

Northern Planning Committee

Agenda

Date:	Wednesday, 19th March, 2014
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

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

3. Minutes of the Meeting (Pages 1 - 4)

To approve the Minutes of the meeting held on 19 February 2014 as a correct record.

4. Public Speaking

Please Contact: Sarah Baxter 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **14/0111M-Proposed demolition of existing building and erection of 6 apartments and 4 dwellings, Ford House, The Village, Prestbury, Macclesfield, Cheshire for Mr & Mrs J Elder (Pages 5 - 24)**

To consider the above application.

6. **14/0046M-Demolition of MOT Testing Centre and Garage and Re-development for Use Class C2 Residential Accommodation with Care comprising 47 Apartments for Persons aged 60 and over with Communal Facilities, Parking and Associated Private Amenity Space, Former Garage, Buxton Road, Macclesfield for Mrs P Smith, Adlington and Canal and River Trust (Pages 25 - 44)**

To consider the above application.

7. **13/3684M-Demolition of existing buildings and change of use of land for the siting of up to 7 park homes including access improvements, Croft Park, Newton Hall Lane, Mobberley, Knutsford, Knutsford, Cheshire for W. Flannigan, Flannigan Enterprises Limited (Pages 45 - 56)**

To consider the above application.

8. **14/0004C-The construction of 10 service apartments ancillary to Park House Care Home and the conversion of number 12 Park House Mews into a community facility for the residents within the complex, Parkhouse Residential House, Congleton Road, Sandbach for Edward Dale (Pages 57 - 64)**

To consider the above application.

9. **13/5221C-Erection of 13 dwellings, Land to the North of Church Lane, Sandbach for Chelmere Homes Ltd (Pages 65 - 84)**

To consider the above application.

10. **14/0081C-Outline planning for the construction of new residential development of up to 26 dwellings, Land to the East of, Hermitage Lane, Cranage for Estate of S.H Darlington (deceased) (Pages 85 - 106)**

To consider the above application.

11. **14/0483C-Proposed demolition of existing rear extension and replace with two storey rear extension to form new main entrance, sales offices, ground floor accessories shop, parts department, cafe & ground and first floor offices, archive, meeting room and storage areas, Spinney Motor Homes, Knutsford Road, Cranage for Mr B Holland, Spinney Motor Homes (Pages 107 - 114)**

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 19th February, 2014 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor W Livesley (Vice-Chairman)

Councillors B Burkhill, K Edwards, H Gaddum, A Harewood, O Hunter,
L Jeuda, J Macrae, D Mahon and D Neilson

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor) and Mr P Hooley (Northern Area Manager)

96 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Miss C Andrew, L
Brown, P Raynes and R West.

97 DECLARATIONS OF INTEREST/PRE DETERMINATION

None.

98 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting held on 22 January 2014 be approved as
a correct record and signed by the Chairman.

99 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

100 13/4424M-CHANGE OF USE TO CHILDRENS' ENTERTAINMENT CENTRE AND COMMUNITY RESOURCE. ANCILLARY COVERED PARKING, UNIT 1-2, FIRST AVENUE, POYNTON, ADLINGTON, CHESHIRE FOR MR ROBERT SLATER, HS LEISURE (CHESHIRE) LTD

Consideration was given to the above application.

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. Car Parking to be Retained
4. Change of Use to Childrens entertainment centre and community resource and for no other purpose

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.

101 **13/5208M-ERECTION OF SINGLE STOREY EXTENSIONS TO SIDES OF EXISTING BUNGALOW, 34, STRAWBERRY LANE, WILMSLOW, CHESHIRE FOR MR LAURENCE KENNARD**

Consideration was given to the above application.

(Marie Quin, an objector and Laurence Kennard, the applicant attended the meeting and spoke in respect of the application.

RESOLVED

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

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A04EX - Materials to match existing
4. Obscure glazing on the utility room window on North West elevation of the extension

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.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

Councillor W Livesley (Vice-Chairman)

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Application No: 14/0111M

Location: FORD HOUSE, THE VILLAGE, PRESTBURY, MACCLESFIELD, CHESHIRE, SK10 4DG

Proposal: Proposed demolition of existing building and erection of 6 apartments and 4 dwellings

Applicant: Mr & Mrs J Elder

Expiry Date: 25-Mar-2014

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Principle of housing on the site
- The demolition of a locally listed building
- The impact upon the Conservation Area
- The impact upon trees of amenity value
- The impact upon highway safety
- The impact upon the amenity of neighbouring property

REASON FOR REPORT

The application is for the erection of 10 residential units and under the Council's Constitution, is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached two-storey locally listed building dating from the 19th century, most recently used as meeting rooms and other supporting activities to St Peter's church. Over the years there have been a number of external extensions and internal alterations, but recently the condition of the building has deteriorated to the extent that it was closed for health & safety reasons in 2007.

The site occupies a prominent position at the north eastern end of The Village, within a Predominantly Residential Area and within the Prestbury Conservation Area as identified in the Macclesfield Borough Local Plan.

The site contains a number of mature trees and the River Bollin forms the eastern site boundary.

DETAILS OF PROPOSAL

This application seeks full planning permission to demolish Ford House and erect 6 apartments and 4 dwellings.

The apartment block would be three storeys high (comprising 3, 3 bed units and 3 2 bed units) and located on the footprint of Ford House, with a row of three terrace properties (also three storeys with 4 beds) to the rear and a detached (2.5 storey with 5 beds) dwelling also to the rear backing onto the River Bollin which forms the eastern site boundary.

Following comments from the Strategic Highways Manager the site layout has been altered to allow for a shared surface and wider point of access. Given the minor nature of the changes it was not considered necessary to re-consult on these amended plans.

Planning History

11/0108M Demolition of Ford House (Conservation Area Consent). Refused 07-Feb-2012

11/0107M Demolition of Ford House and construction of replacement building for parish offices, three associated apartments and construction of seven townhouses within the grounds of Ford House. Refused 07-Feb-2012

POLICIES

Macclesfield Borough Local Plan – Saved Policies

NE11 – Nature Conservation
BE1 – Design Guidance
BE2 – Preservation of Historic
BE3 – Conservation Areas
BE4 – Demolition Criteria in Conservation Areas
BE16– Setting of Listed Buildings
BE20 – Locally Important Buildings
BE24 – Development of sites of Archaeological Importance
H1 – Phasing Policy
H2 – Environmental Quality in Housing Developments
H5 – Windfall Housing Sites
DC1 – Design: New Build
DC3 – Amenity
DC6 – Circulation and Access
DC8 - Landscaping
DC9 – Tree Protection
DC38 – Space, Light and Privacy
DC63 – Contaminated Land

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development

PG2 – Settlement Hierarchy

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SC4 – Residential Mix

SE1 – Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerow and Woodland

SE7 – The Historic Environment

SE9 – Energy Efficient Development

SE12 – Pollution, Land Contamination and Land Instability

SE13 – Flood Risk and Water Management

CO1 – Sustainable Travel and Transport

Other Material Considerations

Prestbury Supplementary Planning Document (2011)

Prestbury Conservation Area Appraisal (2006)

Prestbury Village Design Statement (2007)

Local List of Historic Buildings SPD (2010)

Ministerial Statement – Planning for Growth (2011)

National Planning Policy Framework (2012)

CONSULTATIONS (External to Planning)

Cheshire Archaeology Planning Advisory Service – No objections subject to condition relating to archaeological mitigation.

Environment Agency – No objections subject to the development being carried out in accordance with the submitted Flood Risk Assessment and conditions relating to finished floor levels and the submission of a management buffer alongside the River Bollin.

Environmental Health – No objections subject to conditions relating to hours of construction and contaminated land.

Strategic Highways Manager – No objections subject to conditions relating to provision of new access (following the submission of amended plans)

Prestbury Village Youth Group – Loss of community facility requires adequate consideration and compensation

Prestbury Amenity Society – Object as local housing targets met, overdevelopment of the site, out of character with Conservation Area, impact on trees, inadequate parking, impact on flood risk, impact on neighbouring amenity, impact on locally listed building and streetscene and impact on the nature environment.

United Utilities – No objections subject to conditions relating to drainage

English Heritage – Recommend that the LPA carefully weigh any other public benefits against the harm which the loss of Ford House as a local heritage asset would result in and to take into consideration relevant policies before reaching a decision. Express concerns regarding height of new buildings and loss of trees.

VIEWS OF THE PARISH COUNCIL

The Committee object to this application on the grounds that it is a gross overdevelopment of the site. The presence of the 5 bedroom house next to the river and the extension of Ford House up to the river. The extension and facade of Ford House is unsympathetic to the street scene and intrusive in the Conservation Area (PPG15, BE3 & BE11). This development requires the removal of a large number of TPO'd trees which are a significant amenity to the conservation area and to the village street scene (DC9).

OTHER REPRESENTATIONS

48 letters of representation had been received. 32 of these letters either raise no objection or support the proposal for the following reasons:

- Ford House needs demolishing due to its condition
- Ford House is currently an eyesore

- The development will provide funds for the community facilities
- It will bring new life into the village
- Investment welcomes
- Facilities at the site were inadequate and already relocated
- Best solution
- Positive impact upon streetscene and respects character of the site
- Density comparable to other developments
- Housing required
- Will provide support for existing businesses

16 letters either raise concern or object to the proposal on the following grounds:

- Loss of car park to rear of Ford House
- Loss of protected trees
- Demolition of locally listed building
- Dwellings should be affordable
- Plans do not acknowledge former role of Ford House as a community resource
- Financial contribution should be made to compensate for lost community facilities
- The site is subject to flooding
- Highway safety risk at access
- Proposed buildings are out of character
- The density of the development is a concern
- Replacement buildings do not preserve and enhance character and appearance of Conservation Area
- Adverse impact to streetscene
- Contrary to Prestbury SPD and Village Design Statement
- Deliberate neglect does not justify demolition
- Adverse impact upon historic fabric
- Consider building could be refurbished
- Alternative proposals put forward
- Concerns regarding scale
- An overdevelopment of the site.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

Heritage Assessment

Considers that demolition of Ford House would not result in substantial harm to the Conservation Area. Considers removal, replacement and comprehensive redevelopment to be the better option for the site. The replacement building is of comparable scale, provides termination of views and it would be of a similar architectural style. Considers that the building is in a poor state of disrepair and there is no realistic prospect of it being repaired and restored to residential use. When balancing this against the benefits of regenerating the site,

the impact on the Conservation Area would be neutral. Therefore no residual harm in the 'planning balance'. The impact of new buildings and loss of trees would not be negative.

Design & Access Statement

This statement outlines that the site context, planning policy, design process and evolution, development proposals and details on access and movement. Design has evolved from officer comment and public consultation, considered to be the strongest design response to respect the character of the area. It mentions that it is not economically viable to bring the building back into use and provides rationale on issues such as scale, appearance, landscaping and access.

Arboricultural Assessment

16 out of 43 trees are to be removed, whilst numerically this is a high number they are all within the centre of the site and this would have a very minor impact on the character of the area. The public amenity value of the TPO would not be diminished and the peripheral screening retained in substantial and no additional planting is required. The landscape impact would be neutral, trees would be protected in accordance with the relevant British standards and there would be no issues in respect of social proximity.

Planning Statement

Principle of demolition accepted under previous application. Public consultation indicated support for redevelopment proposals. Housing on the site should be viewed positively given that the site is identified in the SHLAA, that the Council cannot demonstrate a five year housing land supply and given that there is a local requirement for more housing in Prestbury. Benefits include the sustainable nature of the location, the condition of the building which is an 'eyesore', redevelopment would offer the opportunity of enhancement, tree cover is maintained, access would be improved, contributions secured towards open space and recreation and community facilities. Demolition considered necessary and viability information submitted on this point. Robust marketing assessment submitted under previous application. Demolition justified due to structural condition of building, once repairs undertaken, little would be left of the original fabric, the internal layout is not compatible with its future use and the cost is prohibitive.

Protected Species Survey

The submitted bat survey identified the presence of bats within the building. A programme of mitigation is proposed within the statement.

Structural Report – Ford House

The condition of the building has deteriorated even further and the works required would constitute a 'vast undertaking'.

Flood Risk Assessment

This outlines that given the proposed finished floor level the properties should not in general be affected by flood events over and above the 1:1000 year event.

Highways Report

The report concludes that the only viable access option involves reuse of the existing site access onto The Village which in turn requires the demolition of Ford House in order to meet the latest design guidance provided by the highway authority.

Viability Assessment and Valuation Letter

This report looks at the costs of alternative options including keeping the building with refurbishment, demolition and replacement, replacement and redevelopment of the site to the rear for one dwelling and the proposals the subject of this application.

Contaminated Land Report

Impact from contamination is low however some potential sources of contamination have been identified which may affect gardens and therefore further surveys and remedial works are required.

OFFICER APPRAISAL

Housing

The proposals relate to the construction of new dwellings in a Predominantly Residential Area, within the settlement boundary of Prestbury. The site is within walking distance of public transport and local services, as well as recreational open space. The site is considered to be in a suitable and sustainable location.

The site is identified within the Strategic Housing Land Availability Assessment (SHLAA) and the proposals would include a mix of housing types which would meet the housing needs of Prestbury identified within the Cheshire East Strategic Housing Market Assessment Update 2013. Therefore the construction of housing on the site would contribute towards meeting local housing objectives.

In addition it should be noted that the principle of housing on the site was accepted under the previous application.

Policies H1, H2 and H5 within the MBLP 2004 indicate that there is a presumption in favour of housing development and this approach would be supported by para 14 of the NPPF and policies MP1, SD1, SD2 within the emerging Local Plan.

Heritage Assets

The main issue is the impact of the proposals on the significance of heritage assets – in this regard, the issues relate to the impact upon the locally listed building (Ford House) which is an *undesigned* heritage asset, and the impact upon designated heritage assets including nearby listed buildings and Prestbury Conservation Area.

Locally Listed Building – Undesignated Heritage Asset

Ford House is identified in the adopted Local List of Historical Buildings SPD (2010) as:

Nineteenth century reconstruction of an earlier building, rebuilt circa 1850-1875. Owned by Parochial Church Council and employed for a variety of church and community uses until closure in 2007.

Very prominent position in the village streetscene and a valuable contribution to the Conservation Area.

The building is an undesignated heritage asset. The application is supported by the submission of a Heritage Assessment which describes the significance of the asset and identifies how the proposals would affect the significance of the asset.

Para 135 suggests that harm/ loss to an undesignated heritage asset should be taken into consideration and that a balanced judgement will be required. Policy SE7 within the emerging Local Plan suggests that harm to undesignated heritage assets would need to be outweighed by the benefits of the development.

Policy BE20 of the Macclesfield Borough Local Plan relates to locally listed buildings and states that *“development which would adversely affect their architectural or historic character will only be allowed if the borough council is satisfied that the building or structure is beyond reasonable repair.”*

Under the previous application in 2011 the applicant submitted a Structural Report indicating that whilst it was possible to repair the building, the policy test (above) is whether the building is beyond reasonable repair. Detailed costings have been submitted, which indicate that it would be significantly more costly to partially demolish and refurbish the existing building to their requirements than demolish the entire building and construct a replacement. The cost of this repair is clearly a limiting factor to the future of the building and the potential of the site.

In addition, the works that would be required to bring the existing building back to a useable condition would have a significant effect upon the existing historic fabric. The evidence would suggest that only the shell of the brickwork walls would remain, which would undermine the historic integrity of the building significantly.

On that basis, in 2011 there was considered to be evidence that the building was beyond reasonable repair. Since this time, the case has been compounded by the further deterioration of the building and the escalated costs associated with remediating this further damage. English Heritage now consider the building to be in danger of immediate collapse.

Whilst it is acknowledged in para 130 of the NPPF that the deteriorated state of a heritage asset that has been caused by deliberate neglect of or damage should not be a consideration when assessing development proposals, there is no specific evidence in this case to suggest that the condition of the building has arisen through the deliberate actions (or inaction) of the site owners.

The condition of the building should therefore be considered in order to assess the level of harm arising from the current proposal. Notwithstanding this, the loss of the undesignated heritage asset should be taken into consideration.

Impact on Nearby Listed Buildings – Designated Heritage Assets

The site lies within the setting of Manor House and Bridge Hotel, both of which are Grade II Listed Buildings.

In its present condition Ford House (and indeed the Ford House site as a whole) does not make a particular contribution to the setting of the two listed buildings, but insofar as the development will amount to change, it would preserve the setting of the listed buildings. Therefore, there would be no impact on their significance.

This would accord with policy BE16 within the MBLP 2004 and policy SE7 within the emerging Local Plan and guidance within the NPPF.

Impact on Prestbury Conservation Area – Designated Heritage Assets

There are a number of issues that contribute to the overall impact upon the Conservation Area - the loss of the locally listed building, the scale and design of the proposed new development, and the impact upon trees and landscaping of the site.

Both para 132 of the NPPF states that when considering the impact to designated heritage assets, 'great weight should be given to the assets conservation' and that 'any harm or loss would require clear and convincing justification'. The key issue is therefore whether the loss of the building, the impact on trees and the impact of the new building components would either individually or cumulatively constitute 'substantial harm' and if so, can it be demonstrated that this harm is necessary to achieve substantial public benefits or the following criteria apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Principle of Replacement Building

With regard to Ford House's visual function at the end of The Village, it is difficult to see how the effect of the building or its contribution to the Conservation Area would be significantly different if the building were to be replaced, as opposed to being repaired to the extent outlined above. The historical "associations" would not necessarily be so great, but as the local listing identifies, the current Ford House is already a "reconstruction of an earlier building, rebuilt circa 1850 – 1875". Securing redevelopment proposals would be possible under the provisions of para 136 of the NPPF and policy BE4 within the MBLP 2004.

In *Bedfordshire (Bedford Borough Council v SSCLG and Another* [2013] EWHC 4344 (Admin)) it was held that substantial harm is equivalent to a serious level of harm in which much or all of the significance of the heritage asset is drained away which infers that this would justify de-designation where the heritage asset were a Conservation Area.

The applicants consider that in the context of the above High Court case and para 133 of the NPPF, the loss of Ford House would constitute less than substantial harm. This is due to the alterations that have been made to the original Ford House, the condition of the existing building, and the fact that a replacement is proposed.

Under the previous application, English Heritage considered the proposals to amount to 'substantial harm' to the Conservation Area however under this application they invite the LPA to consider the 'harm' to be 'weighed against the public benefits' which mirrors the wording of para 134 of the NPPF which is applicable to developments where proposals would lead to 'less than substantial harm'.

It is therefore considered, having considerable regard to the existing condition of the building, that the harm to the Conservation Area arising solely from the replacement of Ford House is less than substantial harm. There are identifiable benefits to the scheme, some more tangible than others. The harm to the Conservation Area (as a designated heritage asset) arising from the demolition of Ford House is not considered to be sufficiently significant to resist the principle of its replacement.

Turning to other factors which could contribute towards substantial harm, the quality and character of the redevelopment proposals and impact upon trees is a key consideration.

Redevelopment Proposals

In their own right, the design of the dwellings and the replacement Ford House Building are considered to be acceptable and in keeping with the variety of properties in the surrounding area with the materials and features drawn from the local area.

However, consideration has to be given to context and at the pre-application stage concerns were expressed regarding the increase in height from two to three storeys and the extension of the building footprint parallel with the road towards the river. English Heritage has similarly expressed concerns regarding the height of new buildings and the impact of this on the character of the Conservation Area.

At present, whilst there are examples of three storey properties the immediate context comprises the Bridge Hotel which is not only two storey but also listed. Whilst Ford House is prominent, it is not dominant within its context. Arguably, the construction of a three storey building approximately twice the height of Bridge House (at its closest point to Ford House), whilst not directly impacting upon the setting of Bridge House (to the extent that it would justify a refusal of planning permission in its own right), it would diminish its contribution to the Conservation Area comparative to the Ford House site.

The façade of the building terminates views but it is not a focal point of the Conservation Area and does not contribute towards the legibility of place. In increasing the scale of the building and its comparative prominence, the new build will in effect, become a focal point to the Conservation Area in a way which would detract from the role of the existing listed buildings and the original function of Ford House within the Conservation Area. This would have an adverse impact upon the integrity of the Conservation Area.

The proposals also constitute an overdevelopment of the site which would have an adverse impact upon the character of the Conservation Area. The scale and proximity of buildings results in an uncomfortable relationship whereby new buildings would fail to meet the relevant spacing standards within the Local Plan (see amenity section), reduce the available tree

cover (see tree section) and would also produce a form of development denser and more compact than the already tight knit urban grain within the core of the village.

Impact on Trees

The Prestbury Conservation Area Appraisal identifies trees as an important part of the village, with those on land around the river being highly valued. The Townscape Analysis Map also identifies that much of the Ford House grounds contain important trees and groups of trees.

The Village Design Statement states the predominance of trees in the Conservation Area is a feature which must be retained and are an attractive and unifying characteristic of the village.. The statement goes on to state that Yew and Holly are often related to more historical sites and can be found in the churchyard, Ford House, Prestbury Hall and Bridge End Farm.

It should be noted that the previous application on the site was refused as follows:

The proposed development by virtue of its size, siting, and resultant loss of trees would have an unacceptable impact on the Prestbury Conservation Area of which the site forms a part. The proposal would neither preserve nor enhance the character or appearance of the Conservation Area, and would be contrary to policy BE3 of the Macclesfield Borough Local Plan.

The importance of the trees to the character of the Conservation Area has been articulated within the Prestbury VDS and Conservation Area Character Appraisal. Concerns in respect of the loss of trees have been raised by the Council's Forestry Officer, Conservation Officer and Landscape Architect, English Heritage and in letters of representation.

These proposals are in effect, worse than that proposed under the previous application refused –the number of trees to be removed has increased from 6 trees and one group to 16, which would have an adverse impact upon the amenity value of the site particularly along this important river corridor as well as the impact to the character of the village/ Conservation Area.

Whilst the loss of Ford House in isolation (and assuming an appropriate replacement is provided) would not result in substantial harm to the Conservation Area, it is considered that the impact of the redevelopment proposals and the loss of the trees would both individually and cumulatively would result in substantial harm to the heritage asset contrary to policy BE3, BE4 within the MBLP 2004, policy SE7 within the emerging Local Plan and chapter 12 of the NPPF.

Archaeology

The site of the proposed development lies within the historic core of Prestbury, close to the parish church. The land does not appear to have been seriously disturbed in the recent past, which will have ensured the survival of any archaeological evidence that is present. Work in the immediate vicinity of parish churches elsewhere in Cheshire East has revealed evidence for archaeological remains. It is entirely possible that evidence of this kind may be present on this site and could be damaged by the proposed development, particularly where the new buildings are proposed.

The Council's archaeologist recommends that trenching work and any subsequent mitigation (excavation, watching brief, etc) that proves necessary is secured by condition.

Design

External Appearance

The plans adopt a more traditional approach to the design of the dwellings, incorporating a variation in materials and a selection of particular details from the village centre has influenced the design of the dwellings. Notably: three-storey facades with a one-third to two-thirds proportion of window to wall, with the upper size window diminishing; projecting flat roof bay windows and pitched lean-to additions to the front elevation; white painted gable facades with some degree of timber framing; steps between roof pitches (which reflects the gentle slope of the land); timber framed porch and gable structures, and panelled door joinery.

The fenestration of the dwellings and the replacement Ford House building are considered to be acceptable and in keeping with the variety of properties in the surrounding area with the materials and features drawn from the local area.

At present, there are examples of three storey properties within the wider area and therefore this need not necessarily be inappropriate. However, the sensitive nature of the location means that three storey buildings along the frontage would have an adverse impact upon the Conservation Area by diminishing the contribution made by other nearby heritage assets.

Turning to the proposals to the rear of the site, the design and quality of materials proposed would also reflect local character and the mix of design styles across the site is reflective of the eclectic mix within the wider Conservation Area.

Size and Scale

As noted within the Conservation section, the sensitive nature of the surroundings means that three storey buildings in this location are simply not appropriate to the context.

Layout

The buildings to the rear have smaller footprints and would be subservient to the replacement Ford House building. The layout of a single terraced block within the site is also typical of the local area. Whilst the replacement Ford House building does have a large footprint, the building adopts a different approach in design terms with the extension reflecting features and proportions of Church House and Ravenstone close by, which is in keeping with the local area and helps to break down the massing of the building.

The layout would however produce a form of development denser and more compact than the already tight knit urban grain within the core of the village.

Trees / Landscaping

There are 43 individual trees and one group of two trees across the site which are protected by virtue of their location within the Conservation Area and due to the designation of a Tree

Preservation Order.

The submitted Arboricultural Report indicates that 13 of these trees are off site and a further 16 are scheduled for removal including trees which have a high amenity value. Whilst the report maintains that replacement planting is unnecessary, three trees are proposed for planting in the courtyard.

It should be noted that the previous application on the site was refused for the following reasons:

1. The proposed development by virtue of its size and siting would result in the direct loss of, a threat to the continued wellbeing of, and an unsatisfactory relationship with existing trees which are of amenity value to the area as a whole, and is therefore contrary to policy DC9 of the Macclesfield Borough Local Plan.

The current proposal was subject to a pre-application meeting on 22nd November 2013 in which concerns in respect of the impact upon protected trees were expressed. This was reiterated in the formal written advice.

Both the Council's forestry officer and landscape architect have raised concerns in respect of the impact on trees. In addition to the scheduled removal of trees as articulated within the Conservations section, the social proximity of trees to the new build dwellings has not adequately been considered within the Arboricultural Report. This would have an adverse impact upon the longevity of these trees in the future.

The social proximity of the trees is considered to be poor leading to loss of enjoyment of reasonable amenity for the detached dwelling and fear of trees falling/breaking once the property is occupied.

The house would only receive direct sunlight between late morning and early afternoon and this period of light attenuation would be further eroded as the trees continue to mature and develop. Daylight would also be affected particularly from the east and north to both the outside utilisable space and the main habitable rooms.

The close proximity of large mature trees to buildings does involve risk of damage/injury occurring in adverse weather conditions. In relation to the detached dwellings and the apartments there are a number of mature trees located in close proximity to the dwelling. In the medium term there will be pressure to fell or severely prune trees because of shade nuisance safety, and honey dew issues.

The proposals would be contrary to policies DC9, BE3 within the MBLP 2004 and SE5 and SE7 within the emerging Local Plan and guidance within the NPPF.

Leisure / Public Open Space

The proposed housing development triggers a requirement for public open space (POS), recreation and outdoor sport facilities as identified in the SPG on S106 (Planning)

Agreements (May 2004). The SPG also states that developments above the trigger of 6 dwellings and where there is an identified shortfall (or in this case loss of previous facilities) the council will / may seek contributions for the provision of community centre space or services to address local youth needs.

In the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS and amenity of £30,000, which would be used to make additions, improvements and enhancements to open space and amenity facilities in Prestbury. In addition, and again in the absence of on-site provision, the development will be required to provide a commuted sum for the provision of offsite recreation / outdoor sports facilities of £7,000, which would be used to make additions, improvements and enhancements to recreation and open space facilities in Prestbury.

Community Facilities

Ford House was utilised as a community facility for young people although it is acknowledged that there were wider community benefits. When Ford House fell into disrepair, as the result of inadequate maintenance by the church, the Youth Club was asked to leave the extension, which in itself was in sound condition. No replacement facility or compensation was offered by the Church.

Whilst the building has been vacant since 2007, under the last application, a financial contribution was required for the loss of the community facility.

The Council would continue to require a contribution towards the provision and support of youth opportunities; this is required through the SPG due to the loss of the previous community facility and lack of an alternative opportunity as a result of the development. A contribution of £15,000 (based on ten family dwellings) is required (as per previous application) to provide support and opportunities for young people and youth clubs and organisations in and around Prestbury who would have previously benefitted from access to village facilities or could do so in the future. Such a contribution would also be supported by para 70 of the NPPF which seeks to safeguard the loss of valued community facilities such as these.

Ecology

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

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect.. [EC] ...requirements ... and this may potentially justify a refusal of planning permission.”

In the NPPF the Government explains that LPAs “should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

A bat survey was carried out by a qualified ecologist on behalf of the applicant who has identified limited bat activity on the site.

The proposed scheme to demolish Ford House should have no significant impact upon the favourable conservation status of the identified protected species, if some form of mitigation is incorporated on site.

The proposal to demolish Ford House and construct a replacement apartment building and 3 terraces houses and a detached house will add to the existing housing stock in the area.

The alternative to the demolition would be to refurbish the existing building. However, the extent of works required in the renewal of the building is likely to have an equal impact upon bats as its complete demolition.

The proposed mitigation is acceptable and provided the proposed mitigation is implemented in full the residual impacts of the proposed developments on bats is likely to be very minor. The benefits of the mitigation will provide a new appropriate roost for the bats which will provide a new habitat and will allow the future protection of the bats in perpetuity.

Having regard to the above it is considered that the proposed replacement roosting facilities is an appropriate form of mitigation which in the long term will provide a more satisfactory habitat for the bats than the existing dwelling. It is considered that the mitigation put forward is a material consideration which if implemented will further conserve and enhance the existing

protected species in line with Local Plan policy NE11 and is therefore on balance, considered to be acceptable.

The Council's Ecologist has been consulted on this application and raises no objection to the proposed mitigation subject to a condition to ensure work is carried out in accordance within the submitted scheme.

Amenity

In terms of interface distances there is only 20m between the apartment building and the terrace to the rear. This is well below the standards within the Local Plan and would be below local standards i.e. existing relationships between nearby buildings. It is one thing to compromise on standards in order to re-use existing buildings, however it is quite another to build in poor standards of amenity. This issue is symptomatic of the fact that the proposals constitute an overdevelopment of the site.

In addition, the proximity of buildings (there is 6.7m between the principal windows in the apartment building and the blank gable of the detached dwelling and 2.6m between principal windows and the blank gable of the terrace) and the tree cover would raise issues in respect of lack of useable amenity space and restriction of light to principal windows particularly for the detached dwelling.

The nearest neighbouring dwellings are located to the west of the site. The nearest of the proposed residential properties will be located 15 metres from the boundary shared with Glebe House. There will be some overlooking of existing private gardens, and the simple presence of the dwellings may also have some impact upon the amenity of this nearest neighbour. However, there are some mature trees on the boundary, which will help to filter views from, and to, the new dwellings, and additional landscaping may reduce the impact even further.

Therefore, having regard to the distance and relationship with the adjacent property, any impact upon residential amenity of neighbours to the site is not considered to be sufficient to justify a refusal of planning permission.

For the reasons noted above the proposals would result in a poor standard of amenity for future occupants of the site contrary to policy DC38 within the MBLP 2004.

Highways

The submitted transport statement examined various access options and the most appropriate option was to use an upgraded existing access – this was accepted under the previous application. The new access will be widened to 5.5 metres, which will also allow for refuse and service vehicles to enter and turn within the site. The Strategic Highways Manager considers that the new access design is acceptable.

A total of 24 off street parking spaces are being provided to serve the development. Having regard to the location of the site in the centre of the village and proximity to public transport, this level of car parking is considered to be justified. The scheme has been amended to

widen the point of access and provide a shared surface which would enable parking along the access road as overspill parking if required. No highway safety issues are therefore raised.

Flood Risk

The Environment Agency has no objections to the proposed development subject to the measures detailed in the submitted Flood Risk Assessment being implemented and secured by way of a planning condition on any planning permission.

They also request a condition relating to the provision and management of an ecological buffer zone alongside the River Bollin. Development that encroaches on the River Bollin has a potentially severe impact on their ecological value. The River Bollin is particularly valuable for wildlife and it is essential this is protected.

In terms of the sequential approach, it is acknowledged that the land is identified as a potential site for development within the Council's Strategic Housing Land Availability Assessment. There is also a wide acceptance that the site does need improving, and is a brownfield site that has been used for purposes with a similar vulnerability to flooding as the proposed use.

In this instance the developed footprint of the housing and car parking lies outside floodzone 3 with ecological enhancements proposed for the river corridor that lies on the flood plain. The development is therefore both appropriate and suitable for the site in terms of the sequential test as set out in the NPPF. Additionally as the site is already developed and therefore largely covered with tarmac and/or the developed footprint of the existing building much of the run-off from the site will reach the river unattenuated. Although modest, the wetland proposed has therefore been designed to both balance surface water flows and reduce run off rates to the river and provide ecological enhancements. The wider social benefits of the scheme should also be considered although in term of the sequential test it is the fact the land being developed is 'off' the flood plain that needs to be the primary consideration.

The Environment agency has confirmed that having looked at the submitted FRA and, provided that the measures it identifies are adhered to, they consider that the applicant has demonstrated that the flood risk at this site can be appropriately managed, relative to the vulnerability of the land use in accordance with the NPPF.

Other Considerations

The Contaminated Land Officer has noted that since the application is for new residential properties which are a sensitive end use and could be affected by any contamination present, a condition is recommended requiring a further survey work to be submitted.

CONCLUSIONS AND REASON(S) FOR THE DECISION

These proposals have a greater impact upon the Conservation Area and Trees than the previous refusal and also raise amenity issues due to the increased amount of development on the site.

The loss of trees would have an adverse impact upon the Conservation Area given the importance of these trees to the character of the Conservation Area. In addition the loss of trees would also increase the visual impact of the proposed development, and create a more built up appearance of the site, which is at odds with the semi rural nature of this part of the Conservation Area. In addition to the impact upon trees, the scale of buildings would also have an adverse impact upon the character of the Conservation Area. The proposals also constitute an overdevelopment of the site which is addition to the obvious impacts upon the Conservation Area would also raise amenity issues in relation to interface distances, quality of amenity space, overshadowing and social proximity to trees. The proposal is therefore contrary to policies BE3, DC3, DC9, DC38 of the MBLP 2004 and policies SE5 and SE7 within the emerging Local Plan. Accordingly, a recommendation of refusal is made.

* * * * *

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 Interim Planning and Place Shaping 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.

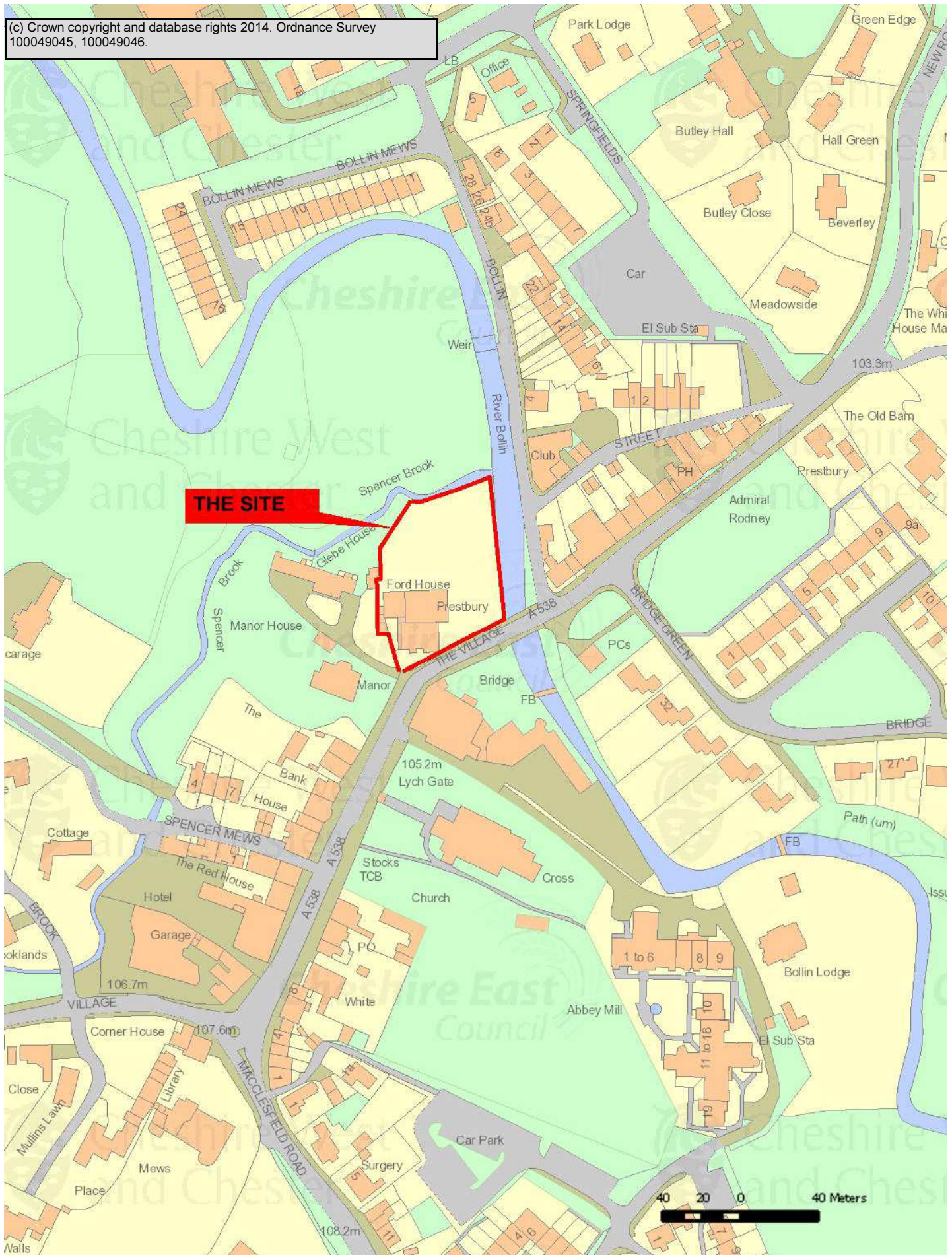
Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the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

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R03TR - Loss of trees contributing to amenity
2. R01CA - Adverse effect on Conservation Area

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Application No: 14/0046M

Location: Former Garage, Buxton Road, Macclesfield, SK10 1LZ

Proposal: Demolition of MOT Testing Centre and Garage and Re-development for Use Class C2 Residential Accommodation with Care comprising 47 Apartments for Persons aged 60 and over with Communal Facilities, Parking and Associated Private Amenity Space

Applicant: Mrs P Smith, Adlington and Canal and River Trust

Expiry Date: 21-Mar-2014

SUMMARY RECOMMENDATION

Approve, subject to conditions.

MAIN ISSUES

- The principle of the development
- Impact of the design on the character and appearance of the Conservation Area
- Highways safety, access, parking, servicing and pedestrian safety
- Residential amenity issues
- Arboricultural and forestry implications
- Ecology implications
- Landscaping
- Surface water drainage
- Other drainage matters
- Environmental Health issues (including land contamination)
- Developer contributions
- Other material considerations

REASON FOR REPORT

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

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

DESCRIPTION OF SITE AND CONTEXT

The application site is located east of Macclesfield town centre, with a range of local shops and services nearby. East of the site is the Macclesfield Canal; whilst to the south is Buxton Road. To the west is a footpath with houses beyond; whilst to the north are car parks and the playing fields of Kings School. Bus stops on Buxton Road near the site give access to the town centre and Macclesfield railway station.

The former garage comprises three main single-storey blocks, built between 1930s and 1950s around a forecourt adjoining Buxton Road. Approximately two thirds of the northern part of the site is vacant land with canal moorings. There is a substation on the eastern boundary of the site. The site has a single vehicular access point from Buxton Road.

The site itself is broadly level with the canal side, however the general topography falls east-west and extensive stone retaining walls run along the north and west boundaries. The south boundary rises to Buxton Road bridge

There is no significant vegetation on the site. However, there are off-site mature trees (subject to a TPO) to the side of 38 Lime Grove which partially overhang the site. It is worthy of note that all the trees within a Conservation Area are afforded similar protection.

The site lies within the Macclesfield Canal Conservation Area and it is immediately adjacent to Buxton Road Conservation Area.

DETAILS OF PROPOSAL

This application seeks full planning permission for the demolition of an MOT testing centre and garage and the re-development of the site for residential accommodation (Use Class C2) with care comprising 47 apartments for persons aged 60 and over, with communal facilities, parking and associated private amenity space at Buxton Road in Macclesfield.

The proposed building is centrally located on the site in a linear block with a double aspect. The proposed accommodation is three storeys in height. Access is from Buxton Road with parking to the front. The main entrance of the building would face Buxton Road. The scheme would comprise; 6 one bed apartments, 34 two bed apartments and 7 three bed apartments. The building would be mainly red brick, with render gables with a slate roof.

Within the development, there would be a; communal lounge, restaurant, office and facilities for 24 hour care, reception and small shop for residents, quiet lounge, hairdressers, therapies suite, spa room/ assisted bathroom, guest suite and internal 'mobility scooter' store.

The Care Statement accompanying this planning application sets out how the scheme would operate. A C2 permission will restrict the age and use of the scheme, following the same principles to that established for previous consents considered by the Council.

RELEVANT HISTORY

There is no relevant planning history of the site that relates to this application.

POLICIES

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

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

Local Plan Policy:

The front section of the application site lies within a housing proposal allocation, whilst the rear portion of the application site lies within a 'Mixed Use Area' as defined by the Macclesfield Borough Local Plan (MBLP). The site lies across the Canal from Puss Banks School which lies within the designated Green Belt and Area of Special Landscape Value, but these designations do not apply to the application site. The site is however within the Macclesfield Canal Conservation Area, therefore the relevant Local Plan policies are considered to be: -

- Policy H4: Housing Sites in the Urban Areas;
- Policy E1: Mixed Use areas;
- Policy H13: Protection of residential areas;
- Policy BE1: Design Guidance;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC9: Tree Protection;
- Policy DC37: Landscaping;
- Policy DC38: Space, Light and Privacy;
- Policy DC57: C2 Residential Institutions;
- Policy BE3: Conservation Areas;
- Policy BE4: Design Criteria in Conservation Areas;
- Policy NE1: Landscape Protection and Enhancement;
- Policy NE2: Protection of Local Landscapes;
- Policy NE11: Nature Conservation;
- Policy RT1: Open Space;
- Policy T2: Provision of public transport;
- Policy T3: Pedestrians; and
- Policy T4: Access for People with Restricted Mobility.

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. The relevant Sections include:-

- The Framework (paragraph 7) requires good design as a key aspect of sustainable development. Developments should contribute positively to making places better for people. It notes 'good design' is more than aesthetics and takes account of for example function, optimising site potential to sustain the locality, and creating safe and accessible environments.
- The Framework (paragraph 13) relates to conserving and enhancing the historic environment with particular relevance to conservation areas and impact of development upon heritage assets.

Supplementary Planning Guidance:

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

- Supplementary Planning Guidance on Section 106 Development (Macclesfield Borough Council);
- Macclesfield Canal Conservation Area Appraisal and Management Proposals.

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

CONSULTATIONS (External to Planning)

Canal & Rivers Trust: The Canal & River Trust in its capacity as statutory consultee has no objection to planning permission being granted. It should be noted that the Trust is joint applicant and the terms of the sale agreement will require the developer to work in co-operation with the Trust to ensure that any risks to the canal during demolition and construction are addressed.

Highways: No objections, subject to conditions.

Crime Prevention Officer: No comments received at the time of writing this report.

Environment Agency: No objections subject to conditions to control contamination remediation and if any unexpected contamination is found. A condition is also suggested to control foundation details.

United Utilities: No objections subject to conditions to control foul and surface water details and the diversion of the sewer on the site.

Environmental Health: No objections, subject to conditions to control working hours, pile foundation operations and floor floating of concrete, dust control measure and to resolve land contamination issues.

Cheshire East Adult Services: No formal objections, but question the demand for residential nursing homes in Macclesfield.

Cheshire East Housing: No objections.

Cheshire East Education: No objections.

Cheshire East Leisure Services: No objections, but have requested a Greenspace contribution of £35,250.

VIEWS OF THE PARISH / TOWN COUNCIL

Not applicable.

REPRESENTATIONS

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

Macclesfield Civic Society:

The Society considers that the redevelopment would be of benefit and accord with the national and local policy framework. The type of housing to be provided would be welcome and this appears to be an appropriate site close to shops and other services and accessible by various transport modes.

The Society also considers that the layout and configuration of buildings on the site are appropriate. They have some slight concerns regarding height and would ask that if the roof height could be reduced to lessen local visual impacts when viewed from Buxton Road, the canal towpath and William Street.

The Society have also stated that given the nature of the use the limited parking provision appears appropriate though an age-occupancy condition may be necessary to secure this in the longer term. Visibility at the access point to the east is limited by changes in level and this was always a point of concern when considering proposals for this site.

Consideration should be given to the retention of existing boat moorings along the west side of the canal to retain the character of the area and provide a focus of interest for residents of the scheme though this will require some form of access for boat owners through the site.

The Society also considers the metal fencing should be reconsidered and soft landscaping used to demarcate boundaries (set back a short distance from the canal bank if moorings are to be retained).

Local Residents:

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

- Have a boat moored here and so do many other people and it is their home;
- Welcome the redevelopment on the site, but have concerns with regard the height of the building and planting that could affect the garden of No. 173 Buxton Road;
- The proposed dwelling is not of a design in keeping with the scale and appearances of the immediate area west of the site as the adjacent properties are mainly residential 2 stories;
- There are a number of TPOs in place at the top of Lime Grove described as "Civic Amenity";
- The proposed site is a full story above the adjacent property so a further three story development would significantly impact that eye-line, regardless of the partial masking from the existing mature trees;
- The Context Elevations are misleading as the Sketch views included seem to only include views from South East, North East & South West, not from North West;
- The proposed site plan seems to include seven mature trees along the boundary of 38 Lime Grove; in fact there are only four;
- The siting of the proposed three story building at the top of the rise results in the overlooking (front and back) to 38 Lime Grove;
- The height of the development is such that even with leaf cover this would lead to a significant reduction in privacy to 38 Lime Grove;
- The siting of the proposed three story building completely across the top of the road, a full two stories above the site wall will significantly reduce the amount of daylight falling on 38 Lime Grove;
- The development is too high and will overlook gardens and houses due to the orientation of the blocks, leading to a loss of privacy to neighbouring properties in Buxton Road and Lime Grove;
- The western side of the site the top of the boundary wall is shown as 161.28m;
- The finished floor level of the 1st storey is shown as 161.60m;

- The finished floor level of the 2nd storey is shown as 164.45m;
- Therefore two floors of flats will be looking directly over the gardens of properties in Lime Grove (particularly no. 36 Lime Grove), leading to a loss of privacy and enjoyment of the gardens;
- The ridge height of the block of flats is shown as 170.20 m which is 9 metres higher than the boundary wall. This will have a materially overbearing impact on properties in Lime Grove (particularly no. 36 Lime Grove); and
- The scheme needs to be reduced in height and the layout redesigned to minimise the impact upon neighbouring properties in Lime Grove (particularly no. 36 Lime Grove).

4 letters of support have been received from local residents and their comments can be summarised as follows: -

- Impressed with the applicants retirement home at Heaton Chapel;
- The proposed area on Buxton Road would very much be enhanced by a similar development;
- The proposals is something which Macclesfield needs;
- Few of the public who have expressed negative interests to the scheme
- Look forward to the plans being passed and possibly purchasing an apartment myself;
- This development is to be welcomed as providing much needed sheltered accommodation in this part of town and the restoration of this site to an attractive local facility can only be a good thing;
- Development of this site to provide sheltered apartments for 50+ households is a very good use of this Brownfield land which has been derelict and an eyesore for many years;
- This development could be considered sustainable because of its siting close to amenities such as buses to town and Buxton and Victoria Park(s);
- The sympathetic development proposed will also release family homes in the town when elderly people move to more appropriate accommodation;
- All these factors are in keeping with the policies of Cheshire East so this application should be supported;
- The building will face onto the canal and it is to be hoped that there will be attractive landscaping around it;
- At the moment the site is hideous, with fly tipping of rubbish and a jumble of old tumble down sheds and garages;
- It will not impinge on any neighbouring properties;
- There will be some increase in traffic should all the units be filled by car owners. However the proximity to public transport makes this likely to be minimal as many of the elderly residents may choose this move to take the opportunity to get rid of their cars and use the plentiful public transport available to them from Buxton Road;
- As this is currently a derelict site adjoining the canal there are no issues regarding loss of important trees or nature conservation;
- As this site will be viewed from the Cheshire RC walk which is routed along the canal towpath on the opposite side of the canal, it is to be hoped that the buildings will be in keeping with local architectural style and the site landscaped appropriately; and
- My Husband and I have lived Off Buxton Road for the past 50 years and would like to stay in the area. Being pensioners and living in a house at the moment we have been thinking of moving into an apartment.

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

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following documents, details of which can be read on file: -

- Planning Statement;
- Design and Access Statement;
- Care Statement;
- Ecological Appraisal;
- Ground Investigation Report;
- Landscape and Visual Impact Assessment;
- Transport Statement;
- Arboricultural Assessment; and
- Draft S.106 Legal Agreement.

OFFICER APPRAISAL

Having considered this application, it is the considered view that the main issues in this case are:

The principle of the development (*the development plan*):

The front section of the application site lies within a housing proposal allocation, whilst the rear portion of the application site lies within a 'Mixed Use Area' as defined by the Macclesfield Borough Local Plan (MBLP).

The principle of a residential proposal on the front section of the site is acceptable as it falls within a housing allocation.

Mixed use areas comprise several of the older industrial areas where many of the buildings are no longer suitable for their original purpose. Such areas often have poor access to the main road network, car parking is frequently inadequate and industry sometimes adjoins housing areas. By today's standards, the areas and buildings are not necessarily suitable for their original manufacturing purpose. A wide range of new uses may be permitted in such areas. It is considered that the principle of a residential development on the rear section of the site is acceptable as there is no conflict with other proposals of the plan and it will not materially harm adjoining or nearby uses. In this instance, residential is preferable and is a more sensitive use than the existing use on the site.

The principle of the development (*SHLAA*):

The site has been identified as 'sustainable', 'suitable', 'achievable' and 'deliverable' for housing in the most recent Cheshire East Strategic Housing Land Availability Assessment (SHLAA). The application site is addressed in two parts (housing allocation to the front and mixed use area to the rear) in line with the policy allocations above.

The principle of the development (*Need*):

The Council has some evidence that is sourced from the *emergent* vulnerable persons housing strategy*. The key messages from the data are:

- There is a current oversupply of residential and nursing accommodation in Macclesfield town when taken against current demand;
- The earliest projected need for either residential or nursing homes is a slight requirement for residential accommodation in 2030; and
- There is a distinct current undersupply in Macclesfield for both extra care and sheltered accommodation, which should be the development priorities.

**Members should be aware that officers would wish to caveat this data by saying that it is a key evidence source in the emergent vulnerable persons housing strategy, which is currently out for consultation. As such, the strategy is not yet ratified nor does it have a surrounding planning policy at this time. Therefore little weight can be afforded to this.*

The application proposals are difficult to judge in this case given the elements of the provision, particularly the composition of the apartments and the flexibility of the care provision. This would be in-keeping with the extra care model, and promises a superior arrangement to classical residential care homes.

However, it could be argued that given that the development would only be catering for those with higher care needs, it was more typical of a residential institution. Extra care typically admits a portion of tenants with lower needs so that they can live independently with a limited level of support in an amenable environment, in order to curtail the chances of their care needs escalating in a crisis and provide a smoother transition into old age living.

However, this development seems to aim to only admit those who already have substantial needs upon their entry and require more intensive care, so would not have the same community needs mixture and flexibility of tenure that characterise many extra care schemes.

Whilst the above is noted, there is no requirement within the Local Plan, or within the NPPF that requires a needs assessment. Therefore, need is not a material planning consideration in this case. This has been established during the public inquiry for the appeals at Coppice Way in Handforth.

The principle of the development (*Development Management Policy*):

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

- (i) The site must be close to local facilities such as bus services, local shops and other community facilities and is normally sited in a residential area;
- (ii) A satisfactory balance of residential uses must be maintained in any neighbourhood and that the concentration of specialist housing and care facilities is avoided;
- (iii) The development must not materially prejudice the amenity of neighbouring property by virtue of overshadowing, overlooking, loss of privacy and noise disturbance;

- (iv) The development must comprise a reasonable sized private garden in the order of 10sq metres per resident, for the use of residents, which has a pleasant aspect and is not overlooked or overshadowed;
- (v) That the development satisfies the general requirements for all developments including the provision of onsite car parking for residents, staff and visitors;
- (vi) Vehicular and pedestrian access should be safe and convenient, particularly by the adequate provision of visibility splays.

Each of the above criteria is addressed below:-

- (i) It is considered that the site falls in a sustainable location, close to the town centre, shops and facilities. Bus routes run adjacent to the site.
- (ii) It is not considered that the proposed care facility would give rise to a concentration of specialist housing or care facilities.
- (iii) As the site is surrounded by existing residential properties to the south and north, relationship between these properties and the proposed development has been considered. Local Plan policies DC3 and DC38 relate to amenity for residential development. DC38 sets out guidelines for space between buildings which developments should aim to meet. These policy tests have been taken into account when assessing this application and whilst the scheme is a high density scheme that is contained in a three storey block, it is considered that this scheme broadly accords with these guidelines. Detailed assessments on impact on residential amenity are outline in the relevant section below.
- (iv) Accommodation would be provided for up to 95 residents. This would require a private garden in excess of 950 sq metres for the use of the residents. The garden area for the development would be well in excess of 1,000 sq metres, which would have a pleasant aspect and due to the mature landscaping, it would not be overlooked, or overshadowed. The applications proposals also include balcony and internal amenity spaces;
- (v) The application proposals include parking provision for 33 cars. The site lies in a sustainable location. The Strategic Highways Engineer has raised no objections; this matter is considered in more detail below under the highways section.
- (vi) Given the historic use of the site, the Strategic Highways Engineer raises no significant concerns with regards to vehicular or pedestrian access.

Summary of the principle of the development:

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

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

Impact of the design on the character and appearance of the Conservation Area:

It is accepted that this application proposes a large three storey building. However, the east canal side elevation shows how the proposals establish a scale and rhythm appropriate to its setting. Gables give a rhythm appropriate to the building's proposed use while respecting the characteristics of traditional canal side architecture. The west side has a lower key scale and rhythm, responding to the topography and the largely domestic properties adjacent to the west. It is considered that this side is viewed is partially fragmented by existing trees and buildings.

It is considered that the crucial view of the development is from the canal bridge on Buxton Road. The scheme has been design to show a corner focal point which articulates transition between the canal side and Buxton Road and is adjacent the main entrance marked by a colonnade. It is also considered that the scale of building diminishes westwards from the corner.

In relation from the view facing the canal, the linear massing of the building is articulated by a rhythm of gables, recessed link and changes in building angle responding to constraints and context. The recessed links help break up the building and selected gables are rendered to introduce some castellation.

It is considered that overall given the previous use of the site and the amendments that have been received to the elevations, that the scheme in its current form does preserve the character of the conservation area.

Highways safety, access, servicing and pedestrian safety:

The Strategic Highways Manager raises no objections to the proposals. The site is located within walking distance of local amenities on Buxton Road and essential services within the town centre, with the main strategic (rail) public transport connections and no further than 15 minutes travel on foot. Buxton Road is on a bus route. The site is therefore considered to be sustainable for the purposes of promoting viable alternatives to staff that would be employed at the site.

The Strategic Highways Manager has reviewed the proposal and would make the following comments on highways and transportation grounds. All recommendations are provided within the context of the National Planning Policy Framework (NPPF), which states that "severe" residual cumulative impacts should be demonstrated in order to prevent or refuse a development on transport grounds (paragraph 32).

It is proposed to maintain and improve the existing Site access/Buxton Road junction to serve the development. Visibility splays of 40m are proposed and that is considered to be a sufficient visibility for the speed limit on Buxton Road, in the absence of speed survey data. A 1.8m delineated footway access is proposed to serve the development on the entrance to the car park. It is considered that the proposed Site access arrangements provide a suitable means of access for the proposed development.

Notwithstanding the sustainable location of the site, the supply of parking has been agreed by the Strategic Highways and Transportation Manager, both in terms of employees at the site, and visitors during designated periods.

Revised proposals for the scheme show the provision of 33 car parking space. This is an increase from 24 originally proposed. The car parking provision has been based on the following breakdown: -

- 1 space per 5 apartments for visitors = 9.4
- 1 space per 2 non-resident staff (max) on site at any one time = 4.5
- Spaces for those residents able to drive + flexible spaces (1 per 3.5 apartments) = 17.4

This gives a total of 31.3 spaces, where as 33 are being provided.

To conclude, the Strategic Highways Manager raises no objection, following the provision of additional parking (totalling 33 spaces), and representative information regarding typical daily activity at other sites that the applicant operates, subject to a Travel Plan, which would seek to ensure that the proposed level of parking is ultimately sufficient to meet the identified needs of staff and visitors.

Residential amenity issues:

Local Plan policies DC3 and DC38 relate to amenity for residential development. DC38 sets out guidelines for space between buildings which developments should aim to meet.

The Gables would be located about 28m from the building. The views of the people inside that house would be reduced significantly by that distance. 36 Lime Grove would be located about 26m from the building. Views of the building and overlooking from the site to No.36 would be partially blocked by No.38 Lime Grove.

173 Buxton Road would be in the region of 35m from the buildings. The occupiers of No. 173 would not suffer a material loss of privacy, having regard to that distance and the angle of views from the building entrance elevation to that building. Properties on Lime Grove and 173 Buxton Road are separated by a public footpath, high boundary wall & significant vegetation. Amendments to the scheme have been secured with additional screening and this would mitigate any loss of privacy to these properties.

It is considered that the occupiers of The Gables, 36 and 38 Lime Grove and 173 Buxton Road would not suffer a material loss of privacy, having regard to that distance and the existing topography of the site.

Houses at William Street face the site across the road and canal and are over 43m from the development which would substantially reduce any overlooking into the house from the development.

Illustrative sun paths for the proposed developments have been submitted with the application. They show that throughout the day the proposed building has no detrimental impact on sunlight and daylight of adjoining properties, nor is it affected by neighbouring buildings.

The application site is in proximity to existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. A condition should be imposed to control hours of demolition and construction works in the interest of residential amenity. A condition should also be imposed in the event that piled foundations and floor floating are necessary. A condition to minimise dust emissions arising from demolition / construction activities is also suggested.

Arboricultural and forestry implications:

The application is supported by an Arboricultural Assessment which indicates that an assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto a proposed Master Plan. As a consequence it is possible to determine the direct, or indirect impact of the proposed layout on retained trees.

The development proposals require the removal of four individual trees and six groups in order to facilitate the design build footprint and associated peripheral landscape features including car parking. All are considered to be low value self set specimens (Category C), which contribute little to the amenity of the immediate area, or the wider landscape aspect. A number of those identified for felling would have required removal irrespective of development by virtue of their social proximity to a number of existing features. Strategic replacement specimen planting should be seen as a significant net gain compared with those specimens which are scheduled to be removed.

Standing off site to both the north and west are two groups of trees protected as part of a 2006 Tree Preservation Order. The development proposals as presented are located a significant distance from any individual or collective Root Protection Area (RPA), with adjacent features such as compacted ground associated with an informal track and boundary wall significantly restricting root development within the site. Protective fencing will not be required.

Issues in terms of social proximity in relation to the protected off site trees are also not considered to be a significant factor given the acceptable layout distances between proposed build and trees. Any subsequent tree application could be confidently dealt with on merit.

Ecology implications:

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the

requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that whilst a European Protected Species has been recorded on site they are unlikely to be adversely affected by the proposed development. Therefore the planning authority do not have to consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest.

The Council's Ecologist has reviewed the application submission and it is not anticipated that there would be any significant ecological issues associated with the proposed development. No evidence of occupation by bats was recorded in association with any of the buildings within the site. However, if planning consent is granted conditions are recommended requiring the lighting scheme for the site to be agreed. This would be to protect light spill onto the canal. Conditions are also suggested to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds on the site.

Landscaping:

As part of the application a Landscape, Townscape and Visual appraisal has been submitted. The application site is adjacent to the Peak park fringe Local Landscape Designation Area, (formerly ASCV). This is a transitional area adjacent to the Peak National Park and has many of the qualities associated with the National park. The Peak park fringe is a distinctive landscape of stone walls, steep slopes and recognisable skylines including Mow Cop, Tegg's Nose and the Kerridge Ridge.

The proposed development is for a three storey development with a car parking area and landscape works. It is considered that whilst this proposed building would be significantly lower in height than the Hovis Mill, the proposed development has a greater ridge height than any of the adjacent or nearby buildings. That being said, three storey building can reflect the continuous building massing along this stretch of the Macclesfield Canal.

It is considered that the proposed landscape scheme provides an attractive setting for the benefit of residents and to the canal side, both for the residents' amenity and for appropriate public visual amenity from Buxton Road Bridge and the canal towpath. Boundary treatment can be conditioned. Overall it is considered that there will be an improvement from the existing garage use on the site.

Drainage matters:

It is considered that the scheme will not adversely affect drainage in the area as a water supply can be provided.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Permission would be required from United Utilities regarding connection to the water mains/public sewers therefore a planning condition would not be required. There is a public sewer that crosses site and this would need to be diverted before work would commence on site.

Contamination:

The application area has a history of use as a garage and wharf and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Supporting reports contained within the application submission recommend that intrusive investigations are required in order to identify any contamination and make recommendations for remedial measures. A condition is suggested to control this submission prior to commencement of operations.

Developer contributions:

The proposed residential apartments with care are to be occupied by residents over 60 years of age who are assessed to determine their need for care and the occupancy of the apartments would be controlled via a Section 106 Agreement.

Affordable Housing:

It is considered that given the level of care proposed, the scheme would fall within Class C2 use and as such it does not have an affordable housing requirement.

Education:

Bearing the above in mind, the scheme does not have an education requirement

Greenspace:

Within the Local Plan and SPG the requirements for amenity public open space provision includes sheltered accommodation. The policy states that such housing should provide 20sqm per dwelling. As this is rarely provided on site (most sites not being suitable for onsite public open space) a commuted sum of £750 per bed space would be required in those instances. Unfortunately this refers to sheltered housing which this scheme is not.

The scheme would fall within Class C2 use and as such it does not have a Greenspace requirement. In addition, due to the care assessment requirements and the eligibility criteria for those only in need of care being of an average age of 80+ would be expected for the development. It is therefore also considered that the future residents are unlikely to create an additional drain on Greenspace assets.

Other material considerations:

At the moment the northern part of the site at Buxton Road Wharf is leased to Peak Forest Cruisers. The current moorings fronting the site are private moorings operated and managed by the tenant. The moorings are occupied by way of mooring licences between Peak Forest Cruisers and the individual boater which can be terminated by either party on giving 1 month's notice.

Peak Forest Cruisers have entered into a legal agreement and will vacate the site prior to redevelopment. In May 2013 following marketing of the site and the selection of Adlington as preferred developer, Peak Forest Cruisers invited all the moorers to a meeting. The boaters

were updated on the proposed development of the site and advised that the moorings would not be available following redevelopment. A representative of the Canal & River Trust attended this meeting and offered to supply details of alternative mooring sites if required.

Prior to this meeting there were 10 boats moored at the site, however after the meeting a number chose to relocate and the numbers were reduced to 3. An additional boat is now moored at the site making it 4.

Since the meeting Peak Forest Cruisers have been keeping the boaters updated on progress and emphasising that they will need to vacate the moorings. There are no authorised residential moorings at this site.

The applicants understand that Mr Ludlow has a mooring licence at the site on the terms set out above. The Canal & River Trust is willing to provide details of alternative mooring sites in the area if any of the boaters request this.

At the northern end of the application site the canal widens and accommodates some of the private moorings. Removal of these moorings will allow the Canal & River Trust to designate this as an authorised winding hole which will discourage boats from turning in unsuitable locations elsewhere along this stretch of canal.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The provision of a modern form of care home provision is a significant benefit (*Especially one which allows the level of care to be changed without causing inconvenience of the residents*) of the scheme and should be viewed in the context of wider social sustainability, as well as the development being located in a sustainable location.

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- The proposal accords with relevant policies of the Development Plan and therefore, should be approved without delay.

It is considered that the proposed development for the demolition of a MOT testing centre and garage and the re-development of the site for residential accommodation (Use Class C2) with care, comprising 47 apartments, for persons aged 60 and over with communal facilities, is acceptable and the application is recommended for approval subject to conditions and the completion of a Section 106 Agreement.

* * * * *

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 Interim Planning and Place Shaping 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 Interim Planning and Place Shaping 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

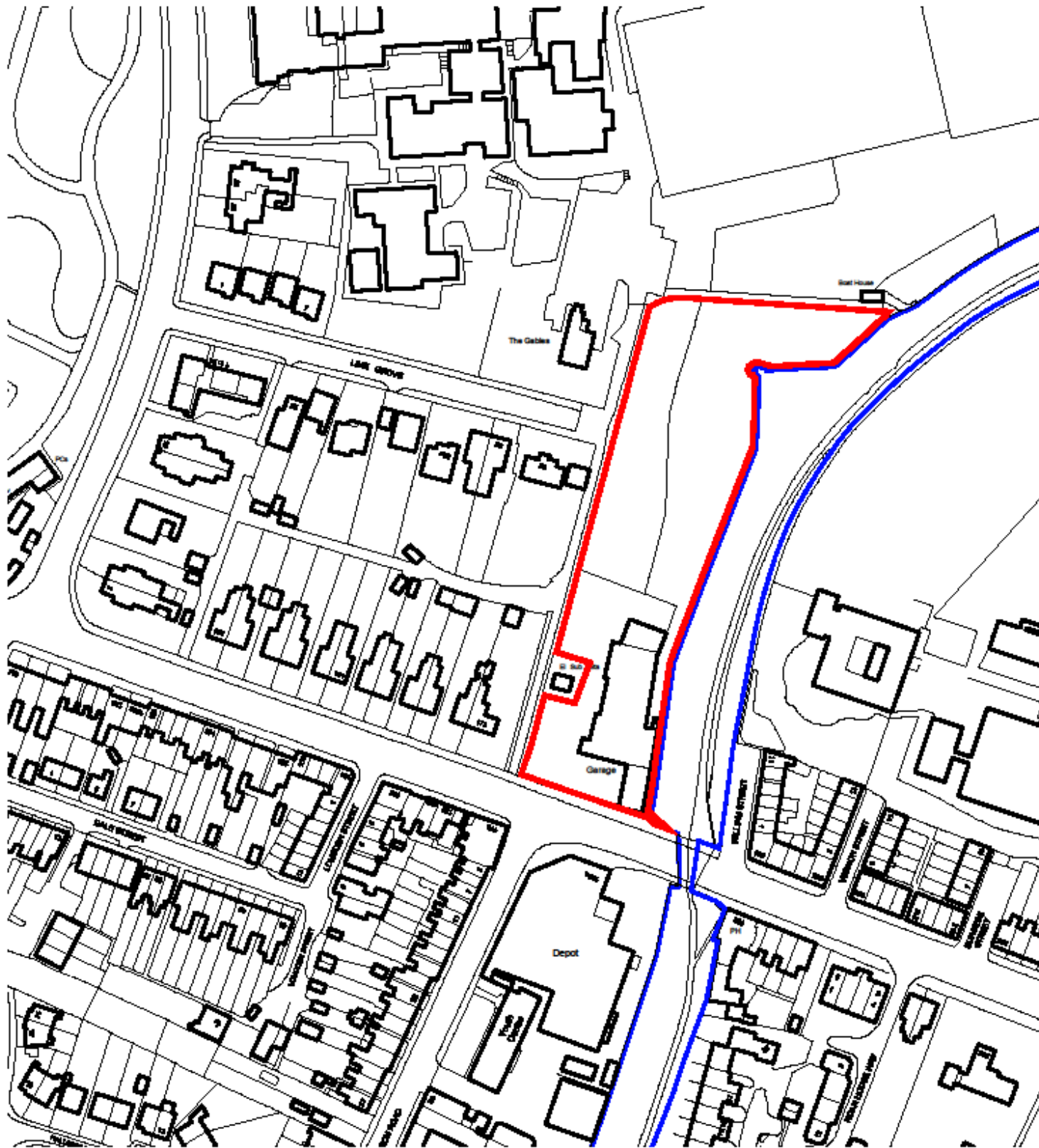
RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A20EX - Submission of details of windows and balconies
5. A09EX - Rainwater goods and flues
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A12LS - Landscaping to include details of boundary treatment
9. A19MC - Refuse storage facilities to be approved
10. A04HA - Vehicular visibility at access to be approved
11. A07HA - No gates - new access
12. A01HP - Provision of car parking
13. A04HP - Provision of cycle parking
14. A06NC - Protection for breeding birds
15. A08MC - Lighting details to be approved
16. A22GR - Protection from noise during construction (hours of construction)
17. A23GR - Pile Driving
18. A17MC - Decontamination of land
19. A04NC - Details of drainage
20. Travel Plan
21. Measures to encourage nesting birds

22. A scheme to minimise dust emissions

23. Unexpected contamination

24. Sewer easement



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Application No: 13/3684M

Location: CROFT PARK, NEWTON HALL LANE, MOBBERLEY, KNUTSFORD, KNUTSFORD, CHESHIRE, WA16 7LN

Proposal: Demolition of existing buildings and change of use of land for the siting of up to 7 park homes including access improvements

Applicant: W. Flannigan, Flannigan Enterprises Limited

Expiry Date: 29-Oct-2013

SUMMARY RECOMMENDATION

Approve, subject to conditions.

MAIN ISSUES

- The principle of the development;
- Impact on openness to this part of the Green Belt;
- Impact of the design and character and appearance of the street scene;
- Highways safety, access, servicing and pedestrian safety;
- Land Contamination issues; and
- Ecological implications.

REASON FOR REPORT

The application has been referred to Northern Planning Committee at the request of Councillor Jamie Macrae (Mobberley ward) as he believes that the proposed development could result in significant harm to current policies as adopted in Macclesfield Local Plan. The proposed development lies within the green belt, and could result in over development of the site, its remote location for further residential development may be unsustainable.

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

DESCRIPTION OF SITE AND CONTEXT

The site located to the north east of the villages of Mobberley and Knolls Green. The application site adjoins an existing park homes site and it currently comprises a number of vacant buildings that were formerly used as a garage for car servicing and repairs (Use Class B2).

Adjacent to the garages is an existing dwelling, known as The Croft, which sits to the south. Both the vacant garages and The Croft dwelling provide the site frontage to Newton Hall Lane, with Croft Park sited to the rear. To the north of the site lies a large agricultural building,

which is constructed with steel frame and clad in metal. Beyond this building is an agricultural field and a complex of farm buildings with a farm house. To the south of The Croft dwelling is an additional dwelling with large landscaped gardens. Further to the south is another grouping of dwellings.

DETAILS OF PROPOSAL

This planning application seeks consent for the demolition of the existing buildings, and the change of use of land for the siting of 7 park homes for permanent residential occupation, with associated access.

The scheme has been amended to reduce the number of park homes from nine to seven. The design of the scheme has also been amended to move the plots back into the site from the main road.

RELEVANT HISTORY

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

- Planning permission was refused in August 2005 for the demolition of existing buildings, removal of existing residential caravans and the erection of 11 three storey dwelling houses in 3 blocks and 10 apartments in three storey apartment blocks with attached garage block with 1 flat over and new access driveway, associated car parking and garage blocks, under reference 04/0009P;
- A Certificate of lawful use for land used as a residential caravan site, was granted in August 2005, under reference 05/0704P; and
- Planning permission was also refused in August 2005 for the erection of 3 detached dwelling houses following demolition of all existing buildings on site, under reference 09/0026P.

There is no other relevant planning history on this site.

POLICIES

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

The Development Plan for Cheshire East currently comprises the saved policies 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 the Green Belt as defined by the Macclesfield Borough Local Plan (MLP), therefore the relevant Local Plan policies are considered to be: -

- Policy GC1: New Buildings in the Green Belt;
- Policy NE11: Nature Conservation;
- Policy BE1: Design Guidance;
- Policy DC6: Circulation and access;
- Policy T3: Pedestrians;
- Policy T4: Access for People with Restricted Mobility; and
- Policy T5: Provision for Cyclists.

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. The relevant Sections include:-

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Policy CS3 outlines the intended Green Belt policy for the area. Policy CS3 repeats the purposes of including land within the Green Belt listed in the Framework and sets out that permission will not be granted for inappropriate development in accordance with national policy. It should be noted here that paragraph 5.95 of the Framework states that “to achieve sustainable development, over a period of several decades the council recognises that some

development may be necessary within the Green Belt in both the north and south of the Borough, however a review of Green Belt also allows the potential of new Green Belt to be explored”.

CONSULTATIONS (External to Planning)

Highways: No objections.

Environmental Health: No objections subject to condition.

VIEWS OF THE PARISH / TOWN COUNCIL

Mobberley Parish Council: Object to this application as they feel it will have a detrimental visual impact on the street scene. Although existing buildings will be demolished to compensate for this development, Mobberley Parish Council are of the opinion that the proposed development of this brownfield site, within the greenbelt, will have a materially greater impact on the openness of the Green Belt than the existing buildings.

As well as representing over-development in the green belt, Mobberley Parish Council have grave concerns about the siting of the second access to the park. Newton Hall Lane is a main road and the new access point is just off a bend which we feel will cause highway safety issues.

REPRESENTATIONS

The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly. 18 letters of objections have been received and their comments can be summarised as follows: -

- A further 9 more houses will be more visual intrusive on the green belt;
- Aware it is a Brownfield site;
- Potential for 18 more cars;
- With 22 houses on Croft Park that equals 40+ cars;
- The existing infrastructure will not cope with 9 more homes;
- Only three visitor parking spaces and more homes will make this situation worse;
- Newton Hall Lane is now much busier than when the garage was operational;
- Coming out of the estate onto Newton Hall Lane is already a perilous by product of existing access;
- Three wheelie bins each, therefore there is not enough space;
- Visual impact of look at all those bins;
- Existing issues with delivery vehicles and refuse collection and more homes will make this situation worse;
- Croft Park has electric gates and it is an enclosed secluded area. This application will change that;
- There are a number of disabled residents on the current Croft Park site. Additional cars from the proposed new development will hinder their access;
- Also the access of any emergency vehicles required will be affected;
- The site is not sustainable; the nearest bus stop is a mile away on an unlit footpath
- Last bus is at 6:30 and none on Sundays;
- Scheme will have an adverse impact on wildlife;

- There is a poplar and oak tree(s) on the boundary of the site, which should not be touched;
- It is a contaminated site;
- Development 3 metres for the front will adversely affect the character of the area;
- The proposed dwellings are not of a design to complement those on Croft Park, they are too small and too many;
- The drains flood frequently onto Newton Hall Road;
- Additional housing will prove to be too much for the existing drainage and sewerage systems;
- Homes near the road will have light restricted by the tall trees;
- When purchasing our park home, we were assured this would be a 5 star park with exclusivity in that you had to be 55 years of age or older and no children. Will this project be of the same nature? and
- 9 is too many homes, maybe 5 or 6 homes would be more acceptable.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a *Planning Statement, Ecology Report and a soil sampling field report*, details of which can be read on file.

OFFICER APPRAISAL

Having considered this application, it is the considered view that the main issues in this case are:

The principle of the development (Green Belt):

Policy GC1 of the Macclesfield Local Plan states that within the Green Belt approval will not be given, except in very special circumstances, for the construction of new buildings unless it is for a range of purposes including agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension or alteration of existing dwellings; limited infilling within identified settlements; limited affordable housing for community needs; and development within major developed sites.

However, since the publication of the Local Plan, the Framework has been published which supersedes existing policies within the Local Plan. The Framework provides additional circumstances where development is considered to be appropriate over and above those previously provided under policy GC1.

The Framework now states that the limited infilling or partial and complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including development within it that the existing development would not be inappropriate development.

Paragraph 89 does not stipulate uses of land that are appropriate or inappropriate on previously developed land. As such, it is considered that the redevelopment of the former garages at The Croft for a residential caravan (park home) site would be acceptable development in principle, so long as the proposed development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it.

Impact on openness to this part of the Green Belt:

In terms of the existing development, the site comprises a number of buildings that were previously used in connection with car servicing and repairs. In addition a number of areas of hard standing surround the existing buildings.

The footprint of the existing buildings measures a total of 533 square metres. In terms of the height of the existing buildings, each building on site varies in height. The smallest building has a total height of 2 metres; however the remaining buildings have a total height of between 4.3 metres and 5.2 metres.

With regard to the proposed park homes that would be sited on the land as part of the proposed redevelopment of the site. Revised plans have been received showing a reduction from nine to seven park homes would be provided.

Foot print:

Each plot could vary in terms of the size of footprint, as shown on the proposed site layout plan. In total, the siting of plots as shown on the submitted site layout plan would generate building footprints totalling 569 square metres. Compared to the total footprint of the existing buildings, there would be an increase of 36 square metres (*e.g. size of a double garage*) of buildings on site. This represents a minor 6.75% increase in building footprint.

Height:

With regard to the height of the proposed mobile homes, they are constructed off site and brought to site on a large goods vehicle. The park homes are then placed on jacks and a brick skirt is placed around the park homes between the ground and finished floor level. As such, the overall height of a typical park home from ground level to ridge would be approximately 3.9 metres. As such, the overall height of the proposed mobile homes would be lower than the majority of the existing large buildings on site.

Volume:

In terms of volume, the existing buildings have a total volume of approximately 1,821 cubic metres. The combined volume of the proposed park homes (including the volume that would be generated as a result of the proposed park homes being raised above the ground) would be approximately 2,218 cubic metres, an increase of approximately 397 cubic metres. This equates to a 21% increase.

Disproportionate additions:

Consideration should also be given to bullet points 3 and 4 of paragraph 89 of the Framework. This allows the extension, alteration or replacement of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Overall, the scheme is not considered to be a disproportionate over and above the size of the original building.

Within the Macclesfield Borough, when considering extensions to existing residential institutions, or extensions to dwellings, the council's policies with respect to these have usually allowed a percentage increase of 30% of the floorspace of the original building.

Summary:

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.

It is considered that the proposed development would not have a materially greater impact on the openness of the Green Belt than the development it would replace and that the proposal would comprise appropriate development in accordance with bullet point 6 of paragraph 89.

Impact of the design and character and appearance of the street scene:

The application site is located within the Green Belt, there is no landscape designation covering the application site, but the area is identified in the Cheshire Landscape Character Assessment, 2009 as being in Landscape Type 10, specifically LFW6 Ashley Character area, and is an area that is characterised by a combination of typical rural elements, such as high hedges, narrow country lanes and tree lined streams, and very intrusive man-made features; but despite the impact this has had this character area can still in part be described as rural.

The application site currently has a number of vacant dilapidated buildings set back approximately 15 metres from Newton Hall Lane. The application indicates that each home would have a separation distance of 2 metres from adjacent access roads and 3 metres from adjoining boundaries. The same layout plan indicates that the boundary feature along the Newton Hall Lane boundary will be a 0.6m high boundary wall.

A revised layout has been received reducing the number of homes from nine to seven. A revised layout has also been received increasing the distance of the front plots to Newton Hall Lane. A landscape condition is suggested to ensure that landscape proposals (of significance) can be implemented along the Newton Hall Lane boundary especially. Therefore, it is considered that proposed development would have a limited visual impact on the street scene.

Highways safety, access, servicing and pedestrian safety:

The main issues with regard this application proposal are the safety of the vehicle access proposal, the safety of the pedestrian access proposal, car parking provision and servicing.

It is considered that there are not any capacity issues with the low level of additional traffic. The existing access to the existing park homes is sub-standard in terms of layout and visibility. The seven additional park homes are proposed on a former petrol filling station that had an independent access. The proposal is to open up a relocated access for this

development but actually only for egress, with access from the existing access point. The access will not have ideal visibility but the garage would not have had ideal visibility and would have generated more in/out movements. Traffic movements at the vehicle egress will be low and will be suitable for shared use with pedestrians. It is considered that the car parking provision is sufficient and the site can be adequately serviced.

Overall, although visibility is not ideal, the land is previously developed land with access and the Strategic Housing Manager has no objections to this development proposal.

Land Contamination issues:

The application area has a history of use as a petrol filling station and car repair/service garage and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

Phase 1 desk study of the site was submitted with the application. The desk study identified potential sources of contamination were presented and included; fuel source surface spillages, fuel source tanks & pipes, potential in-filled ground and oil source from above ground storage tanks. Therefore further investigation and sampling was requested.

From the further investigations carried out, the Council Environmental Health Department has considered that there does not appear to be significant contamination present. This is because any spillages/leaks that may have occurred haven't caused widespread contamination and the underlying clay will, generally, inhibit migration. That being said, the Council will require a full investigation as part of the development. Conditions have been suggested to cover this.

Ecological implications:

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that whilst a European Protected Species has been recorded on site they are unlikely to be adversely affected by the proposed development. Therefore the planning authority do not have to consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest.

A phase 1 ecology survey has been carried out and a report of their findings accompanies this application. No evidence of bats or potential for bats was identified following exhaustive surveys of the buildings on site. A revised ecology survey was also undertaken to assess the potential impacts of the development upon great crested newts. This was important as there are a number of ponds in the vicinity of the proposed development including one only a few

yards from the application boundary. Following as assessment of that revised report, it was considered that great crested newts are unlikely to be present or affected by the proposed development. A further barn owl survey was not required as any evidence present would have been picked up during the bat survey. The ecologist who undertook the bat survey has also confirmed the absence of barn owl field signs.

Residential amenity:

In terms of overlooking and privacy, the proposed park homes would have be sited and laid out in accordance with the regulations set out in the Caravan Sites and Control of Development Act as amended. This legislation applies to all caravan sites/park home sites in the country. Therefore as the separation distances set out in this legislation take precedent and the development proposed is considered to be acceptable in this regard.

Sustainability:

The site is located in a rural area and it cannot be considered a sustainable site in terms of its location. That being said, in terms of the *social role* and *economic role* to sustainable development, the application proposal would provide small, manageable bungalows that would be suitable and adaptable for the needs of an ageing population to enable them to continue to live independently. With regard to the *environmental role* of sustainability, the proposal would involve the redevelopment of previously developed land, rather than Greenfield land.

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 from 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.

* * * * *

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 Interim Planning and Place Shaping 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.

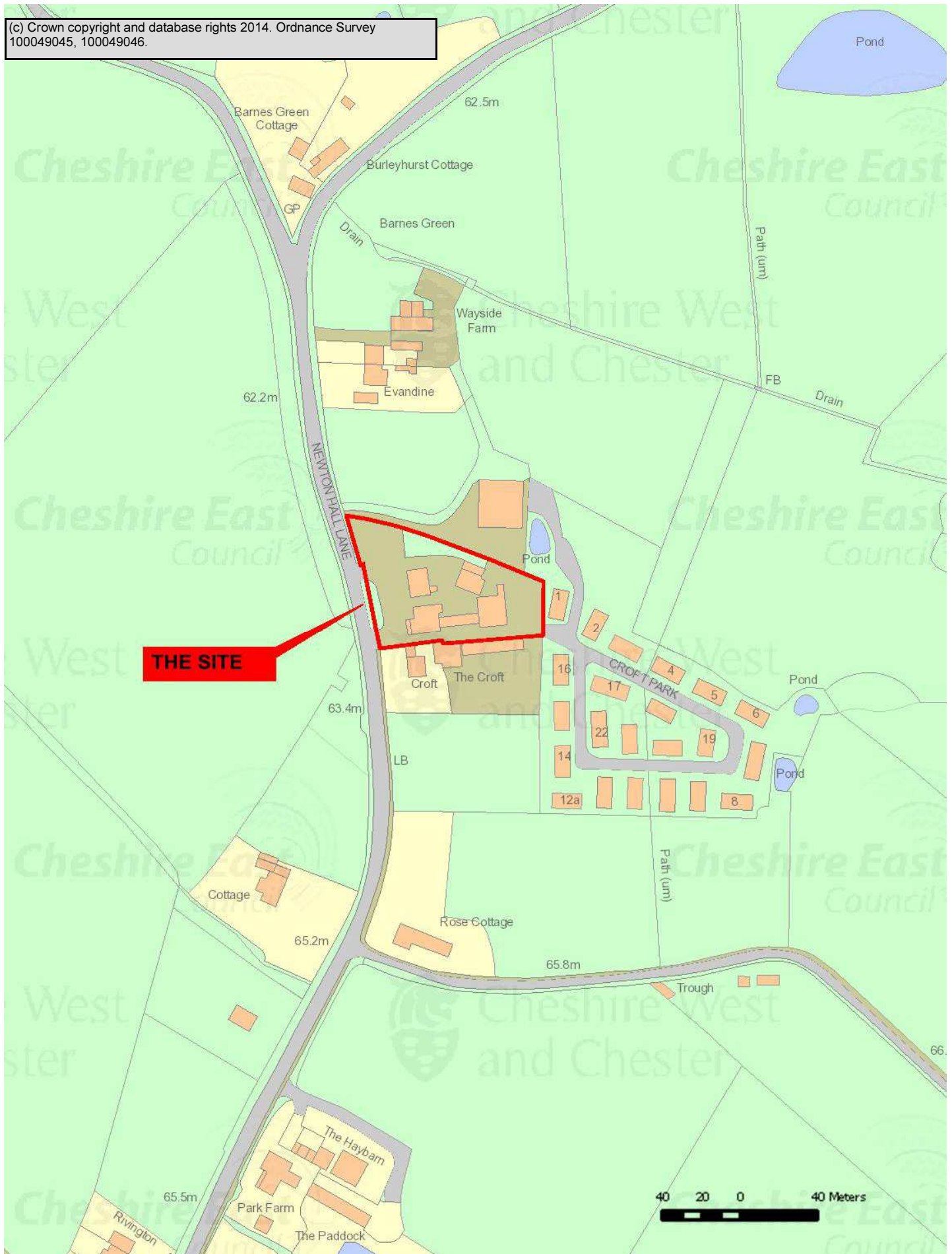
Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the 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. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A12LS - Landscaping to include details of boundary treatment
6. A17MC - Decontamination of land
7. A04NC - Details of drainage
8. A12MC - No lighting without permission
9. Maximum size parameters of park homes
10. Development in accordance with ecology statements
11. Bin details
12. Tree protection

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Application No: 14/0004C

Location: PARKHOUSE RESIDENTIAL HOUSE, CONGLETON ROAD,
SANDBACH, CW11 4SP

Proposal: The construction of 10 service apartments ancillary to Park House Care Home and the conversion of number 12 Park House Mews into a community facility for the residents within the complex.

Applicant: Edward Dale

Expiry Date: 28-Mar-2014

SUMMARY RECOMMENDATION:

Refuse

MAIN ISSUES:

- Principle of the development
- Design, layout and scale
- Amenity
- Ecology
- Trees and Landscaping

REASON FOR REFERRAL

The application represents a small scale major development . As such, the application should be considered by the Northern Planning Committee.

DESCRIPTION AND SITE CONTEXT

The application site comprises a former Victorian farmhouse that was granted consent for change of use to an elderly persons care home in 1983. Subsequently there have been significant extensions at the site to provide additional accommodation.

The site is designated as being within the Settlement Zone Line of Sandbach in the adopted local plan. There are several trees on the site, although none are the subject of a Tree Preservation Order.

DETAILS OF PROPOSAL

The proposal seeks consent for the erection of 4 one bedroom and 6 two bedroom apartments and for the conversion of number 12 Park House Mews into a community facility/guest room for the residents within the complex.

Access would be taken from the existing main access to the site and the access nearest to the junction with Old Mill Road would be converted into a pedestrian access. The car park would be extended to provide an additional 18 spaces.

RELEVANT HISTORY

06/1406/FUL	2007	Approval for demolition of 3 garages and construction of 3 serviced apartments Class C2 use.
06/0846/OUT	2006	Refusal additional accommodation to provide EMI care block and serviced apartments (Appeal dismissed 2007)
06/0508/OUT	2006	Refusal for EMI care block and additional sheltered apartments.
04/0423/FUL	2005	Approval for demolition of 4 Park House Mews and construction of 4 serviced apartments.
36732/3	2004	Approval for alterations to windows and creation of 3 bedrooms.
33023/3	2001	Approval for construction of bedroom block, construction of managers accommodation and office and conversion of 5 Park House Mews to 3 serviced apartments.
31539/3	1999	Approval for amendment to application 28976/3.
30509/3	1998	Approval for external fire escape and internal alterations.
28976/3	1997	Approval for conversion of 1 Park House Mews to 4 serviced apartments, construction of vertical lift and additional lounge and dining room.
25644/3	1993	Approval for increase from 13 to 24 bedrooms, extension to car park and boundary wall.
24693/1	1992	Refusal for extension to provide 12 bedrooms and repositioning of car park. (Appeal allowed 1993)
22178/3	1990	Refusal for extension to provide 2 bedrooms. (Appeal dismissed 1991)
21937/3	1990	Refusal for connecting main house to 1 Park House Mews to provide 3 bedrooms and change of use of matrons cottage to provide 2 bedrooms and a ground floor flat. (Appeal dismissed 1990)
17544/3	1986	Approval for extension.

17373/3 1986 Approval for extension.

14653/3 1983 Approval for change of use to elderly persons home.

POLICIES

The relevant policies saved in the **Congleton Borough Local Plan First Review** are:

PS4 – Plan Strategy
GR1 - General Criteria for New Development
GR2 - Design
GR6 – Amenity & Health
GR9 - Highways safety & Car Parking
RC1 – Recreation & Community Facilities
H1 – Provision of New Housing Development
H2 – Housing Supply
H4 – Residential Development in Towns
NR1 – Trees and Woodlands
NR3 - Habitats

SPD 14 Trees and Development

National Guidance

National Planning Policy Framework

Local Policy

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of

State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy SE 12 Pollution, Land Contamination and Land Instability
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy EG1 Economic Prosperity

Other Material Considerations

National Planning Policy Framework.

CONSULTATIONS (External to Planning)

Environmental Health:

Recommend conditions relating to hours of construction and piling. It is also recommended that the application is refused due to lack of information relating to protection from road noise.

Highways:

The Strategic Highways Manager (SHM) considers this development proposal to be acceptable in principle, however, there will need to be the provision of a detailed parking layout plan to demonstrate how the proposed parking will be specifically provided. The SHM is satisfied that the site has the capacity to accommodate the required amount of parking provision.

The SHM recommends that conditions are imposed requiring a detailed plan of the proposed parking is submitted and that the development should not be occupied until the approved parking has been provided.

United Utilities:

No objection.

Environment Agency:

Originally requested a Flood Risk Assessment; however this request was withdrawn when the size of the development was clarified.

VIEWS OF TOWN/PARISH COUNCIL

No objection. However members expressed concern at the loss of trees and request that some are replaced. In addition, the use of a permeable hard standing for car parking was suggested, to reduce impact on drains through run-off water.

OTHER REPRESENTATIONS

None received at the time of report writing.

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Settlement Zone Line of Sandbach where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town.

Given that the site is contained within the Settlement Zone Line of Sandbach and that it is for the development of an existing business that provides care facilities and local employment, the proposal is considered to be acceptable in principle.

Highways

The proposal would require the provision of an additional 18 parking spaces on an extended car park to the front of the care home.

The Strategic Highways Manager (SHM) has stated that the development is acceptable in principle, but that conditions should be imposed requiring submission of detailed parking layout plans and construction of the approved parking layout, prior to the occupation of the development. These conditions are considered to be necessary and relevant to the development. Subject to the imposition of these conditions, the development is considered to be acceptable in highway safety terms and in compliance with Policy GR9 of the adopted local plan.

Design, Layout and Scale

The proposal contains 3 main elements, the erection of the new serviced apartments, the conversion of an existing part of the site to a guest/community room and the addition of 18 car parking spaces.

Having regard to the conversion of the existing building, no external alterations are proposed. Therefore there would be no impact on the character and appearance of the existing buildings or the site as a whole.

The new apartments would be linked to the existing building and the submitted drawings show in a very simplistic way that the design would reflect that of the existing building, with

similar fenestration and gable features. The plans submitted with the application are basic; however they do show all the necessary elevations and floor plans of the proposed development to a recognised metric scale. As such they satisfy the validation requirements of the Council. However; in order to ensure that the final design features are acceptable if permission is granted, a condition should be imposed requiring submission of a range of comprehensive drawings and schedules of all materials and finishes to be used in the development.

The SHM has requested detailed plans of the car parking layout at the site. In order to ensure that it has appropriate surfacing that blends well with the existing building and the site as whole, full details of surfacing materials should be included in this condition.

It is considered that subject to the conditions discussed above, the development would be in compliance with Policies GR1 and GR2 of the adopted local plan and acceptable in design terms.

Amenity

Having regard to neighbouring amenity, the care home stands in its own grounds and is a large complex. No other residential properties are in close proximity to the site, therefore there would be no significant adverse impact on residential amenity.

The Environmental Health Officer has recommended refusal of the application as insufficient information has been submitted to assess issues relating to road noise, as the site is in very close proximity to the M6 and the A534. The applicant has informed the case officer that this information is being prepared, however at the time of report writing has not been received. Whilst the Environmental Health Officer is recommending refusal of the application, it will be possible to mitigate against road noise and as such, it is considered that this could be adequately controlled by condition. An update on this issue will be provided prior to the Committee meeting. Should permission be granted, conditions should be imposed relating to hours of construction and piling in order to protect the residential amenity of neighbouring properties during construction.

Landscaping and Trees

The areas of the site that the extensions would be constructed is currently occupied by areas of hard standing, tree planted lawns and hedges. These existing landscaped areas would be lost, but the site would still be capable of incorporating replacement planting, therefore a comprehensive landscaping scheme should be secured by condition.

There are a number of trees present on the site and the information submitted with the application gives limited and inaccurate information on these trees. The submission therefore does not accord with the guidelines contained within *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*. This document places an emphasis on 'evidence based planning' and accords with RIBA work stages. It is therefore considered that the proposal does not provide an adequate level of detail to assess the impact of the development on existing trees.

The applicant has stated that this information will be provided, but the Council is not in receipt of it at the time of report writing. An update will be provided on this issue prior to the Committee meeting.

The nature of the proposed development, both the new building, and in particular the parking layout mean that there is a very high likelihood that there would be an impact on trees and as such the application should not be approved without this information.

Ecology

Initially the Council's Principal Nature Conservation Officer requested that a bat survey be provided prior to determination of the application. Following further investigations into the nature of the buildings, the PNCO has concluded that the risk posed to roosting bats is low and a detailed survey will not be required.

CONCLUSIONS AND REASONS FOR THE DECISION:

The proposal is considered to be acceptable in terms of its impact upon residential amenity, highway safety and parking, design and character of the area, ecology and drainage/flooding.

Having regard to the impact on trees present on the site, insufficient information has been submitted in order to assess the impact of the development and it is recommended that the application should be refused because of this.

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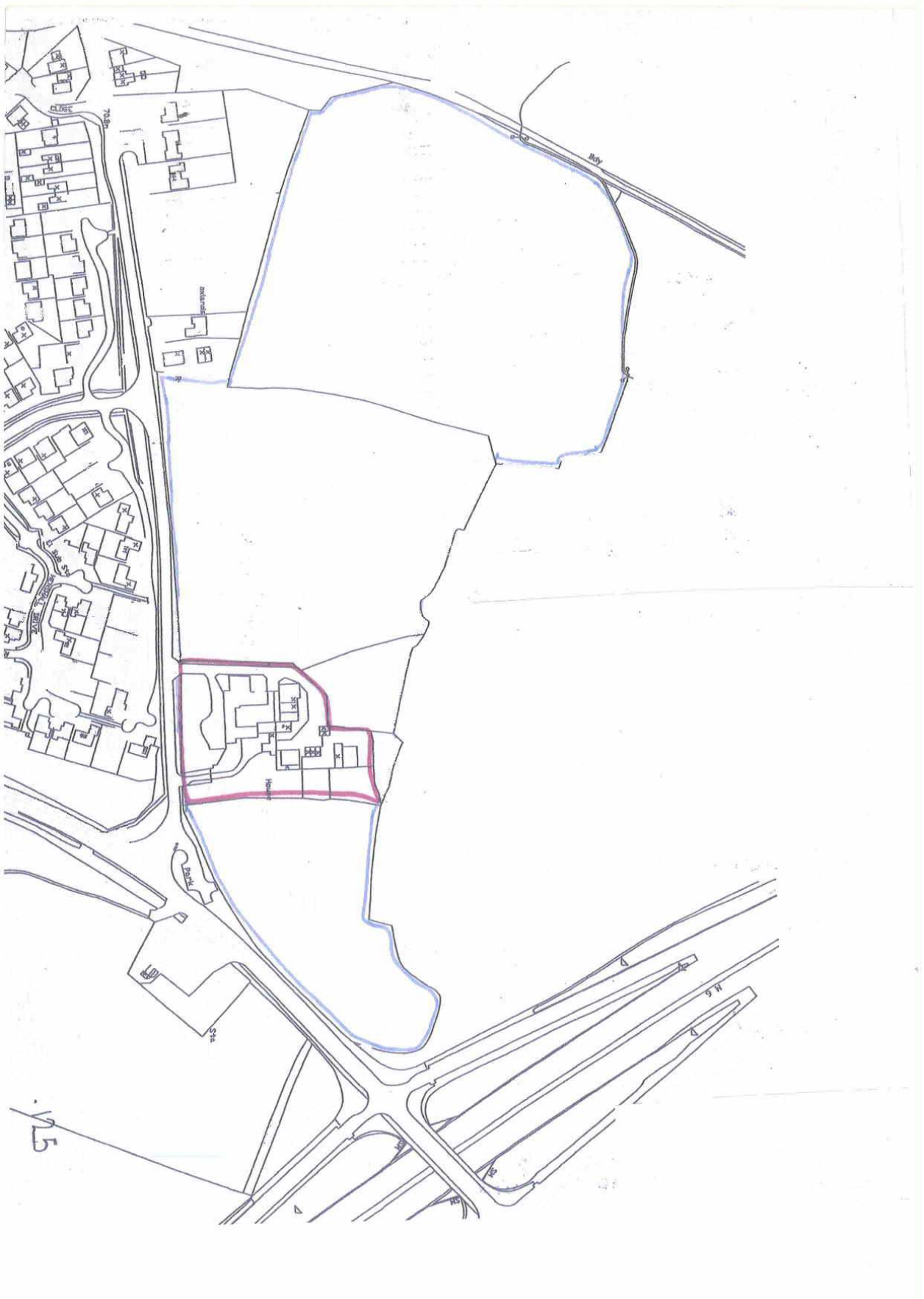
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Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with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

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Insufficient information has been submitted with the application relating to existing trees on the site in order to assess adequately the impact of the proposed development



Application No: 13/5221C

Location: LAND TO THE NORTH OF CHURCH LANE, SANDBACH, CW11 2LQ

Proposal: Erection of 13 dwellings

Applicant: Chelmere Homes Ltd

Expiry Date: 24-Mar-2014

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES:

- Principle of Development
- Housing Land Supply
- Open Countryside Policy
- Location of the site
- Design Considerations
- Highway Safety and Traffic Generation
- Residential Amenity
- Noise
- Air Quality
- Ecology
- Open Space
- Affordable Housing
- Landscape
- Infrastructure
- Levy (CIL) Regulations
- Other Issues

REASON FOR REFERRAL

This application represents a small scale major development, and as such, it is referred to the Northern Planning Committee. The proposal is in addition, a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises of a field measuring 0.5 ha situated to the north and east of Church Lane in Sandbach. The site is bound along its eastern boundary by the M6 motorway and to the south by 2 no. residential properties. The site is located in the Open Countryside as designated in the Congleton Borough Local Plan First Review.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 13 no. dwellings.

RELEVANT HISTORY

None

POLICIES

Local Policy

The relevant policies from the **Congleton Borough Local Plan First Review** are:

PS8 – Open Countryside
GR6 - Amenity and Health
GR9 - Highways & Parking
GR20 – Public Utilities
GR22 – Open Space Provision
NR3 - Habitats

National Policy

National Planning Policy Framework (NPPF)

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy SE 12 Pollution, Land Contamination and Land Instability
Policy IN 1 Infrastructure
Policy IN 2 Developer Contributions
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG 5 Open Countryside
Policy SC 4 Residential Mix

Other Material Planning Considerations

SPG2 - Provision of Private Amenity Space in New Residential Development
The EC Habitats Directive 1992
Conservation of Habitat & Species Regulations 2010
Circular 06/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

CONSULTATIONS (External to Planning)

Strategic Highways Manager:

No objection

Environmental Protection:

Object - The site is not suitable for residential development. The acoustic environment at this location is substantially affected by traffic noise from the M6 motorway; the impact of this noise source would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at the location.

United Utilities:

No objections, subject to the site being drained on a separate system. Surface water discharging to the public surface water sewerage system must be attenuated to a maximum discharge rate of 5l/s.

Greenspaces (Cheshire East Council)

Advise that there would be a deficiency in the quantity of provision of amenity Greenspace accessible in the area should the application be approved. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development (Church Lane). The contributions sought are;

Enhanced provision: £2,694.33
Maintenance: £6,030.75 (25 years)

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £4,670.07
Maintenance: £15,223.50 (25 years)

Education:

This will generate 2 primary and 2 secondary aged pupils. The local primary and secondary schools are cumulatively forecast to be oversubscribed. In light of this the following contributions are required:

**Primary = £21,692
Secondary = £32,685**

VIEWS OF SANDBACH TOWN COUNCIL:

Object on the following grounds:

- i. PS3 as this is a Greenfield Site
- ii. Contravening Policy GR3iv; safety concerns
- iii. Movement from the site will be car dependent, thus contravening Policy GR3v.
- iv. GR6v; Additional traffic will have an unduly detrimental impact on residents through traffic generation, access and parking.
- v. GR18; Scale of traffic will worsen existing traffic problems in the area.
- vi. Air pollution on the site, in close proximity to the motorway, will be high.
- vii. The bridge proposed as access route is weight restricted.

OTHER REPRESENTATIONS:

Objections have been received from 15 addresses objecting to this proposal on the following grounds:

- Development is in the Open Countryside
- Buildings will be too tall

- Design, density, subsequent bulk and mass in proximity to the road would appear incongruous to the overall street scene
- Site is not allocated for development and is contrary to relevant policies
- Access unsuitable for 13 houses and is in a dangerous location
- Size of the proposed properties will completely overshadow the existing bungalows
- Unsightly acoustic fence lacking
- Detrimental to wild life habitat and movement
- Interior of the houses requires mechanical ventilation and by definition leaves the gardens and surrounding areas with very dubious air quality
- A site at the top end of Heath Road (Oakotis) directly adjacent to the motorway has already been refused extra dwellings due to the proximity of the motorway and the effect of air pollution on persons living so close to the motorway
- Site is unsuitable for new residential usage due to its proximity to the M6 motorway where high traffic volumes cause intrusive traffic noise
- Proposal is not sustainable
- Design is completely out of character with the existing properties
- Future motorway widening may require the bridge to be moved
- A high pressure oil line crosses the site, have the operators been informed
- Houses are not needed and take the allocation of houses in the area above the draft Core Strategy target
- Cars use church lane (60mph) as a rat run to avoid the motorway/town centre, it is dangerous to pedestrians and children walking to church or school as there is no footpath
- Area is already congested
- Will be visible from the motorway
- No planning gain offered
- Fails to take account of Climate Change Mitigation obligations
- Layout is designed for maximum units per hectare rather than to enhance solar gain and utilisation
- Loss of amenity and outlook
- Lack of open space provision
- Lack of parking for visitors
- Residents would be car dependant
- Area is congested and suffers from traffic problems
- There is a high pressure gas line that passes through the site
- Development in this area would have a significant impact on the local ecology
- Bungalow that has recently been built adjacent to the site is too out of keeping
- Site is not included in the Cheshire East Council's Development Strategy
- No footpath provision or cycle provision
- There will be no green spaces left
- If permitted the development should fund the an extension of the speed limit and traffic calming
- The installation of the non-opening windows as the report suggests, raises doubts over how the proposed houses will meet Fire and Building Control Regulations

A petition has also been received with 113 signatories. The grounds for objection are as follows:

- The land is not allocated for development and is therefore contrary to relevant policies
- The site is unsuitable for residential development due to its proximity to the M6 motorway – noise and air quality
- The proposed design is unsuitable for this location where the traffic generated by 13 houses will rely on a single point of access on a narrow bend in the road
- This is speculative flawed development which is reliant on an unsightly acoustic fence which will cause issues with maintenance and would be detrimental to wildlife habitat movement
- Houses would rely on mechanical ventilation and gardens would be subject to dubious air quality

In response to the petition, we have received a letter from the landowner stating that the petition is void because he believes that it is based on false information.

SUPPORTING INFORMATION:

Design and Access Statement
Air Quality Report
Noise Report
Tree Report
Highway Report
Phase 1 Habitat Report

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories including:

- Agriculture and Forestry
- Facilities for outdoor sport, recreation, tourism
- Other uses which preserve the openness of the open countryside and maintain or enhance its local character
- New dwellings in accordance with Policy H6
- Controlled infilling
- Affordable housing in compliance with Policy H14
- Development for employment purposes
- The re-use of rural buildings or;
- The re-use or redevelopment of existing employment sites

As the proposed development is for the erection of 13 new dwellings in the Open Countryside, it is subject to Policy H6 of the Congleton Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Policies H6 and PG5 advise that residential development within the Open Countryside will not be permitted unless it falls within one of the following categories:

- An agricultural workers dwelling
- The replacement of an existing dwelling
- The conversion of a rural building
- The change of use or redevelopment of an existing employment site
- Limited infill or;
- Affordable housing

The proposed development does not fall within any of the above categories relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

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

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- § *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- § *specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a

base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement boundary and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“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”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside

protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

Location of the site

To aid the assessment as to whether the application site is located within a sustainable location, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – 105m
- Children’s Play Space (500m) – 105m
- Primary School (1000m) – 514m
- Outdoor Sports Facility (500m) – 105m
- Local meeting place (1000m) – 514m
- Child Care Facility (nursery or crèche) (1000m) - 514m
- Bus Stop (500m) – 306m
- Public Right of Way (500m) – 50m
- Any transport node – 306m

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Post box (500m) – 638m
- Convenience Store (500m) – 648m
- Public House (1000m) – 1078m

The following amenities/facilities fail the standard:

- Bank or cash machine (1000m) – 1803m
- Pharmacy & Medical Centre (1000m) – 2145m
- Railway station (2000m where geographically possible) – over 3000m
- Supermarket (1000m) – 1803m
- Secondary School (1000m) – 1960m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some facilities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Sandbach and are accessible to the proposed development on foot or via a short bus journey, with a bus stop in close proximity to the site. Accordingly, it is considered that this small scale site is locationally sustainable. However, it is not considered that the locational sustainability of the site is outweighed by the loss of the open countryside, which when not required for the purpose of housing land supply, is inherently unsustainable.

Design Considerations

Generally, the proposed layout would introduce a linear pattern running parallel with the rear boundary of the site with the M6 motorway. This would then terminate towards the northern end of the site where the development would be arranged around a cul-de-sac. A couple of the units would front onto Church Lane and would continue the building line of the 2 properties to the south.

With respect to the design and external appearance of the development, the units would be generous sized two storey dwellings with accommodation within the roof space to provide a third storey. Whilst the area is characterised by bungalow style properties, this site is generally detached from such properties and would achieve sufficient separation so as to not dominate them in visual terms. The bulk of the properties would be positioned towards the rear of the site reducing their intrusiveness.

Given the mix in character of properties in the area, and having regard to the fact that the site would be slightly detached, the design of the dwellings would not appear out of keeping with the area. The design is considered to be acceptable and in accordance with relevant design policies of the local plan and emerging plan and therefore the issues raised by representation would not sustain a reason for refusal.

Highway Safety and Traffic Generation

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The proposed site would be served by an access directly off Church Lane. The access would be located towards the southerly part of the site frontage adjacent to the side boundary shared with no. 24 Church Lane.

The Strategic Highways Manager has confirmed that third party land would be required to provide even the minimum visibility splay if that were accepted. Following submission of a plan detailing the visibility splays, and confirmation that these splays fall on land that it is controlled by the applicant, the Strategic Highways Manager has stated that subject to conditions, the proposal would be acceptable with regard to highways and parking.

Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

With respect to the existing properties, the nearest dwelling is number 24 Church Lane to the south. This neighbouring dwelling would be sited approximately 21 metres distance away from the nearest unit (plot 1). Consequently, the proposal would not cause material harm to the residential amenity afforded to the nearest neighbouring properties either by reason of loss of privacy, loss of light or visual intrusion. The proposed dwellings would comply with the separation distances.

Noise

Owing to the site's proximity to the M6 motorway, the application is supported by a Noise and Vibration survey and an Air Quality Mitigation Scheme. The Noise Policy Statement for England (NPSE), March 2010 was published in March 2010. The document seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. It also sets out, in paragraph 1.6, the long term vision of Government noise policy:

"Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development".

Aims of NPSE:

- *Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*
- *Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*

Based on the acoustic report, there is the potential for this site to fall into the 'noticeable' and 'disruptive' category within the NPSE as the report states the glazing and ventilation which would provide mitigation to achieve the 'good' standard but does not discuss whether the windows are openable and if they are opened what mitigation this would provide. The recommended action to is "avoid".

Sound insulation specifications are also detailed for the proposed dwellings specifically those affected more so by traffic noise in order to achieve the BS8233 good indoor ambient noise levels.

The noise assessment has determined within section 6.2 the material specifications i.e. glazing and ventilation which will be required within bedrooms and habitable rooms to achieve the good standard. However, the acoustic report fails to calculate the proposed properties as an entirety and doesn't stipulate the attenuation which will be provided by the block work and roof to assist in achieving the good standard as the glazing alone demonstrates that on its own merits wouldn't be sufficient to mitigate the external levels.

The sound level within a residential building is not the only consideration: most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas.

The World Health Organisation (WHO) Guideline value for community noise for outdoor living areas is 55 dB L_{Aeq} (16 hour) (a health based guideline). The author of the applicant's noise assessment states, that external noise levels across the site is generally between 56-63 dB with the attenuation provided by a 4m acoustic barrier. Therefore, at this location the background noise levels exceed the 55 L_{Aeq} WHO guideline for outdoor living areas even with mitigation provided.

As previously stated most residents expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas and therefore the Environmental Protection Division are unable to support this application to the failure of the site being able to meet the WHO guidelines for outdoor living areas.

As such, the site is not suitable for residential development - due to the inability to mitigate noise to a satisfactory level for outside living/amenity areas. It is considered that if this development is granted permission, there will be significant adverse impacts on health and quality of life, arising from the existing noise climate at this location. Indoor living environments depend on extensive mitigation measures to achieve a satisfactory acoustic environment and more details are required to achieve the good standard of BS8223 with regards to the attenuation qualities of all the materials to be used providing an overall determination of being able to achieve the standard.

Further, the use of mechanical ventilation in order to achieve a suitable acoustic environment is not, by definition, an aspiration to 'high quality residential development' and is further evidence that the site is an inappropriate location for residential development. Outdoor living environments cannot achieve a satisfactory noise level in accordance with the WHO guidelines for Community Noise due primarily to road traffic noise and as such the proposal fails to accord with Local Plan Policy GR6.

Air Quality

An Air Quality Impact Assessment has been submitted. The assessment considers the impact of existing air quality on the proposed development due to its close proximity adjacent to the M6 motorway. The report has identified that levels of nitrogen dioxide (NO_2) at a number of the proposed dwellings closest to and facing the motorway have the potential to be exposed to NO_2 concentrations close to or above the objective. The overall significance of introducing residential uses to the site is therefore considered minor adverse.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. As such, the report recommends that mitigation in the form of a mechanical ventilation system be installed in those properties. The Council's Environmental Protection unit consider that such mitigation is acceptable in terms of air quality and therefore refusal could not be sustained on this issue.

Ecology

The Council's Nature Conservation Officer has advised that the application will result in the loss of 0.5ha of semi-improved grassland. The grassland habitats on the site are of relatively low value and do not present a significant constraint on the proposed development. However, the proposals will result in an overall loss of biodiversity and therefore it is recommended that the residual impacts of the development be off-set by means of a commuted sum. This would be utilised to fund off site habitat creation/enhancement potentially within the 'Meres and Mosses' Nature Improvement Area or a more local site in Sandbach.

On the basis of the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011': the loss of habitat (Semi improved grassland) amounting to roughly 0.5ha would equate to £5646.50 (Source UK BAP habitat creation/restoration costing + admin costs).

Subject to the above, it is considered that the development would adhere with Policy NR2 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Open Space

Whilst no open space is to be provided as part of the scheme, the application site is located approximately 100 metres distance away from an area of Public Open Space which also accommodates some children's play space.

Following an assessment of the existing provision of Children and Young Persons Provision and Public Open Space accessible to the proposed development, if the development were to be granted, there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development (Church Lane). The contributions sought are;

Enhanced provision: £2,694.33
Maintenance: £6,030.75 (25 years)

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £4,670.07
Maintenance: £15,223.50 (25 years)

As such, subject to a commuted sum being agreed and secured via legal agreement, it is considered that the proposal would be in compliance with Local Plan Policy GR22.

Affordable Housing

The application proposes the provision of 4 of the 13 dwellings to be affordable dwellings, which meets the requirements of the Interim Planning Statement on Affordable Housing.

The Interim Planning Statement advises that there should be a 30% on-site affordable housing requirement on sites over 0.4 hectares within settlements of 3000 or more. Furthermore, a tenure split of 65% affordable or social rent and 35% intermediate tenure should be sought.

The Strategic Housing Market Assessment (SHMA) 2013 Update identified that for the Sandbach sub-area there is a need for 94 new affordable units per year between 2013/14 – 2017/18, this totals a requirement for 470 new affordable homes for the period and is made up of an annual requirement for 18 x 1 bed, 33 x 2 bed, 18 x 3 bed, 9 x 4+ beds, 11 x 1 bed older persons accommodation and 11 x 2 bed older persons accommodation.

There are also currently 348 applicants on the housing register on Cheshire Homechoice who have selected one of the Sandbach letting areas as their first choice. These applicants require 126 x 1 bed, 143 x 2 bed, 55 x 3 bed & 9 x 4 bed (15 applicants haven't specified how many bedrooms they require).

This site is 0.54 hectares in size and as such there is a requirement for 30% affordable housing. The applicant is offering 4 dwellings as affordable housing, this meets the requirements of the IPS. As per the tenure split highlighted above 3 social or affordable rent and 1 intermediate dwelling will be required.

A legal agreement will be required to secure the delivery of this housing and trigger its release. As a result of the above information and comments, it is considered that the affordable housing provision proposed would be acceptable. Policy SC5 of the Cheshire East Local Plan Strategy – Submission Version, largely reflects the Affordable Housing IPS requirements.

Landscape

The Noise and Vibration Assessment Report indicates that a 4 metre high acoustic barrier would be required along the entire eastern boundary and that lower barriers (height not specified) would be required along the southern site boundary and around garden boundaries.

Whilst high acoustic fences could appear oppressive for residents and not particularly desirable in this rural location, they would be largely screened from public view by the proposed development and by the mature hedge along the motorway boundary which according to the tree survey report is 4 metres in height. Appropriate landscape and boundary conditions could ensure that the height, materials and colour of all barrier fencing is agreed and planting proposals to screen and soften the fencing and generally enhance the development could be imposed.

Infrastructure

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that the proposed development will generate 2 primary and 2 secondary aged pupils. The local primary and secondary schools are cumulatively forecast to be oversubscribed. In light of this the following contributions are required.

**Primary = £21,692
Secondary = £32,685**

Subject to these, the scheme would be in compliance with the development plan and Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version.

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 development would result in a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. The development would also result in a deficiency in the quantity of provision of children's space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. This is considered to be necessary, fair and reasonable in relation to the development.

With respect to the affordable housing provision, the 4 units are deemed necessary to meet an identified need and accords with the Council's IPS.

The proposed commuted sum for ecology is necessary, fair and reasonable and given that the proposal will result in the loss of an existing Greenfield and the potential habitat that this offers.

The education contribution is necessary having regard to the oversubscription of local schools and the demand that this proposal would add.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Other Issues

Whilst reference has been made to a pipeline running across the site, this is not a material consideration and would be an issue that the developer would have to overcome in collaboration with the relevant utility company. The developer should be made aware of this as an informative on any decision notice.

CONCLUSIONS

The site is within the Open Countryside where under Policy PS8 of the Local Plan and Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version, there is a presumption against new residential development.

The Council can demonstrate a 5 year supply of housing land and therefore there is no overriding need to release this Open Countryside site. Furthermore, the proposal would cause harm to the character and appearance of the Open Countryside contrary to Policy PS8 of the Local Plan and Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version and in accordance with the NPPF. As such, the principle of the development is unacceptable.

Notwithstanding the above, whilst the site does not meet all the minimum distances to local facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

The access to the site is considered to be acceptable and considerations relating to design, landscape, affordable housing, open space and air quality would be acceptable subject to conditions and a S106 agreement to mitigate the relevant impacts.

However, the site is not suitable for residential development owing to the acoustic environment at this location which is substantially affected by traffic noise from the M6 motorway. The impact of this noise source would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at the location and as such would not accord with Local Plan Policy GR6.

Additionally, as the proposal is for new dwellings in the Open Countryside and does not adhere to the housing policies within this designation, the application is therefore, recommended for refusal.

* * * * *

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 Planning and Place Shaping 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 Interim Planning and Place Shaping Manager in consultation with the Chairman of the Northern

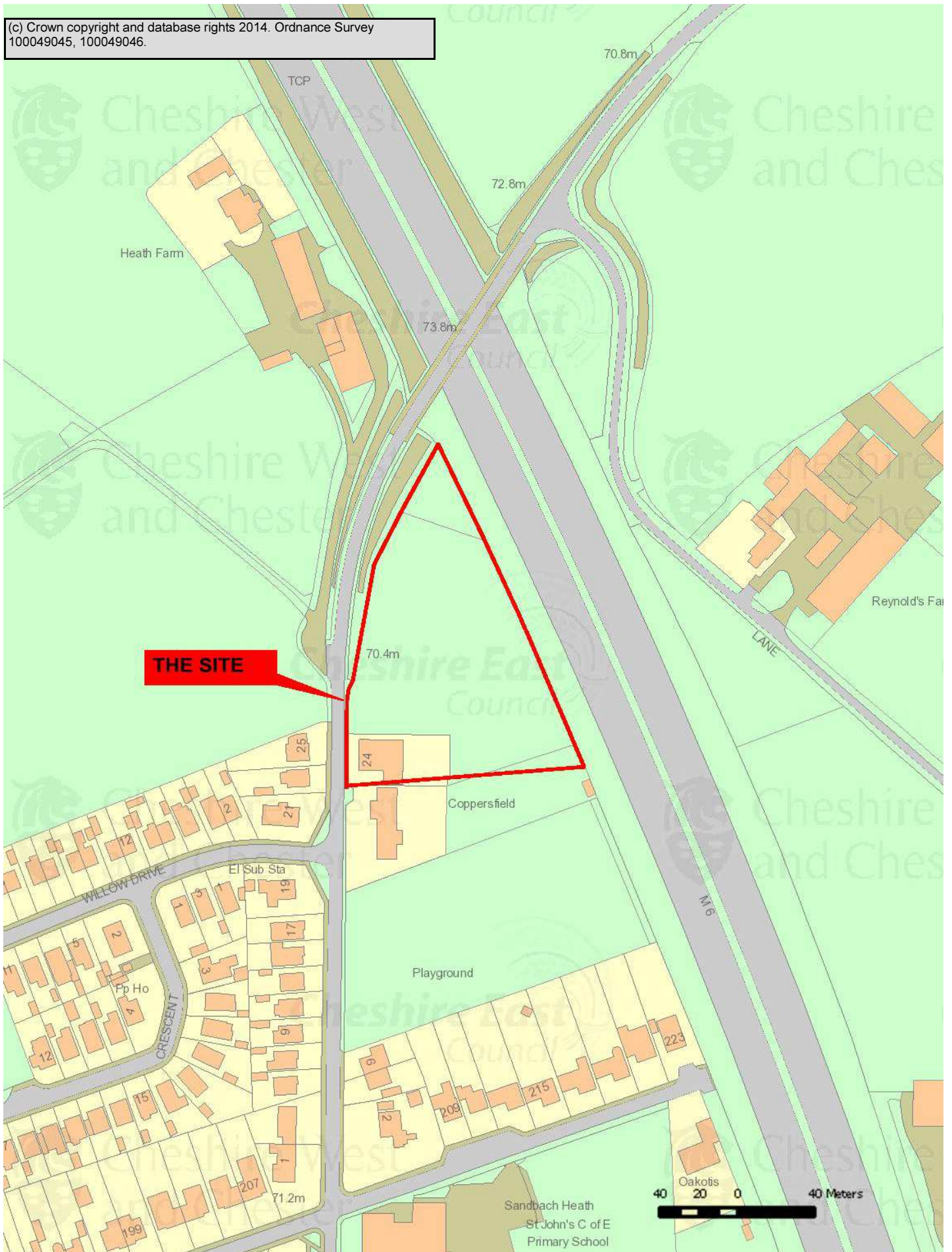
Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. The proposed development is unsustainable because it is located within the Open Countryside and contrary to policies which seek to ensure development is directed to the right location.
2. The proposed residential use would be subject to unacceptable levels of noise generated from the M6 Motorway.

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Application No: 14/0081C

Location: Land to the East of, HERMITAGE LANE, CRANAGE

Proposal: Outline planning for the construction of new residential development of up to 26 dwellings

Applicant: Estate of S.H Darlington (deceased)

Expiry Date: 21-Mar-2014

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES:

- Principle of the development
- Housing land supply
- Impact upon the Open Countryside
- Location sustainability
- The acceptability of the Access
- The impact upon Jodrell Bank
- Impact on residential amenity
- The impact upon ecology
- The provision of open space
- Provision of affordable housing
- The impact upon the Public Right of Way
- The impact upon trees and hedgerows
- The impact upon flooding and drainage
- Impact upon infrastructure
- CIL conformity/requirements

REASON FOR REFERRAL

This application represents a major development as defined within the Council's Constitution. As such, the application is referred to the Northern Planning Committee. The proposals in addition, involve a departure from policy.

DESCRIPTION OF SITE AND CONTEXT

This application site relates to an agricultural field located behind residential properties on the eastern side of Hermitage Lane, Goostrey, predominantly within the Open Countryside.

A thin strip of land between Coppins and Marbrooke House on Hermitage Lane is also included in the development proposal. This strip of land falls within the Goostrey Settlement Boundary.

The application site also falls within the Jodrell Bank Radio Telescope Consultation Zone.

DETAILS OF PROPOSAL

Outline Planning Permission is sought for the erection of 26 new dwellings.

Matters of Access is also sought. All other matters are reserved. As such, the application seeks permission for the principle of the erection of 26 dwellings on this site and the acceptability of the access.

RELEVANT HISTORY

1999/7/1 - Residential development (maximum of 12 dwellings) – Refused 2nd August 1988

POLICIES

Local Plan Policy

PS8 – Open Countryside
PS10 - Jodrell Bank Radio Telescope Consultation Zone
GR1 - General Criteria for Development
GR2 – Design
GR4 - Landscaping
GR6 - Amenity and Health
GR9 - Highways & Parking
GR16 – Footpath, Bridleway and Cycleway Networks
GR19 - Infrastructure
GR20 – Public Utilities
GR22 – Open Space Provision
H1 & H2 - Provision of New Housing Development
H6 – Residential development in the Open Countryside and the Green Belt
H14 (Affordable Housing)
NR1 – Trees and Woodlands
NR2 – Wildlife and Nature Conservation – Statutory Sites
NR3 – Habitats

National Policy

National Planning Policy Framework (NPPF)

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version Policies

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgrows and Woodland
SE14 - Jodrell Bank
IN1 - Infrastructure
IN2 – Developer Contributions

Other Material Planning Considerations

SPG2 - Provision of Private Amenity Space in New Residential Development
The EC Habitats Directive 1992
Conservation of Habitat & Species Regulations 2010
Circular 06/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Affordable Housing Statement: Affordable Housing

CONSULTATIONS (External to Planning)

Strategic Highways Manager – Have no objections to the proposed access to the site and the parking is deemed to be acceptable subject to 2 spaces being achieved per dwelling. However, the Strategic Highways Manager has raised concerns with regard to the submitted internal road layout of the scheme and does not find these details to be acceptable. Further details would have to be provided at the reserved matters stage, should planning permission be granted.

Jodrell Bank (University of Manchester) – Have concerns that the cumulative effect of incremental growth (housing numbers) will steadily increase the overall level of interference which would reduce the quality and scope of radio astronomical observations which can be carried out at Jodrell Bank Observatory.

Environmental Protection – No objections, subject to a number of conditions including: hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase Environmental Management Plan, hours of construction, the prior submission of a Travel Plan, the inclusion of Electric Vehicle Infrastructure, the prior submission of a dust mitigation scheme and a contaminated land condition and informative.

United Utilities – No objections, subject to a condition and informatives.

More specifically the following condition is sought;

‘Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul combining just prior to connection to the public network Any surface water draining to the public sewer must be restricted to a maximum pass forward flow that mimics existing green field run off. The development shall be completed, maintained and managed in accordance with the approved details.’

In addition, it is recommended that a separate water metres should be provided to each unit, at the applicant's expense. All pipework must comply with current water supply (water fittings) regulations 1999. Should the application be approved, the applicant should contact UU regarding connection to the water mains.

Greenspace (Cheshire East Council) – No objections, subject to a financial contribution towards the maintenance of the Amenity Green Space (AGS) that would be provided on site.

The calculated amount would be £7,331.50 to maintain this over a 25 year period.

With regards to Children's and Young Persons provision, a site on Booth Bed Lane could be improved to accommodate the extra need. £5,677.34 would be required for this upgrade and £18,507.00 would be required to maintain the facility over 25 years.

Housing (Cheshire East Council) – No objections, subject to the provision of the relevant affordable housing.

Advice that 30% of the dwellings proposed would need to be affordable.

The site lies within the Holmes Chapel sub-area where there is an identified need for 85 affordable dwellings between 2013/14 and 2017/18. This need is made up from 10 x 2 beds, 7 x 3 beds, 2 x 1 beds older person accommodation and 4 x 2+ beds and 2+ bed older person accommodation.

There are also 24 applicants on the housing register with Cheshire Homechoice who have selected Goostrey as their first choice. These applicants require 4 x 1 bed, 13 x 2 bed, 5 x 3 bed and 1 x 4 bed.

At the time of the SHLAA update there have been some affordable housing provision. However, there is still a shortfall of 72 affordable dwellings needed in this sub-area.

Of the 30% affordable housing required, 65% of these should be provided as social rent and 35% should be intermediate.

This all equates to the requirement of 8 affordable dwellings on the site – 5 as social or affordable rented and 3 as intermediate tenure.

The affordable homes should be provided no later than the occupation of 50% of the open market units (unless the development is phased) and there should be a high degree of pepper-potting. In such cases the provision may be increased to 80%.

Public Rights of Way – No objections, however the application proposes a footpath link between the development site and Hermitage Lane. The legal status and specification of this route would require the agreement of the Council as the Highway Authority. The developer would be expected to include the maintenance of this route within the arrangements for the maintenance of the open space of the proposed site. It should be noted that cyclists may wish to use this route in order to access Hermitage Lane and hence to the Holmes Chapel facilities and the specification and design of the route should take this potential use into consideration.

The developer should be tasked to provide prospective residents with information on local walking and cycling routes for both leisure and active travel purposes.

Education (Cheshire East Council) - No objections

VIEWS OF THE PARISH COUNCIL:

Goostrey Parish Council – Object to the development on the following grounds;

- Cheshire East has established a 5 year supply of housing land and site is not included in the supply
- The site is a green field site on agricultural land
- The site is unsustainable from a transport perspective

OTHER REPRESENTATIONS:

Objections have been received from 78 neighbouring properties, including 2 petitions. The main areas of objection relate to;

- Principle of housing development
- Cheshire East Council already have a 5-year supply of housing land
- Loss of Open Countryside
- Scale of development
- Highway safety – increase in traffic volume, emergency and refuse vehicle access, pedestrian safety, poor visibility, poor state of repair of existing road, insufficient parking
- Amenity – Privacy, light, outlook, noise, land contamination, light pollution
- Design – dwellings would not respect/enhance local character, impact upon streetscene
- Lack of infrastructure / sustainability – school, doctors, bank, transport links etc
- Drainage and flooding
- Statements within submitted documents being incorrect – Not infill site, consultation conducted by developers not as detailed / insufficient,
- Impact upon landscape
- Lack of affordable housing
- Loss of agricultural land
- Impact upon Jodrell Bank
- Contrary to SHLAA
- Administrative concerns – Council's consultation, address of site
- Impact upon ecology – Bats, owls and birds of prey

SUPPORTING INFORMATION:

Design and Access Statement
Indicative house types
Contaminated Land questionnaire
Existing site photographs
Highways Statement
Updated Statement of Community Involvement (SCI)
Extended Phase 1 Habitat Survey
Tree Report
Revised Tree Protection Plan
Tree Location Plan
Arboricultural Implications Assessment
Planning Statement
Affordable Housing Statement
Sustainability Statement
Existing drainage / water mains details

OFFICER APPRAISAL

Principle of Development

The majority of the site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories. One of these categories is including: New dwellings in accordance with Policy H6.

Policy H6 of the Local Plan advises that residential development within the Open Countryside will not be permitted unless it falls within one of the following categories:

- An agricultural workers dwelling
- The replacement of an existing dwelling
- The conversion of a rural building
- The change of use or redevelopment of an existing employment site in accordance with Policy E10
- Limited infill for those settlements identified in Policy PS6 or;
- Affordable housing

The proposed development does not fall within any of the above categories relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

As part of the Cheshire East Local Plan Strategy – Submission Version, which is a material consideration in the determination of this application, it is proposed that Policy H6 will be replaced by Policies PG5 (Open Countryside). The principles of this policy broadly reflect those of Policy H6.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

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

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North, Congleton Road, Sandbach, The Moorings, Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“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”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that

identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

Location of the site

To aid the assessment as to whether the application site is located within a sustainable location, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Post box (500m) – 320m
- Amenity Open Space (500m) – 480m
- Children’s Play Space (500m) – 480m
- Outdoor Sports Facility (500m) – 480m
- Convenience Store (500m) – 320m
- Playground/Amenity Area (500m) – 480m
- Bank or Cash machine (1000m) – 320m
- Local meeting place (1000m) – 800m
- Bus Stop (500m) – 500m
- Public Right of Way (500m) – 400m

Where the proposal fails to meet the standards, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those facilities are:

- Post Office (1000m) – 1285m
- Child Care Facility (nursery or crèche) (1000m) - 1285m
- Pharmacy (1000m) – 1285m
- Railway station (2000m where geographically possible) – 2415m
- Any transport node (2000m) – 2415m

The following amenities/facilities fail the standard:

- Secondary School (1000m) – 4505m
- Supermarket (1000m) – 440m
- Primary School (1000m) – 1770m
- Medical Centre (1000m) – 5600m
- Leisure Facilities (1000m) – 4500m
- Public House (1000m) – 1610m

In summary, the site does meet or is within a reasonable distance of the majority of the public facilities listed.

In a recent appeal decision (Ref: APP/R0660/A/13/2190651), at another edge of village site in Cheshire East that proposed housing, the Inspector referred to the Council's use of this checklist as a guide. Within paragraph 14 of this decision, the Inspector advised that *'...this gives a number of useful guidelines...'*

The inspector concluded in this instance that although the village had no shop or school, it had good access to 2 bus routes which serve a number of local destinations. It was advised *'...whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement.'*

It is considered that a similar conclusion can be drawn from the application site. It does not have a school or supermarket in the village; however it does have a local bus stop approximately 500 metres from the development site. This bus stop is served by bus Routes 319 and 49.

The 319 route has 5 services a day (Monday to Saturday) and travels from Main Road, to Sandbach, Holmes Chapel and the Goostrey Railway Station.

The 49 route has 2 services a day on Monday and Wednesdays and links the site to Holmes Chapel and Northwich.

Given that Holmes Chapel, to which both these services run to, has both schools and shops, it is considered that the site is reasonably accessible for a rural settlement.

Access

The indicative layout plan shows that the proposed development site would be accessed via the construction of a new road that would link into, and act as a continuation of Netherlea, at the northern end of the site.

From this new access point, the road would travel in a southerly direction and at 2 points new roads would extend to the east, which would be dead-ends. Another would extend to the west.

In support of the planning application, the applicant has submitted a Highway's Statement.

The Council's Strategic Highways Manager (SHM) has advised that he is satisfied with the proposed access to the site and the parking should be satisfactory with 2 parking spaces per dwelling being achieved. However, concerns are raised regarding the indicative layout of the development. As such, should the application be approved, it is proposed that it be conditioned that the road layout on the indicative layout plan submitted is not accepted as part of this submission, and further details should be provided at the reserved matters stage.

Layout, Appearance & Scale

Permission for layout, appearance and scale is not sought as part of this application. Only indicative plans have been submitted at this stage and these are not considered below as they are subject to change.

Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan.

Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.

It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Jodrell Bank have been consulted on this development proposal and express concerns. More specifically, they have advised that;

'To assess the potential interference from a particular location we may calculate the path loss, i.e. the extent to which signals from that location are diminished by the time they reach JBO.

The path loss has been calculated using the methodology recommended by the International Telecommunications Union (ITU) when considering the potential interference between one radio service and another (ITU-R P.452 (2009) 'Prediction procedure for the evaluation of interference between stations on the surface of the Earth at frequencies above about 0.1 GHz'). This procedure takes several factors into account, including diffraction over a specified actual terrain profile. The loss was calculated for a frequency of 1.42 GHz, the 'prime frequency' for the Lovell Telescope; a height of 63m was used for the height of the telescope; the height of the source of interference was set at 3m (for a two storey house) and a representative value of 'clutter' was set at 17.6 dB following the ITU recommendation for a village scenario. The path profile was calculated using digital elevation data from the Ordnance Survey – in this case the line of sight from the site to the telescope focus is unimpeded due to terrain. More detailed investigations would be required to assess the degree of low level clutter. For the Hermitage Lane site the estimated path loss is 124 dB. Inside a building we may add a typical attenuation due to walls of 9dB (from CEPT).

As an illustration, a domestic IT device which just meets the CISPR 22 limit suffering this loss would exceed the ITU threshold for detrimental interference by approximately 10 dB, ie a factor of 10.

Additional shielding such as the use of foil backed plasterboard can mitigate this to some extent (and is recommended by JBO) but the aggregate effect of several devices per house in a development of 26 houses is likely to exceed the threshold.

This quantitative argument supports our general concern about a significant development at this location. We appreciate that additional development may be regarded as incremental, and not a large addition to the size of the village. However, the cumulative effect of incremental growth will steadily increase the overall level of interference which would reduce the quality and scope of radio astronomical observations which can be carried out at Jodrell Bank Observatory.'

In the interests of clarity, Jodrell Bank was contacted and asked to clarify their position.

Following an informal discussion with Professor Simon Garrington at Jodrell Bank, he reiterated his concern regarding the incremental impact new housing development is having upon Jodrell Bank. He advised that the impact upon the Telescope would be similar to the impact an approved housing scheme for 13 dwellings in Twemlow would / will have (Ref: 10/2647C).

Jodrell Bank also raised concerns to the Twemlow proposal, which Professor Garrington advised is very similar to the application proposal because although this scheme is for a greater number of units, the Twemlow scheme was geographically closer to Jodrell Bank.

In the appeal, the Inspector took the view that since there were dozens of houses already in Twemlow, we must already accept the level of interference. As this application site is located on the edge of the settlement boundary, with development on 2 sides, a similar conclusion can be made in this instance. The numbers provided by Jodrell Bank above are based on an internationally agreed level of interference rather than what may or may not exist already. As such, it is not considered that a refusal on Jodrell Bank grounds could be sustained.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

Having regard to this proposal, the residential amenity space minimum standard stated within SPG2 is 65 square metres. The space provided for all of the proposed new dwellings on the indicative layout plan would adhere to this standard.

In terms of the separation distances, no definitive details regarding the position of openings are detailed as this application seeks outline permission with access only.

In order to be deemed as acceptable, the dwellings will need to conform with the separation standards listed in Supplementary Planning Note 2: Provision of Private Open Space in New Residential Developments. These standards include a 21.3 metre gap between main windows of directly facing dwellings across both the front and rear gardens and a 13.8 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling. It is considered that these standards can be achieved within this site.

In relation to the impact upon the neighbouring dwellings outside of the development site, the closest units are the properties which would back onto the development on Hermitage Lane, the properties on Neatherla, 18 and 20 Main Road and the properties on the Oak caravan Park.

The indicative layout plan shows that all of the properties on Hermitage Lane, Netherlea, Main Road and The Oaks, which would enclose the development on 2 sides, would be either at least the 21.3 metre or the 13.8 metre-standard away from the developments proposed or constructed at a significantly offset angle.

Where the above is not achieved, the dwellings are at side-to-side relationships, and any amenity issues can be overcome with the addition of an obscure glazing condition where deemed necessary at either full or reserved matters stage.

The Council's Environmental Health team have advised that they have no objections to the proposed development, subject to the provision of a number of conditions and informatives. These suggested conditions include; including: hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase environmental management plan, hours of construction, the prior submission of a Travel Plan, the prior submission of electric vehicle infrastructure, the prior submission of a dust mitigation scheme and a contaminated land condition and informative.

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey.

The Council's Nature Conservation Officer has advised that he is satisfied that the findings of the report are accurate.

It is advised that the application site is of relatively limited nature conservation value. Should the application be approved, it is recommended that a condition to safeguard breeding birds be included and a condition for the prior submission of details of features suitable for breeding birds to be included within the site be submitted for prior approval.

With regards to hedgerows, it has been advised that it appears likely that the development would result in the loss of some hedgerows and that this loss be compensated through the incorporation of suitable replacement hedgerow planting as part of any detailed landscaping scheme produced for the site.

It is noted that there is a small area of woodland in the northern corner of the site which shall be retained.

There is also a narrow plantation woodland present which forms the eastern boundary of the site. The Council's Nature Conservation Officer recommends that should the application be approved, this also be retained and incorporated into the landscaping. It is also recommended that the indicative layout plan be amended to reflect this.

As such, subject to the above conditions, it is considered that the development would adhere with Policy NR2 of the Local Plan and Policy SE.3 of the emerging Cheshire East Local Plan Strategy – Submission Version, which seeks to replace Policy NR2.

Open Space

Amenity Green Space (AGS)

The Council's Parks Management Officer has advised that *'Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 26 new homes will generate a need for 620 sq m new AGS.'*

It is noted that an amount of AGS is to be provided on site as indicated on the indicative layout plan.

If this amount of AGS is to be provided on site, a commuted sum of £7,331.50 would be required for its maintenance over a 25 year period.

Children and Young Persons Provision (CYPP)

The Council's Parks Management Officer has advised that *'Having calculated the existing amount of accessible CYPP within 800m of the site and the existing number of houses which use it, 26 new homes will place extra demand on the facilities at Booth Bed Lane as it is acknowledge that the development site would be impractical due to its size for a new play facility.'*

As such, it has been calculated that the Council would need £5,677.34 for the upgrade of the Booth Bed Lane site which would be spent of upgrading the equipment and infrastructure.

It is also calculated that a commuted sum of £18,507.00 would be required to maintain this over a 25 year period.

As such, subject to a commuted sum being agreed and secured via legal agreement, it is considered that the proposal would adhere with Policy GR22 of the Local Plan.

Affordable Housing

The Interim Planning Statement (IPS) advises that the there should be a 30% on-site affordable housing requirement on sites for 3 dwellings or more within all settlements in

rural areas of 3000 or more population. Furthermore, a tenure split of 65% social rent (or affordable rent) and 35% intermediate tenure should be sought.

The Council's Strategic Housing Development Officer has advised that the site falls within the Holmes Chapel sub area in the 2013 SHMA update.

Within this area the update illustrated an affordable housing requirement of 72 units between 2013/14 and 2017/18.

Cheshire Homechoice, the Council's Choice-based lettings systems shows that there are currently 24 applicants who have selected Goostrey as their first choice.

The overall requirement on this site would be for 8 affordable houses with 5 provided as social or affordable dwellings and 3 as intermediate tenure.

The IPS requires that the homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all affordable units may be increased to 80%.

A legal agreement will be required to secure the delivery of this housing and trigger its release.

As a result of the above information and comments, it is considered that the affordable housing provision proposed would be acceptable.

Policy SC5 of the emerging Cheshire East Local Plan Strategy – Submission Version, largely reflects the Affordable Housing IPS requirements.

Footpaths / Public Right of Way

The application proposes a footpath link between the development site and Hermitage Lane.

The Council's Public Rights of Way Officer has advised that she has no objections to the proposed development. However, the developer would be expected to include the maintenance of this route within the arrangements for the maintenance of the open space of the proposed site.

As such, subject to the maintenance of this footpath being included within the open space legal agreement, it is considered that the development would adhere with Policy GR15 of the Local Plan.

Trees and Hedgerows

There are no protected trees on the site.

Trees

The application is supported by updated tree reports, tree protection plans and tree location plans.

The Council's Tree Officer originally has advised that although the assessment has been carried out in accordance with the recommendations of British Standard BS5837: 2012 Trees in relation to design, demolition and construction. The arboricultural detail does not provide the level of detail required to adequately assess the impact of development on existing trees.

In response, the applicant submitted additional information.

The Council's Tree Officer has subsequently advised the information only just adequately allows an informed judgement, but concludes that he has no objections from a tree impact perspective, subject to a number of conditions. These conditions include; Works to be carried out in accordance with the submitted Arboricultural Implications Assessment and Method Statement; The prior submission of a plan to show an engineer designed no-dig hard surface construction of the proposed internal access road proposed adjacent to trees T8 and T9. As the layout is not agreed to at this stage, this second condition proposed is not considered relevant in relation to this application. However, subject to the first condition proposed, it is considered that the development would not have a significant detrimental impact upon trees.

Hedges

No reference is made to the protection of Important Hedgerows under the Hedgerows Regulations 1997. However, it is advised that *'...this would appear to be acceptable in respect of this application with any hedges associated with existing dwellings exempt from the legislation by virtue of their location as part of the domestic garden curtilage.'*

As a result of the above reasons, it is considered that the development would not significantly detrimentally impact trees or hedges and would adhere with Policy NR1 of the Local Plan and Policy SE5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Flood Risk and Drainage

The site does not lie within a flood zone and as such, flooding is not a consideration in this instance.

United Utilities were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a condition requiring the prior submission of a scheme for the disposal of foul and surface waters for the entire site.

In addition, it is recommended that a separate water metres to each unit should be provided at the applicant's expense. All pipework must comply with current water supply (water fittings) regulations 1999. Should the application be approved, the applicant should contact UU regarding connection to the water mains.

As such, subject to the implementation of this condition and informatives, it is considered that the proposed development would adhere with Policy GR20 of the Local Plan.

Infrastructure

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the emerging Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that *'...no contribution will be required from this development.'*

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 development would provide sufficient Amenity Green Space on site. However, to ensure its maintenance, a commuted sum of £7,331.50 would be required for its maintenance over a 25 year period.

In relation to Children and Young Persons Provision, this could not be provided on site. As such, the closest existing site is on Booth Bed Lane which would require upgrading and a maintenance plan. As such, sums of £5,677.34 for the upgrade of the Booth Bed Lane site which would be spent of upgrading the equipment and infrastructure and £18,507.00 would be required to maintain this over a 25 year period.

This is considered to be necessary, fair and reasonable in relation to the development.

It is also advised that the maintenance of a proposed footpath link from the site on to Heritage Lane be included in the Open Space maintenance provision within the S106.

This is considered to be necessary, fair and reasonable in relation to the development.

The overall requirement on this site would be for 8 affordable houses with 5 provided as social or affordable dwellings and 3 as intermediate tenure.

The IPS requires that the homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all affordable units may be increased to 80%. This is considered to be necessary, fair and reasonable in relation to the development.

On this basis, the S106 recommendation is compliant with the CIL Regulations 2010.

CONCLUSIONS

The site is within the Open Countryside where under Policy PS8 of the Local Plan and Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version, there is a presumption against new residential development.

The Council can demonstrate a 5 year supply of housing land and therefore there is no over-riding need to release this Open Countryside site. Furthermore, the proposal would cause harm to the character and appearance of the Open Countryside contrary to Policy PS8 of the Local Plan and Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version and in accordance with the NPPF. As such, it is considered that the proposed development would be unacceptable in principle.

Notwithstanding the above, whilst the site does not meet all the minimum distances to local facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

The access to the site is considered to be acceptable. However, the internal road layout is not. As such, should the application be approved, a condition to the extent that the submitted internal road layout shown on the indicative layout plan is not accepted as part of the approval, should be attached.

Although Jodrell Bank raises concerns in relation to the impact of the scheme upon the Radio Telescope, the concern raised does not significantly differ from the concerns raised on a comparable scheme which was allowed at appeal.

In terms of Ecology, it is not considered that the development would have a significant impact upon ecology or protected species, subject to conditions to protect and support breeding birds.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution towards the maintenance of off-site public open space and the enhancement and maintenance of children's play space off-site and the necessary affordable housing requirements.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding.

However, as the proposal is for new dwellings in the Open Countryside and does not adhere to the housing policies within this designation, it is considered that the proposed application should be recommended for refusal.

This report is predicated on the basis that Northern Planning Committee refuse to grant planning permission.

* * * * *

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 Interim Planning and Place Shaping 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.

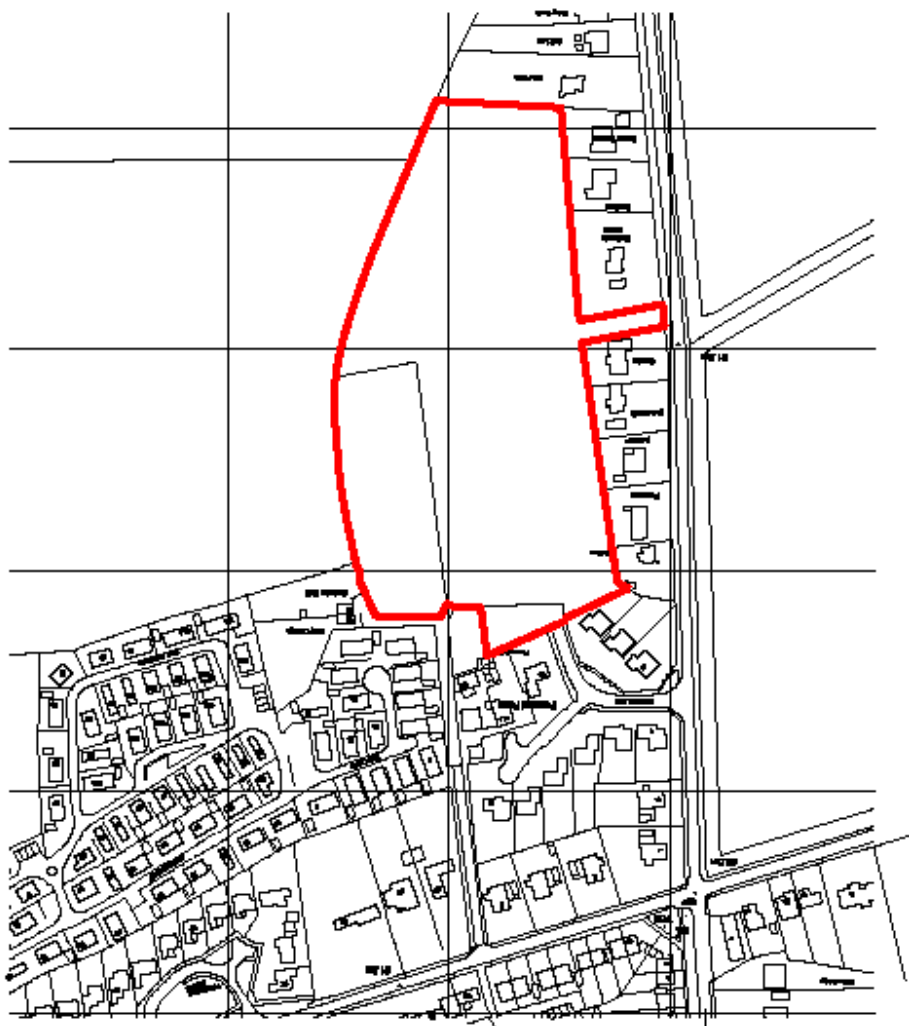
Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the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


Application for Outline Planning

RECOMMENDATION: Refuse for the following reasons

1. Housing Land Supply / Open Countryside

Abstract. The authors examined the relationship between the use of the Internet and the use of the telephone for social support. The results showed that the use of the Internet was positively related to the use of the telephone for social support. The results also showed that the use of the Internet was positively related to the use of the telephone for social support. The results also showed that the use of the Internet was positively related to the use of the telephone for social support.



Rev PB	Planning Issues	12.02.13
<p align="center">Hornleigh Lake Gowdroy</p>		
DRAWING: Location Plan		
DRAWING NO: 602 LCM		Rev P0
SCALE 1: 3000 @A4		DATE : Jan 2015
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Application No: 14/0483C

Location: Spinney Motor Homes, KNUTSFORD ROAD, CRANAGE, CW4 8HJ

Proposal: Proposed demolition of existing rear extension and replace with two storey rear extension to form new main entrance, sales offices, ground floor accessories shop, parts department, cafe & ground and first floor offices, archive, meeting room and storage areas.

Applicant: Mr B Holland, Spinney Motor Homes

Expiry Date: 25-Apr-2014

SUMMARY RECOMMENDATION

Approve, subject to conditions

MAIN ISSUES

Principle of development
Design and character of the area
Impact upon residential amenity
Impact upon the existing highway/parking
Ecological implications

REASON FOR REFERRAL

The application represents a major development, as defined within the Council's Constitution. As such the item should be considered by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site is comprised of the Spinney Motor Homes commercial business situated off Knutsford Road in Cranage.

The site is located within an area of Open Countryside as defined within the proposals map.

DETAILS OF PROPOSAL

The application seeks planning permission for the demolition of the existing single storey rear extension, and replacement with a two storey extension.

RELEVANT HISTORY

- | | |
|---------|--|
| 28089/3 | Change of use from bus depot to sales and servicing of caravans and other leisure vehicles including addition of workshop
Approved 1996 |
| 30448/3 | Demolition of petrol kiosk and offices, replacement with new showroom and extensions to the rear
Approved 1998 |

POLICIES

Local Plan Policy

Congleton Borough Local Plan 2005

PS8	Open Countryside
GR1	New Development
GR2	Design
GR6	Amenity and Health
GR9	Accessibility, Servicing and Parking Provision
E5	Employment Development in the

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of

State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE2 Efficient Use of Land
SE4 The Landscape
SE14 Jodrell Bank
PG2 Settlement Hierarchy
PG5 Open Countryside
PG6 Spatial Distribution and Development
EG1 Economic Prosperity
EG2 Rural Economy
EG5 Promoting a Town Centre First

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Highways:

No objections to the proposal

Environmental Health:

No objections subject to a dust control condition and informative relating to the hours of construction.

The University of Manchester (Jodrell Bank Observatory):

Request a condition relating to electromagnetic screening measures is attached to the decision notice, however do not object to the application.

Nature Conservation:

The Nature Conservation Officer does not expect any significant ecological issues associated with the development.

VIEWS OF THE PARISH / TOWN COUNCIL

Cranege Parish Council: No objections to the proposal

OTHER REPRESENTATIONS

None received

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement was submitted with the application, which can be viewed on the application file.

OFFICER APPRAISAL

Principle of Development

The application site is comprised of Spinney Motor Homes, which forms part of an existing commercial site off Knutsford Road.

The National Planning Policy Framework (NPPF) states the importance of supporting a prosperous rural economy within paragraph 28 where clear guidance is given that Local Planning Authorities should support the sustainable growth and expansion of all types of businesses.

The application site is located within the Open Countryside, therefore the most relevant policy within the Local Plan in assessing the principle of the development is E5 (Employment Development in the Open Countryside) where proposals for employment development are only permitted where it would provide an expansion to an existing business and where specific criteria are met.

The proposal seeks to provide an extension to an existing business within the rural area. The business has been on site for approximately 18 years, since 1996, and has been extended on one previous occasion. The proposed extension would replace the existing single storey element of the main building on site with a two storey extension, providing an increase in floorspace of approximately 580sqm, predominantly located at first floor level. The A1 floorspace at ground floor level would increase by 15sqm, a marginal amount that is deemed to be acceptable.

The ground floor area will be utilised by the sales office, main entrance, parts department, accessories shop, ancillary coffee shop and kitchen. This would be broadly similar to the existing arrangement on site. The new first floor area would provide storage areas for parts and accessories, whilst also providing a meeting room with office space and associated toilet facilities.

The Design and Access Statement submitted with the application states that the extension to the building is required in order to increase business revenue, whilst also improving accessibility to the existing building.

The existing business on site is considered to be appropriate to the rural area, and it is evident that no buildings are available on site for conversion. The existing layout on site does not offer the best use of the land and as such the principle of the development is supported.

The proposal would comply with policy E5 within the Congleton Borough Local Plan, wider guidance within the Framework and policies PG5 and EG2, within the submitted Cheshire Strategy.

Design & Character of the Area

The business, Spinney Motor Homes, is situated along Knutsford Road with Woodside Golf Club to the south and Windy Ridge Garage to the north. Opposite the site are agricultural fields. The character of the area is considered to be rural.

The existing showroom will be retained, with the proposed extension to the rear. The character of the existing building is largely modern, fabricated in rendered brickwork with metal profiles. The proposed extension would be two storey (6.5m) in height, with a shallow pitch roof, and fabricated in materials to match the main building. A focal point entrance would connect the existing showroom and two storey extension.

Views are offered of the application site from Knutsford Road, however the proposed extension would be located towards the rear of the existing showroom, therefore would not result in a prominent feature when viewed from Knutsford Road. The proposed extension is considered to be of acceptable design, in keeping with the existing building and character of the surrounding area.

The overall scale and design of the proposed extension to the building is considered to be acceptable, and would not result in an incongruous addition within the rural the area, therefore complying with guidance within the Framework, policies GR2 and GR2 of the Congleton Local Plan and policy SE1 within the submitted Strategy.

Residential Amenity

The nearest neighbouring dwelling is in excess of 100m away from the site. As such, it is not considered that the proposal would adversely impact upon the amenity of residents.

The proposal would therefore comply with policy GR6 (Amenity & Health) within the Congleton Borough Local Plan.

Highways

The site is accessed via a filter lane off Knutsford Road, and no alterations are proposed to the existing access. The existing parking provision on site would also remain unaltered (in excess of 50 spaces). This is considered to be sufficient for the existing and proposed floorspace on site.

The Strategic Highway Manager has viewed the proposal and raises no objections to the development.

The proposal would comply with policy GR9 (Accessibility, Servicing and Parking Provision) within the Congleton Borough Local Plan.

Protected Species

Whilst the development includes the removal of part of the existing building on site, the Council's Nature Conservation Officer has viewed the proposal and considers that there would not be any significant ecological issues as a result of the development.

The Council's Nature Conservation Officer is satisfied that the proposal would not lead to any significant ecological issues.

Other Matters

The University of Manchester have requested that specific materials are used for the extension in line with electromagnetic screening measures. This has been requested in order to protect the function of the telescope at Jodrell Bank, and is considered to be necessary. A condition should be attached to the decision notice.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The principle of the proposed extension to the business within the Open Countryside is considered to be acceptable, and would comply with relevant policies within the Congleton Local Plan, and wider guidance within the Framework and Cheshire East Strategy.

The proposed extension is considered to be of an acceptable scale and design, would be in keeping with the existing building and wider context of the area. The proposal would have no significant impact upon residential amenity, the existing highway network, or result in any ecological implications. As such, the application is recommended for approval.

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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 Interim Planning and Place Shaping 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 Interim Planning and Place Shaping 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. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A04MC - Electromagnetic protection (Jodrell Bank)
5. Dust Management

