conditions, would not raise any concerns for neighbouring residential amenity. In so doing the proposals accord with policies BE1 Design Guidance, DC1 New Build, DC3 Amenity, DC28 Agricultural Buildings and GC1 New Buildings of the Borough of Macclesfield Local Plan 2004.

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

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

**RECOMMENDATION:** Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A06EX - Materials as application
3. A22GR - Protection from noise during construction (hours of construction)

4. A01AP - Development in accord with approved plans

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