

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 9th July, 2014</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

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

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

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

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

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

To approve the Minutes of the Meeting held on 11 June 2014 as a correct record.

**4. Public Speaking**

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

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

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

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

5. **14/1480M-Demolition of two buildings and Erection of 14 no Residential Dwellings, Heath Lodge, Parkgate Lane, Knutsford, Knutsford, Cheshire for Frazer Lloyd Jones, Thomas Jones and Sons (Pages 7 - 20)**

To consider the above application.

6. **14/1904M-A Class A1 foodstore of 1,579 sq.m gross internal floorspace, additional retail floorspace (use class A1 to A5 inclusive) of 743 sq.m gross internal floorspace, new public realm, boundary treatments, car parking, access arrangements and ancillary development, Brookfield Hydro Motors Limited, 10, London Road South, Poynton for Brookfield Hydro Motors Ltd (Pages 21 - 38)**

To consider the above application.

7. **14/1492N-Erection of 6 industrial units class B1, B2 and B8 classifications, Units 5-10, Orion Way, Crewe for Black & White Cheshire Ltd (Pages 39 - 46)**

To consider the above application.

8. **14/0563M-Indoor Menage building, Copper Beeches farm, Chelford Road, Great Warford, Alderley Edge for Nicola Claxton (Pages 47 - 56)**

To consider the above application.

9. **14/1295C-Steel framed agricultural cattle building to house 116 cows, The Fields farm, Kermincham, Nr Holmes Chapel for Mr George Riddell, G A Riddell & Sons (Pages 57 - 62)**

To consider the above application.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 11th June, 2014 at The Capesthorpe Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

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

Councillors C Andrew, L Brown, B Burkhill, S Gardiner, A Harewood,  
O Hunter, L Jeuda, J Macrae, D Mahon and D Neilson

### **OFFICERS IN ATTENDANCE**

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

### **9 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors K Edwards, Mrs H Gaddum and A Thwaite.

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

In the interest of openness in respect of application 14/2066M, Councillors Miss C Andrew, L Brown, S Gardiner and Mrs A Harewood all declared that they knew Councillor M Hardy who was speaking on the application. In addition in respect of the same application, Councillor L Brown declared that she was the Ward Councillor and had met with residents but had made no comments on the application.

In the interest of openness in respect of application 14/0656M, Councillors Miss C Andrew, S Gardiner, Mrs Harewood and R West all declared that they knew Town Councillor Mrs V Davies who was speaking on the application. In addition Councillor S Gardiner declared that he had pre determined the application and therefore would exercise his right to speak as the Ward Councillor under the public speaking procedure and then would leave the room once he had spoken and only return after a decision had been made.

In the interest of openness in respect of applications 14/1693M and 14/1687M, Councillors Miss C Andrew, S Gardiner and B Livesley all declared that they knew Town Councillor C Dodson who was speaking on each of the applications.

In the interest of openness in respect of application 14/1304M, Councillor D Neilson declared that he was the Ward Councillor and that he had

numerous conversations advising people how they could put their views forward on the application.

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

#### **11 MINUTES OF THE MEETING**

RESOLVED

That the minutes of the meeting held on 21 May 2014 be approved as a correct record and signed by the Chairman.

#### **12 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

#### **13 14/1304M - 60 JODRELL STREET, MACCLESFIELD SK11 7BB: DEMOTION OF EXISTING BUILDINGS AND CONSTRUCTION OF 4 NO. TWO AND A HALF STOREY TERRACED DWELLINGS FOR MR KIERAN VYE & NICK CONWAY**

Consideration was given to the above application.

(Kath Brickell, an objector and Chris Bailey, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

Overdevelopment of site with impact on residential amenity and insufficient car parking provision.

(This application was refused contrary to the Officer's recommendation of approval).

#### **14 14/0656M - ALDI STORE, BROOK STREET, KNUTSFORD, CHESHIRE, WA16 8BN: PROPOSED CAR PARK EXTENSION TO EXISTING FOODSTORE AND MINOR CHANGE TO EXISTING CAR PARK LAYOUT FOR B RICHARDS, ALDI STORE UK LTD**

Consideration was given to the above application.

(Councillor S Gardiner, the Ward Councillor, Clive Cunio, agent for the applicant and Iain Miller, the Highways Consultant for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A01AP - Development in accord with approved plans
2. A01LS - Landscaping - submission of details
3. A03FP - Commencement of development (3 years)
4. A04LS - Landscaping (implementation)
5. A07HA - No gates - new access
6. A12LS - Landscaping to include details of boundary treatment
7. A22GR - Protection from noise during construction (hours of construction)
8. A23MC - Details of ground levels to be submitted
9. A26HA - Prevention of surface water flowing onto highways
10. A33HA - Details to be approved (i.e. external lighting)
11. Car park extension subjected to same hours of operation and restriction as existing car park
12. Travel Plan to be updated
13. Road marking and signage

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 Enforcement Manager has delegated authority to do so in consultation with the Chairman and Vice Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(The meeting adjourned for a short break).

- 15 **14/1693M - WILMSLOW SERVICE STATION, PARSONAGE GREEN, WILMSLOW, CHESHIRE, SK9 1HT: REDEVELOPMENT OF EXISTING PETROL FILLING STATION TO INCLUDE NEW SALES BUILDING, CANOPY, FUEL PUMPS, STORAGE TANKS, CAR PARKING SPACES, MINOR BOUNDARY TREATMENTS AND ANCILLARY REARRANGEMENTS TO FORECOURT, AND REMOVAL OF CAR WASH FOR BP OIL (UK) LTD**

Consideration was given to the above application.

(Town Councillor Christopher Dodson, representing Wilmslow Town Council and Isla Longmuir, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the for the reasons set out in the report and in the written update to Committee, the application be approved subject to the Strategic Highway's Managers' approval of the revised plan and subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. Drainage
7. Lighting
8. Dust Control
9. Land Contamination
10. Hours of Demolition/Construction
11. Hours of Use

**16 14/2066M - ST ALBANS RC PRIMARY SCHOOL, PRIORY LANE, MACCLESFIELD, CHESHIRE, SK10 3HJ**

Consideration was given to the above application.

(Councillor M Hardy, the Ward Councillor, Scott Thomson, an objector and Angela Lear, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be delegated to the Planning and Enforcement Manager in consultation with the Chairman and Vice Chairman of the Northern Planning Committee for approval subject to receipt of any further representations on the revised plans and subject to the following conditions:-

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A06EX - Materials as application
4. A04TR Tree Pruning/Felling Specification

5. Maximum height of fence 2.1 metres above ground level

In addition it was agreed that information on landscaping be included in the informative.

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 Enforcement Manager has delegated authority to do so in consultation with the Chairman and Vice 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 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.

(During consideration of the application, Councillor D Neilson left the meeting and did not return. Prior to consideration of the following application, Councillors B Burkhill, S Gardiner, L Jeuda and J Macrae left the meeting and did not return).

17 **14/1687M - BRYBOUR LODGE KENNELS, ALTRINCHAM ROAD, WILMSLOW, SK9 4LY: CONVERSION TO FORM OFFICE ACCOMMODATION, AMENDMENTS TO APPROVAL 13/2906M REDEVELOPMENT OF SITE FROM KENNELS TO OFFICE ACCOMMODATION FOR ADEL LABABEDI, PEARL CONSTRUCTION**

Consideration was given to the above application.

(Town Councillor Christopher Dodson, representing Wilmslow Town Council attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be delegated to the Planning and Enforcement Manager in consultation with the Chairman and Vice Chairman of the Northern Planning Committee for approval subject to any outstanding responses from neighbouring properties and subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A02AP - Approved plans and detail on plans overridden by condition
3. A06EX - Materials as application

4. A02EX - Submission of samples of building materials
5. A01TR - Tree retention
6. A02TR - Tree protection
7. A03TR - Construction specification/method statement - car park area
8. A02LS - Submission of landscaping scheme
9. A04LS - Landscaping (implementation)
10. A02HP - Provision of car parking (scheme to be submitted)
11. A01GR - Removal of permitted development rights
12. Noise generative demolition & construction restrictive hours
13. Dropped kerb and access
14. Levels of the Land
15. New buildings not to exceed 5.7 Metres

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 Enforcement Manager has delegated authority to do so in consultation with the Chairman and Vice 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 Interim Planning and Enforcement Manager in consultation with the Chairman and Vice 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 5.25 pm

Councillor R West (Chairman)



Application No: 14/1480M

Location: Heath Lodge, Parkgate Lane, Knutsford, Knutsford, Cheshire, WA16 8EZ

Proposal: Demolition of two buildings and Erection of 14 no Residential Dwellings

Applicant: Frazer Lloyd Jones, Thomas Jones and Sons

Expiry Date: 13-Jun-2014

**Date Report Prepared:** 21 June 2014

**SUMMARY RECOMMENDATION**

APPROVE subject to conditions and subject to a s106 agreement requiring a financial contribution of £56,000 towards public open space and a payment to cover maintenance for 15 years

**MAIN ISSUES**

- Housing
- Design
- Trees
- Leisure/ Open Space
- Ecology
- Amenity
- Highway Safety
- Drainage
- Heritage

**REASON FOR REPORT**

The application is for the erection of 14 residential units and under the Council's Constitution, it is required to be determined by the Northern Planning Committee.

**DESCRIPTION OF SITE AND CONTEXT**

The application site measures 3,874.61 sq. m and comprises Heath Lodge – a large two storey detached dwelling constructed before 1830, its residential annexe and garden.

The site is bounded by a railway line to the North and residential properties to the East, South and West.

The site lies within the settlement boundary of Knutsford and is within a designated predominantly residential area.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission to demolish the existing house and associated annexe and erect 14 dwellings comprising 6 two storey detached dwellings and 8 semi-detached two storey dwellings arranged around an internal access road.

### **Planning History**

None relevant

## **POLICIES**

### **Macclesfield Borough Local Plan – Saved Policies**

NE11 – Nature Conservation  
BE1 – Design Guidance  
BE2 – Preservation of Historic Fabric  
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  
DC41 – Infill Housing Development  
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 28<sup>th</sup> 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**

Ministerial Statement – Planning for Growth  
National Planning Policy Framework  
Planning Practice Guidance

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

Network Rail – recommends conditions in respect of the construction period, surface water, RAMS for the railway, proximity of trees and buildings, excavation works and demolition works.

United Utilities – recommends conditions in respect of main connection and surface water.

Natural England – no objections

Environmental Health – recommends refusal as insufficient information has been submitted in respect of noise.

Highways – no objections

### **VIEWS OF THE TOWN COUNCIL**

Knutsford Town Council objects on the following grounds:

- Overdevelopment of the site by virtue of the number of properties and layout
- Access problems and the internal site arrangement is not adequate and could lead to highways safety issues
- Concern that the design does not respect the local vernacular style
- The privacy of neighbouring properties at 79-91 Parkgate would be compromised.
- The Council does not object to the principle of residential development on this site.

## **OTHER REPRESENTATIONS**

13 letters of objection have been received and raise the following concerns:-

- The impact of the removal of trees on privacy
- That the existing road cannot accommodate additional housing
- the impact of the proposed housing on flood risk and drainage
- The impact of the proposed two storey houses on the adjacent bungalows
- Impact of existing noise sources on proposals and the impact of noise from the proposals on existing residents
- The impact of the proposals on loss of privacy, outlook and overshadowing to neighbours
- The impact of disruption during construction
- Relating to the loss of existing fencing around the site and therefore recommends the replacement of existing fences to neighbours
- The impact of any light pollution produced by the proposals

1 letter of support received which makes the following points:-

- Proposals would not result in loss of privacy
- Recommends replacement of fencing
- Recommends removal of trees
- Recommends improvements to highway
- Recommends improvements to drainage

## **APPLICANT'S SUPPORTING INFORMATION**

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

### **Design & Access Statement**

This statement provides a site analysis, constraints and opportunities, concepts and principles and design proposals.

### **Arboricultural Assessment**

The site has a reasonable level of tree cover however there are few specimens worthy of formal protection. Those scheduled for removal have limited amenity value or are of poor condition.

### **Protected Species Survey**

Great Crested Newts and Bats were not present and there is no requirement for an EPS licence. Mitigation is proposed.

### **Transport Assessment**

The site is widely accessible, a sustainable location and the highways network can accommodate the increase in vehicle movements. The proposed access and internal access road would be suitable to serve the development and would not have an adverse impact upon highway safety.

### **Noise Report**

This report describes the level of noise which affects the site from aircraft associated with Manchester Airport and road traffic sources. It also demonstrates that industrial and rail noise does not materially affect the site. It describes the outline noise control measures that would provide acceptable conditions of amenity for residents in line with planning guidelines. Noise levels in external amenity areas exceed guidelines, but it is recognised by these guidelines that in some circumstances this is unavoidable and should not prohibit development. Therefore, it is possible to provide a development which meets all of the necessary standards of amenity for external noise sources affecting new residences. The implementation of the measures set out in this report can be required by planning condition.

## **OFFICER APPRAISAL**

### **Housing**

The proposals relate to the construction of new dwellings in a Predominantly Residential Area, within the settlement boundary of Knutsford. 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 not identified within the Strategic Housing Land Availability Assessment (SHLAA) and whilst the LPA has an identified 5 year housing supply, there is still a presumption in favour of residential development.

In addition, the proposals would include a mix of housing types which would meet the housing needs of Knutsford 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.

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.

## **Design**

### External Appearance

There is a variety of different house types in this locality and given that the current buildings on the site are obscured from view and transcend the area between the parade of shops and the Industrial Estate beyond the bridge, there is no overriding house type.

The character of the area consists of two storey 1960s/1970s properties along Parkgate Lane, bungalows to the rear with modern properties approved recently at Parkgate Industrial estate.

The proposals adopt a more traditional approach to the design of the dwellings, incorporating a variation in materials and a selection of particular details from the wider area which has influenced the design of the dwellings. Notably: hipped roofs, brick, barge board detailing, mock tudor cladding and prominent sill and lintel detail.

The fenestration of the dwellings is 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 two storey properties within the wider area and therefore this need not necessarily be inappropriate. However, the sensitive nature of the location i.e. backing onto bungalows means that several of the gable ends facing these bungalows have been hipped at perceived 'pinch points'.

### Size and Scale

The properties are two storey and as the site would be seen in isolation and not part of an existing estate with an established character, this would not be inappropriate. The size and footprint is appropriate to the plot size and would enable sufficient garden space for this urban/suburban location and given that these are family dwellings.

### Layout

The layout reflects a regular cul de sac arrangement which reflects the cul de sacs to the rear and is therefore appropriate.

The layout would however produce a form of development slightly denser and more compact than the looser urban grain of the bungalows, however this is appropriate within this urban location and constitutes an efficient use of space.

## **Trees / Landscaping**

There are a number of trees across the site however many of these are small ornamental garden trees and do not make a meaningful contribution to the wider character of the area save for buffering the railway line.

The applicant has submitted an arboricultural report which indicates that the impact upon retained trees would be mitigated, removed trees would be compensated for and such losses would not have an adverse impact upon the amenity value of the retained tree cover once the replacements are established.

The Council's Forestry Officer has recommended conditions which are necessary to mitigate and compensate for tree losses and to ensure the proposals accord with policy DC9 within the MBLP 2004.

### **Leisure / Public Open Space**

The proposed housing development triggers a requirement for public open space as identified in the SPG on S106 (Planning) Agreements (May 2004). The SPG also states that for developments above the trigger of 6 dwellings where there is an identified shortfall (or in this case loss of previous facilities) the council will / may seek contributions for the provision of leisure facilities/ public open space.

In the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS of £42,000, which would be used to make additions, improvements and enhancements to open space facilities in Knutsford. 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 £14,000, which would be used to make additions, improvements and enhancements to recreation and open space facilities in Knutsford.

The Government has empowered Local Authorities to charge a Community Infrastructure Levy (CIL) on new development, which is intended to largely replace the present system of negotiating planning obligations.

The CIL is a single charge that will be levied on new development to cover, in whole or in part, the costs of providing supporting infrastructure.

The system of planning obligations will remain in a 'scaled-back' form to make sure the immediate site-specific impacts of new development are adequately catered for until the adoption of the CIL charging schedule.

As Cheshire East has not adopted a CIL charging schedule, the tests in para 204 of the NPPF continue to apply. Any planning obligation required in order to mitigate for the impacts of the development need to satisfy the following tests:

- (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

Both policy IMP4 and RT5 within the MBLP 2004, and Cheshire East's Draft Town Centre Strategy for Knutsford indicate that improvements to open space are necessary in Knutsford. The thresholds stipulated within the guidance documents indicated that major developments would generate demand for such facilities. Given the proposed size of the development, it is

considered that a financial contribution towards open space and recreation would fairly and reasonably relate in scale and kind to the development and would bring about on site benefits to the scheme by enhancing the open space in the local area serving the development.

Such a financial contribution would meet the tests set out in para 204 of the NPPF.

## 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.

The submitted Survey indicates that protected species are not present on the site and are unlikely to be so. Nevertheless, it recommends mitigation measures.



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.

Cheshire East Council has considered the project under Regulation 61(1)(a) of the Conservation of Habitats and Species Regulations 2010 and has concluded that it is not likely to have a significant effect, either alone or in combination with other plans or projects, on the Midland Meres and Mosses (phase one) Ramsar. Consequently as the project is unlikely to have significant effects (either alone or in combination with other plans or projects) no further assessment is considered necessary.

## **Amenity**

### Overlooking

The proposals would not result in direct overlooking because there would be 21m between habitable rooms between units and to neighbours. The exception to this would be the relationship between plots 1 and 13/14 which would be a reduced distance of 20m. This is however only marginally shorter and therefore the impact to future occupants would not be significantly adverse.

The new dwellings would achieve 16m from the side elevation of plot 4 to no. 79 Parkgate and 14m from the side elevation of plot 9 and no. 89 Parkgate. Whilst secondary habitable room windows are proposed at ground floor level, boundary treatment would provide screening between the sites.

Whilst there would be some overlooking of rear gardens, given that the properties which have principal elevations facing gardens are 9m away from the boundaries, this would reduce the perception of being overlooking to a level which would not have a significant adverse impact upon neighbouring amenity.

### Overshadowing

The separation distances between the new properties and neighbours are sufficient to ensure the proposals would not result in overshadowing of principal windows. However due to the height of the properties and the slight change in levels between the site and the bungalows to the rear, the gable ends of those properties closest to these bungalows have been hipped/pitched away to reduce the perception of overshadowing to gardens. Whilst these gables would only be 2m away from the shared boundary, the proposal complies with guidelines for space, light and privacy. There will be some overshadowing of garden areas of properties on Parkgate in the afternoon/evening sun given the western orientation in relation to those properties. This impact is not considered to be a significant issue for amenity that could justify refusal of planning permission. The proposal complies with policy DC3 of the Local Plan.

### Noise

Due to the proximity of the railway line, Environmental Health objected on the grounds that a Noise Report has not been submitted. This has since been received. No further comments from Environmental Health have been received at the time of writing this report, however it is anticipated that additional comments will be received prior to the committee meeting and an update report will be prepared accordingly.

The submitted report acknowledges that the site is affected by noise from aircraft and the railway line as well as traffic along the road network. The report concludes that rail and traffic noise does not materially affect the site and that with appropriate mitigation, the impact of aircraft noise inside the properties can be minimised. Whilst it would not be possible to minimise outside noise, this is something experienced by existing residents in this area.

Noise levels in external amenity areas exceed guidelines, but it is recognised by these guidelines that in some circumstances this is unavoidable and should not prohibit development. Therefore, it is possible to provide a development which meets all of the necessary standards of amenity for external noise sources affecting new residences. The implementation of the measures set out in this report can be required by planning condition.

Noise associated with construction can be conditioned.

It is considered that the proposals would accord with policy DC3 and policy DC38 within the MBLP 2004.

## **Highways**

The applicant has submitted a Traffic Report which indicates that this is an accessible and sustainable location. It is within walking distance of a parade of shops for those less mobile and the Town Centre is also within walking distance. The site is within walking distance of the train station and bus station and the site is accessible by bus services. This is a highly sustainable location.

The existing point of access at the site is poor- the traffic report argues there is an improvement to highway safety. However, given the level of activity associated with the existing dwelling and annexe compared to the 14 proposed dwelling, whilst the new access would be fit for purpose, it is considered that the resultant impact on highway safety would be the same.

The proposals would meet the minimum car parking standards as set out within the emerging Cheshire East Local Plan. The point of access and internal road layout is to an adoptable standard and therefore acceptable to serve the development.

The proposals would not have an adverse impact upon highway safety in accordance with policies DC6 within the MBLP and guidance within chapter 4 of the NPPF.

## **Drainage**

Concerns from residents have been raised in respect of existing drainage problems and the desirability that this development does not compound the problem.

United Utilities have no objections to the application but recommend conditions. In light of the comments from United Utilities and residents, conditions would be imposed requiring the submission of a drainage scheme including sustainable urban drainage measures that ensures the surface water does not discharge onto adjoining land and that foul and surface water is dealt with satisfactorily.

### **Heritage Assets**

It is considered that the main issue is the impact of the proposals on the significance of undesignated heritage assets – the existing dwelling on the site was present in 1836.

#### **Undesignated Heritage Asset**

The existing dwelling is an undesignated heritage asset given its age.

Para 135 of the NPPF 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.

The building would be demolished in its entirety therefore a balanced judgement would be required.

The building has limited architectural and cultural merit and there are significant benefits of the proposals such as the positive contribution towards housing land supply in a sustainable location. The benefits are therefore considered to outweigh the harm.

### **Other Considerations**

The conditions suggested by Network Rail would be imposed accordingly.

Residents have commented on the replacement of the fence and whilst the LPA cannot specifically require the applicant to do this, a condition would be imposed requiring the submission of boundary treatment details.

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

The Framework indicates that proposals should only be refused where the level of harm would significantly and demonstrably outweigh the benefits of the proposals. The proposals for 14 dwellings would make a positive contribution to housing land supply, in a sustainable location and would not raise significant issues in respect of amenity, highway safety, drainage or in any other way. Whilst concerns have been raised in respect of noise these would not

substantiate a reason for refusal given the limited nature of the impact and given the existing conditions within this residential area.

The objections of Knutsford Town Council and local residents are fully taken into account, however the proposal would accord with Development Plan policies within the MBLP which are consistent with The Framework. It is considered that planning permission should be granted as the proposals accord with policies listed within the Macclesfield Local Plan 2004 and guidance within The Framework.

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

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair of Northern Planning Committee (or in his absence the Vice Chair) to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

#### Application for Full Planning

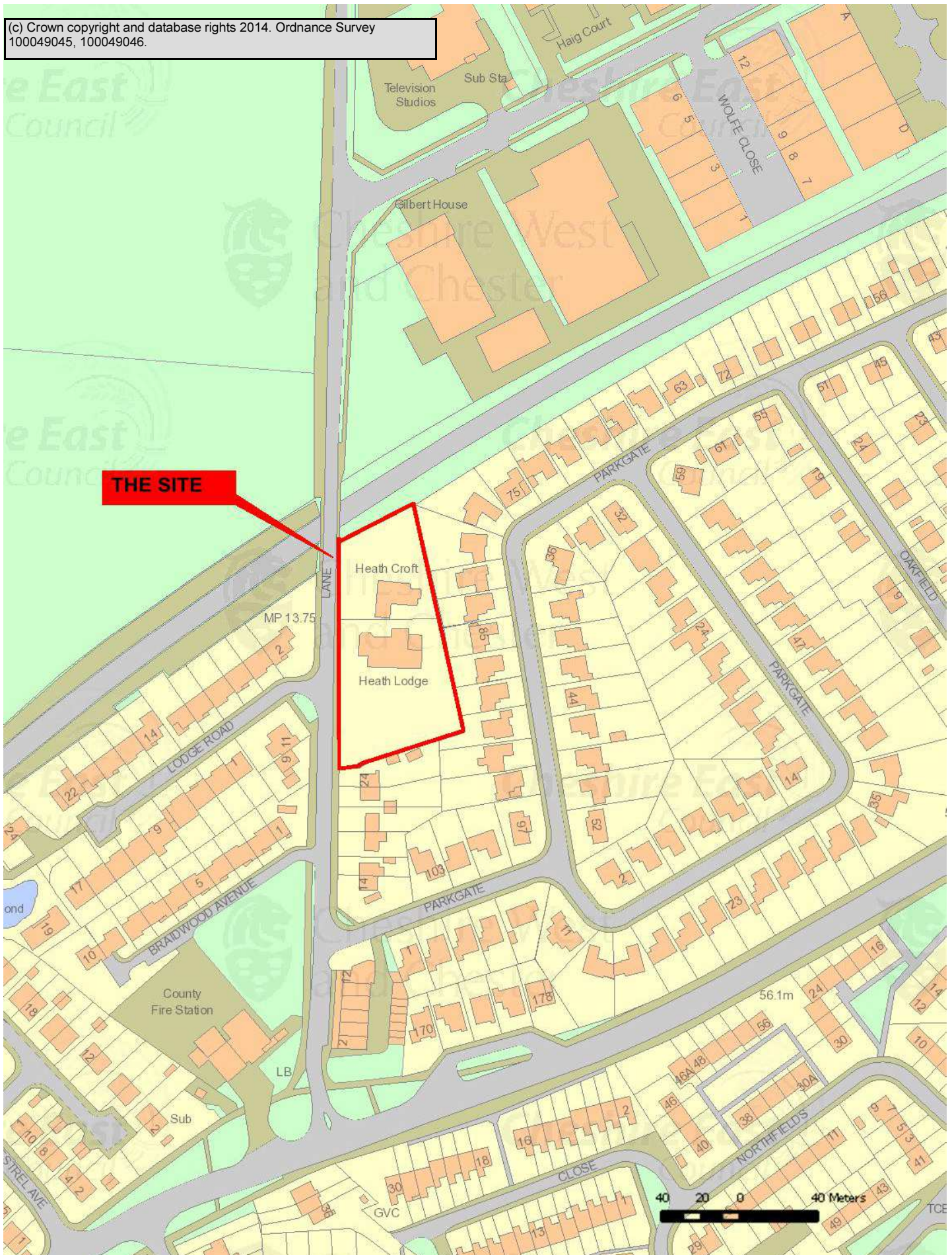
RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A22GR - Protection from noise during construction (hours of construction)
9. A01GR - Removal of permitted development rights
10. A23GR - Pile Driving
11. A25GR - Obscure glazing requirement
12. A02HA - Construction of access
13. A07HA - No gates - new access
14. A12HA - Closure of access
15. A30HA - Protection of highway from mud and debris
16. A06HP - Use of garage / carport

- 17.A12LS - Landscaping to include details of boundary treatment
- 18.A15LS - Submission of additional landscape details
- 19.A01MC - Noise insulation
- 20.A08MC - Lighting details to be approved
- 21.A17MC - Decontamination of land
- 22.A19MC - Refuse storage facilities to be approved
- 23.A21MC - Water regulation system
- 24.A23MC - Details of ground levels to be submitted
- 25.A02NC - Implementation of ecological report
- 26.A04NC - Details of drainage
- 27.A06NC - Protection for breeding birds
- 28.A05TR - Arboricultural method statement
- 29.A06TR - Levels survey
- 30.dust control measures
- 31.provision of bird boxes



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Application No: 14/1904M

Location: Brookfield Hydro Motors Limited, 10, LONDON ROAD SOUTH, POYNTON, SK12 1NJ

Proposal: A Class A1 foodstore of 1,579 sq.m gross internal floorspace, additional retail floorspace (use class A1 to A5 inclusive) of 743 sq.m gross internal floorspace, new public realm, boundary treatments, car parking, access arrangements and ancillary development.

Applicant: Brookfield Hydro Motors Ltd

Expiry Date: 16-Jul-2014

**Date Report Prepared:** 21 June 2014

#### **SUMMARY RECOMMENDATION**

Approval, subject to conditions and subject to a s106 legal agreement requiring a financial contribution of £89,400 towards public realm improvements and a payment to cover maintenance for 15 years

#### **MAIN ISSUES**

- Principle of retail
- The impact upon heritage assets
- The impact upon highway safety
- The impact upon trees of amenity value
- The impact upon the amenity of neighbouring property
- The impact upon the character of the area

#### **REASON FOR REPORT**

The application is to be determined by the Northern Planning Committee as it relates to the creation of more than 1000 sq. m of commercial floorspace.

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

The application site measures 6,785.37 sq. m and is rectilinear in shape. It comprises a derelict cinema building which is locally listed and has been vacant and on the market for some time, an existing Petrol Filling Station which is now quite dated, a vacant car dealership building and a vacant car repair workshop attached to the cinema.

The site is a designated secondary shopping area within the district centre boundary.

There is a band of trees overhanging the northern site boundary which are protected by virtue of a Tree Preservation Order (TPO).

The site is bounded by residential properties to the North and West with a mix of residential and commercial properties to the East and a parade of small shops located to the South.

The site is accessed from London Road South which is a main thoroughfare through Poynton.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the demolition of all of the existing buildings i.e. flattening the site and the construction of a Class A1 foodstore of 1,579 sq.m gross internal floorspace, additional retail floorspace (use class A1 to A5 inclusive) of 743 sq.m gross internal floorspace, new public realm, boundary treatments, car parking, access arrangements and ancillary development.

### **Planning History**

07/2931P Development Of Supermarket With Associated Parking And Servicing Arrangements Refused 03-Mar-2008

## **POLICIES**

### **Macclesfield Borough Local Plan – Saved Policies**

BE1 (Design Guidance)  
BE2 (Preservation of Historic Fabric)  
BE20 (Locally Important Buildings)  
DC1 (New Build)  
DC2 (Design Quality of Extensions and Alterations)  
DC3 (Protection of the Amenities of Neighbouring Properties)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Trees)  
DC38 (Spacing Standards)  
NE11 (Nature Conservation)  
S1 (Town Centre Shopping Development)  
S2 (New Shopping Development)  
PDC3 (Secondary Shopping Area)

### **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<sup>th</sup> 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  
SE1 – Design  
SE2 – Efficient Use of Land  
SE4 – The Landscape  
SE5 – Trees, Hedgerow and Woodland  
SE7 – The Historic Environment  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments

### **Other Material Considerations**

Ministerial Statement – Planning for Growth  
National Planning Policy Framework  
Planning Practice Guidance  
Locally Listed Buildings SPD  
Poynton Town Strategy  
SPD for Poynton  
Planning Obligation SPG

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

United Utilities – no objections subject to conditions relating to the submission of a drainage scheme and recommends adding an informative that the owner of the culverted watercourse be notified

Environmental Health – Recommends conditions in respect of the submission of an Environmental Management Plan, Dust Control, Floor Floating, Construction Hours, Noise Control, Odour Control, Lighting, Waste Provision, Hours of Operation and Contaminated Land.

## **VIEWS OF THE TOWN COUNCIL**

Poynton Town Council have no objections, provided that construction hours were restricted to 9am to 5pm weekdays, and Saturday mornings only (i.e. no Sunday or holiday working), that the method of piling was given sensitive consideration, that the boundary with Abbey Court is secure, that retail deliveries were made during normal working hours, that parking in Abbey Court be restricted to residents only, that refrigeration and air conditioning is suppressed, and that there is full site security during construction.

## **OTHER REPRESENTATIONS**

Letter of representation from 1 Abbey Court indicating that whilst they do not object they suggest the following conditions be considered:

- The building of an 10 ft high brick wall to be erected around the site where it adjoins residential properties.
- No substantial noise caused by deliveries and the like between the hours of 9pm to 6am each day.
- Litter to be controlled and removed daily from Abbey Court emanating from the site.
- Parking on Abbey Court restricted to residents and their invitees only.
- The building line of the unit or units not to be in front of the frontage of the offices on the south of the site on the same side of London Road South.

Letter of representation from 3 Abbey Court indicating that whilst they do not wish to object they would like the following points considered:

- Whilst we welcome the development of the largely defunct wasteland site we specifically ask for a number of reasonable conditions to be attached to approval of the planning application. These are as follows:
  - Road safety for both entry to and exit from Abbey Court must not be impaired in any way. Following the re-development of the traffic system in the village congestion, particularly at rush hour has become a massive problem and there has been a spate of adverse traffic incidents. Where safety was not an issue, it has become so to an alarming degree now. There must be specific measures contained in conditional approval of the planning application that addresses this issue
  - The sub-structure of the new road scheme is collapsing caused by fundamental flaws in the design of the construction. The proposal needs to demonstrate and prove that this will not worsen with the increased traffic that the development will bring

- There must be no substantial increase in noise caused by deliveries and the like between the hours of 9pm to 6am each day or before 10am on Sundays
- Litter must be systematically and rigorously controlled and removed daily from the Abbey Court side of the site. Supermarket trolleys must be kept under secure, controlled conditions
- The trees screening Abbey Court from the old Forum building must be preserved and a suitable brick walk constructed in keeping with the style of construction of the residential properties in order to maintain the privacy of our households
- Parking on Abbey Court restricted to residents and their invitees only
- A few years ago Tesco proposed a supermarket development of the site. When viewed from the Macclesfield direction the current building line with the adjacent office block was broken. This seriously damaged the ambience & look/appeal of the entrance to the village. A similar situation must not be permitted otherwise the planning application as submitted should be rejected

## **APPLICANT'S SUPPORTING INFORMATION**

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

### **Planning Statement**

Includes pre-application advice letter from the LPA and confirmation that an EIA is not required. Marketing information also included. Report indicates that proposals accord with Plan policies would improve shopping in Poynton and that the loss of the cinema is welcomed by residents because it has become an eyesore.

### **Contaminated Land Report**

Recommends a Phase II survey is undertaken due to contaminants associated with the petrol filling station in order to determine an appropriate remediation strategy.

### **Ecological Report**

Recommends the retention of the hedge as a BAP Priority Habitat and the existing Trees for Bat foraging purposes. Mitigation recommended for bats and breeding birds. No evidence of protected species on the site.

### **Design & Access Statement**

Provides details on the proposal, background, process and design principles. From a design and access perspective, the proposals represent an improvement over the existing condition of the site.

### **Tree Survey Report**

Sets out the arboricultural site constraints.

### **Heritage Statement**

Confirms that locally listed cinema has limited significance and that retention of the façade of the building is unviable.

### **Statement of Community Involvement**

Provides details of the public exhibition undertaken and summarises comments received and provides a response to these issues.

### **Transport Assessment**

Indicates that the site is highly accessible and that traffic generation is unlikely to be significant. Given the capacity of the existing highways network and the suitability of the access, no mitigation is proposed.

## **OFFICER APPRAISAL**

### **Principle of Retail**

The site lies within the designated secondary shopping area within Poynton District Centre. The proposals relate to the construction of a foodstore and a parade of shops – it is therefore an application for town centre uses in the town centre.

The NPPF is the starting point as policies within the MBLP only carry weight according to their degree of compliance with the NPPF. Whilst shopping policies within the MBLP were written in the context of PPG6, this does not automatically suggest that they are out of date as it is their degree of compliance with the NPPF which is the key issue.

Para 24 of the NPPF states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre. Para 26 states that applications for retail (over 2500 sq. m) outside of town centres should require an impact assessment. Therefore one of the key issues is whether or not the site can be deemed as in centre.

When turning to the definition of a ‘town centre’ in Annex 2 of the NPPF the town centre is defined as:

“Area defined by the local authority’s proposal map, including the primary shopping area (PSA) and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area.”

Therefore, the NPPF definition confirms that the definition of a town centre includes the PSA and areas adjacent to that PSA which they are predominantly occupied by main town centre uses.

The site lies within the district boundary, adjacent to the designated Primary Shopping Area and is designated for retail purposes as a secondary shopping area. There is also a clear functional link between the site and the primary shopping areas. All of these considerations lead to the conclusion that the site should be considered in-centre.

Whilst this is somewhat at odds with the assessment made under application 07/2931P, that application was determined in accordance with PPS6 which is no longer extant.

The NPPF indicates that retail use of the site is acceptable in principle and policies S1, S2 and PDC3 within the MBLP (which are consistent with the NPPF) support this approach.

## 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 (Brookfield Cinema) which is an *undesigned* heritage asset, and the impact upon designated heritage assets including the nearby listed building – the Milestone.

### Locally Listed Building – Undesignated Heritage Asset

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

‘1930s Cinema, three-storey white rendered building, with brick side wings in a restrained Art Deco style front.

Positive contribution to the character of London Road South.’

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.

The Heritage Statement indicates that the asset has very limited significance (derived from its communal value) and that according to the author, it should not be on the local list. It indicates that the building is in poor condition – a Structural Survey was undertaken in 2010 and works to secure the building were undertaken however despite this, the condition has continued to deteriorate.

Para 135 of the NPPF 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.*”

Whilst the loss of the locally listed building should not be taken lightly, the building is beyond repair despite that reasonable steps have been taken to secure its retention. Its loss is therefore justified in the context of policy BE20.

Historically, there has been public support for the retention of this building due to its community use which is one of the reasons it was added to the local list. However, extensive consultation by the applicant and representations received in relation to this application suggest that at this time, public support for the retention of the building is limited. This may be because the building is dilapidated and at a prominent gateway site into Poynton and redevelopment would offer an opportunity to provide a high quality landmark building.

On that basis, the loss of the locally listed building can be justified.

Ideally, the façade of the building should have been incorporated into the redevelopment – the applicant's inference that this would not be honest to the use of the building or difficult to incorporate is disappointing. Whilst such an approach would require a bespoke rather than off the shelf solution, it would have enabled the façade to be retained as a continued reminder that the building was once a thriving bustling cinema and valued community facility to the residents of Poynton. In addition, the LPA has examples of where such buildings have been incorporated into retail schemes successfully.

Nevertheless, the flat roof and window to wall ratios of the proposed buildings reflect the proportions within the art deco cinema which is at least an acknowledgement of what was there although this may be too subtle to make this building truly locally distinctive.

Notwithstanding the obvious concerns noted above regarding the retention of the façade of the building, the loss of the building is justified and the benefits to the local economy by bringing this site back into active use for retail purposes and the contribution that high quality modern buildings would make to improving the appearance of the area are substantial public benefits which clearly outweigh the concerns noted above.

On that basis the proposals would accord with the provisions of the NPPF and policy BE20 within the MBLP 2004.

#### Listed Building - Designated Heritage Asset

There is a listed Milestone to the front of the site which would remain in situ and would not be affected by the proposals.

#### **Highway Safety**

The key issues regarding this application are accessibility, car parking, access and traffic generation.

#### Accessibility

This is a district centre location which is a short walking distance from the primary shopping area and easily accessible by train, bus, cycle and by car.

It is highly accessible which would encourage linked trips and alternative modes of transport.

#### Car Parking

The proposals provide for 97 spaces including 6 disabled 10 parent and child and 4 motorcycle parking spaces.

This would be below the Council's maximum standards. This is however considered acceptable for the following reasons:

- these are maximum and not minimum standards;
- the developer should not provide for more than their operational requirements;
- this is an accessible location and therefore less reliant on car borne travel;

-a small foodstore would be used for top-up shopping rather than weekly shops which is associated with linked trips and trips on foot/ cycle which reduces the propensity for car based trips.

On that basis it is not considered that diminished provision would result in on street car parking or lead to vehicles backing up on the highway.

### Access

London Road South is a long straight road with wide footpaths. The site is relatively flat with minimal vegetation meaning visibility at the existing point of access is good.

At present, there is an 'in' and an 'out' arrangement associated with the petrol filling station which would be removed in favour of a larger but single point of access. This would be constructed to adoptable standards.

As noted above, visibility at this section of London Road South is good and there is scope to provide a point of access which would meet adoptable standards. On that basis, the point of access would be fit for purpose and would not have an adverse impact upon highway safety.

### Traffic Generation

The applicant has submitted a Transport Statement indicating that the vehicle movements associated with the proposed uses at the site would not be significant when compared to the existing use and the fall back position i.e. if the vacant buildings were brought back into active use.

The site has been used for a combination of car sales, vehicle repairs and the petrol filling station. These are commercial uses and whilst it could not be argued that the associated vehicle movements are comparable, the key test here is whether the increase is significant. The vehicle movements would undoubtedly be higher but this would not be significantly higher given the existing uses on the site.

The proposals accord with the NPPF as the applicant has submitted a Transport Statement and the proposals would not have a significant adverse impact upon highway safety.

The Highways Engineer has no objections to the proposals subject to a condition requiring the provision of a ghost island right turn lane on London Road South adjacent to the site access.

### **Trees**

The majority of the development site is completely devoid of any meaningful tree cover with only a limited number of self set recently established trees which have very limited amenity value.

There is, however, a linear group of trees covered by a TPO between the site and Abbey Court to the North.

There are a number of the trees which form the eastern aspect of the group immediately adjacent to London Road South which are highlighted for removal, however these are not protected by the existing TPO, and none are considered worthy of protection, hence their omission from the recent Order.

The proposed build footprint of the retail unit (food) extends no closer than exists at present to the protected trees, but the northern elevation extends further west than the present structure. This would not have an adverse impact upon the existing trees due to the presence of existing hardstanding.

Whilst there are windows proposed in the north eastern corner of the proposed foodstore, these would be closest to those trees which are not protected and scheduled for removal. On that basis, there is therefore no issues in respect of social proximity of the trees to buildings.

The Council's Forestry Officer has no objection to the proposals but has recommended a series of conditions in respect of tree protection which are necessary to ensure the proposals accord with policy DC9 within the MBLP 2004.

### **Amenity**

The main concerns in respect of amenity would be the noise associated with activities taking place at the site, odour associated with cooking smells, disturbance associated with vehicle movements, overshadowing and overlooking.

### **Noise**

Environmental Health has requested the submission of a Noise Assessment due to concerns regarding the activities taking place and the proximity of residential properties.

It is considered appropriate to condition the submission of a Noise Assessment rather than require this information upfront for the following reasons:-

- Commercial activities at the site are already taking place and can be noisy such as car repairs. The existing relationship is therefore a material consideration.
- This is a new build scheme and therefore attenuation can be built in rather than attempting to retro-fit mitigation.
- There is not a requirement for noisy activities to take place outside of the buildings and hours of operation conditions would restrict this.
- The current site operates during the day and night.
- Background noise levels are high due to the road and commercial activities at the site and adjacent to it.

A suitable Noise Assessment would ensure that the proposals would avoid noise giving rise to a significant adverse impact on health and quality of life in accordance with para 109 of the NPPF and policy DC3 within the MBLP 2004.

### **Odour**



Environmental Health has requested the submission of information in respect of odour due to concerns regarding cooking smells generated and the proximity of residential properties.

In respect of the foodstore, there is scope to ensure that any odours are discharged away from residential properties and appropriately mitigated for and therefore this could be conditioned.

The end users and hence uses for the parade of shops is unknown and therefore details of odour extraction would need to be provided before such uses generating cooking smells are undertaken. This could also be conditioned.

On that basis, officers are satisfied that any impacts can be appropriately mitigated.

### Disturbance

The fallback position i.e. the comings and goings associated with the existing activities at the site is duly noted. There is already a degree of disturbance associated with these uses.

However, it should also be noted that if left unrestricted, deliveries and noise from customers could have an adverse impact upon the amenities of nearby residential properties.

Given the above considerations, restrictions on the hours of operations and deliveries by condition should mitigate the impact.

### Overlooking/ Overshadowing

The proximity to and relationship between the proposed new buildings and existing residential properties negates any adverse impacts.

## **Design Considerations**

The key considerations are whether or not the scale and layout is consistent with the prevailing character of the area and whether the buildings and redevelopment of the site would seek to reinforce local distinctiveness. These issues are considered below.

### Scale

At present, the existing car sales building is single storey, the car repairs building is two storeys high with the cinema having an equivalent height of 2.5/3 storeys.

The proposals would include a parade of shops two storeys high at the front of the site and a foodstore 2.5 storeys high at the entrance point and dropping to 2 storeys at the northern site boundary.

The footprint and scale of the replacement building on the cinema site is accepted and not too dissimilar to what it replaces.

The scale of buildings is consistent with the existing character of the site and the adjacent office building. It would be taller than the adjacent residential properties along Abbey Court and to the rear however the separation distances involved ensure that these would not be read within the same context.

The Design Officer has commented that the height of the parade of shops would be greater than the height of the parade of shops on the opposite side of London Road facing the site which could be quite dominant.

Whilst this is the case, the buildings are proportional to what is currently on the site and the adjacent office building and the taller floor to ceiling heights would meet modern retailers requirements and this is a type of accommodation notably lacking in Poynton at present. Moreover, a dominant frontage in this gateway location would lend legibility to the wider area.

On that basis, it is not considered that this would have a significant adverse impact upon the character of the area.

### Layout

The cinema building whilst dilapidated is a focal point of the site due to its height and presence abutting the pavement. The remainder of the buildings are set into the site.

The foodstore retains the prominence of the cinema building due to it being a comparable height with a similar presence to the streetscene.

The proposals represent an improvement as the parade of shops would reintroduce built fabric and create an active frontage across the site which would increase pedestrian activity in this area. In addition, the presence of the buildings would obscure the car parking and delivery vehicles from view ensuring the site would not have a car dominated appearance.

### External Appearance

As noted previously, the flat roof and window to wall ratios within the foodstore reflect the proportions within the art deco cinema. In addition the fluctuating height across the width of the building was also a feature of the cinema.

Whilst this in itself would not be enough to ensure this building is truly locally distinctive, the choice of materials and particularly surfacing materials would go some way to reinforcing local distinctiveness.

One of the notable features of Poynton is the shared surface recently installed which has completely redesigned the highways network and completely changed the nature of activity within the centre. There have also been a number of new buildings which are of modern appearance (similar to these proposals) but have reflected the proportions of historic buildings and utilised traditional/natural materials. This would be conditioned accordingly.

The Design Offices notes that the service yard elevations are oppressive but considers landscaping would soften this.

The glazing is interesting and will add interest at this point. The clean lines and simple palette of materials certainly takes architectural references back to the art deco building it replaces. The design cues have been taken appropriately. The materials are key and it would be necessary to condition material samples and profile of the windows to ensure the highest quality overall finish in this gateway location.

## 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.

Ecological surveys were carried out by a qualified ecologist on behalf of the applicant which indicates that there was no evidence of protected species on the site.

It however recommends the retention of the hedge as it is a BAP Priority Habitat and the existing trees for Bat foraging purposes. Mitigation is also recommended for bats and breeding birds. The Council's ecologist has no objections and recommends conditions.

## **Public Realm**

Because this is a major commercial development, the SPG – Planning Obligations (2004) and the emerging SPD – Planning Obligations, both indicate that there is a requirement for contributions towards recreation and open space facilities. As provision cannot be met on site, the developer would be required to make a commuted sum payment towards the provision of new open space or to the improvement of an existing area of open space or facility elsewhere in the locality. Guidance also indicates that arrangements would also need to be put in place for the long term management and maintenance of these areas for a 15 year period.

The Government has empowered Local Authorities to charge a Community Infrastructure Levy (CIL) on new development, which is intended to largely replace the present system of negotiating planning obligations.

The CIL is a single charge that will be levied on new development to cover, in whole or in part, the costs of providing supporting infrastructure.

The system of planning obligations will remain in a 'scaled-back' form to make sure the immediate site-specific impacts of new development are adequately catered for until the adoption of the CIL charging schedule.

As Cheshire East has not adopted a CIL charging schedule, the tests in para 204 of the NPPF continue to apply. Any planning obligation in order to mitigate for the impacts of the development need to satisfy the following tests:

- (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

Local Plan policy IMP4 and Cheshire East's Draft Town Centre Strategy indicate that improvements to open space and public realm are necessary in Poynton. The thresholds stipulated within the guidance documents indicated that major developments would generate demand for such facilities. Given the proposed size of the commercial development, it is considered that a financial contribution towards open space and public realm works would fairly and reasonably relate in scale and kind to the development and would bring about on site benefits to the scheme by enhancing the pedestrian environment.

The contribution required based on the floor area of the scheme would be £33,600 for the food store and £11,100 for the non food retail units for open space, and the same again for recreation and outdoor sports facilities i.e. a total amount for £89,400. Together with a payment for maintenance to cover maintenance for a period of 15 years.

Such a financial contribution would meet the tests set out in para 204 of the NPPF and would need to be secured via a s106 legal agreement.

### **Other Matters**

Drainage details and inclusion of renewable energy would be conditioned.

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

The Framework indicates that proposals should only be refused where the level of harm would significantly and demonstrably outweigh the benefits of the proposals. Given that the adverse impacts identified to the locally listed building are clearly outweighed by the benefits to the appearance of the site, the economic vitality and viability of Poynton, the proposals would not conflict with those policies within the MBLP which are consistent with The Framework, it is considered that planning permission should be granted as the proposals accord with policies listed within the Macclesfield Local Plan 2004 and guidance within The Framework.

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

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair of Northern Planning Committee (or in his absence the Vice Chair) to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Full Planning

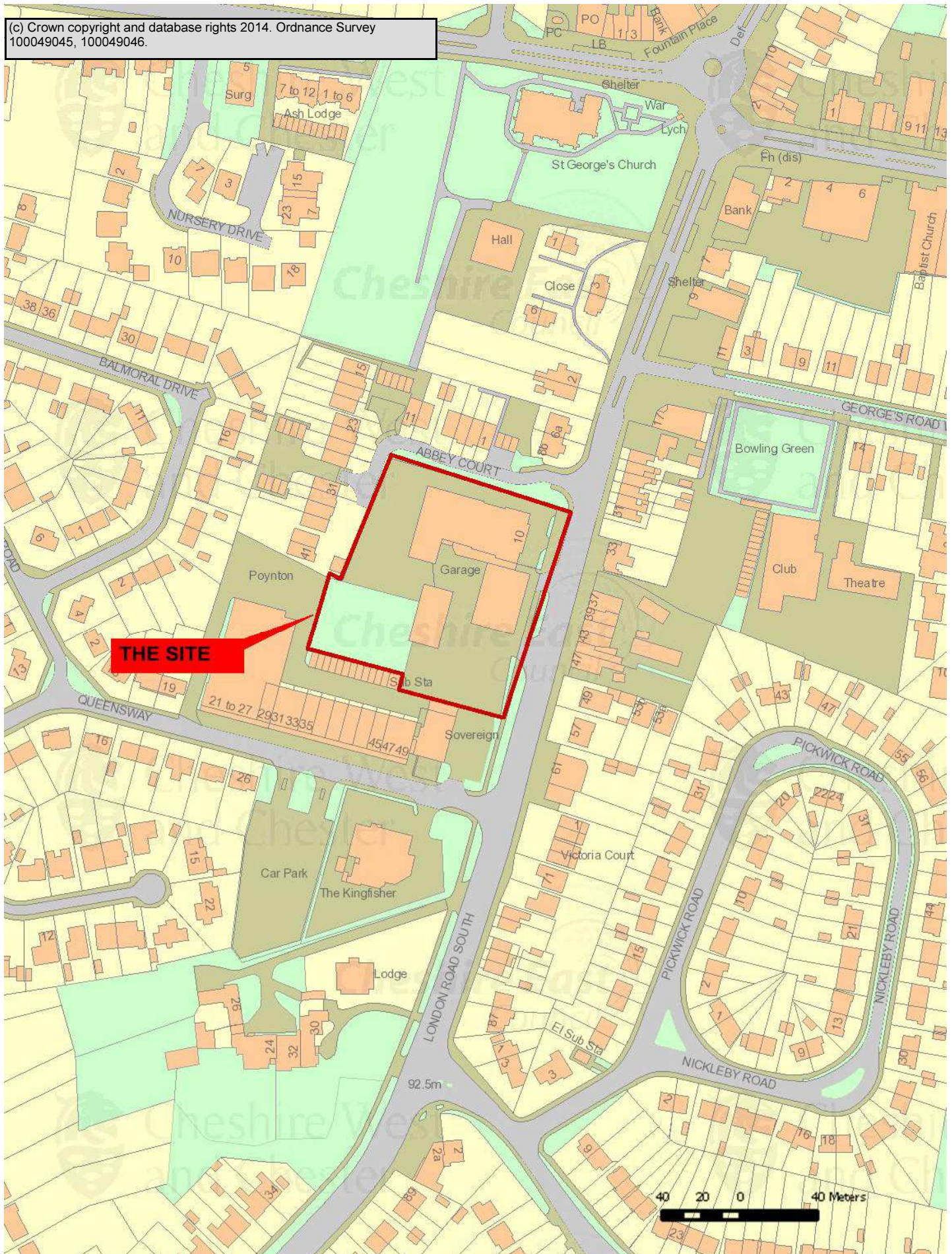
**RECOMMENDATION:** Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A02LS - Submission of landscaping scheme
7. A04LS - Landscaping (implementation)
8. A22GR - Protection from noise during construction (hours of construction)

- 9. A23GR - Pile Driving
- 10. A16EX - Specification of window design / style
- 11. A02HA - Construction of access
- 12. A30HA - Protection of highway from mud and debris
- 13. A12LS - Landscaping to include details of boundary treatment
- 14. A08MC - Lighting details to be approved
- 15. A10LS - Additional landscaping details required - public realm/ public art
- 16. A13GR - Business hours (including Sundays)
- 17. A04HP - Provision of cycle parking
- 18. A01HP - Provision of car parking
- 19. A20GR - Hours of deliveries
- 20. A17MC - Decontamination of land
- 21. A19MC - Refuse storage facilities to be approved
- 22. A24HA - Provision / retention of service facility
- 23. A04NC - Details of drainage
- 24. A02NC - Implementation of ecological report
- 25. A23MC - Details of ground levels to be submitted
- 26. A06NC - Protection for breeding birds
- 27. A01MC - Noise insulation
- 28. A03MC - Cooking odour extraction equipment
- 29. A06TR - Levels survey
- 30. A12HA - Closure of access
- 31. dust control measures
- 32. bird boxes
- 33. hours of operation of food store and A3, A4 and A5 units
- 34. details of renewable energy measures to provide for a minimum of 10% of the predicted energy requirements of the development
- 35. provision of ghost island
- 36. floor floating details
- 37. environmental management plan
- 38. hedge to be retained
- 39. full photographic record of the building prior to demolition



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Application No: 14/1492N

Location: UNIT 5-10, ORION WAY, CREWE, CW1 6NG

Proposal: Erection of 6 industrial units class B1, B2 and B8 classifications

Applicant: Black & White Cheshire Ltd

Expiry Date: 09-Jul-2014

**SUMMARY RECOMMENDATION**

**Approve subject to conditions.**

**MAIN ISSUES**

**Principle of Development**

**Design**

**Amenity**

**Highways**

**Impact upon the Historic Park and Garden**

**REFERRAL**

This application is referred to Northern Planning Committee as it is a small scale major application creating 3,200sqm floorspace.

**SITE DESCRIPTION**

Orion Park is located on the east side of University Way, Crewe and was formerly known as Area B. The land is generally level although the north end is slightly higher than the remaining areas on the site. A number of employment units have already been constructed under previous permissions.

Orion Park is located within the settlement boundary of Crewe and the land is allocated for employment uses under allocation E.2.1 of the Replacement Local Plan 2011. To the rear and south of Orion Park is the Historic Park and Garden of Crewe Hall which is protected under policy BE.14 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

**DETAILS OF PROPOSAL**

This application seeks full planning permission for the erection of 6 industrial units of Use Class B1, B2 and B8 (Business, Industry and Storage and Distribution).

This application relates to 6 units in 2 buildings, Units 5, 6 and 7 facing onto University Way and Units 8, 9 and 10 facing onto Orion Way. The development would create a total of 3,200sqm of floorspace, 2432sqm of which would be for B1/B8 (Light Industrial/Storage and Distribution), the remaining being used as ancillary office space. Access would be off Orion Way and a total of 51 parking spaces and 8 cycle spaces would be provided

## **RELEVANT PLANNING HISTORY**

10/4760N - Extension to time limit for application P08/0561 – Approved 2<sup>nd</sup> February 2011  
10/3023N - 2 New Windows at unit 16 - Approved 30<sup>th</sup> September 2010.  
10/3020N- Temporary Permission for Operational & Site-based Staff Vehicle Parking Associated with the Occupation of Unit 16 - Approved 30<sup>th</sup> September 2010.  
P08/0951 - Creation of first floor space and conversion of part of ground floor warehouse and use of building for B8 or B2 Unit 4 - Approved 2<sup>nd</sup> October 2008.  
P08/0562 - Two Industrial Warehouses - Approved 29<sup>th</sup> July 2008.  
P08/0561 - Four industrial units - Approved 31<sup>st</sup> July 2008.  
P08/0364 - Additional office space and warehouse space below at unit 16 - Approved 6<sup>th</sup> May 2008.  
P08/0219 - Additional windows at unit 14 - Approved 11<sup>th</sup> April 2008.  
P07/01263 - Additional facilities at unit 12 - Approved 22<sup>nd</sup> October 2007.  
P07/0017 - Outline permission for 5 office units - Approved 4<sup>th</sup> April 2007.  
P06/1416 - B8 Unit - Approved 9<sup>th</sup> March 2007.  
P06/1260 - B8 unit - Approved 12<sup>th</sup> January 2007.  
P05/1463 - Four B2/B8 units - Approved 7<sup>th</sup> February 2006.  
P04/0489 - Part outline part full permission for general employment and warehousing - Approved 19<sup>th</sup> October 2004.

## **POLICIES**

### **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 28<sup>th</sup> 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**

PG2 – Settlement Hierarchy

CO2 – Enabling Business Growth through Transport Infrastructure

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

SE 9 - Energy Efficient Development

SE12 – Pollution, Land Contamination and Land Instability

EG 1 –Economic Prosperity

CO 1 Sustainable Travel and Transport

CO 4 Travel Plans and Transport Assessments

### **Local Plan Policy**

E.2 .1 New Employment Allocations

BE.1 Amenity

BE.2 Design

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.5 Infrastructure

BE.14 Historic Parks & Gardens

E.2.1 New Employment Allocations (East of Quakers Coppice, Crewe)

E.4 Development on Existing Employment Areas

TRAN.3 Pedestrians

TRAN.5 Provision for Cyclists

TRAN.9 Car Parking

### **CONSULTATIONS (EXTERNAL TO PLANNING)**

#### **Environment Agency:**

No objection.

#### **United Utilities:**

No objection.

#### **Strategic Highways Manager:**

No objection.

**Environmental Protection:**

Recommend conditions relating to the travel plan, electric vehicle infrastructure and dust control.

**VIEWS OF THE PARISH / TOWN COUNCIL**

None received at the time of report writing.

**OTHER REPRESENTATIONS**

Sustrans have commented on the application requesting a travel plan, cycle parking and a contribution to the signing of the National Cycle Network.

Having regard to this, contributions were sought on the outline approval and it was not a requirement on the previous approval therefore it would not be reasonable to impose it now.

**APPLICANT'S SUPPORTING INFORMATION:**

Design and Access Statement  
Outline Travel Plan

**OFFICER APPRAISAL**

**Principle of Development**

Given that the principle of development has been established by the granting of planning permissions P04/0489 and P08/0562 this application does not represent an opportunity to re-examine the appropriateness of the site for employment use.

**Design and Layout**

The site was originally named Unit 5 and was granted consent in 2008 for a single building (P08/0562). This proposal seeks consent for two buildings containing 6 units, which is considered to be acceptable. However the original approved building had glazed elements with a 'gull wing' roof and the proposed elevation facing onto University Way, submitted with this application, shows a very bland elevation on this prominent site. As such amended plans have been requested and the agent for the application has agreed to address this. At the time of report writing the Council has not received these amended plans, therefore an update will be provided to Members prior to the meeting

Having regard to the scale and footprint of the buildings, this is considered to be acceptable and in keeping with the character and appearance of the area and neighbouring buildings.

The internal layout changes and alterations to uses would not raise any design issues.

Subject to the amended plans being acceptable the proposal is in compliance with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan.

### **Amenity**

There are no residential properties in close proximity to this site which would be affected by this development. It is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

### **Highways**

The Strategic Highways Manager (SHM) is satisfied that an adequate level of provision of parking for both cars and cycles is to be provided within the site and that the access is also acceptable in highway safety terms. The SHM does however request that a condition is imposed requiring the submission of a detailed Travel Plan within 6 months of first occupation of the units.

The proposal is therefore considered to be acceptable in highway safety terms and in compliance with the relevant policies in the adopted and emerging local plans.

### **Impact upon the Historic Park and Garden**

This application would not have any greater impact upon the setting of the nearby Historic Park and Garden than the previously approved scheme.

### **CONCLUSIONS**

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The principle of this development has already been accepted as part of application P08/0562 and P04/0489.

Subject to the submission of amended elevation plans, improving the elevation facing onto University Way, the proposal would be acceptable in design, layout and scale terms.

The proposal would not have any adverse impact on amenity or highway safety.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his/her absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

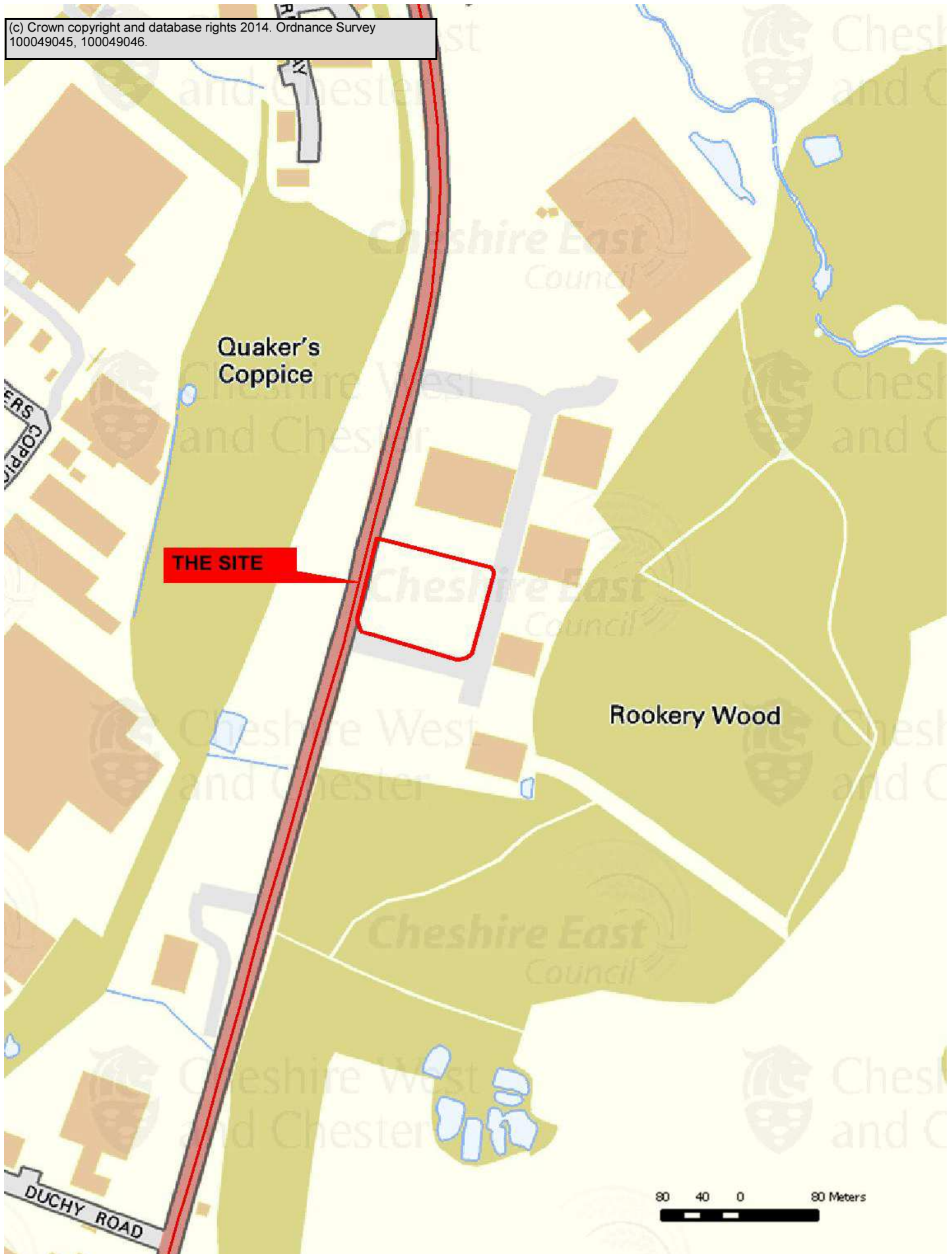
Application for Full Planning

### **RECOMMENDATION:**

1. A03FP - Commencement of development (3 years)

2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. Within 6 months of first occupation of any of the units, a detailed Travel Plan shall be submitted for approval.
5. Submission of a scheme of landscaping of the site.
6. Implementation of landscaping scheme
7. Boundary treatment to match that used elsewhere on the development.
8. Oil interceptors to be provided to car parks.
9. External lighting scheme to be submitted for approval.
10. No outside storage.
11. Submission of a scheme of surface water regulation.
12. Submission of a scheme for the management of overland flow.
13. Prior to first occupation of each unit, the car and cycle parking provision shall be provided, available and Prior to first occupation of each unit, the car and cycle parking provision shall be provided, available and car car and cycle parking provision
14. Prior to first occupation of any of the units, the access shall be completed to CEC standard.
15. Prior to first occupation of any of the units, one electric vehicle charging point shall be provided, available and retained thereafter.

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Application No: 14/0563M

Location: COPPER BEECHES FARM, CHELFORD ROAD, GREAT WARFORD,  
ALDERLEY EDGE, SK9 7TL

Proposal: Indoor Menage building

Applicant: Nicola Claxton

Expiry Date: 24-Jul-2014

**Date Report Prepared:** 23 June 2014

**SUMMARY RECOMMENDATION**  
REFUSE

**MAIN ISSUES**

- Principle of indoor manege in the Green Belt
- The impact upon highway safety
- The impact upon trees of amenity value
- The impact upon the amenity of neighbouring property
- The impact upon the character of the area
- The impact upon nature conservation

**REASON FOR REPORT**

The application is to be determined by the Northern Planning Committee as the floor area of the proposed building over 1000 sq. m.

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises an existing livery yard known as Copper Beeches Farm. The site lies within the designated North Cheshire Green Belt and is accessed from Chelford Road in Great Warford. There is ribbon residential development along this section of the road.

**DETAILS OF PROPOSAL**

The construction of an indoor manege measuring 20m x 60m reaching a height of 6.8m.

**Planning History**

13/5095M Implement shed (agricultural determination) Approved 8.1.2014

07/1539P Conversion of existing building to living accommodation and formation of ménage in connection with equestrian business – resubmission of 07/0259P Approved 1.8.2007

98/1552P Change of use from agriculture and private stables to agriculture and the breeding and rehabilitation of horses; closure of existing farm access and construction of new access. Approved 30.9.1998

65123P Demolition of existing stable block (five) and store and erection of new stable block (eight) store and tack room Approved 13.12.1990

## **POLICIES**

### **Macclesfield Borough Local Plan – Saved Policies**

BE1 (Design Guidance)  
DC1 (New Build)  
DC2 (Design Quality of Extensions and Alterations)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
GC1 (New Buildings)  
DC32 (Equestrian Facilities)  
NE11 (Nature Conservation)

### **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<sup>th</sup> 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  
PG3 – Green Belt  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land

### **Other Material Considerations**

Ministerial Statement – Planning for Growth  
National Planning Policy Framework  
National Planning Practice Guidance  
SPG Equestrian Facilities

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

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

### **VIEWS OF CHORLEY PARISH COUNCIL**

Has no objection to this application providing the building is suitably positioned [as illustrated in the proposed plan and aerial view of 22.02,2013], and surrounded by suitable planting to minimise the visual impact. Chorley Parish Council believe that the removal of the existing open menage land in effect returns this area to green belt as an exchange for the land given to the indoor menage. Also an indoor menage is far less intrusive to the surrounding area than that of an open menage with coloured jumps etc.

### **OTHER REPRESENTATIONS**

One letter of representation received from 2 Welton Drive as follows:-

- Copper Beeches is run as a livery yard with fit and healthy horses being stabled on the grounds who do not come under the bracket of rehabilitation/retirement livery.
- Regular turnout is offered but there has been no turnout for several weeks
- The website boasts features which are not correct and need to be rectified.
- If the proposal is granted, the removal of the existing outdoor menage is required as it is deemed not suitable.
- If the proposal is granted, request that the livery yard is restricted to rehabilitating or retirement horses and not for horses based on a normal full livery basis as it currently is being used.

-After the closure of another full livery yard in the area, many of the customers moved to Copper Beeches as this was one of the closest livery yards offering full livery with an outdoor manege.

Comments from agent in response:

-Barking dogs disturb the horses and riders are using the existing outdoor manege and is interfering with the rehabilitation of the horses

Letters of support from 4 customers at Copper Beeches Farm who indicate that an indoor manege is required for the rehabilitation of their horses and that there would be safety benefits associated with the indoor manege.

## **APPLICANT'S SUPPORTING INFORMATION**

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

### **Planning Design and Access Statement**

Indicates that pre-application discussions took place and that the LPA considered the proposals to be inappropriate development in the Green Belt. Surveys in respect of protected species also requested. The erection of an indoor manege for the care and rehabilitation of horses represents very special circumstances. Includes letters of support from Vets and Osteopath. Limited impact upon openness.

### **Protected Species Survey**

Recommends reasonable avoidance measures in respect of Great Crested Newts and the installation of bat/ bird boxes within the building.

## **OFFICER APPRAISAL**

### **Principle of Development**

The proposals relate to a new build equestrian building within the Green Belt. Para 89 of The Framework states that the provision of appropriate facilities for outdoor sport and outdoor recreation may be permitted where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this instance the building is for an indoor manege. It is not considered that an indoor manege would represent an appropriate facility for outdoor recreation by virtue of the fact that it is an indoor facility.

Policy DC32 within the Local Plan is compliant with The Framework and states that new large scale facilities should utilise redundant buildings or be sited within an existing complex of buildings, form part of a farm diversification scheme, and remain as part of the original holding.

The applicant considers that this is an appropriate form of development in the context of the bespoke activities at the site - the equestrian activities associated with this facility are for

rehabilitation purposes. The Planning Statement indicates that horses need to be exercised all year round and this is not possible in inclement weather at present. An indoor manege is therefore necessary.

Indoor maneges are not common features of livery yards. Indoor maneges are more common at riding schools but permission for these has only been granted where such a building has been necessary to enable disabled patrons to utilise the facilities. Those permissions have only been granted when it has been concluded that very special circumstances existed. New Barn Farm, Ollerton, is a riding school which provides a specialist service and gives lessons to disabled persons. The need to provide covered facilities for disabled users was considered to represent very special circumstances in that particular case. Moreover it should be noted that the application related to a roof over an existing manege and the resultant building was open sided. At Pinfold Stables, the indoor manege was permitted as the presence of an existing indoor manege (which the new manege would replace) constituted very special circumstances.

The approach that such facilities are inappropriate has been supported at appeal. A recent appeal decision in Buckinghamshire related to an indoor manege within the Green Belt. The Inspector reasoned that the enclosed manège would not in itself be a facility for outdoor horse riding but for indoor horse riding as a substitute. It would therefore be inappropriate development in the Green Belt.

In addition The Framework also requires that if facilities are appropriate, that they also preserve openness and do not conflict with the purposes of including land within the Green Belt.

In terms of openness, the proposed building would measure 20m x 60m and would reach a height of 6.8m. A building of this scale would inevitably have an adverse impact upon openness. Whilst the building would be loosely grouped with the existing stable building, it would constitute a further incursion into the undeveloped Green Belt.

The indoor manege is therefore considered inappropriate development within the Green Belt. Paras 87 and 88 of The Framework state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. **Substantial weight** should be attached to any harm to the Green Belt and very special circumstances will not exist unless the harm by inappropriateness, and any other harm, is **clearly outweighed** by other considerations.

The applicant has put forward additional information in respect of very special circumstances to justify the development. These centre on the following topics:-

- Practical Considerations
- Animal Welfare
- NPPF

#### Practical Considerations

The applicant considers that the existing manege is not suitable for the specific care required as it is often not possible to use it in poor weather conditions. The horse walker is only suitable for certain types of rehabilitation.

The applicant has lost custom due to the problems associated with the outdoor manege.

The existing manege is close to residential properties. Noise from the activities causes disturbance to residents and barking dogs cause issues for the training of horses.

On site provision removes the requirement to travel elsewhere.

Scale required due to care for dressage horses.

The business is clearly thriving and as the business has been in operation for 6 years without such a facility, whilst this may be desirable, it is clearly not necessary for the continued function of the business.

Horses often have to deal with noises from various different sources and provision of an indoor facility would not necessarily remove this hazard e.g. wind, noise of rain on the roof, and general noise from outside. No complaints have been received by Environmental Health regarding noisy activities at the site.

The appellant also has the option of moving the existing manege away from neighbouring properties.

### NPPF

The applicant considers that the development would allow the continued success of an existing rural enterprise which indicates a policy presumption in favour of the development.

### Animal Welfare

The applicant considers that daily exercise is required all year round. Letters from a Vet and Osteopath confirm that they consider such an indoor manege to be necessary to provide the required level of care.

The existing surface treatment of the manege is unknown. However outdoor maneges which utilise an all weather surface are useable in all but the most extreme weather conditions. As horses are clearly rehabilitated all over the country in environments where inclement weather does not facilitate daily exercise, it is not considered that an indoor manege is necessary on welfare grounds. Moreover the need to exercise horses for the odd day where the outdoor manege is unusable is not considered to represent very special circumstances.

### Other Considerations

The Landscape Visual Impact Assessment is mentioned however this has not been submitted with the application and therefore cannot be considered.

The applicant considers that the proposals offer no adverse impacts upon the landscape or public rights of way and the building would improve the existing amenity of neighbouring properties.

### **Conclusion on Green Belt**

The proposal is an inappropriate development in the Green Belt for which there is a strong presumption against. The proposal, as a large new building, will also have an impact on the openness of the Green Belt. Openness is the most important attribute of the Green Belt. Both of these factors carry substantial weight against granting planning permission. To be granted permission, this harm must be *clearly outweighed* by other considerations.

The case put forward by the applicant in respect of practicality, compliance with the NPPF, visual impact, amenity and animal welfare has been given due consideration. However, it is not considered that these factors, either individually or cumulatively, clearly outweighs the substantial harm identified. Very special circumstances have not been demonstrated to allow this development.

Horse riding is a highly popular form of recreation/ sport within the Borough and if the principle of an indoor riding arena were acceptable for any commercial equestrian premises, without any very special justification, the cumulative impact of this on the openness of the Green belt would be significant.

### **Nature Conservation**

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.

The site is located in close proximity of ponds and the proposals could have an adverse impact upon a number of protected species. On that basis, a protected species survey was requested. The submitted survey indicates that the proposals would be unlikely to have an adverse impact upon any protected species although it recommends reasonable avoidance measures for Great Crested Newts and the inclusion of bat and bird boxes within the building.

The Council’s ecologist is satisfied with the content of the report and provided that the development is carried out in accordance with the conditions, recommendations the proposals would not have an adverse impact upon protected species.

### **Design Standards**

Notwithstanding the above, the design of the building in terms of scale and appearance is fit for purpose and it is loosely grouped with existing buildings. It would have an agricultural appearance which is also in keeping with the rural nature of the surroundings.

### **Other Matters**

The highways engineer has verbally confirmed officers view that the proposals would not have an adverse impact upon highway safety. The existing access arrangements are suitable to serve the development and there would only be a limited increase vehicle movements to the site provided that a condition be imposed that it not be used for gymkhanas.

The distance to neighbours negates any impact to neighbouring amenity.

Tree protection measures would be required to protect the existing hedge.

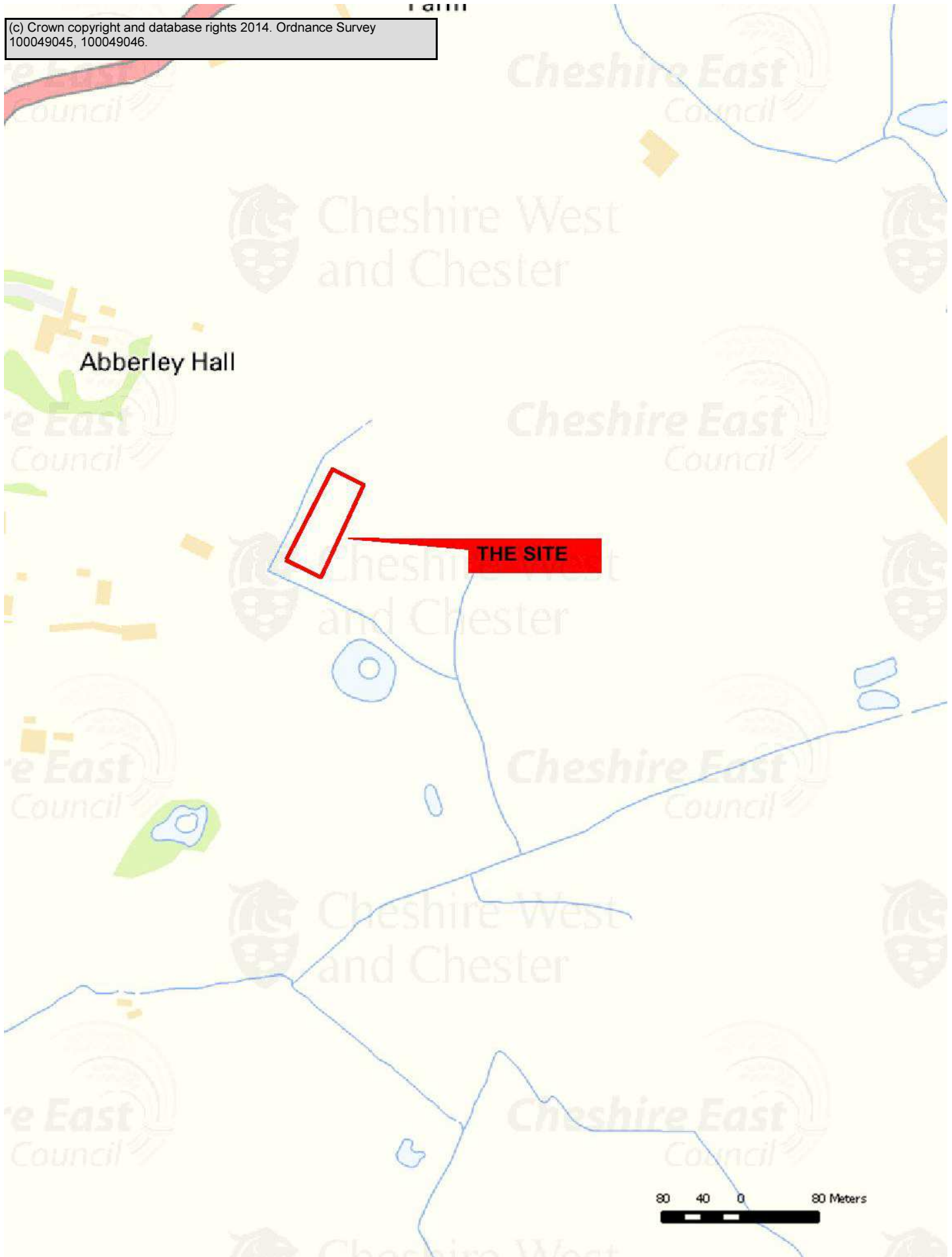
### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposals represent an inappropriate form of development within the Green Belt and there are no very special circumstances to justify this. In addition, the proposals would harm the openness of the Green Belt contrary to policy DC32 and GC1 within the Local Plan and guidance within The Framework.



In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair of Northern Planning Committee (or in his absence the Vice Chair) to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 14/1295C

Location: THE FIELDS FARM, KERMINCHAM, NR HOLMES CHAPEL, CW4 8DY

Proposal: Steel framed agricultural cattle building to house 116 cows

Applicant: MR GEORGE RIDDELL, G A RIDDELL & SONS

Expiry Date: 08-Aug-2014

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

#### **MAIN ISSUES**

- Principle of the development
- Design

### **REASON FOR REPORT**

The application is to be determined by the Northern Planning Committee as it relates to the creation of more than 1000 sq. m of commercial floorspace.

### **REASON FOR REFERRAL**

The proposal is for major development and as such is required to be determined by Committee.

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

The application site is within a 140 hectare farm and the proposal would be specifically located in open countryside immediately to the north of Forty Acre Lane off the M6 motorway in the Kermincham area. Access to the site is gained from the lane along a fully surfaced track that leads to the north and the cluster of farm buildings and the farm house.

### **DETAILS OF PROPOSAL**

The proposal is for the construction of a steel framed farm building to house 116 cows. The proposal would measure approximately 32metres long, 32 metres wide and 9 metres high to the ridge. The proposal would be positioned abutting a silo to the north and west of the existing farm complex. All access is proposed from within the farm complex by farm employees only. It would provide safe and dry accommodation for cattle required by welfare regulations.

### **RELEVANT HISTORY**

None

## **POLICIES**

### **National Planning Policy**

National Planning Policy Framework

### **Local Plan Policy**

GR.1 (New Development)

GR.2 (Design)

BH.13 (New Agricultural Buildings)

PS.4 (Open Countryside)

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<sup>th</sup> 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.

### **Emerging Local Plan Policy**

PG5 Open Countryside

SE1 Design

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

Highways – No objection

Environmental Health – No objection

Jodrell Bank – no comments received

## **OTHER REPRESENTATIONS**

None received

## **APPLICANT'S SUPPORTING INFORMATION**

D & A Statement

## **OFFICER APPRAISAL**

### **Principle of Development**

The proposal is for an agricultural building situated in the Open Countryside. Policy PS.8 states that development within the Open Countryside will only be permitted if it is for the purposes of agriculture or forestry. Policy BH13 states that agricultural buildings will only be permitted where the development is required and essential for agriculture.

The proposed building would be used to house cattle and, as such, an addition that is considered essential to the sustainability of a well established farm operation. It is therefore considered acceptable and to be supported.

### **Design**

Policy BH13 allows for the erection of new agricultural buildings provided that it is essential for agricultural operations and that they are sited so as to minimise intrusiveness in the landscape. This is a building that although of standard design would seamlessly integrate into the rural landscape and farm complex.

### **Amenity**

There are no residential properties in close proximity to this site which would be affected by this development. It is considered to comply with the requirement of policy GR1 of the local plan.

### **Highways**

The Strategic Highways Manager (SHM) has no objections and the proposal is therefore considered to be acceptable in highway safety terms and in compliance with the relevant policies in the adopted and emerging local plans.

### **Landscape and ecology**

This application would not have no impact on site ecology or trees. Existing oak trees would screen the proposal from views from the west.

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

The proposal would not have a detrimental effect on the open countryside and would be compatible to the rural surroundings therefore is to be supported. The proposal also complies with the NPPF.

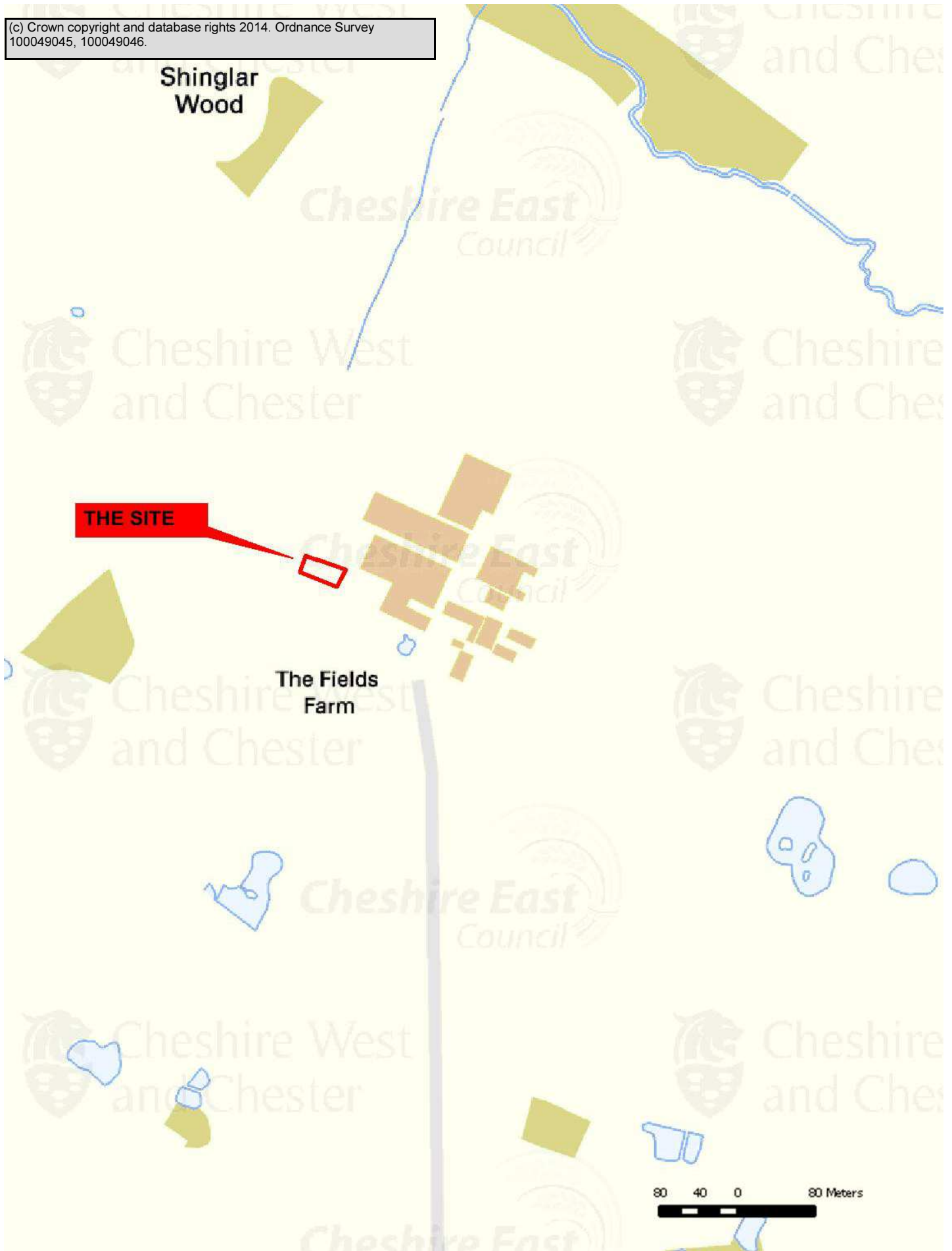
In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair of Northern Planning Committee (or in his/her absence the Vice Chair), to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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

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