

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 6th August, 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 - 8)**

To approve the Minutes of the meeting held on 9 July 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. **14/0659C-Outline planning application for the redevelopment of Forge Mill for residential development (C3) for 48 units including associated parking, landscaping, creation of a nature area, open space and off-site highway works to Forge Lane, Forge Mill, Forge Lane, Congleton for EMC Properties (Cheshire) Limited (Pages 9 - 38)**

To consider the above application.

6. **14/2084M-Demolition of an existing house and the erection of 2 No pair of Semi-detached houses (four dwellings in total)- Re- sub of refused application (13/3536M), 44 Chester Road, Poynton, Stockport for Edmund Carley (Pages 39 - 60)**

To consider the above application.

7. **14/1991M-Demolition of existing residential dwelling (20 Priory Lane). Construction of ten residential properties (5x semi-detached) with associated parking new access road etc, 20 Priory Lane, Macclesfield for Mark Edwards, Contour Homes Ltd (Pages 61 - 78)**

To consider the above application.

8. **14/2777M-Outline application for proposed erection of 10no. terraced houses, Land to the North of, Park Royal Drive, Macclesfield for Mr D Harper (Pages 79 - 92)**

To consider the above application.

9. **14/1945M-Demolition of existing buildings on site and erection of residential development comprising of 18 two storey dwellings, Land off Saville Street, Macclesfield for Saville St Garage Ltd The Helpful Hand (Pages 93 - 112)**

To consider the above application.

10. **14/0883M-To demolish existing building and to erect 10 two storey dwellings, together with associated roads, footpaths, drainage and landscaping, Land off, West Lane, High Legh (Pages 113 - 132)**

To consider the above application.

11. **14/2222M-Demolition of bungalow, garage and summer house, erection of new dwelling, replacement of timber gates and hard and soft landscaping, Red Walls, Parkfield Road, Knutsford for IGG Group** (Pages 133 - 142)

To consider the above application.

12. **WITHDRAWN 14/2083M-Change of use of existing vacant industrial warehouse unit to an indoor Trampoline Park (class D2 leisure use), 4 Brooke Park, Epsom Avenue, Handforth, Wilmslow, Cheshire for Erik Haugen, High Heaven** (Pages 143 - 154)

To consider the above application.

13. **14/2237C-Change of use from offices / manufacturing (B2) to fitness centre, Radnor Park Industrial Estate, Back Lane, Congleton for Pulse fitness** (Pages 155 - 162)

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 9th July, 2014 at The Capesthorpe Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

Councillor R West (Chairman)

Councillors C Andrew, L Brown, B Burkhill, S Gardiner, A Harewood,  
O Hunter, L Jeuda, D Mahon, D Neilson and A Thwaite (Substitute)

### **OFFICERS IN ATTENDANCE**

Mr N Curtis (Principal Development Manager), Mrs N Folan (Planning Solicitor), Mr P Hooley (Planning and Enforcement Manager) and Mr N Turpin (Principal Planning Officer)

### **18 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors K Edwards, Mrs H Gaddum B Livesley and J Macrae.

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

In the interest of openness in respect of application 14/1480M, Councillor S Gardiner declared that he had been contacted by a member of the public in his ward in respect of the proposals. He directed them to Councillor P Raynes and the appropriate Council Officer. In addition he declared that he was a Member of Knutsford Town Council Planning and Licensing meetings. Whilst he attended the Planning meeting he did not vote on the matter.

In the interest of openness in respect of application 14/0563M, Councillor Miss C Andrew declared that she used to be Ward Councillor for that area a long time ago and that she was familiar with the application site.

In the interest of openness, Councillor D Neilson declared one of the members of public was his neighbour and could be speaking on one of the applications.

### **20 MINUTES OF THE MEETING**

#### **RESOLVED**

That the minutes of the meeting held on 11 June 2014 be approved as a correct record and signed by the Chairman.

**21 PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

**22 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**

Consideration was given to the above application.

RESOLVED

That the application be refused as the proposal would be an overdevelopment of the site leading to an unacceptable relationship with adjoining property to the significant detriment of the amenity of the occupiers of those properties. The proposal is therefore contrary to policies DC3, DC38 and DC41 of the Macclesfield Borough Local Plan and guidance in paragraph 17 of the NPPF.

(This decision was contrary of the Officer's recommendation of approval).

**23 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**

Consideration was given to the above application.

(Steve Buckley, an objector and Chris Edge, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report the application be approved subject to the completion of a Section 106 Agreement requiring a financial contribution of £44,978 towards public open space.

And subject to the following conditions:-

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

3. A02EX - Submission of samples of building materials
4. 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
- 40. Bats
- 41. Implementation of proposed junction arrangements
- 42. Noise assessment submission
- 43. Public art/design on building

In addition it was requested that the informative include reference to a Section 278 agreement.



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

(In the interest of openness during consideration of the application, Councillor R West declared that he was the Ward Councillor and a member of Poynton Town Council and whilst he attended meetings on the proposal he had given no views. In the interest of openness Councillor S Gardiner also declared that he used to work for the agents involved in the application.

During consideration of the application, Councillor Miss C Andrew left the meeting and returned. As a result she did not take part in the debate or vote on the application. The meeting was adjourned for a short break).

**24 14/1492N-ERECTION OF 6 INDUSTRIAL UNITS CLASS B1, B2 AND B8 CLASSIFICATIONS, UNITS 5-10, ORION WAY, CREWE FOR BLACK & WHITE CHESHIRE LTD**

Consideration was given to the above application.

RESOLVED

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

1. 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

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

**25 14/0563M-INDOOR MENAGE BUILDING, COPPER BEECHES FARM, CHELFORD ROAD, GREAT WARFORD, ALDERLEY EDGE FOR NICOLA CLAXTON**

Consideration was given to the above application.

(Nicola Claxton, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

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 intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chairman (or in his absence the Vice Chairman) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**26 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**

Consideration was given to the above application.

RESOLVED

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

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

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

The meeting commenced at 2.00 pm and concluded at 4.45 pm

Councillor R West (Chairman)

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Application No: 14/0659C

Location: FORGE MILL, FORGE LANE, CONGLETON, CW12 4HF

Proposal: Outline planning application for the redevelopment of Forge Mill for residential development (C3) for 48 units including associated parking, landscaping, creation of a nature area, open space and off-site highway works to Forge Lane.

Applicant: EMC Properties (Cheshire) Limited

Expiry Date: 28-Apr-2014

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions and the prior completion of a S106 Legal Agreement relating to affordable housing; residents management agreement for the open space on site, commuted sum payment in lieu of the loss of lowland grassland, financial contribution to the creation of TRO's and Quiet Lane creation on Forge Lane

**MAIN ISSUES:**

- Principle of Development
- Housing Need
- Affordable Housing
- Sustainability
- Design & Layout
- Landscape Impact
- Highways – access and safety
- Trees & Landscaping
- Ecology

**REASON FOR REPORT**

This application proposes the erection of more than 10 dwellings and is therefore a major development. In accordance with current practise for major development proposals within the Congleton area, this application is presented to the Northern Planning Committee for determination.

**DESCRIPTION AND SITE CONTEXT**

This application relates to a brownfield site of 7.44 hectares situated at the end of Forge Lane just outside of the settlement boundary of Congleton. The site is bounded by the River Dane to

the east and Forge Wood to the west. Access to the site is by way of a single point off Forge Lane.

Forge Lane is approximately 400 metres in length, narrow and steeply sloping. The Lane connects to the A34 West Road to the south which is the main arterial road running east to west through Congleton. The site lies approximately 1 km to the west Congleton town centre. Parts of the site are in different Flood Risk Areas, the scheme has been revised to site all dwellings in Flood Zone 1, with some parts of the roads within Zones 2 and 3 (the areas of greatest risk)

The site itself comprises two distinct areas of land; at its southern end towards the site entrance there is the area of previously developed land comprising the site of the former Forge Mill complex, its hardstanding and parking areas.

## **DETAILS OF PROPOSAL**

This application seeks to establish the principle of the redevelopment of this previously developed site for 48 detached, semi detached and mews style dwellings together with landscaping, open space and parking for this development, together with the creation of a nature conservation area and associated environmental enhancements. The development also includes off site highway works along Forge Lane. All dwellings are 2 storey. All matters are applied for at this stage with the exception of appearance which is reserved for future consideration.

The proposal is to contain the majority of the residential development within the southern 'built' area of the site and on part of the grassland immediately adjoining to the north. The remainder of the land to the north will form open space, landscaping and comprises the areas of flood mitigation. To the east of the built area will be a retained wildlife area to which there will be no public access and an area of open space will be maintained as a wildlife area .

The application site also incorporates the length of Forge Lane to accommodate the creation of the 'Quiet Lane' to address issues previously raised by the Strategic Highways Manager in pre-application discussions.

## **RELEVANT HISTORY**

**13/2623C** - Redevelopment of Forge Mill for residential development (C3) for 46 units including, associated parking, landscaping, creation of a nature area, open space and off-site highway works to Forge Lane (outline) Withdrawn 30 October 2013

## **POLICIES**

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

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

### **Policies in the Local Plan**

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
E10	Existing Employment Sites
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

### **National Policy**

National Planning Policy Framework

### **Other Material Policy Considerations**

SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

North West Sustainability Checklist

Submission Version Core Strategy

## **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.

## **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 – Trees, Hedgrows and Woodland  
SE9 – Energy Efficient Development  
SE13 – Flood Risk and Water Management  
IN1 - Infrastructure  
IN2 – Developer Contributions

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



## Environmental Health Officer

### Noise

The acoustic environment at this location is substantially affected by:

- 24/7 industrial noise from Tandom Meturligical – a metal recycling plant and Airbags International – manufacturing plant. *Presently Airbags is 254M from the nearest noise sensitive property, and Tandem is 291M. With this development in place these distances will be reduced to 151M and 127M respectively.*
- *Tandoms activities are Regulated by the Environment Agency (this includes noise)*
- the noise climate at is dominated by bangs, clangs, crashes, scrapes, collapsing metal stockpiles of an industrial nature – short bursts of maximum noise events.

It is the Environmental Health Officer's (Noise) view that the industrial noise source is a 24/7 noise source which would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at this location.

The indoor living environments will depend on extensive mitigation measures to achieve a satisfactory acoustic environment. It is the view that measures can be taken to achieve this internally, however, the EHO remains concerned (and recommends refusal on this basis) that the external noise environment in gardens within some of the properties will exceed World Health Organisation Guidelines for noise levels and will potentially result in noise complaints from new residents. The concern is that this will necessitate mitigation to be provided at the expense of the nearby commercial occupiers who are the noise source.

### Air Quality

The development lies within 300m of the West Road Air Quality Management Area (AQMA) which was declared as a result of breaches of the European Standard for Nitrogen Dioxide (NO<sub>2</sub>).

Any increase of concentrations in an AQMA is considered significant as it is directly converse to our local air quality management objectives. Conditions are recommended concerning car charging and travel plan provision

### Dust Control

A condition should be attached to control dust emissions arising from demolition / construction activities on the site.

### Contaminated Land

This application site is adjacent to an existing industrial estate and therefore, the land may be contaminated.

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Contaminated Land officer recommends that further investigations are required to allow the preparation of a suitable remedial method statement.

A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

### **Highways**

No objection subject to conditions concerning detailed design of interior estate road layout and design controls for Forge Lane and a S106 agreement the funding of Traffic Regulation Orders for Forge Lane and the provision of the 'Quiet Lane' on Forge Lane.

### **Strategic Housing Manager**

The Councils Affordable Housing Interim Planning Statement states that Cheshire East Council will seek provision of 30% affordable housing on any sites over 15 units, with a tenure mix of the affordable housing of 65% rented affordable housing and 35% intermediate tenure.

The Housing Strategy and Needs Manager raises no objection to the application, subject to securing the affordable housing by way of a s106 Agreement.

### **Environment Agency (EA)**

No objection in principle to the proposed development subject to conditions concerning minimum floor levels for dwellings and roads, surface water run off, ecology, contaminated land, provision of undeveloped buffer zones to the River Dane.

No objection to the introduction of noise sensitive end users on this site.

### **United Utilities (UU)**

No objection to the proposed development provided that the following conditions are attached to any approval: -

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

### **University of Manchester (Jodrell Bank)**

No objection subject to standard condition concerning electromagnetic shielding

### **Education**

Local Schools in both the primary and secondary sector have capacity to meet the demand from this development. No financial contribution requested.

## **VIEWS OF THE TOWN COUNCIL**

Congleton Town Council: No objection subject to Forge Lane being improved and considerations by Highways of the provision of a right turn lane at the junction of Forge Lane with the A34 and S106 funds to be provided for the Urban Realm strategy

## **OTHER REPRESENTATIONS**

2 representations have been received from one nearby business (Airbags) and one neighbouring resident, making general observations concerning the need for landscaping for noise screening purposes and the fact that the local resident on Forge Lane has no issues to raise concerning the development, rather the resident refers to the Town Council request for a right turn lane which they do not support.

The formal representations submitted by neighbours are available to view in full on the case file and web site.

## **APPLICANT'S SUPPORTING INFORMATION**

- Supporting Planning Statement Incorporating an Affordable Housing Statement and marketing report
- Highways Assessment
- Protected Species Habitat Survey
- Tree Survey
- Arboricultural Implications Assessment
- Landscape Impact Assessment
- Contaminated Land Assessment
- Noise Assessment including additional assessment and response to EHO consultation

All documents are available to view on the web site.

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site lies outside of the settlement boundary for Congleton and within the open countryside as defined by the adopted Congleton Borough Local Plan First Review. The site is also a former employment site to which Policy E10 of the Plan applies.

Members will be aware that the National Planning Policy Framework marked a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

*“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.*

it is the Council's current position that the necessary 5 year housing land supply plus buffer has been achieved therefore Paragraphs 14 and 49 of the NPPF are not engaged. It is recognised, however that the site is located close to the Settlement Boundary, close to a range of local amenities and is considered to be locationally sustainable and would deliver housing to the supply chain which would keep housing supply coming forward as required by the NPPF.

There also would be a number of benefits should the development proceed which would need to be assessed against the disbenefits within the planning balance. These are considered below;

### **Loss of employment use of the site**

Paragraph 17 of the NPPF Core Planning Principles states that the planning system should:

*'Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*

Paragraph 22 advises that:

*'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'*

Paragraph 51 goes on:

*'Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.'*

Policy E10 of the Local Plan states :

*"Proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.*

*In considering whether the site is no longer suitable for employment uses account will be taken of:*

- 1. The location of the site or premises and the physical nature of any building*
- 1. The adequacy of supply of suitable employment sites and premises in the area*

2. *Whether reasonable attempts have been made to let or sell the premises for employment uses*

*In considering whether there would be a substantial planning benefit from an alternative use account will be taken of:*

- a) Any benefits in terms of traffic generation, noise or disturbance to amenity*
- b) The impact the proposal would have on the environment and economy of the local area*
- c) The need for the proposal and its potential contribution to the local area*
- d) The requirements of other relevant policies of the local plan*

Until April 2012 Forge Mill was occupied by Busch, an industrial engineering company. At this time the firm who retained 35-40 employees vacated the premises and relocated their staff and business within Cheshire East to a more suitable location in Crewe.

Forge Mill contained a gross floor area of approximately 3,594 square metres (38,690 square feet). The Mill has now been demolished following extensive fire damage in April 2013 following an arson attack. There are no longer any buildings which could be reused for employment purposes. The site is at the bottom of a long lane which does not have a main road frontage.

The Site was marketed from 2012 by Savills, informally to adjoining industrial occupiers, who demonstrated no interest on the basis of continued commercial/industrial use, with little interest being expressed from the market.

The following marketing has been undertaken by Savills

- § Board- A marketing board was erected to the access gate to Forge Mills on the corner of West Road and Forge Lane.
- § Brochure – A brochure was formulated, highlighting the buildings availability
- § Direct Mailing- Savills Industrial have extensive mailing lists of occupiers within the North West region and the brochure was circulated to the following:
  - § All active Industrial agents within the North West
  - § All industrial occupiers within the North West with 10+ employees
  - § All active enquiries relevant to the subject building in terms of geographical and size
- § Internet - The site was also published on the Savills website and it remains so.

Savills received a total of 15 enquiries following the introduction of the marketing. The majority came from speculators/investors who were keen to secure the building and land at discounted

levels. Other interest came from residential developers. None of the enquiries reached the stage of seeking a viewing.

Feedback from interested parties are summarised as follows:-

- § The existing buildings are in an extremely poor condition and no longer suitable for modern commercial operations.
- § There will be high remediation costs associated with the redevelopment of the site which would not be economic for alternative commercial uses.
- § The sites location along a single tracked access road is unattractive to commercial developers.

Additionally when the building had been ransacked by intruders, all interest in occupying the building for employment purposes fell away. It was then subject to an arson attack which left the building unsafe and it was demolished on health and safety grounds. Rubble from that demolition remains.

It is therefore considered that ***reasonable attempts have been made to let or sell the premises for employment uses***. The lack of interest in the site, indicates that is unlikely to be physically suitable for modern employment use and that the Employment Land Review indicates there to be an adequate *supply of suitable employment sites and premises in the area*. It is therefore considered that the tests within Policy E10 have been satisfactorily met.

Given the history of this site, together with the general thrust of the NPPF concerning the re-use of brownfield sites, it is considered that the loss of the employment use of the site is acceptable.

### ***Housing Land Supply***

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

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

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

*Elworth Hall Farm, Sandbach (11 April 2014).* It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

*Dunnocksfold Road, Alsager (14 July 2014).* Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

*Newcastle Road, Hough (14 July 2014).* In the absence of evidence to the contrary the Inspector accepted the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds current household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

### Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF— and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.



Therefore, in the context of this site which is a derelict brownfield site within open countryside which is not of intrinsic value or character in terms of Paragraph 17 open countryside policy is not determinative.

### **Affordable Housing**

The site is located in the Parish of Congleton. Housing Need has been assessed in this area primarily as the proposal would be serving this area.

The SHMA 2010 shows for the Congleton area there is an identified need for 33 new affordable homes each year made up of a net requirement for 7 x 1 beds, 3 x 3 beds, 13 x 4/5 beds and 15 x 1/2 bed older persons units. This is a total need over the 5 years (2009/10 – 2013/14) of the SHMA of 165. The SHMA identified an oversupply of 5 x 2 bed properties which is why the net total requirement is 33 new units per year. There have been 120 units of affordable housing delivered in Congleton since 2009/10. Accordingly, there is still a requirement for circa 45 additional affordable dwellings to be provided for Congleton within the 5 years of the SHMA period. This is considered to be a significant material consideration which weighs in favour of this proposal.

Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 452 applicants on the housing register who require social or affordable rented housing in Congleton. These applicants require 175 x 1 beds, 142 x 2 beds, 70 x 3 beds and 6 x 4 beds (59 applicants haven't specified how many bedrooms they require). 109 of the applicants who require a one bed and 42 who require a 2 bed have indicated they would consider a flat.

Welfare reform, where Housing Benefit will not be paid on unoccupied bedrooms, will bring an increased demand for smaller properties. There are already a large number of applicants for 2 bed properties in Congleton and the welfare reform changes will increase the pressure on this kind of accommodation with applicants looking to downsize from larger accommodation.

Thus in the light of:

- the evidence of need demonstrated by the SHMA and Cheshire Homechoice,
- the changing nature of the welfare reforms which are likely to result in the need for smaller properties,
- previous appeal decisions which have considered the use of sites within open countryside to serve the needs of adjacent urban areas to be acceptable in principle in terms of the provision of affordable housing

it is concluded that there is a need for the affordable housing the site will generate. As such, the principle can be supported.

With regard to the issue of type and tenure, the tenure mix of the affordable units being offered by the applicant is 4x1 bedroomed social rented units; 3 x 2bed for social rent and 3x 2 bed of intermediate tenure and 2 x 3 bed social rent and 2 x 3 bed intermediate. This equates to the full 30% in the appropriate 65:35 split. This is acceptable to the Strategic Housing Manager.

## Sustainability

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008). Whilst this has been revoked, the evidence base including the Checklist is still relevant.

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

The toolkit sets maximum distances between the development and local services.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),

- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)
- Childrens playground (500m)

In this case the development site meets the following sustainability distances:

- post office (1000m), West Heath District Centre – 925m
- cash point (1000m), West Heath District Centre – 925m
- pharmacy (1000m), West Heath Pharmacy, West St – 925m
- primary school (1000m), St. Marys Catholic Primary School, Belgrave Avenue - 1000m
- medical centre (1000m), Readesmoor Medical Group Practice, West Street – 1000m
- leisure facilities (1000m), Congleton Cricket, Hockey, Bowling and Social Club, West Street – 900m
- local meeting place / community centre (1000m), Danesford Community Centre, West Road - 600m
- public house (1000m), Cheshire Tavern, West Road – 400m
- public park / village green (1000m), Astbury Mere Country Park – 1000m
- child care facility (1000m), Danesford Community Centre, West Road - 600m
- bus stop (500m) West Heath, nr Waggon and Horses – 420m
- railway station (2000m). Congleton Station – 400m
- a local shop (500m), Tesco Metro, Waggon and Horses – 420m

A significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- playground / amenity area (500m), Quinta Park - 1300m
- post box (500m), Sandy Lane Post Box – 750m

On the basis of the above assessment, the proposal is considered to be generally sustainable in purely locational terms.

There are however many other components of sustainability other than accessibility. These include meeting affordable housing need; meeting general housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, amongst other things.

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

### **Environmental role**

The site is a blighted brownfield site. The factory unit was demolished on the advice of the Fire Brigade in the summer of 2013 following a fire which rendered this building unsafe. The site is in a state of dereliction and is a blight on the landscape. A redevelopment would certainly improve the appearance.

The site is within walking distance to many day to day facilities, and is a short bus journey from the town centre. This centre offers a wide range of essential facilities and means that occupiers of the development will have a choice of means of transport.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This is repeated within the Submission Version of the Local Plan. This could be dealt with by condition in the interests of sustainable development.

### **Economic Role**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

*‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.*

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

*‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’*

The current brownfield site is not considered to be of intrinsic value in countryside terms and the current use provides no economic benefit to the rural economy . Further, the redevelopment will benefit the local economy in terms of the development supply chain, local employment during construction.

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, additional Council Tax revenue, all of which is a material consideration in this case.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

## **Social Role**

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 48 new family homes, including 30% affordable homes, on site public open space and financial contributions towards ecological mitigation.

In summary, in terms of its location and accessibility the development does not meet all the criteria in terms of the Checklist. However, given the location of the site adjacent to the settlement, the failure is not significant. However, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

To conclude, the benefits include the need to provide people with places to live and 30% affordable housing, which is in great need, the economic benefit of new residents and the New Homes Bonus, revenue in terms of Council Tax to the Council and more spending in the local economy and the social benefit new residents using local education and healthcare facilities

Overall, the proposal is considered to be sustainable in terms of the 3 strands of sustainability in the NPPF.

## **Design & Layout**

This is an outline application, however, layout and scale is being sought at this stage although appearance is a reserved matter. The proposed layout shows the 2 storey dwellings arranged off 2 cul de sac streets which terminate at areas of greenspace / public open space. The greenspace also performs an ecological function adjoining the River Dane.

The proposed layout would provide a quality public realm. There would be well-defined active frontages with areas and parking kept to a minimum and contained within the site itself. The play area and open space will be well observed.

With regard to the design of the proposed dwellings, whilst their external appearance is a reserved matter, in layout terms they would be modest in terms of their size and scale. The houses are dispersed into semis and detached houses interspersed through out the site. They are all two storeys in height.

The design also employs the use of gateway buildings to aid in legibility and providing a sense of place within the development.

The layout has evolved in conjunction with the input of the Council's Urban Design Officer, who advises that the proposal satisfies the requirements of the NPPF, Manual For Streets, non statutory design guidance and local plan policies GR1, GR2 and GR3 which seek to deliver high quality design.

## **Highways – Safety and Access**

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

The proposed development would be served by a new access created off Forge Lane. Forge Lane is a single lane road which has a significant gradient.

Given the existing constrained layout of Forge Lane, the application has been the subject of a formal Safety Audit. The design has evolved extensively as a result of this process with the input of the Strategic Highways Manger. The proposal is for priority being for vehicles with passing places and a minimum width footpath with full kerb face to carry pedestrians. The passing places will have a low raised kerb and will be shared space which will act as a pedestrian priority space having alignment with the provided footpath.

The capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The recommended conditions are considered to be relevant and proportionate to the development. Therefore, the proposal complies with the requirements of Local Plan policies GR9 and GR18.

Congleton Town Council has requested in their consultee response that emerging traffic from Forge Lane be made to turn left only out of the junction and when necessary u-turn around West Road roundabout to go back to West Heath.

The Strategic Highways Manager considers that this would be counter-productive as it would adversely load the roundabout at West Road and therefore take capacity from 4 of its 5 arms.

In addition the junction did operate satisfactorily when the Mill was in operation and this included the heavy commercial vehicles which attended the Forge Mill site turning right and left at West Road.

Consequently the Strategic Highways Manager does not consider the request to be reasonable or necessary in highways terms.

### **Landscape Impact**

Forge Lane is a narrow single track road which terminates at this site close to the River Dane.

The Cheshire Landscape Character assessment identifies that the application site is located beyond the urban boundary of Congleton in Landscape Character Type 13: River Valley and specifically Character Area R5: Upper Dane. This character area extends along the River Dane and is characterised by its steep sided valley, with extensive areas of woodland; the steep valley sides and frequency of woodland ensures that there is little inter-visibility between this character area and adjoining character areas. There are no landscape designations on the site.

It should be noted that as a former industrial unit and extensive areas of hardstanding, the site was an urbanising element within the landscape. Subject to conditions, particularly with regard to the levels within the site, it is considered that the scheme will sit comfortably in the wider landscape.

### **Trees**

There is significant tree cover around the periphery of the site. Forge Wood to the west of the site is Ancient semi-natural woodland, subject to TPO protection and as indicated above, the woodland and the river corridor are local wildlife sites.

Within the Arboricultural Impact Assessment (AIA) there is a tree survey with tree categorisation covering 38 individual trees, 5 groups and one hedge. The survey is limited to part of the southern section of the site and excludes much of site including Forge Wood and trees close to the River Dane.

A number of trees are identified as being hazardous and several are recommended for removal on grounds of poor condition. The AIA identifies that the proposals would require the removal of several trees to facilitate development and that the root protection area of a number could be

impacted and protection measures are suggested. In addition, the Tree Officer considers that the feasibility of retention of some trees is questionable- for example on plots 5,7 &9 where they could impact on usable garden space.

There are no Grade A trees on the site and whilst some Grade B trees would be removed, their public amenity value is limited. Overall, if the site is to be redeveloped, the Tree Officer is satisfied that there would be opportunities for replacement planting in mitigation of losses. It should be noted that plots to the west in particular will be influenced by trees in Forge Wood and this may result in shading of private amenity space. Overall, however, subject to conditions the Tree Officer raises no objection.

### **Public Open Space Provision**

Supplementary Planning Guidance Note 1 'Provision of Public Open Space in New Residential Developments', requires the provision of public open space on site. To comply with policy 1180m<sup>2</sup> of usable open space is required. The scheme originally identified two areas of open space on the Site Layout Plan but one of these areas has been left unchanged as a woodland area at the request of the Council's ecologist. The remaining area of open space comprises circa 1300m<sup>2</sup>.

### **Children and Young Persons Provision**

In addition to the open space, a new equipped area of play is required in the form of a LEAP. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. The final layout and choice of play equipment should be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site. This is controllable by condition.

These facilities will not be maintained by the Local Authority and will require transfer to a management company. This can be controlled by condition.

### **Ecology**

In this case the Council's Ecologist has examined the application and made the following comments.

#### **Congleton Wildlife Corridor**

The proposed development site is located within the Congleton Wildlife Corridor. The proposed development if implemented in accordance with the submitted indicative plan would result in the loss of semi-natural woodland (see further comments below in respect of forge woodland broadleaved woodland adjacent to the north of the site) , hedgerows and semi-improved grassland habitats from within the wildlife corridor. The grassland habitats located to the south of the former Mill site are of sufficient quality to qualify as restorable semi-improved grassland under the Local Wildlife Site Selection criteria. The grasslands located to the north of the former mill site are of negligible ecological value but do contribute to the value of the wildlife corridor.



As the proposed development would result in the loss of semi-natural habitats within the Wildlife Corridor Congleton Local Plan Policy NR4 is pertinent to the determination of this application.

Notwithstanding the above if after considering the relevant planning policy, planning consent is granted it is recommended that a commuted sum be secured by means of a section 106.

The commuted sum should be utilised to fund offsite habitat creation/enhancement works to at least partially compensate for the loss of semi-improved grassland habitat associated with the proposed development.

The loss of habitat (Semi improved grassland) amounting to circa 0.7ha.

- Cost of creation of Lowland Grassland 0.7ha x £11,293.00 (cost per ha) = £7,905.10 (Source UK BAP habitat creation/restoration costing + admin costs)

#### Local Wildlife Sites (formally Sites of Biological Importance)

Two Local Wildlife Sites are located either immediately adjacent to or within the application site. These are:

##### *River Dane – Radnor Bridge to Congleton*

The submitted landscape plan shows an area of open space proposed on the north of the proposed development. The tree survey submitted shows some tree removal within this area.

This area of woodland is listed on the UK BAP inventory of priority woodland habitat. Originally the applicant proposed to utilise this area for informal open space, following concerns expressed by the ecologist this area is to be left as Wildlife Corridor and maintained in future via the residents management agreement.

There is an incursion into the wildlife corridor from the road turning head. This will result in an adverse impact upon the Local Wildlife Site and UK broad leaved woodland which is a material consideration in this case.

However, it is accepted that the incursion into the corridor by the turning head is minor and the applicants stated intention to leave the area of woodland otherwise untouched will adequately safeguard the ecological interest of the site.

##### *Forge and Radnor Woods*

This ancient woodland Local Wildlife Site is located immediately adjacent to the boundary of the proposed development. The revised layout plans still show properties backing onto Forge Wood.

The proposed development will not result in the direct loss of habitat within this Local Wildlife Site. However the layout plan shows residential gardens backing onto the woodland within plots 2-17. Consequently, the proposed development has the potential to have an adverse impact upon the Local Wildlife Site in a number of well evidenced ways including:

- The tipping of garden waste from adjacent residential properties.
- Direct loss of habitat due to the unauthorised extension of gardens into the woodlands.
- The introduction of non-native invasive species from adjacent gardens.
- Contamination resulting from garden pesticides and herbicides.

- Disturbance associated with increased road traffic.
- Increased predation from domestic cats.
- Light pollution.
- Disturbance impacts occurring during the construction phase.
- Pruning back of trees due to issues of shading.

The Ecologist is therefore of the view that the proposed development as indicated by the submitted illustrative master plan has the potential to have an adverse impact upon this Local Wildlife Site.

As the proposed development has the potential to have an adverse impact upon ancient woodland local plan policy NR3 is pertinent to the determination of this application.

The applicant has confirmed that the leasehold agreement can be utilised to control the behaviour of future residents of these units in terms of extending boundary fences, tipping of garden waste over their fences, however it is inevitable that there will be change in the area.

On balance, the potential impact on the woodland can in the main be mitigated by the careful drafting of the leasehold agreement, although some disturbance is inevitable during construction and increased light pollution.

#### Great Crested Newts

No evidence of this species was recorded during the submitted survey. No further action is required in respect of this species.

#### Breeding Birds

If planning consent was granted standard conditions would be required to safeguard breeding birds.

#### Badgers

Evidence of badger activity was recorded on site during the submitted survey. A further survey has been undertaken and no evidence of a sett on or adjacent to the proposed development was recorded. The proposed development is not reasonably likely to have a significant adverse impact upon badgers.

If planning consent is granted the ecologist recommends that a condition be attached requiring the applicant to undertake a further badger survey immediately prior to the commencement of development and submit a report for the agreement of the Council prior to the commencement of development.

#### Reptiles

The semi-natural habitats on this site have the potential to support reptile species. The updated ecology report advises that reptile presence on the site is likely to be limited to transient movement of animals through the site.

Subject to a condition for the submission of a reptile mitigation method statement prior to the commencement of development, the Ecologist raises no objections.

### Bats

Two trees have been identified on site that have significant potential to support roosting bats.

The applicant states that the two trees identified as having potential to support roosting bats would not be affected by the proposed works. This is not clear from the submitted plans, however if outline planning consent were to be granted it is recommended that a condition be attached to ensure that the two trees identified as target note 1 and 2 on the submitted phase one habitat survey be retained as part of any detailed design at the reserved matters stage

Subject to conditions, therefore the integrity of the Wildlife Corridor can be adequately maintained

### **Amenity –Noise**

Paragraph 123 of the National Planning Policy Framework (NPPF) states that.

Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

The National Planning Policy Framework states that the planning system should "prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability"

Another requirement of Paragraph 123 of the NPPF is that "existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established".

Therefore, the proposed new residential development must not impact on the current and future operation of the nearby commercial premises.

*A Noise Impact Assessment has been submitted with the application.* The Environmental Health Officer (EHO) has considered the report and has undertaken a number of visits to the site to take noise readings. The EHO recommends that there are no measures that could be incorporated within this scheme (eg an acoustic fence) that would address their concern. This is due to the valley bottom nature of the site itself and the air borne nature of the noise environment.

The acoustic environment at this location is dominated by industrial noise arising from Tandom Metallurgical, Copeland & Craddock and Airbags International Ltd. Peak noise results in wide variations from background noise to a maximum level and down again within a short duration. Therefore, the industrial noise is recognisable and source location distinguishable adding to the intrusive nature of the industrial noise at this location. Single noise events are best described by the LA max noise descriptor. The noise report completed by URS, dated October 2013, has favoured the WHO Leq, 16 hour dB(A) noise descriptor, which although not incorrect, in the professional Assessment of the EHO, it is not the best noise descriptor to accurately describe the

subjective acoustic noise climate at this location which is dominated by bangs, clangs, crashes, scrapes, collapsing metal stockpiles of an industrial nature – short bursts of maximum noise events.

During an attended noise assessment exercise completed on Wednesday 4<sup>th</sup> December 2013 by the EHO, LAFmax noise measurements were undertaken of a noise event from Tandem, which is best described as crashing/ tumbling metal stockpiles – this measured 70 LAFmax dB. This coincides with the results from the October 2013 acoustic report which measured 73 LAFmax (dB)

55dB(A) Leq 16 hour, is regarded by the World Health Organisation as the maximum day time level before community annoyance sets in. This is the base level for residential areas: people should be able to enjoy their gardens and other open space without noise nuisance. However, the 16 hour Leq actually averages the *“individual maximum industrial noise events”* that the future occupiers will suffer at this location.

The outdoor noise climate that would be experienced by future occupiers will be dominated by industrial noise from various noise source premises/ installations. This will be intrusive, annoying and potentially generating justified noise complaints.

Further, if residential premises were located at this site, based on the subjective noise assessments completed by the EHO - a statutory noise nuisance would be substantiated and noise mitigation measures would be required at source by the companies responsible for industrial noise generators: reversing alarms, fan/ equipment noise.

However, Tandem Metallurgical Group Ltd are exempt from local authority statutory noise nuisance EPA action as they are an A1 EPR permitted installation, enforced by the Environment Agency and the EHO recognises that the Environment Agency, although advised of the EHO concern in this matter, have raised no objection to the proposal on noise grounds.

It is true to say that notwithstanding many months of continued debate regarding the noise environment between the EHO and the Applicant's retained Noise Consultant, there is very little consensus.

It is the Environmental Health Officers view that residential development at this location will potentially create conflict with adjacent land uses by introducing noise sensitive properties adjacent to an industrial development, whereby the housing will suffer noise as a consequence.

The proposal will create a 'mixed use' environment: introducing residential development close to a commercial / industrial estate, introducing sensitive noise receptors to this location and may result in future noise problems from fixed plant and equipment, mobile vehicles and machinery, or worn out (poorly maintained) equipment and sharp bangs and screeching of metal (from the metal recycling activities at Tandem), that would not have been an issue prior to the introduction of noise sensitive neighbours at this location.

The EHO considers that the noise source which is likely to be audible on the site (within garden space of the new houses) is the activities of Tandem Metallurgical, the Noise Enforcement Authority for which is the Environment Agency and not the Local Authority.

In precise, the concern of the EHO relates to the fact that the closer proximity to the noise source at Tandem will result in new residents complaining about the Tandem activities which will result in costly mitigation measures having to be employed by Tandem to mitigate in future. The Environment Agency have raised no such concerns within their statutory response notwithstanding being made aware of the issue of concern to the EHO.

Whilst the view of the EHO is noted, it should be borne in mind that the concern relates to garden space, not internal noise which EHO advise can be mitigated.

The Applicant's own noise consultant has provided reports that in their opinion demonstrate that the proposal's noise impacts accords with World Health Organisation Guidelines. They also dispute the need for the noise conditions that are suggested by the EHO if Committee are minded to approve this application. In their opinion the noise environment complies with the historic noise conditions attached to the Barn Road Industrial Estate.

Overall, this is a finely balanced case. There are many benefits of this proposal, notwithstanding the fact that this is a blighted, derelict site that is unlikely to be utilised for any other purpose and the contribution to housing land supply and the contributions to the 3 strands of sustainability within the NPPF.

### **Residential Amenity (Interfaces)**

Within the development itself, minimum separation distances would be achieved and each property would benefit from an appropriate amount of private amenity space in accordance with policies GR6 and SPG2 of the Local Plan.

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

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

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

The requirement for long term management of on site Public Open Space and Childrens play space is necessary, fair and reasonable, as the proposed development will provide 48 family sized dwellings of different sizes, the occupiers of which will be using these on site facilities.

The financial contribution in lieu of loss of habitat will compensate for the loss of wildlife corridor/ habitat as a direct consequence of the development.

The financial requirements to provide the TRO's and the quiet lane for Forge Lane are reasonably related to the proposal. Likewise the requirement for the future residents management of the open spaces within the site is fairly related to the development.

## CONCLUSIONS AND THE PLANNING BALANCE

Whilst this site is located within open countryside albeit closely related to the Settlement Zone Line for Congleton, consideration needs to be given to the need for the Council to ensure an adequate and continuing supply of market and affordable housing to meet the local need and the requirements to provide for the general housing supply, the blighted and brownfield nature of the site and lack of any prospect of an industrial occupier seeking to utilise a site for employment purposes.

There is also an identified need for affordable housing within Congleton, even having regard to those sites that already benefit from planning permission in the locale. The SHMAA indicates that there remains a significant need for affordable housing in Congleton. Likewise there is a continuing need to feed into the housing supply chain

In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The creation of the Quiet Lane to Forge Lane is an integral part of the proposal which has been the subject of extensive negotiation with the Strategic Highways Manager aimed at ensuring the safe use of Forge Lane by future residents.

There would be no adverse impact on trees. Subject to appropriate ecological mitigation and conditions, the applicants have demonstrated general compliance with national and local guidance in a range of areas.

On balance, the need for housing in this area weighs significantly in favour of the proposal as does the brownfield nature of the site.

Whilst there are some concerns expressed by the Environmental Health Officer regarding the external (garden) noise environment and the fact that new residents may complain about the noise activates on the industrial estates nearby and thereby impose a greater burden upon those industrial occupiers to mitigate for their noise emissions, no such concern has been expressed by the Regulatory Authority (the Environment Agency) for Tandem Metallurgical. The Environment Agency advises that they comply with the Best Practical means with regard to noise.

Noise inside buildings can be satisfactorily mitigated and it should be noted that areas of open space are provided within the site which could be utilised in accordance with National Policy Guidance as an alternative to gardens.

It should also be noted that this blighted site is unlikely to come forward for any other form of redevelopment and if left further could become even more unattractive within the area, to the detriment of the area generally.

Furthermore there is significant dispute between the noise experts in this case. The Applicants Noise Consultant is satisfied that the current noise levels that have been observed are within appropriate tolerances.

This is a finely balanced case, and it is appropriate to impose conditions pertaining to noise levels inside the dwellings. The EHO maintains that garden space will be liable to be subject to noise levels on occasion that could lead to residents complaining about the neighbouring activity of Tandem Metallurgical.

However, significant weight must be attached to the provision of a continuing supply of new market and affordable dwellings, in the area where there is significant short-fall, the re-use of a blighted site which is unlikely to be redeveloped for employment purposes given the constrained access via a narrow, sloping road.

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

To conclude highways matters, whilst the development does add a little extra pressure on the local highway network, it is not sufficient to warrant refusal of the application, as the additional movements generated will not be significant. The safety audit that has been undertaken demonstrates that the proposal will operate safely.

The application is therefore recommended for approval, subject to a Section 106 Agreement and conditions.

The Section 106 Legal Agreement to Secure:

- **Local Equipped Area of Play (LEAP)**

- i) The developer will provide an equipped area of play within the development of not less than 250 square metres.

- ii) The developer will seek the approval of the Council to the design and location of the play area within the site prior to its installation.

- iii) This LEAP will include at least 5 items of equipment, incorporating DDA inclusive equipment.

- **'Management Plan'** to be defined as a requirement that prior to the construction of the dwellings the developer to submit to the Council for written approval a management plan detailing the future management arrangements for all open spaces and the LEAP within the site (excluding the private amenity spaces). This management plan to include the following;

- i) Statement of the principal aims and objectives of the plan: to retain the wildlife area, the two Local Wildlife Sites and to limit public access to these areas.

- i) To maintain the open space landscaping within the site in accordance with the principals set out in the landscape masterplan.

- ii) To protect ecological interests the trees identified as area 6 of the landscape masterplan are to be retained unless subject to woodland management proposals agreed in writing with the Local Planning Authority.

iii) To set out the terms of management to limit the impact of residential properties on Forge Wood Local Wildlife Site in respect of plots 2-17. To include the following within the leasehold arrangements for these properties as follows;

- No tipping of any garden waste from residential properties.
- No unauthorised extension of gardens into the woodlands.
- Removal of introduction of non-native invasive species from the woodland as necessary. (to be undertaken by the management company)
- No Contamination of the woodland to arise from resulting from use of garden pesticides and herbicides.
- No pruning back of trees due to issues of shading.(unless identified as required by the woodland management plan)

iv) The financial arrangements for the long term maintenance of the open spaces and the responsibilities of any management company established to do so.

v) To provide the ability for residents or a local organisation to be involved in the upkeep of the development.

- Commuted Sum for off-site habitat creation/enhancement works of £7,905
- Highways

The development proposals shall include the provision of off site highway works to Forge Lane and to reclassify Forge Lane as a 'Quiet Lane'. The speed limit would be formally reduced to 20mph along with the introduction of a footway with formal passing points to benefit safety along its length.

- **Off – site highway works**

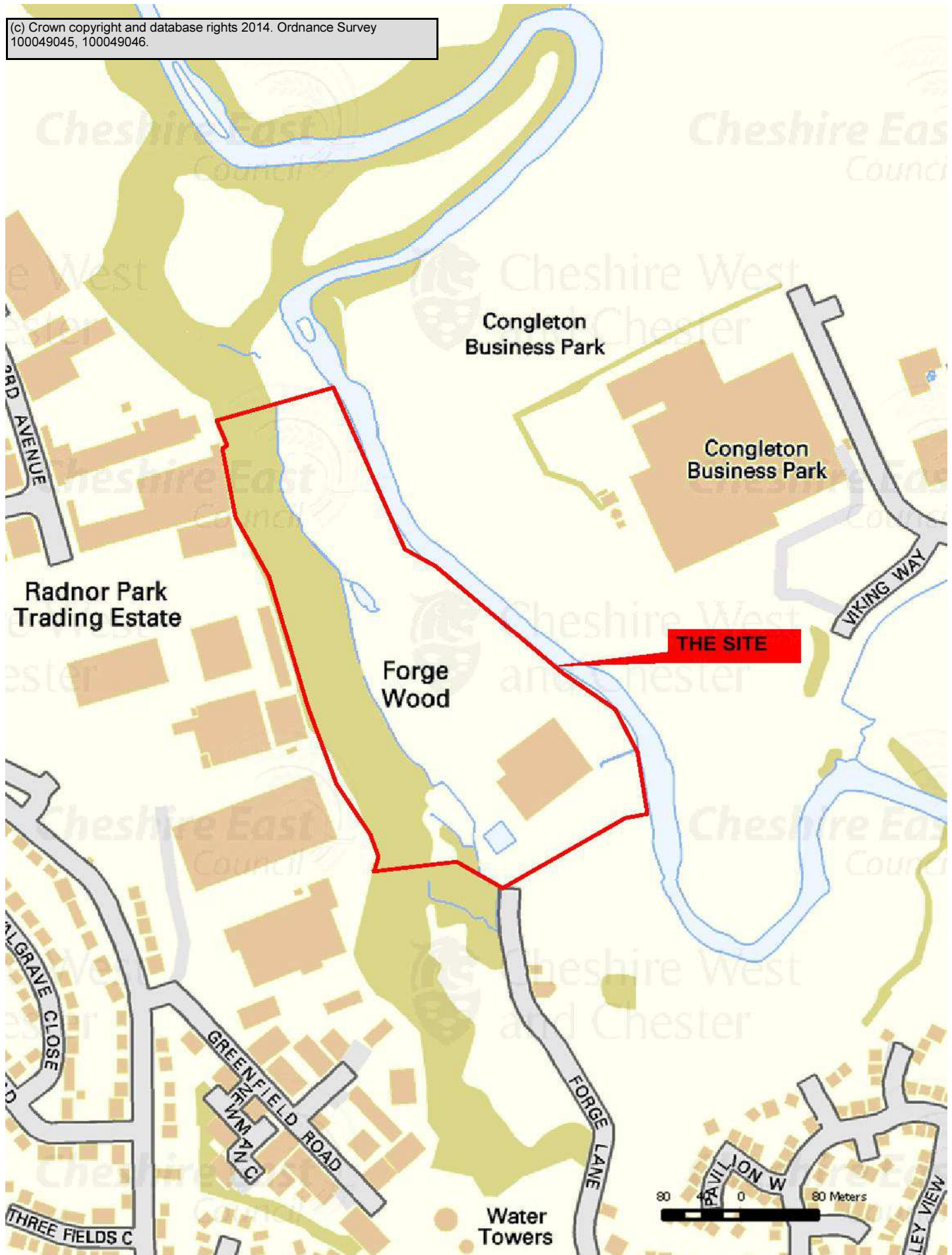
i) The developer will provide a provisional sum of £10,000 for the pursuit of the relevant orders for traffic management and £10,000 quiet lane status.

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



1. A06OP - Commencement of development
2. A01OP - Submission of reserved matters
3. A01AP - Development in accord with approved plans
4. A02EX - Submission of samples of building materials
5. Details of design treatment of Forge Lane to be submitted
6. Interior road design and construction plans
7. Submission and implementation of Tree and hedgerow protection measures
8. Arboricultural Specification/Method statement - including revised details
9. Submission of landscaping scheme inc hard landscaping planting and boundary treatments
10. Implementation of landscaping scheme
11. Phase II contaminated land report as per EA consultee response
12. Breeding Bird Survey for works in nesting season
13. Bats and bird boxes
14. Jodrell Bank standard electromagnetic condition
15. Site drainage details to be submitted
16. Hours of construction
17. Piling
18. Submission of mitigation measures to minimise any impact on air quality from construction dust
19. Submission of Construction Management Plan, including site compound/details of materials store
20. Open plan estate layout removal of permitted development rights for fences
21. electric car charging points
22. minimum level for access roads is set at 73.35 mAOD
23. Compensatory flood storage
24. Scheme to limit the surface water run-off
25. A scheme to manage the risk from overland flow of surface
26. Undeveloped buffer zones
27. noise mitigation scheme to comply with BS8223:2014, guideline values for internal ambient noise levels for dwellings
28. Noise scheme to be submitted
29. Reptile mitigation method statement
30. LEAP details
31. 10% renewables

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Application No: 14/2084M

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

Proposal: Demolition of an existing house and the erection of 2 No pair of Semi-detached houses (four dwellings in total)- Re- sub of refused application (13/3536M)

Applicant: Edmund Carley

Expiry Date: 19-Jun-2014

**Date Report Prepared:** 25 July 2014

**SUMMARY RECOMMENDATION**

Approve, subject to conditions.

**MAIN ISSUES**

- The principle of the development;
- Housing Land Supply;
- Amenity implications;
- Requiring good design and character and appearance of the area; and
- Other material considerations.

**REASON FOR REPORT**

The application has been referred to Northern Planning Committee at the discretion of the Planning and Enforcement Manager, given the history of the site and previous application proposals.

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

**DESCRIPTION OF SITE AND CONTEXT**

The application site is on Chester Road in the centre of Poynton. The application site is close to public transport links, with a bus stop outside the site and within a short walking distance to a train station. The application site is also close to local shops and services in Poynton town centre.

44 Chester Road sits in a corner position at the junction with Hilton Grove. The house is positioned close to the Hilton Grove end of the plot, leaving a relatively wide gap between it and No 46 Chester Road. In general Chester Road is characterised by a mix of dwellings with

differences of age, type, size and style. However, the application site relates most closely to the row of Victorian properties between numbers 46 and 64 Chester Road.

These houses, with a relatively wide space between each pair, establish a distinct rhythm along the street. With hedges and trees in the front gardens they form an attractive group that enhances the street scene along Chester Road.

At the Hilton Grove end of this group, the application site (44 Chester Road) is an exception, being a two storey mock Tudor style detached house, set further back from the road and with a wide side garden. Trees and shrubs in the garden act to screen the house from the street. The site serves to define and accentuate the position of the group of Victorian properties in the street scene.

## DETAILS OF PROPOSAL

This full application seeks planning permission for the demolition of the existing detached house and the erection of four houses, arranged as two pairs of semi-detached houses.

Vehicular access for all four dwellings will be from Chester Road, arranged with each pair of housing sharing a drive to two access points.

The houses are two storey properties with the roofspace utilised for living accommodation. They are assessed as two and a half storey properties with accommodation on three levels.

This current application proposal involves the following changes to the previous scheme: -

- The proposed building nearest to number 46 Chester Road has been moved away from number 46 Chester Road by 1 additional metre. This has resulted in a separation distance of 11 metres between number 46 and the proposed development;
- The proposed semi-detached building nearest number 46 has been moved back into the site (away from Chester Road) by 1m; and
- Four semi-mature trees have been planted in the garden of the application site near the boundary with 46 Chester Road.

## RELEVANT HISTORY

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

### 2013 SCHEME:

Planning permission was refused on 6 January 2014 for the demolition of an existing house and the erection of **two pairs of Semi-detached houses**, under reference 13/3536M. This scheme was refused on the following ground:-

- Loss of light and overbearing impact to the detriment of the residential amenities of the adjacent property.

This scheme is currently the subject of an appeal (under reference APP/R0660/A/14/2214837) and following an appeal site visit on 23 June 2014 the Council is awaiting the outcome of this appeal.

The current application proposal has been assessed on its own merits and notwithstanding the outcome of this appeal; officers consider that the changes made are sufficient to tip the balance in favour of approval, which is discussed in detail below.

#### 2012 SCHEME:

Planning permission was refused in December 2012 for the demolition of the existing house and the erection of **two pairs of Semi-detached houses**, under reference 12/4196M. This scheme was refused on the following grounds: -

- Poor design that would detract from the character and appearance of the area; and
- Loss of light and overbearing impact to the detriment of the residential amenities of the adjacent property.

#### 2011 SCHEME:

Planning permission was refused in December 2011 for the demolition of the existing house and the erection of **three 3 storey houses and 3 flats** with parking and service space. This scheme also included the relocation of Vehicular Accesses on Both Chester Road and Hilton Grove, under reference 11/3290M. This scheme was refused on the following grounds: -

- Poor design that would detract from the character and appearance of the area;
- Cramped and intrusive form of development; and
- Loss of light and overbearing impact to the detriment of the residential amenities of the adjacent property.

This scheme was the subject of an appeal (under reference APP/R0660/A/12/2168108) and the appeal was dismissed by letter dated 3 May 2012.

#### 2010 SCHEME:

Originally an application was submitted, under reference 10/4317M, which sought permission for the erection of **four 3 storey houses and 3 flats** with parking and service space. This scheme also included a relocation of vehicle access onto Hilton Grove. However, this application was withdrawn in February 2011.

There is no other relevant planning history on this site.

### POLICIES

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

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

#### Local Plan Policy:

The application site lies within a predominantly residential area in Poynton and is not in a Conservation Area or subject to any other policy control. Therefore the relevant Macclesfield Local Plan policies are considered to be: -

- Policy H1 (Phasing policy);
- Policy H2 (Environmental quality in housing developments);
- Policy H5 (Windfall housing sites);
- Policy H13 (Protecting residential areas);
- Policy BE1 (General design)
- Policy DC1 (High quality design for new build);
- Policy DC3 (Protection of the amenities of nearby residential properties);
- Policy DC6 (Circulation and Access);
- Policy DC8 (Requirements for Landscaping);
- Policy DC35 (Materials and finishes);
- Policy DC36 (Road layouts and circulation);
- Policy DC37 (Landscaping);
- Policy DC38 (Guidelines for space, light and privacy for housing development);
- Policy DC41 (Infill housing development);
- Policy DC63 (Contaminated Land Including Landfill Gas) and
- Policy NE11 (Nature Conservation).

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

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

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

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

Replacing MBLP policies NE11, BE1, H4, and H13 (CELP) policies SE3, SE1, SD2, SE1, EG3 and CO1, which are summarised below: -

- Policy SE3: which seeks to protect and enhance biodiversity and geodiversity;
- Policy SE1: sets out requirements for design;

- Policy SE12: Pollution and Unstable Land ensures that development protects amenity;
- Policy SD2: sets out sustainable development principles; and
- Policy CO1: deals with sustainable travel and transport including public transport.

### **The National Planning Policy Framework**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

### **Supplementary Planning Documents:**

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

- Poynton SPD

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

HIGHWAYS:

No objections.

UNITED UTILITIES:

United utilities (UU) have raised no objection to the application. UU have stated that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. UU have requested that the developer consider the various drainage options to accord with the hierarchy outlined in Building Regulations H3.

A public sewer crosses this site and UU will not permit building over it. An easement condition is suggested that will allow UU an access strip width of 6 metres, 3 metres either side of the centre line of the sewer.

ENVIRONMENTAL HEALTH:

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

The Contaminated Land team has no objection to the above application subject to an informative being placed on any decision to deal with the scenario that unexpected contamination is found on the site during construction.

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

### **POYNTON TOWN COUNCIL**

Reiterated their recommendation of refusal of the previous application, which were:

- Loss of privacy by reason of overlooking;
- Cramped development;
- Inadequate space with regard both to adjoining houses and between the proposed houses;
- Development un-neighbourly, being unduly dominant when viewed from adjoining property;
- The proposed development by virtue of its size and siting would result in the direct loss of existing trees which are of amenity value to the area as a whole; and
- Parking provision detrimental to highway safety.

Members also noted that parking provision of two spaces for each four-bedroomed house was inadequate, and would lead to parking on Chester Road and on Hilton Grove to the side of the development.

They also asked that United Utilities' conditions with regard to drainage and sewerage is still taken into account.

In summary Members felt that this application had not changed materially from previous applications for this site.

## **REPRESENTATIONS**

The application has been advertised in accordance with the General Development Management Order 2010, in this case by direct neighbour notification. The publicity period for this application expired on 25 May 2014.

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

- This latest revised scheme fails again to adequately address all of the concerns with the previous application/plans unchanged/changes to plans insignificant;
- Loss of light;
- Overlooking/inadequate separation distances;
- Overbearing;
- Height and location will impact on privacy;
- Contrary to policy;
- Impact on character of the area/streetscene;
- Plans include an additional bedroom/study in the attic;
- Plans incorrect as they show trees to be retained which have already been removed/loss of existing tree and shrub screening;



- Intensification of site increases road safety problems and concerns;
- Loss of landscaping/loss of trees/too much hardstanding;
- Concerned the internal layout is possible to convert to HMO;
- Inadequate parking provision/congestion around the site/result in on street parking/no visitor parking;
- No provision for bins/waste disposable implications;
- Solid block on a prominent corner location/eyesore/impact on the character of the surrounding area; and
- Scheme too dense/increase from one house to four houses is excessive/overdevelopment/cramped.

### **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following reports/documents in support of the application, details of which can be read on the electronic file on the Council's public access website.

- Planning, Design and Access Statement;
- Bat Survey;
- Tree & Landscape Report;
- Sun Study; and
- Supporting Character Assessment.

### **OFFICER APPRAISAL**

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

- The principle of the development;
- Housing Land Supply;
- Amenity implications;
- Requiring good design and character and appearance of the area; and
- Other material considerations.

#### **The principle of the development:**

The site lies within the settlement boundary of Poynton and within a Predominantly Residential Area where policies within the MBLP indicate that there is a presumption in favour of development.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted.

Policy H5 within the MBLP seeks to direct residential development to sustainable locations – this policy accords with guidance within the NPPF and therefore carries full weight. The site constitutes a sustainable location as it is located within the settlement boundary of Poynton and by virtue of its proximity to shops and services within Poynton.

Therefore, permission should only be withheld where any adverse impacts would significantly and demonstrably outweigh the benefits as noted above.

## ***Housing Land Supply***

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

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

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

*Elworth Hall Farm, Sandbach (11 April 2014).* It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

*Dunnocksfold Road, Alsager (14 July 2014).* Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

*Newcastle Road, Hough (14 July 2014).* In the absence of evidence to the contrary the Inspector accepted the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the

subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds current household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

However, if the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Councils 5 year land supply position.

### **Amenity implications:**

As stated above, this current application proposal involves the following changes to the previous scheme: -

- The proposed building nearest to number 46 Chester Road has been moved away from number 46 Chester Road by 1 additional metre. This has resulted in a separation distance of almost 11 metres between number 46 and the proposed development;
- The proposed semi-detached building nearest number 46 has been moved back into the site (away from Chester Road) by 1m; and
- Four semi-mature trees have been planted in the garden of the application site near the boundary with 46 Chester Road.

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

Policy DC3 states:

DEVELOPMENT, INCLUDING CHANGES OF USE, SHOULD NOT SIGNIFICANTLY INJURE THE AMENITIES OF ADJOINING OR NEARBY RESIDENTIAL PROPERTY OR SENSITIVE USES DUE TO:

1. LOSS OF PRIVACY
1. OVERBEARING EFFECT
2. LOSS OF SUNLIGHT AND DAYLIGHT
3. NOISE, VIBRATION, SMELLS, FUMES, SMOKE, SOOT, ASH, DUST OR GRIT
4. ENVIRONMENTAL POLLUTION
5. HAZARDOUS SUBSTANCES AND INDUSTRIAL PROCESSES
6. TRAFFIC GENERATION, ACCESS AND CAR PARKING.

Policy DC38 states:

HOUSING DEVELOPMENT SHOULD MEET THE GUIDELINES OF SPACE BETWEEN BUILDINGS AS SET OUT IN TABLE 4 UNLESS THE DESIGN AND LAYOUT OF THE SCHEME AND ITS RELATIONSHIP TO THE SITE AND ITS CHARACTERISTICS, PROVIDES A COMMENSURATE DEGREE OF LIGHT AND PRIVACY BETWEEN BUILDINGS.

The guidance distances are listed below:-

<b>Position/height of building</b>	<b>Guidelines for space between buildings from the centre line of any window</b>
<b>1 Habitable room facing habitable room or facing non-residential buildings</b>	
(a) 1 or 2 storeys	21 metres front to front of buildings 25 metres back to back of buildings
(b) 3 storeys or upwards	28 metres plus 7 metres per additional storey front to front of buildings 32 metres plus 7 metres per additional storey back to back of buildings
<b>2 Habitable room facing non-habitable room</b>	
(a) 1 or 2 storeys	14 metres 2.5 metres per additional storey
b) 3 storeys or upwards	2.5 metres per additional storey
<b>3 Allowance for differences in level between buildings</b>	
(a) all cases where 1 and 2 are applied and difference in level exceeds 2.5 metres	add 2 metres to distance
(b) each further 2.5 metres difference in level	add additional 2 metres per 2.5 metres difference in level
<b>2 Each dwelling should be set back at least 1 metre from the site boundary</b>	
3 Where it is necessary to provide a car parking space at the front of the dwelling each dwelling should be set back at least 5.5 metres from the highway to provide car parking space off the highway.	

It is of note that the explanatory note attached to Policy DC38 states that the distances outlined above are for guidance only and can be varied in accordance with the policy DC38.

The application site is bounded to the east by Hilton Grove and to the south by Chester Road. Residential properties bound the site to the north and west, whilst further residential properties are located on the opposite side of the roads.

## STOREY HEIGHTS

Upon review of the assertions made by the application and the comments received by neighbouring properties, in the interests of consistency and transparency it has been considered that the best way to describe the development is of being 2½ storeys in height, with accommodation on three floors. A key factor on amenity implications is the heights of the proposed dwellings, being approx 9.3 metres in height. In the interest of fairness, number 46 Chester Road could be described in a similar fashion, being approx 10 metres in height. Officers conclude it should be judged as a two storey scaled building for the purposes of the separation policy. The application is clear and all parties are aware of the level of accommodation provided and on how many storeys. For the avoidance of doubt, separation distance on both counts (2 and 3 storeys) will be referenced.

#### PROPERTIES ON THE OPPOSITE SIDE OF CHESTER ROAD:

In respect of the properties on the opposite side of Chester Road, the revised proposed dwellings would exceed the separation distance outlined in policy DC38 of the Local Plan.

Therefore, this revised scheme is not considered to have a detrimental effect on the amenity of the properties on the opposite side of Chester Road.

#### 42 CHESTER ROAD

It has been previously determined that windows in the side elevation of number 42 Chester Road are secondary. Policy DC38 states that in this situation a distance of 16.5 metres would need to be maintained for three-storey properties. The proposed development, whether considered three or two storey would (in any event) exceed this distance with number 42, resulting in a separation distance of approximately 22 metres (was 23 metres previously).

Therefore, this revised scheme is not considered to have a detrimental effect on the amenity of number 42 Chester Road.

#### 1 HILTON GROVE

The property to the rear of the application site identified as number 1 Hilton Grove is sited at right angles to the plot and therefore has its side elevation and rear garden along the full length of the shared boundary.

It should be reiterated that officers remain sympathetic to the issues faced by the occupiers of number 1 Hilton Grove from an increase in the amount of development, an increase in the bulk and height of development, and an increase in the number of windows that would face across this property's rear garden.

Whilst this revised scheme has increased the distance to the shared boundary with number 46 Chester Road and the first pair of semis, this has resulted in the reduction in the distance to number 1 Hilton Grove.

The existing dwellinghouse on the application site faces towards no. 1 Hilton Grove and has principal habitable windows at first floor level that currently overlook the rear garden of that property.

The proposed dwellinghouses would be located on a similar building line as the existing dwellinghouse; a substantial hedge (in the neighbour's ownership) and trees (to be retained) are located along the shared boundary that provide a high level of screening.

As previously stated, the Government in the latest GPDO allow rear extensions of more than one storey in height to come within 7m of a rear boundary, the proposed dwellinghouses would be set back circa 11m (minimum) at ground floor and 12m (minimum) at first and second floors from the garden boundary of no. 1 Hilton Grove therefore exceeding this distance. Again the rooflights within the rear elevation could be conditioned to be positioned a minimum distance above internal floor level to prevent any overlooking issues.

Bearing all the above in mind and the comments received by number 1 Hilton Grove, it is again considered that the revised scheme would not have a *significantly* detrimental impact on the residential amenity of this property.

#### 46 CHESTER ROAD

Number 46 Chester Road is located to the west of the application site and comprises a semi-detached property which has windows within the side elevation of all three floors.

The ground floor bay window serves a living/dining room and the first floor window serves a bedroom. Whilst both these rooms have windows to the side and rear, the windows in the side elevations are the larger of the two windows and therefore it is these that are deemed to be the principal window to each room. To the second floor, the two windows each serve a bedroom and are the only window to each room. All of the windows in the side elevation of number 46 Chester Road face in an easterly direction and therefore they provide a significant function in providing light to these rooms.

In respect of policy DC38 of the Local Plan, the proposed development should be sited 16.5m away from these windows when considering a three-storey building and 14m away when considering a two-storey building.

The proposed revised development would now be sited 10.9 metres (previously 9.8 metres) from the windows on the main side elevation of number 46 Chester Road.

It is worthy of note that all revised applications on the site have sought to address this relationship and increase this distance (albeit under the guidance requirements) from 5.5m in the 2011 application, to 9m in the 2012 application and to 9.8m in the 2103 application.

An 11 metre distance represents a 67% separation when assessed against three storey developments and a 78% separation when considering two storey building. In any event the application proposals do not accord with either separation distance(s).

However, it is considered that revised proposal would not compromise privacy to the garden or habitable rooms within number 46 to such an extent to be considered to have a *significantly* detrimental impact on residential amenity. This is in part because:

- The distances set within DC38 are however guidelines and regard should also be had to: the design, layout of the scheme the relationship to the site and its characteristics and provides a commensurate degree of light and privacy between buildings;
- Paragraph 59 of NPPF confirms design policies and planning decisions should avoid unnecessary prescription or detail and instead ensure the character of an area is maintained with paragraph 60 stressing the importance of local context.
- It is noted the living room of number 46 have dual aspects with windows that face north (toward the rear) and east (towards the application site).
- Whilst the east facing windows are the principal windows it is clear that the dual aspect windows provide outlook and daylight from two directions.
- The proposal does not have any windows facing number 46.
- The application proposal is further from the common boundary than number 46.

- The space between the application property and number 46 is now 11 metres which is appropriate to the character typified by the spaces between similar houses to the west along Chester Road (where distances of around 8 metres to 9 metres are common).
- A row of 6 metre high trees are now planted on the boundary which provide a screening to the development;

#### CHARACTER OF THE AREA:

This application proposal includes four houses positioned within the forward building line of Chester Road. As stated above, the application is considered to respond to the semi-detached houses of 46 to 62 Chester Road where the gaps between the houses are between 8 and 9 metres. The application proposals repeats the gap between the pairs of semi's in the juxtaposition of 46 Chester Road and the closest house of the appeal proposal, a gap is provided of almost 11 metres (7 metres of which are on the application site), a more generous gap than provided to the west.

#### SUNLIGHT & DAY LIGHT STUDY:

A Sunlight & Day Light Study has been submitted with the application. It has been undertaken with reference to the Building Research Establishment document 'Site layout planning for daylight and sunlight; a guide to good practice. The assessment was taken for the 6<sup>th</sup> February, 6<sup>th</sup> June and 6<sup>th</sup> October and at 08:00am, 09:00am, 10:100 and 11:00. Please note as the sun is moving away from the property after 11:00am, no additional references were taken.

The parameters of this study have been reviewed and it is considered to be a technically accurate document, to scale and includes shadow cast by the proposed development at different times of the day and times of the year. This document can be considered a material consideration is assessing this application.

As stated above, the proposed semi-detached building nearest number 46 have been moved back into the site (away from Chester Road) by 1m.

The sun study shows there will not be a detrimental impact from loss of sunlight or daylight upon the east facing windows and there will not be an impact upon the north facing windows of the living or bedroom. The repositioning of the dwelling has clearly reduced any detrimental impact from loss of sunlight or daylight upon number 46 Chester Road.

#### BOUNDARY CHANGES:

The previous boundary between the application site and 46 Chester Road was a privet hedge and high trees. Whilst the high trees had been removed during the last few years, the applicant has replaced the trees and the original screening between the two plots. The replacement trees are semi-mature Lime Trees and are approximately 6 metres in height. These trees (which are free from planning control) would have an impact on the amount of daylight and sunlight to number 46 Chester Road.



In addition, the applicant could erect a 2 metre high fence on this boundary under Permitted Development, and if done, this could also have an impact on the amount of daylight and sunlight to the ground floor side window.

#### CONCLUSIONS ON AMENITY:

It is considered that the revised scheme would not have a detrimental effect on the amenity of the properties on the opposite side of Chester Road and number 42 Chester Road. It is also considered that the revised scheme would not have a *significantly* detrimental impact on the residential amenity of number 1 Hilton Grove.

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

It is considered that due to the reposition of the end building and the presence of semi mature trees on the boundary that the proposal would not have a *significantly* detrimental impact on the residential amenity of number 46 Chester Road to the extent that living conditions of the adjoining occupier will be significantly injured.

It is considered that the modifications to the position of the nearest proposed dwelling to 46 Chester Road, have tipped the balance in terms of balancing the planning arguments for the case (*allowing a sustainable form of development, in keeping with character of the area, replicating similar separation distance on Chester Road, with no arboricultural, ecological or highway implications*) against the issue of separation distance that is below the guidance in Local Plan Policy DC38.

Therefore, overall and on balance, the development would accord with Local Plan policies DC3 and DC38.

#### **Requiring good design and character and appearance of the area:**

As previously, the proposed development would result in the demolition of a detached two-storey dwellinghouse with an attached garage. In its place it is proposed to erect two pairs of semi-detached dwelling houses.

As plot 44D has been moved away from number 46 Chester Road by 1m, a 2.5m gap is now provided between the two blocks of properties, rather than 3m under the last scheme. It is noted that the gap was 2m under the 2012 scheme and 1.1m under the 2011 scheme. The other space has been found by moving the dwellings half a metre closer to Hilton Grove.

Both units would have a similar design with feature gables, hipped/half-hipped roofs, accommodation in the roofspace, rooflights, and a mix of brick and render to the walls and natural slate roofs.

As previously, two vehicular accesses would be provided off Chester Road, one to serve each pair of semi's (with a pedestrian access off Hilton Grove). The existing front garden will be

largely covered in hardstanding to provide the proposed off-street parking. Private amenity space including a patio area will be located to the rear of each dwellinghouse.

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

It is again considered that the dwellings as proposed are considered to be commensurate to the existing character of the dwellings 46 to 62 Chester Road in terms of spacing and style. It is considered that the design would not appear incongruous to the existing streetscene, following omission of the front gables and the reduction in height, and the spacing between the two pairs of semis. The character of the dwellings is considered more akin to the existing character and appearance of the area than the previous refusals.

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

#### **Other material considerations:**

Other material considerations in respect of this current application proposal are described below. It is considered that there has been no material change in circumstance since the last scheme that would alter officers' assessment on these issues.

#### **HIGHWAYS ACCESS, PARKING, SERVICING AND HIGHWAY SAFETY:**

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

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

#### **ARBORICULTURAL IMPLICATION**

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

The revised Arboricultural Statement submitted with this current scheme now includes comments on the recently planted linear group of Limes.

Other than the newly planted Lime Trees, the absence of any category A or B trees as defined within BS5837:2012 removes any objection to the application from an arboricultural perspective; with a net gain envisaged in terms of the recently implemented landscape scheme which replaces those trees which have been removed. Additional quality landscaping is proposed for the Chester Road frontage a main access route serving Poynton

## ECOLOGICAL IMPLICATIONS

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

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

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

An updated bat survey was undertaken as part of this current application. The Council's Ecologist has been consulted on the application. No evidence of bats was recorded and considering the location of the building and the absence of any bat field signs, the Ecologist is satisfied that roosting bats are not reasonably likely to be present or affected by the proposed development. It is therefore considered that the proposed development would comply with policy NE11 of the Local Plan.

## OTHER AMENITY CONSIDERATIONS:

The application site is surrounded by existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

## LAND CONTAMINATION ISSUES:

The Environmental Health Division has assessed the application in respect of land contamination. They note that the site is within 50m of a known landfill site or area of ground

that has the potential to create gas and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with the NPPF, they recommend that a condition and note in respect of contamination be attached should planning permission be granted.

## OTHER MATTERS

The site is not at risk of flooding as it is within Flood Risk Zone 1. A water supply can be provided and a separate metered supply to each unit will be required. There is a sewer that crosses the site. United Utilities have raised no objection to the application subject to a sewer easement condition and a foul and surface water details being secured via condition.

## CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is within Poynton, in a sustainable location close to existing services, community facilities and public transport links.

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

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

It is acknowledged that the previous concerns in terms of design and the character and appearance of the streetscene have despite objections received, been resolved and any alterations to the scheme as a result of this application have not altered this view.

Whilst there will be an impact on the enjoyment of the living conditions to the residents to number 46 Chester Road and number 1 Hilton Grove, which is regrettable, it is considered that the scheme has been amended enough to reduce such impacts to a level, that officers believe that their living conditions would not be significantly injured. This view is based on the following factors: -

- The distances set within DC38 are however guidelines and regard should also be had to: the design, layout of the scheme the relationship to the site and its characteristics and provides a commensurate degree of light and privacy between buildings;
- Paragraph 59 of NPPF confirms design policies and planning decisions should avoid unnecessary prescription or detail and instead ensure the character of an area is maintained with paragraph 60 stressing the importance of local context.
- Previously Officers have stated that the impact on number 1 Hilton Grove was not considered *significantly* detrimental. Whilst it is accepted that the end pair of semi detached houses is closer to their boundary it is again considered that the revised scheme would not have a *significantly* detrimental impact on the residential amenity of this property.

- It is noted the living room of number 46 have dual aspects with windows that face north (toward the rear) and east (towards the application site).
- Whilst the east facing windows are the principal windows it is clear that the dual aspect windows provide outlook and daylight from two directions.
- The proposal does not have any windows facing number 46.
- The application proposal is further from the common boundary than number 46.
- The space between the application property and number 46 is now 11 metres which is appropriate to the character typified by the spaces between similar houses to the west along Chester Road (where distances of around 8 metres to 9 metres are common);
- A row of 6 metre high trees are now planted on the boundary which provide a screening to the development;
- The sun study shows there will not be a detrimental impact from loss of sunlight or daylight upon the east facing windows and there will not be an impact upon the north facing windows of the living or bedroom;
- The repositioning of the dwelling has clearly reduced any detrimental impact from loss of sunlight or daylight upon number 46 Chester Road;
- The boundary trees (which are free from planning control) would have an impact on the amount of daylight and sunlight to number 46 Chester Road; and
- The applicant could erect a 2 metre high fence on this boundary under Permitted Development, and if done, this could also have an impact on the amount of daylight and sunlight to the ground floor side window.

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

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#### 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. A07HA - No gates - new access

- 5. A12HA - Closure of access/removal of dropped kerbs
- 6. A01LS - Landscaping - submission of details
- 7. A04LS - Landscaping (implementation)
- 8. A12LS - Landscaping to include details of boundary treatment
- 9. A01TR - Tree retention
- 10.A02TR - Tree protection
- 11.A19MC - Refuse storage facilities to be approved
- 12.A04HP - Provision of cycle parking
- 13.A04NC - Details of drainage
- 14.A04NC\_1 - Sewer Easement
- 15.A22GR - Protection from noise during construction (hours of construction)
- 16.A23GR - Pile Driving
- 17.A32HA - Construction Management Plan
- 18.A32HA\_1 - A scheme to minimise dust emissions
- 19.A17MC - Decontamination of land
- 20. Contamination Informative
- 21. NPPF Informative



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Application No: 14/1991M

Location: 20, Priory Lane, Macclesfield, SK10 3HJ

Proposal: Demolition of existing residential dwelling (20 Priory Lane). Construction of ten residential properties (5x semi-detached) with associated parking new access road etc

Applicant: Mark Edwards, Contour Homes Ltd

Expiry Date: 05-Aug-2014

**Date Report Prepared:** 28 July 2014

#### **SUMMARY RECOMMENDATION**

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

#### **MAIN ISSUES**

- Principle of the Development (*Windfall Housing Sites*);
- Principle of the Development (*Need for Affordable Housing*);
- Housing Policy;
- Developer Contributions;
- Requiring good design and character and appearance of the area;
- Highways;
- Residential Amenity; and
- Other material planning considerations.

#### **REASON FOR REPORT**

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

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

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

The site is located with Macclesfield. The site is located opposite St Alban's Catholic Primary School. The existing site comprises one residential house with associated gardens, an area

containing several trees and some open space, and is accessed via a priority junction with Priory Lane along an un-surfaced track.

The vacant site is bounded predominantly by two storey residential dwellings to the North, West and South and by Priory Lane to the East, vehicular and pedestrian access to the site is proposed via Priory Lane which runs adjacent to the eastern boundary.

The site is well served from Priory Lane which is a major road through the surrounding residential area. The site has good public transport links, the nearest bus stops to the site are located on Priory Lane, approximately 75m north of the proposed site access. These stops are served by a regular bus service. These routes provide convenient connections to Macclesfield town centre and Prestbury Additional services can be accessed on Fallibroom Road, approximately 300m from the site access.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the construction of a residential housing development comprising a total of 10 units.

The application is made by the Affordable Housing Consultancy for development comprising 100% affordable housing.

The proposed development will include the creation of 10 new residential properties, 2 no. 3 bedroom houses and 8 no. 2 bedroom houses each over two storeys.

## **RELEVANT HISTORY**

There is no site history relevant to the determination of this application.

## **POLICIES**

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

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

### **Local Plan Policy:**

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

-

- Policy BE1 (Design Guidance);
- Policy H1 (Phasing policy);
- Policy H2 (Environmental quality in housing developments);
- Policy H5 (Windfall housing sites);

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

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

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

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

Replacing MBLP policies NE11, BE1, H4, and H13 (CELP) policies SE3, SE1, SD2, SE1, EG3 and CO1, which are summarised below: -

- Policy SE3: which seeks to protect and enhance biodiversity and geodiversity;
- Policy SE1: sets out requirements for design;
- Policy SE12: Pollution and Unstable Land ensures that development protects amenity;
- Policy SD2: sets out sustainable development principles; and
- Policy CO1: deals with sustainable travel and transport including public transport.

### **The National Planning Policy Framework**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

### **Supplementary Planning Documents:**

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

- Section 106/Planning Obligations Supplementary Planning Guidance Note; and
- Interim Planning Statement on Affordable Housing.

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

#### **HIGHWAYS:**

No objections, subject to conditions and a commuted sum for the proposed waiting restrictions on Priory Lane.

#### **UNITED UTILITIES:**

United utilities (UU) have raised no objection to the application. UU have stated that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. UU have requested that the developer consider the various drainage options to accord with the hierarchy outlined in Building Regulations H3.

A public sewer crosses this site and UU will not permit building over it. A easement condition is suggested that will allow UU an access strip width of 6 metres, 3 metres either side of the centre line of the sewer.

#### **ENVIRONMENTAL HEALTH:**

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

The Contaminated Land team has no objection to the above application subject to an informative being placed on any decision to deal with the scenario that unexpected contamination is found on the site during construction.

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

Not applicable.

## **REPRESENTATIONS**

The application has been advertised in accordance with the General Development Management Order 2010, in this case incorporating the following elements:-

- On site, by the means of a site notice on Priory Lane making reference to major development;
- The site notice was posted on 16 May 2014;
- Notice was published in the local press (Macclesfield Express) on 21 May 2014; and
- Surrounding residential properties (6 on Birchgate Close, 4 on Drummond Way, 5 on Rayleigh Close, 4 on Priory Lane and 13 on Keats Drive) have also been written to directly.

This extended publicity period for this application expired on 16 June 2014.

### **AMENITY GROUPS:**

Macclesfield Civic Society has stated that they welcome the provision of affordable housing in small scale schemes such as this. They believe that the design and external appearance is consistent with the mixed residential character of the area. With tree retention and new planting the impact will be lessened though it is acceptable in any event

### **LOCAL RESIDENTS:**

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

### **GENERAL/OTHER ISSUES:**

- Questioned who would be responsible for the maintenance of boundary fences;
- Would like members of the Planning Committee to see the complete objection letters;
- 100% rented scheme, would prefer at least some owner occupancy of the units;

### **LOSS OF AMENITY THROUGH OVERLOOKING, OVERSHADOWING AND LOSS OF PRIVACY:**

- The kitchen, living room, dining room and back gardens of Rayleigh Way will be overlooked by the development;
- The close position of Plot 7 to the boundary of Rayleigh Way;
- Plot 7 will cause a loss of morning light to the houses and gardens on Rayleigh Way;
- Concerns due to the upward slope of the gardens of 16, 14 and 12 Birchgate Close and the elevation of these houses, these dwellings will lose their privacy as the new development will bear down their gardens;

### **DESIGN:**

- Too many dwellings are proposed;
- Design is out of keeping with the character of the area;
- Density of the scheme should be reduced;

- The plot would be much more suited to a small development of larger family homes for the owner occupied market in keeping with the existing long established and pleasant community;

#### GENERAL AMENITY ISSUES:

- The area is currently a very quiet neighbourhood and 10 family homes and parking for 20 cars will have a detrimental impact on noise levels;
- Lack of screening on boundaries with Rayleigh Way;

#### HIGHWAY AND PEDESTRIAN SAFETY:

- Access to and from the new development will increase the amount of traffic;
- Pedestrian and vehicular traffic is already heavy at peak times due to the 2 schools in the area;
- Having another access road opposite the existing flat/school entrance will not ease the situation and at peak times will make matters worse;
- The plans do not show 20 car parking spaces;

#### ARBORICULTURAL IMPLICATIONS

- Loss of trees;
- The removal of trees which makes 1 Rayleigh Way and the proposed development very visible to each other;
- The removal of trees and shrubs particularly the 'laurel' on the boundary with 3 Rayleigh Way will remove any screen to Plot 7;
- Lack of proposed boundary screening;

#### ECOLOGY:

- We have seen bats flying in the area so it is hoped that their welfare will also be considered;
- Neighbours have observed numerous bats both accessing and exiting the derelict building from both sides of the site (Drummond Way and Rayleigh Close);
- Concerns about the accuracy of the bat report and further studies should be made, and advice sought, as the bat report submitted is inconclusive;

#### LEGAL BOUNDARY ISSUES:

- Concerns regarding the building process and how the shared wall marking the boundary with Rayleigh Close will be maintained; and
- Legal concerns regarding the removal or alteration of shared boundaries without permission or consent.

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

#### APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following reports/documents in support of the application, details of which can be read on the electronic file on the Council's public access website.

- Planning, Design and Access Statement;

- Ecological Report;
- Arboricultural Statement;
- Transport Statement; and
- Bat Survey.

## **OFFICER APPRAISAL**

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

- Principle of the Development (*Windfall Housing Sites*);
- Principle of the Development (*Need for Affordable Housing*);
- Housing Policy;
- Developer Contributions;
- Requiring good design and character and appearance of the area;
- Highways access, parking, servicing and highway safety;
- Residential Amenity; and
- Other material planning considerations.

### **Principle of the Development (Windfall Housing Sites):**

The site lies within the settlement boundary of Macclesfield and within a Predominantly Residential Area where policies within the Local Plan indicate that there is a presumption in favour of development.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted.

Policy H5 within the Local Plan seeks to direct residential development to sustainable locations – this policy accords with guidance within the NPPF and therefore carries full weight. The site constitutes a sustainable location as it is located within the settlement boundary of Macclesfield and by virtue of its proximity to shops and services within Macclesfield.

Therefore, permission should only be withheld where any adverse impacts would significantly and demonstrably outweigh the benefits as noted above.

### **Principle of the Development (Need for Affordable Housing):**

This application is for 10 Affordable Rented units made up of eight 2 bed houses and two 3 bed houses. The applicant is Contour Homes Ltd who are a Registered Provider of Social Housing registered with the Homes and Communities Agency (HCA). They have also secured funding with the HCA to support delivery of this scheme.

The site falls within the Macclesfield Sub-Area for the purposes of the Strategic Housing Market Assessment (SHMA 2013). This identifies a net annual requirement of 180 units for the period 2013/14 to 2017/18. Within 2013/14 there have been 20 completions in the Macclesfield sub-area. In addition to this, information taken from Cheshire Homechoice, shows there are currently 1,160 active applicants who have selected one of the Macclesfield

lettings areas as their first choice. These applicants require 548x 1bd, 88x 2bd, 339x 3bd and 112x 4+bd units.

The mix of types of dwelling proposed for the affordable homes would meet some of the identified need for the Macclesfield sub-area and is in line with the type of affordable housing need identified from the SHMA Update 2013 and also current applicants on Cheshire Homechoice.

### ***Housing Land Supply***

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.



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

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

*Elworth Hall Farm, Sandbach (11 April 2014).* It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

*Dunnockfold Road, Alsager (14 July 2014).* Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants' backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

*Newcastle Road, Hough (14 July 2014).* In the absence of evidence to the contrary the Inspector accepted the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that “especial attention” to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds currently household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

However, if the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Councils 5 year land supply position.

#### **Developer Contributions:**

Additionally in accordance with the Councils SPG on S106 (Planning) Agreements, the proposal triggers the need for both Public Open Space (POS) and Recreation / Outdoor Sports (ROS) provision, in line with the current CEC policy.

10 Affordable dwellings would generate a need for £30,000 Public Open Space (POS) based on £3000 per dwelling. The commuted sum for ROS is £10,000, based on £1,000 per dwelling. However, for 100% affordable housing schemes, the commuted sum for ROS is normally waived.

The POS would be spend at Juniper Rise play and amenity space, Birtles Road allotments and Amenity space at Macclesfield Leisure Centre

There is a highway concern about the possible impact of parking on Priory Lane and the internal access road and therefore a S106 contribution of £6,000 has been requested by the Strategic Highways Manager as part of the development to implement waiting restrictions should they become necessary. The Strategic Highways Manager has stated that a standard time limit of 5 years would suffice and should they not prove necessary the monies can be returned to the developer.

The developers (Contour Homes Ltd) have offered £10,000 in lieu of onsite provision and £6,000 for the waiting restrictions. This is due to the viability of the scheme.

A financial appraisal for the scheme has been submitted and this shows a small return on the scheme over a 40 year period. This is due to increased external works costs of £77,000 and additional site abnormal cost of £23,000

It is considered that an exception could be made in this case and a lower POS contribution agreed as the scheme has been specifically designed in consultation with the Council's Housing Department to meet a locally identified demand and urgent requirement for affordable housing in Macclesfield. Members should also be aware that the scheme is dependent on Homes & Communities Agency (HCA) grant subsidy.

**Requiring good design and character and appearance of the area:**

The application proposes a row of semi detached dwellings that front onto Priory Lane. These dwellings are accessed from the rear. Two pairs of semi detached houses are located within the site accessed from the internal road proposed. All the dwellings have rear gardens and a communal garden is also proposed. The dwellings are two storey constructed in brick and tile.

Due to the levels within the site a retaining wall will be required. The application proposes the use of gabion baskets for the retaining wall. Whilst this is not ideal, given the relatively small height of the wall and its location, it is considered acceptable on this occasion. The proposed gabion baskets will be of dressed stone but this can be conditioned in order to secure specifications and details.

Whilst a number of objections have been raised to the density and design of the scheme, it is considered that the proposal would improve the character of the area given the state of the current site.

**Highways access, parking, servicing and highway safety:**

The proposal is to demolish the existing dwelling on the site and to erect 10 new dwellings; there is only one access to the site from Priory Lane.

The access is to be constructed to an adoptable standard with a standard turning head to accommodate refuse and delivery vehicles.

Given the low number of units proposed by this application, the traffic generation impacts of the development are very small and cannot be considered severe and as such, no concerns are raised on these grounds.

The main highway issue is whether there is adequate parking being provided for each of the units, there is 200% parking for each of the units which is considered acceptable.

During discussions the possibility of providing some parking on the frontage of Priory Lane was discussed although this was discounted due to the level difference between the road and floor level of the dwellings. In addition, as this development would be adoptable and publically accessible the issue of on-street parking from the nearby school was raised and potentially blocking the access and interfering with visibility at the junction.

In summary, the Strategic Highways Manager raises no objections to the application, subject to conditions and the proposed waiting restrictions on Priory Lane.

A Construction Management Plan condition is suggested to ensure that all construction traffic can be accommodated within the site.

### **Residential Amenity:**

Policy DC3 seeks to prevent development which would cause a significant injury to amenity through issues such as overbearing impact, loss of light and loss of privacy. Policy H13 seeks to retain existing high standards of amenity. Policy DC41 seeks to prevent the overlooking of existing private gardens in a housing redevelopment. Policy DC38 sets out the standards for space, light and privacy in new housing development.

The site is located within a well established residential area and can be classified as an infill development. The site is bounded on three sides by existing residential properties with a principal front elevation that directly addresses Priory Lane.

The front row of dwellings that would front onto Priory Lane would be 17.4m (at the closest point) to 19a Priory Lane, which is on the opposite side of the street. Although this distance is below the required 21m, it is considered acceptable given the existing and proposed screening and boundary treatment and given the character of the area. The end side elevations of the front row of dwellings that would front onto Priory Lane would be 25 metres to the rear elevation of 16 Birchdale Close and 17.5 to the side gable of number 18a Priory Lane. These distances are in excess of the minimum separation standards in the Local Plan.

The rear set of proposed semi detached houses would be 23.6m for the rear elevation of 25 Rayleigh Way and 28m from the rear elevation of 15 Birchdale Close. These distances are considered acceptable as the dwellings above are at an oblique angle to the application site. The side end elevation of these semis would be 15.5m from the main house elevations of numbers 3 and 5 Rayleigh Way and 15.3m from 8 Birchgate Close on the opposite side. There is only a bathroom window in the side elevations, which would be obscurely glazed. Whilst it is accepted that there will be a chance for the neighbours in these properties and that the end gable will be close to the boundary, which is unfortunate. These distances are over the 14m minimum separation standards in the Local Plan and therefore a refusal on this basis cannot be sustained.

Overall it is considered that the application proposals would not have a detrimental impact on residential amenity to the surrounding properties through overlooking, loss of privacy or overbearing. A final levels and boundary treatment conditions are proposed to ensure continued protection of the amenity of surrounding residents.

### **Other material planning considerations:**

#### **ARBORICULTURAL IMPLICATIONS:**

The applicant has discussed the issues of trees on this site with the Council's Arboricultural Officer in detail prior to submitting the application.

The recognition of the removal of several 'low and moderate' value trees in order to facilitate development has been accepted by the Council's Arboricultural Officer. Whilst there will be an impact on amenity of the immediate area this is considered to be relatively low, and possibly to be off set with an amount of specimen planting.

A cluster of retained trees has been facilitated within the north east corner of the development. These are clearly visible from Priory Lane and help to assimilate the development in terms of forming a backdrop or partially screening the site. These trees can be protected in accordance with current best practice; a detailed specification will be required but can be dealt with by condition.

A minor incursion in respect of the root protection area associated with a tree (T7) is required in order to accommodate designated hard standing. However, a detailed engineered no dig specification will be required; again this can be dealt with by condition.

#### ECOLOGICAL IMPLICATIONS:

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

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

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

The Council's Ecologist was consulted on the application. The house proposed for demolition has some potential to support roosting bats. No evidence of roosting bats was recorded during the submitted survey and whilst there remains a low possibility that the building may be used by small numbers of bats on an occasional basis there are numerous other properties nearby which are likely to offer a similar level of opportunities. The Council's Ecologist therefore advises that roosting bats are unlikely to be present or affected by the proposed development.

A small stand of woodland is present in the north eastern corner of the application site. This is shown as being retained on the submitted proposed layout plan.

The Council's Ecologist has therefore advised that with the exception of the possible disturbance of breeding birds, there are unlikely to be any significant ecological issues associated with the proposed development. If planning consent is granted the Council's Ecologist has recommended that conditions be attached to safeguard breeding birds and ensure some additional provision is made for birds and roosting bats.

#### ENVIRONMENTAL HEALTH:

Whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours

of demolition and construction works in the interest of residential amenity. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

#### LAND CONTAMINATION:

As stated above, the Contaminated Land team has no objection to the above application subject to an informative being placed on any decision to deal with the scenario that unexpected contamination is found on the site during construction.

#### DRAINAGE MATTERS:

The site is not at risk of flooding as it is within Flood Risk Zone 1. A water supply can be provided and a separate metered supply to each unit will be required. There is a sewer that crosses the site. United Utilities have raised no objection to the application subject to a sewer easement condition and foul and surface water details being secured via condition.

#### **Responses to issues raised by third parties:**

The comments provided by consultees and neighbours in relation to infrastructure issues, highways issues, environmental issues, neighbouring amenity, housing need and affordable housing, design and built environment issues and loss of employment land are noted. It is considered that the majority of issues are addressed in the report above. Responses to any other issues raised by third parties are listed below:

- It is the Council's understanding that the Registered Social Landlord would be responsible for the maintenance of the site.
- Although 20 Priory Lane is currently council owned land, Contour Homes have started a dialog with the owners of 18a Priory Lane, regarding their right of access over the strip of land on the southern boundary. Contour Homes has agreed the boundary position with the owner on the basis that Contour transfers the Council's leasehold interest in the strip of land to No.18a at completion.
- Contour Homes has also employed a Party Wall Surveyor to assess any potential party wall issues on site. He wrote to 1, 3, 5 & 7 Rayleigh Close on 6 June 2014 regarding their fence line and boundary to 20 Priory Lane, to which he has received one reply. Moving forward if any of the neighbours wish to discuss their boundary line the applicant has stated that they are more than happy to engage their Party Wall Surveyor to do so.

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

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The provision of 100% affordable housing is a significant benefit of the scheme and should be viewed in the context of wider social sustainability, as well as the development being located in a sustainable location.

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

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

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

## **HEADS OF TERMS**

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

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

- Mechanism to ensure that the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure;
- Commuted sums of £10,000 for POS in lieu of onsite provision; and
- Commuted sums of £6,000 for waiting restrictions on Priory Lane.

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

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

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

The mechanism to ensure that the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 10 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The commuted sum in lieu for waiting restrictions on Priory Lane is necessary, fair and reasonable, as there is a highway concern about the possible impact of parking on Priory Lane and the internal access road.

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

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

*Should this application be the subject of an appeal, authority shall be delegated to the Planning and Enforcement 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.*

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#### Application for Full Planning

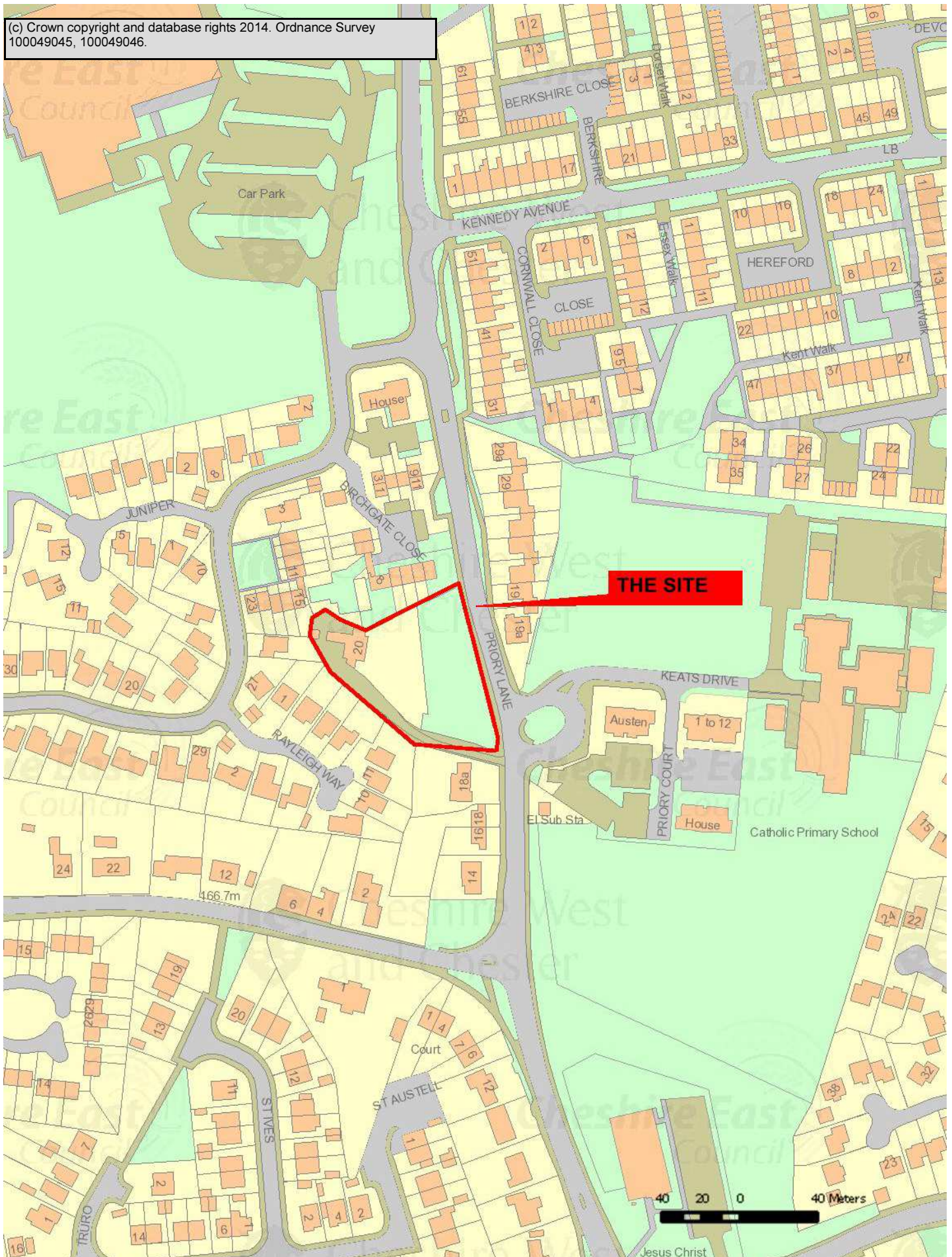
RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A23MC - Details of ground levels to be submitted
4. A02EX - Submission of samples of building materials
5. A13HA - Construction of junction/highways
6. A07HA - No gates - new access
7. A01LS - Landscaping - submission of details
8. A04LS - Landscaping (implementation)
9. A12LS - Landscaping to include details of boundary treatment
10. A01TR - Tree retention
11. A02TR - Tree protection
12. A19MC - Refuse storage facilities as approved
13. A04HP - cycle parking provision as approved
14. A04NC - Details of drainage
15. A04NC\_1 - Sewer Easement
16. A22GR - Protection from noise during construction (hours of construction)



- 17. A23GR - Pile Driving
- 18. A32HA - A scheme to minimise dust emissions
- 19. A32HA\_1 - Construction Management Plan
- 20. A06NC - Protection for breeding birds
- 21. Measures to encourage nesting birds
- 22. Contamination Informative
- 23. NPPF Informative

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**NORTHERN PLANNING COMMITTEE – 6 AUGUST 2014**

**UPDATE TO AGENDA**

**APPLICATION NO: 14/1991M**

**LOCATION 20 Priory Lane, Macclesfield, SK10 3HJ**

**UPDATE PREPARED 4 August 2014**

**CONSULTATIONS**

**Conservation:**

The original building on the site was an old farm house and is shown on the 1830s Tithe Map. The property is not listed or locally listed. Whilst it is accepted that the building has architectural merit, following discussions with the Council's Conservation Officer, the building is considered highly unlikely to warrant listed status and is also unlikely to be considered for local listing.

**United Utilities:**

United utilities originally commented on 10 June 2014 raising no objection to the application, subject to conditions. This consultation was superseded by an updated consultation response dated 25 July 2014, also raising no objection to the application, subject to conditions.

**REPRESENTATIONS**

**9 Rayleigh Close Macclesfield**

Their concerns are as follows -

- There would be additional vehicles entering and exiting Priory Lane from the proposed development.
- There are 2 schools and a leisure centre in close proximity, which create a high level of road traffic and in particular children entering and leaving school.
- We have concerns that there would be substantial loss of mature trees in turn a loss of habitat for birds and wildlife including bats.
- The proposed development would mean an increase in noise and possible lack of privacy; in what has been a quiet residential close for past 26 years that we have lived here.

**18A Priory Lane - Land ownership:**

As stated in the Committee Report 20 Priory Lane is currently council owned land, Contour Homes have started a dialog with the owners of 18a Priory Lane, regarding their right of access over the strip of land on the southern boundary.

It was understood that Contour Homes has agreed the boundary position with the owner on the basis that Contour transfers the Council's leasehold interest in the strip of land to No.18a at completion.

However, the owner of 18a Priory Lane has stated that whilst there have been some informal discussions, no agreement has been reached. The owners of 18a Priory Lane have engaged the services of an independent Surveyor who has established the width of the land in question.

## **OFFICER APPRAISAL**

### **Conservation:**

As stated above, whilst attractive, the building is not listed and would not justify listed status, either nationally or locally. The application site is not within a Conservation Area.

The conversion of the existing property was not envisioned by Cheshire East, when marketing the site and to alter the scheme at this stage would make the application unviable and jeopardise this affordable housing scheme.

### **Drainage:**

In relation to the updated consultation response from United Utilities, in their advice on the easement required for the public sewer that crosses the site, they have added the following text *'or such other solution to be specifically agreed in writing with UU.'*

This will enable the applicant to agree an offset in the easement strip with UU. The applicant has discussed the principles of a workable solution of with UU and this does not involve altering the site layout.

In relation to site drainage, officers contend that the line running under Priory Lane is a sewer not a culvert. Our information suggests it is carrying surface water from Rayleigh Close and Birtles Road, and that no surface water soaks away or drains into it from Priory Lane. The applicant had the sewer line CCTV surveyed to locate the manhole at the bottom of the site. The survey concluded the sewer is approximately 900mm wide, made of concrete and roughly 6m below ground level.

Regarding the current issue of surface water, whatever the current issues are with rising surface water, leaking mains, as part of the development of the land the applicant will have to address these issues and solve them via a remediation strategy and drainage strategy supplied by their engineer.

A solution to the current problem can be found and the applicant will not be able to build the homes without addressing this issue. If the site is not developed it is hard to see how this issues will be addressed.

### **Land ownership**

The transfer of land is a civil matter. However, it is noted that the original plans submitted by Contour Homes encroach over land which 18a Priory Lane have Rights of Access to. Revised plans have been submitted to address the area of land in question.

### **Relationship between plot 7 and numbers 3 and 7 Rayleigh Close**

Discussions with the applicant have taken place regarding the four properties proposed towards the rear of the site. Plots 7 to 10 cannot be moved due to the location of the 900mm surface water sewer which crosses the site and the required 6m easements.

That being said, the applicant has agreed to alter the design of these plots to remove the gables and incorporate a hipped roof design on Plots 7 to 10. This will result the reduction of the mass and bulk of the end elevation of plot 7.

### **Shared Ownership:**

Currently this is not something the applicant has considered as the tender brief from Cheshire East for the land tender specifically details the housing need relating to two and three bed homes which will be delivered. However, the applicant is happy to agree a local lettings policy or sign up to a cascade agreement, subject to Cheshire East approval.

### **CONCLUSION**

None of the additional comments received raise any new issues that would merit a change in recommendation. Therefore the original recommendation of approval remains as stated in the original report.

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Application No: 14/2777M

Location: Land To The North of, PARK ROYAL DRIVE, MACCLESFIELD

Proposal: Outline application for proposed erection of 10no. terraced houses

Applicant: Mr D Harper

Expiry Date: 03-Sep-2014

**Date Report Prepared:** 24 July 2014

**SUMMARY RECOMMENDATION:** Approve subject to conditions and prior completion of a S106 agreement.

**MAIN ISSUES**

- principle of the development
- housing land supply
- Impact upon the character of the area
- Impact upon residential amenity
- Impact upon Highway safety
- Impact upon Protected Trees
- Impact upon Nature Conservation Issues
- Impact upon Environmental Health Issues
- Public Open Space provision via an s106 agreement

**REASON FOR REPORT**

This application seeks outline consent for 10 dwellings and 20 associated car parking spaces and is brought before the Northern Planning Committee in accordance with the Council's Scheme of Delegation as it is an application for major development.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is an overgrown, vacant parcel of land measuring circa 0.16 hectares which is situated adjacent to Park Royal Drive. The land slopes down substantially in a northerly direction to a flat area of public open space and a stream. Protected trees lie to the east of the site.

The site lies within a predominantly residential area as defined in the Macclesfield Borough Local Plan, relatively close to Macclesfield town centre. Land to the west and east of the site lies within a mixed use area as defined by the Local Plan and consists of a variety of uses including light industrial businesses, offices, a primary school, a public house and a van hire

business. The rear gardens and rear elevations of a row of terraced properties fronting Parr Street are situated opposite the site.

Outline planning permission for 12no two storey dwellings on the site was previously approved in 1989.

## **DETAILS OF PROPOSAL**

This is an outline application for 10no 2 bedroom dwellings with 2no parking spaces per dwelling. All matters except for access have been reserved for a subsequent reserved matters application. Although the scheme is in outline, illustrative elevations and footprints have been submitted which show that the dwellings would be two storey at the front and three storey to the rear, made possible due to the change in ground levels. An illustrative site layout plan shows that the dwellings would be in a terraced row running parallel with the rear of the existing houses facing onto Parr Street.

## **RELEVANT HISTORY**

5/59401P  
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT  
APPROVED  
04/12/89

5/69253PB  
RESERVED MATTERS APPLICATION FOR THE CONSTRUCTION OF 12NO TWO  
STOREY HOUSES  
APPROVED  
18/12/91

## **POLICIES**

### **Local Plan Policy**

BE1- (Design Principles for new Developments)  
DC1- (High quality design for new build)  
DC3- (Residential Amenity)  
DC6- (Circulation and Access)  
DC8- (Landscaping)  
DC9- (Tree Protection)  
DC13- (Noise)  
DC38- (Guidelines for space, light and privacy for housing development)  
DC40- Children's Play Provision and Amenity Space  
DC63- (Contaminated Land)  
NE11- (Nature Conservation)  
H1- (Phasing Policy)  
H2- (Environmental Quality in Housing Developments)  
H5 – (Windfall Housing Sites)  
H13- (Protecting Residential Areas)



## Other Material Considerations

### Cheshire East Local Plan Strategy Submission Version March 2014

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

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

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

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

MP1- (Presumption in Favour of Sustainable Development)

SD1- (Sustainable Development in Cheshire East)

SD2- (Sustainable Development Principles)

SC4- (Residential Mix)

SE1- (Design)

SE5- (Trees, Hedgerow and Woodland)

SE12- (Pollution, Land Contamination and Land Instability)

CO1- (Sustainable Travel and Transport)

### National Planning Policy Framework

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

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

### **Other Material Planning Considerations**

SPG on S106 (Planning) Agreements 2004

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

#### **The Strategic Highways and Transportation Manager**

No objections.

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

N/A.

### **OTHER REPRESENTATIONS**

5no objections have been received. The planning related objections comprise:

- Adverse impact on highway safety due to increased traffic and parking
- Increase in traffic congestion
- Vehicles during construction would have nowhere to park
- Loss of light to properties opposite the site
- Loss of privacy to properties opposite the site
- Adverse impact on wildlife
- Loss of trees
- Possible noise impact on the future residents of the proposed properties due to the nearby industrial uses
- Park Royal Drive is too narrow for two way traffic and so the additional 20 vehicles will make congestion worse

### **APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement has been submitted. This document is available to view online and provides an understanding of the existing and future context of the proposal, planning policy and design issues relating to it.

### **OFFICER APPRAISAL**

#### **Principle of Development / Policy**

The principle of the development is considered acceptable, subject to highway safety and parking issues, and the potential for a development of 10no dwellings to have an acceptable impact on the character and appearance of the site and surrounding area, residential amenity, protected trees, nature conservation, open space, and public open space provision.

## **Housing Land Supply**

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and

a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

*Elworth Hall Farm, Sandbach (11 April 2014).* It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

*Dunnocksfold Road, Alsager (14 July 2014).* Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

*Newcastle Road, Hough (14 July 2014).* In the absence of evidence to the contrary the Inspector accepted the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether

Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that “especial attention” to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds current household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

However, if the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Councils 5 year land supply position.

### **Access/ Highway safety**

Parking is proposed to the front of the houses and would be similar to the existing parking arrangements of nos 10-32 Parr Street, with 2no spaces per dwelling. The existing turning head would be enlarged to facilitate access into the new parking spaces proposed.

The objections have been carefully considered. It has been noted on the site visit, which took place when the nearby primary school was just closing for the day, that there is quite a high level of on street parking on Athey Street and Parr Street in particular at this time, with associated congestion.

Nevertheless, in terms of parking there are 2no off street spaces proposed for each of the 10no dwellings. The site is located some 400m from the town centre, with associated employment, shops and leisure uses, and close to frequent bus routes and cycleways. It is therefore not considered that the future owners of the properties would have an over reliance on using the car.

The proposed development would accord with the emerging Parking Standards as set out in Appendix C of the Cheshire East Local Plan Strategy Submission Version 2014, which stipulates that dwellinghouses in principal towns should provide a minimum of 2no spaces for a two bedroom dwelling, which is the case here.

As the site photographs show, it is also noted that there are many other streets near to the application site and nearby school that are used for on street parking, including by parents picking up their children from the school, and none of these were noted to be particularly congested at the time of the site visit when the school was finishing for the day.

No objections are raised by the Strategic Highways Manager who notes that Park Royal Drive in terms of carriageway width does allow for the additional 10 units proposed to be served from it. Additionally he notes that the site can accommodate a refuse vehicle and turning facilities are provided. Car parking is provided for each of the two bed units at 200%, this is an acceptable level of parking for the type of units proposed.

Overall therefore the development is considered to accord with Local Plan policy DC6.

### **Design**

The indicative elevations show that an acceptable design of the proposals could be achieved on the site. Subject to the materials used, the indicative elevations are of a size, scale and vernacular that are relatively similar to other properties in the locality, in particular the properties sited opposite on Parr Street. A development that would be in keeping with the character and appearance of the locality could be achieved. It is clear from the site layout plan that the development could be achieved without resulting in the overdevelopment of the plot and so all relevant local and national design objectives could be achieved.

### **Amenity**

The objections have been considered. However, the indicative plans show that the site can accommodate 10no dwellings with two storeys to the front and three storeys to the rear without adversely impacting on the amenities of neighbouring property. The indicative plans show that the dwellings could be sited circa 30m away from the rear elevations of the properties opposite, which is 5m greater than the guidance distance as stipulated in Local Plan policy DC38. Overall it is considered that it would be possible to site 10no dwellings on the site whilst ensuring that a commensurate degree of space, light and privacy would remain to neighbouring property.

The objection has been considered, however the existing industrial units would not be much closer to the proposed residential units than the existing property on Parr Street. Furthermore no significant noise emitting from these units was evidenced on site. Overall the development would not be adversely affected by noise in this location in accordance with Local Plan policy DC13.

### **Forestry and Landscaping**

The Tree Officer raises no objections to the development, subject to a number of conditions to ensure that the development does not adversely impact on the existing protected trees.

No landscaping works are proposed as part of this outline application, however it is considered that there would be scope to landscape the site and soften the impact of the development. This can be dealt with at the reserved matters stage and via condition.

### **Open Space**

The Greenspace Officer has raised some concern that the development could have an adverse impact on the area of public space and the brook which lie to the north of the site. However it is considered that the site could accommodate 10 no.dwellings and that should outline consent be granted, a condition could be imposed requiring structural information to be submitted at the reserved matters stage to demonstrate how the development could take place in order to protect the are of open space and the brook.

The proposal is above the threshold identified within the Council's SPG on planning obligations for the provision of public open space and recreation / outdoor sport facilities, therefore commuted sums are required. As it would not be appropriate to provide such facilities on site, commuted sums for off site provision would be required on the commencement of development.

A S106 legal agreement will therefore be required to include the following heads of terms, calculated in accordance with the SPG on planning obligations.

### **Ecology**

The objections have been considered. However the Council's Ecologist has been consulted and no objections are raised. The redevelopment of this overgrown area of land would not have any adverse impact on protected species.

### **Environmental Health (Contaminated Land)**

Environmental Health advise that the proposal is for a sensitive end use and the site may be contaminated; therefore a contaminated land Phase 2 survey is required to be obtained via condition and an advice note drawing the applicants attention to regulation regarding contaminated land.

### **Environmental Health (Public Protection and Health)**

Environmental Health do not object, subject to conditions to protect neighbouring amenity during the construction phase.

### **Sustainability**

The site is within close proximity of the town centre, lying within circa 400 metres of a large range of associated shops and services. A frequent bus route operates on nearby Bond Street. Overall the proposed development is situated in a sustainable location, in accordance with the requirements of the National Planning Policy Framework.

### **Affordable Housing**

The interim Planning Statement on Affordable Housing states that the threshold for the requirement for the provision of affordable housing within residential development schemes is 15no. dwellings in settlements with a population of over 3,000. Macclesfield has a population of over 3,000 and as such there would be no affordable requirement for the 10no. units proposed at this site.

## **HEADS OF TERMS**

### **Public Open Space (including children's play and amenity)**

Based on 10no open market dwellings, a Public Open Space sum of £30,000 is required for off site use at West Park, Christ Church and Shaw Street, payable on or before the commencement of development, with a 15 year spend period.

## **Recreation and Outdoor Sports**

Based on 10no open market dwellings, a Recreational Open Space sum of £10,000 is required for off site use at West Park and South Park, payable on or before the commencement of development, with a 15 year spend period.

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

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

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

The commuted sum in lieu of Public Open Space is necessary, fair and reasonable, as the proposed development will provide 10no dwellings, the occupiers of which will use local facilities as there is not a particularly large amount of open space on site, as such, there is a need to upgrade / enhance existing facilities in the town. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

## **United Utilities**

United Utilities raise no objections to the proposed development, subject to conditions ensuring that the existing public sewers are not built on.

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

To conclude, it is considered that the principle of the creation of 10no. dwellings with 20no car parking spaces on this site complies with the objectives set out within National and Local Planning policies for new housing and sustainability objectives and will not have a harmful impact upon highway safety.

The proposed development is therefore considered to be acceptable in principle, with the appearance, landscaping, layout and scale reserved matters at this stage. This application is therefore recommended for approval, subject to conditions and the prior completion of a S106 agreement regarding public open space provision, with the following heads of terms.

## **S106 AGREEMENT- HEADS OF TERMS**

### **Public Open Space (including children's play and amenity)**



Based on 10no open market dwellings, a Public Open Space sum of £30,000 is required for off site use at West Park, Christ Church and Shaw Street, payable on or before the commencement of development, with a 15 year spend period.

### **Recreation and Outdoor Sports**

Based on 10no open market dwellings, a Recreational Open Space sum of £10,000 is required for off site use at West Park and South Park, payable on or before the commencement of development, with a 15 year spend period.

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

### **Application for Outline Planning**

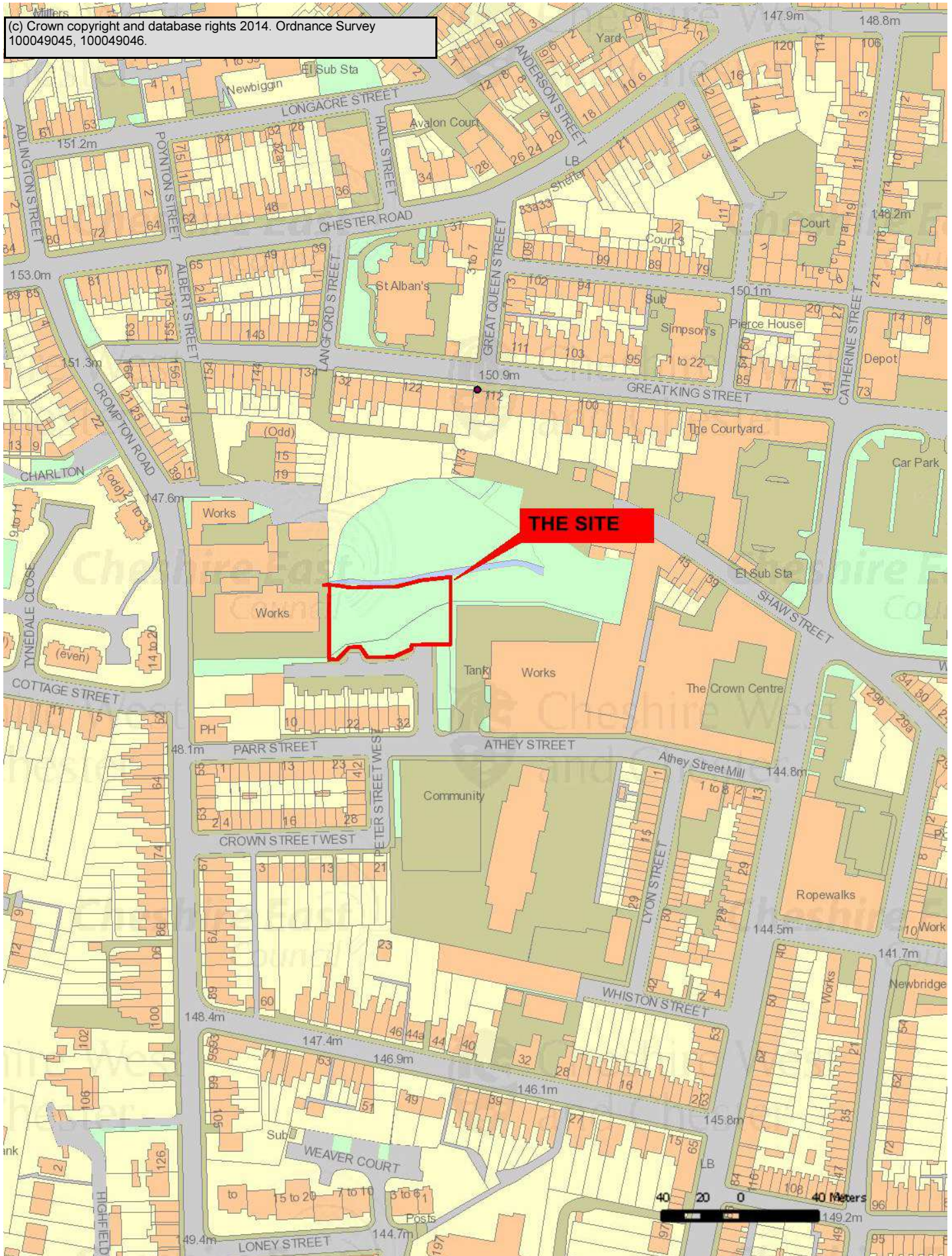
RECOMMENDATION: Approve subejct to a Section 106 Agreement and the following conditions

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters
3. A01OP - Submission of reserved matters- appearance, landscaping, layout, scale
4. A01AP - Development in accord with approved plans
5. A05EX - Details of materials to be submitted
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A07GR - No windows to be inserted
9. A06TR - Levels survey
10. A05TR - Arboricultural method statement
11. A04TR - Tree pruning / felling specification
12. A02TR - Tree protection
13. A01TR - Tree retention
14. A07TR - Service / drainage layout

- 15.A11EX - Details to be approved-Bin Stores
- 16.A30HA - Protection of highway from mud and debris
- 17.A32HA - Submission of construction method statement
- 18. Contaminated Land
- 19. Dust Control
- 20. Piling Method Statement
- 21 Piling
  
- 22 No Gates
- 23 Ground Levels
- 24 Hours of Construction
- 25 Turning Facility
- 26 Parking to be surfaced and marked out
- 27 Public Sewer
- 28 Planting around public sewers



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Application No: 14/1945M

Location: LAND OFF, SAVILLE STREET, MACCLESFIELD

Proposal: Demolition of existing buildings on site and erection of residential development comprising of 18 two storey dwellings

Applicant: Saville St Garage Ltd The Helpful Hand

Expiry Date: 16-Jul-2014

**Date Report Prepared:** 15 July 2014

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

**MAIN ISSUES:**

- The principle of development (*need for housing/sustainable Location*);
- Requiring good design and character and appearance of the area;
- Residential amenity implications;
- Highways access, parking, servicing and highway safety;
- Flood Risk implications;
- Need for additional affordable housing in the area;
- Provision of public open space; and
- Other material planning considerations.

**REASON FOR REPORT**

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

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

**DESCRIPTION OF SITE AND CONTEXT**

The site is presently used as a garage, workshops and car sales pitch and covers an area of approximately 0.44 hectares. The northern boundary is formed by the rear gardens of a residential development, as is the western section of the southern boundary. The remainder of the southern boundary is formed by works and a depot, the western boundary by a steep bank (4.5 to 5 metres in height, leading down to Knight's Pool and the eastern boundary by Saville Street, which is open apart from a short length of wall in the north east corner.

The topography of the site is gently sloping to the south west, the drop in levels being about 1m. A retaining wall accommodates the difference in height between the site and the rear gardens to the north, which is 2 to 3 metres lower than the site.

The main access to the site is from Saville Street, in the north east corner of the site, and leads to a fuel station with a kiosk, de-commissioned Pump Island and four underground diesel and petrol tanks. Vent pipes are situated adjacent to a wall fronting onto Saville Street and adjacent to the kiosk. Access is also afforded along most of the frontage with Saville Street.

There are six units on the site including three sets of "lock up" garages with asbestos sheet roofs situated on the eastern part of the site and three buildings on the north western and northern part of the site, which are used as a paint shop, workshops and garages. There is a padlocked gate between these buildings, securing a small, empty compound. An overhead electricity cable runs the short distance between the two northernmost buildings and overhead telecom cables enter the site from Saville Street. Surface tanks are located at the top of the bank, behind the workshops on the north west corner of the site. Access to this area is secured by a padlocked gate.

Much of the north eastern part of the site is used as a forecourt for displaying cars for sale. The western bank and western section of the southern boundary are covered with semi mature trees and shrubs.

The surrounding area to the site is residential with many older terrace dwelling units as well as new two storey housing of many types being primarily terraced and semi detached.

## **DETAILS OF PROPOSAL**

This application seeks planning permission for the demolition of existing buildings on site and erection of residential development comprising of 18 two storey dwellings.

The proposed dwellings backing onto Knights Pool being 3 bedroom semi-detached houses and on the Saville Street frontage the 2 bedroom terraced units are sited at right angles to the street continuing to permit the existing terraced dwellings to see through the development to the west and Knights Pool.

Access to the site is from the existing public highway Saville Street. This street has little or no through traffic and has good visibility standards. The application takes access to the site from the existing corner of the street as it turns some 90 degrees. The existing highway has a footpath on its eastern side only. This scheme creates a new public footpath on the western side of Saville Street and parking off the street for existing residents cars.

Access to the site off Saville Street is at the street's only corner and is a cul-de-sac. The semi detached houses have car parking between each pair of semis and the terraces in tight groups adjacent to them.

## **RELEVANT HISTORY**

There is no relevant planning history for the site.

## **POLICIES**

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

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

### **Local Plan Policy:**

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

-

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

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

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

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

Replacing MBLP policies NE1, NE2, NE11, BE1, BE3, BE4, H4, H13, E1, T2, T3 and T4 are (CELP) policies SE3, SE1, SD2, SE1, EG3 and CO1, which are summarised below: -

- Policy SE3: which seeks to protect and enhance biodiversity and geodiversity;
- Policy SE1: sets out requirements for design;
- Policy SE12: Pollution and Unstable Land ensures that development protects amenity;
- Policy SD2: sets out sustainable development principles;
- Policy EG3: updates the approach to be taken to existing employment sites; and
- Policy CO1: deals with sustainable travel and transport including public transport.

### **The National Planning Policy Framework**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

### **Supplementary Planning Documents:**

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

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

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

HIGHWAYS:

No objections.



CANAL & RIVER TRUST:

After due consideration of the application details, the Canal & River Trust has stated they have no comments to make.

DEVELOPMENT CONTROL ARCHAEOLOGIST:

No objections, however it is advised that relevant works in the northern part of the site are subject to archaeological monitoring in order to identify and record evidence of archaeological structures and any associated features.

COUNTRYSIDE AND RIGHTS OF WAY:

Development does not appear to affect a public right of way.

ENVIRONMENT AGENCY:

No objections, subject to contaminated land conditions.

UNITED UTILITIES ASSET PROTECTION:

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

ENVIRONMENTAL HEALTH:

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

A Contaminated Land Report has been submitted with the application which recommends a remediation strategy is carried out. This should be conditioned.

FLOOD RISK MANAGER:

It is recommended that the application be deferred (holding objection) pending further detailed discussions with applicant regarding any impacts on Knights pool.

GREENSPACE:

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

HOUSING STRATEGY AND NEEDS MANAGER:

A 30% proportion of the proposed dwellings would need to be affordable housing, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

MACCLESFIELD CIVIC SOCIETY:

The Civic Society has raised no objections to the scheme and has stated the following general comments. *"This is an area of mixed land uses albeit if the proposal proceeds then non-residential uses would be in a minority. The character of the area would become primarily residential and the amenities of other occupiers would benefit. However, the change in character would diminish the availability of sites for small scale commercial activities within the town. Such sites are therefore valuable and the potential loss must be carefully evaluated. The impact of providing new dwellings, with occupiers expecting residential standards of*

*amenity, upon the ability of non-residential land uses to continue is an added factor. The layout appears to represent an optimum development of the site with reasonable space around and between buildings. No doubt the proximity to other non-residential uses will be evaluated for potential noise and disturbance. The access will probably have no significant traffic impact."*

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

Not applicable.

## **REPRESENTATIONS**

The application has been advertised in accordance with the General Development Management Order 2010, in this case incorporating the following elements:-

- On site, by the means of four site notices on Saville Street making reference to major development affecting a public right of way;
- These site notices were posted on 13 May 2014 ;
- Notice was published in the local press (Macclesfield Express) on 7 May 2014; and
- Surrounding residential properties (x44) have also been written to directly.

The publicity period for this application expired on 4 January 2013.

Two letters of objection have been received from the properties on Barber Street that border the southern boundary, their objections can be summarised as follows:

- No objection in principle;
- The proposed development would enhance the site on Saville Street;
- Given the land level difference plot 1 would overlook 42, 44 and 46 Barber Street.
- Inadequate separation distances from Plot 1 to numbers 42, 44 and 46 Barber Street.
- Proposed removal of trees.

A letter of support has also been received from a resident of Saville Street, who welcomed the proposal as it will be great to look out of their front windows and not have to look at dilapidated units housing a spray paint shop and garage four-court as well as the two rows of garages.

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

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following reports/documents in support of the application, details of which can be read on the electronic file on the Council's public access website.

- Planning, Design and Access Statement;
- Ground Investigation; and
- PPS3 Housing Self-Assessment Checklist

## **OFFICER APPRAISAL**

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

- The principle of development (*loss of employment*);
- The principle of development (*need for housing/sustainable Location*);
- Requiring good design and character and appearance of the area;
- Residential amenity implications;
- Highways access, parking, servicing and highway safety;
- Flood Risk implications;
- Need for additional affordable housing in the area;
- Provision of public open space; and
- Other material planning considerations.

**Principle of Development (*loss of employment*):**

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

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

Policy E14 states that: -

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

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

It is considered that this site is an anomalous location for existing commercial development in the middle of a mostly residential area which has grown over the years.

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

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

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

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

The benefits of redeveloping the site are recognised as:

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

In respect of the provision of housing, paragraph 49 states that *'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'*.

A component of the Council's evidence base is the Strategic Housing Land Availability Assessment (SHLAA) February 2013 Update, which identifies potential sites for housing development across Cheshire East. It is worth noting that the application site is identified by the Council as being one of the sites forming part of the anticipated supply of housing land, being suitable, available, deliverable and achievable for residential development.

Therefore, if the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Council's 5 year land supply position.

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

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

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

### ***Housing Land Supply***

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

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

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

*Elworth Hall Farm, Sandbach (11 April 2014).* It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

*Dunnocksfold Road, Alsager (14 July 2014).* Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants' backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

*Newcastle Road, Hough (14 July 2014).* In the absence of evidence to the contrary the Inspector accepted that the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds currently household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

However, if the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Councils 5 year land supply position.

#### **Requiring good design and character and appearance of the area:**

As detailed above, over the site there have been built various industrial buildings from vehicle maintenance to fuel sales and garages for local cars. These various activities are in differing states of structure and all will be removed as a result of the proposed development. Therefore overall it is considered that the scheme will improve the character and appearance of the area.

The layout has been designed in conjunction with officers to provide a main access road within the site with a streetscene of five semi detached dwellings stepping back into the site. Driveways separate these dwellings. Two terraces of four dwellings sit 90 degrees to the access road with parking and landscaping to the front.

The surrounding area to the site is residential with many older terrace dwelling units as well as new two storey housing of many types being primarily terraced and semi detached. The scheme was deliberately designed to reflect this character, the dwellings backing onto Knights Pool being 3 bedroom semi detached houses and on the Saville Street frontage the 2 bedroom terraced units are sited at right angles to the street continuing to permit the existing terraced dwellings to see through the development to the west and Knights Pool.

The detailed design of the properties has been carefully considered with single brickwork to the terraces but with tile hanging to the first floor of some of the semis with brickwork to the lower level. All have the same clay tiled roof. It will be noted that some of the units do have chimneys above roof ridge level.

Overall it is considered that the design of the scheme is commendable and emphasises the traditional character of the area.

#### **Residential amenity implications:**

The side gables from the two rows of terrace properties will be approx 13m to the front elevations of the existing properties on Saville Street. Whilst this distance is slightly substandard (Policy DC38 advises a distance of 14m), given the character of the area, it is considered acceptable. The separation distance from plot 10 to the properties backing on the site from Greenhill Close is considered acceptable and meets standards. It is noted that no objections have been received from those residents on Greenhill Close and Saville Street. The separation distances within the scheme accord with the Councils adopted guidance standards.

With regard to the objections received from the residents on Barber Street, the side gable of plot 1 would be 16m away from the rear elevation of 44 Barber Street (the closest property on Barber Street to the application site). This is over the minimum distance guidance of 14 metres in Policy DC38. A bathroom window at first floor in the side gable of plot 1 is proposed. However, the submitted plans show this as being obscurely glazed. It is considered that no overlooking of Barber Street will transpire from the front and rear windows of plot 1, due to their orientation. It is accepted that the application site is at a higher level than Barber Street, however a boundary treatment and levels conditions are suggested. Additionally notwithstanding the difference in levels between the site and Barber Street, the privacy distance standards of DC38 will still be met.

#### **Highways access, parking, servicing and highway safety:**

There is one proposed access to the site that uses an already established access point to the north east corner of the site. Although, the access point is close to adjacent residential properties, it is existing and has been used for many years as access to the site. This access point has provided access to a number of different commercial uses that have been on the

site in the past. Therefore, given the limited number of residential properties proposed by this application it would not lead to an intensification in use of the access.

Internally, the road layout is standard with a turning facility at the end of the access to accommodate refuse and delivery vehicles. The level of parking for each of the units is 200% and this provision accords with the Council's parking standards for residential development.

The applicant has proposed that 7 parking spaces are provided for residents of Saville Street along the frontage of the site. There are no objections to this provision although as the spaces are located on private land the land will need to be dedicated as public highway in a separate legal agreement outside this planning application. This would ensure that the spaces are available for residents use.

To conclude, there are no highway issues to warrant refusal of the application and the Strategic Highways Manager raises no objections.

#### **Flood Risk implications:**

The development site is adjacent to Knights Pool which is a Cheshire East Council owned land holding and water management asset of interest. Knights Pool and any associated tributary watercourses and/or culverts (inflows and outflows) are designated as non main river (ordinary) watercourses and as such, fall under the Council's regulatory powers of control as a Lead Local Flood Authority (LLFA), as described under Flood and Water Management Act 2010 and Land Drainage Act 1991 legislation. (Please note that restrictive covenants apply to this land holding and that this asset also has local recreation and amenity value).

Part of the proposed development site would also appear to be at risk from local surface water flooding and it is unclear how this site is to be drained. The developer has been asked to clearly describe how drainage and surface water risks at this site are to be managed for all phases of the development, including demolition, site remediation operations and final drainage strategy for the site.

Clearly the Council would need to ensure that sufficient information is available under this application to establish the impacts of this development proposal on Cheshire East Council's land holding and wider flood risk management interests.

Restricted discharges of surface water will apply to this site and may be subject to formal land drainage consent requirements of the Authority and any further legal requirements identified by Cheshire East Legal department.

The applicant has been in discussion with the Council's Flood Risk Manager to discuss this development proposal in detail. Further comments are awaited from the Council's Flood Risk Manager and these will either be provided in an update report or verbally to committee. In any event, it is not anticipated that any in principle objections will be raised but rather that some matters may be required to be dealt with by condition.

#### **Need for additional affordable housing in the area:**



The site falls within the Macclesfield Sub-Area for the purposes of the Strategic Housing Market Assessment (SHMA 2013). This identifies a net annual requirement of 180 units for the period 2013/2014 to 2017/2018. Within 2013/2014 there have been 20 completions in the Macclesfield sub-area. In addition to this, information taken from *Cheshire Homechoice*, shows there are currently 1,160 active applicants who have selected one of the Macclesfield lettings areas as their first choice. These applicants require 682 x 1beds, 362 x 2beds, 98x 3beds and 18 4+ bed units.

The Interim Planning Statement on Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or more than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure. On this site there is a requirement to provide 5 units as affordable, 3 to be provided as affordable or social rent and 2 to be provided as intermediate tenure.

The scheme will deliver 5 units as affordable these will be plots 15, 16, 17, 18 and 10 as defined on the block plan. The units are considered to be pepper-potted across the site. 4 units will be provided as rented tenure and 1 as intermediate tenure. This is due to the location of the affordable units in terraces of 4. To allow the affordable housing to be delivered and to ensure a Registered Provider to take transfer of the units it would be desirable to not have rented and intermediate units adjoining. 100% of the affordable units will be provided before the sale or let of 50% of the market dwellings.

### **Provision of Public Open Space:**

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

18 open market family dwellings would generate a need for £45,000 Public Open Space (POS) and £13,000 (£18k - £5k for the five affordable units) Recreational Open Space (ROS).

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

The POS contribution would be used for King George Playing Field and Play area (Windmill Street), Knights Pool amenity open space, Brookfield Lane Allotments, Brynmore Drive play area and canal access improvements. The ROS would be used for King George Playing Field on Windmill Street. The applicant's have agreed to the figure of £58,000 for POS and ROS and this would be secured by a S106 agreement under the Town and Country Planning Act 1990.

## **Other Material considerations:**

### **ARBORICULTURAL IMPLICATIONS:**

Although the applicant has not provided a tree report in regard to the development, the Design and Access statement refers to trees and the proposed site plan indicates that one tree is to be pruned. As the trees along the embankment with Knight's Pool are significant landscape features to the local area it is essential that a detailed tree survey, an arboricultural impact assessment (AIA) report and an Arboricultural Method Statement are provided prior to commencement of the development.

A proposal to include the trees along the embankment with Knight's Pool within the garden areas of the proposed plots gives concern. The concern arises as the embankment is very steep, a change in levels of 4m occurs in a distance of only 7m to 8m. Creating access ramps or steps down to the pool could result in damage to tree roots and possible impact on tree stability and then tree loss. This will not only affect amenity but may also impact on stability of the embankment.

To avoid individual access points and changes to ground levels it is considered more sustainable to include the embankment of trees in a communal area as Green Infrastructure (GI) and make this the subject of a landscape scheme condition and a landscape management condition.

### **ECOLOGICAL IMPLICATIONS:**

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

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

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

The Council's Heritage & Design (Ecology) section have been consulted on the application. No evidence of protected species were identified on the site and it is considered that there are no significant ecological constraints on the proposed development.

### **LANDSCAPE ISSUES:**

The Council's Heritage & Design (Landscape) section have been consulted on the application. It is considered that the proposals will not result in any significant landscape or

visual impacts. Conditions are suggested to secure a suitable landscaping scheme and its implementation.

#### ENVIRONMENTAL HEALTH:

The application site is surrounded by existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

#### LAND CONTAMINATION:

The application area has a history of use as a brickwork, depot and garage and therefore the land may be contaminated. This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The site investigation report '*Phase 1*' submitted in support of the application recommends that remediation is required. However the report is not considered to be sufficiently comprehensive to allow a detailed remediation strategy to be prepared, therefore a '*Supplementary Phase 2*' investigation would be required and this is suggested via condition. The Contaminated Land team has no objection to the above application subject to this condition being imposed. These views are shared by the Environment Agency.

#### ARCHAEOLOGICAL POTENTIAL:

The site lies partially within Macclesfield's Area of Archaeological Potential, as defined in the Local Plan of the former Macclesfield Borough Council. No sites are currently recorded on the Cheshire Historic Environment Record from within the application area but an examination of the Ordnance Survey mapping from the second half of the 19<sup>th</sup> century depicts the site as a brick field. The great depth of made ground demonstrated across much of the site by the geo-technical report is indicative of the amount of clay that has been removed as part of the extractive process.

In these areas of deep deposition of modern material there is no further archaeological potential but, according to the borehole data in the geo-technical report, the northern part of the site has been subject to less extraction and natural clay survives just beneath the modern ground surface. At two locations within this zone, features of industrial archaeological interest are depicted on the early mapping and consist of a 'smelt house' and a circular feature, which is almost certainly a brick kiln. Evidence of these features is likely to survive below ground and will be removed by works associated with the proposed remediation strategy.

In view of the above, it is suggested that relevant works in the northern part of the site are subject to archaeological monitoring in order to identify and record evidence of the structures

noted above and any associated features. Careful planning and liaison between the groundworks contractor and the archaeological contractor will be required to ensure that the mitigation is carried out in an effective manner but experience on similar sites has demonstrated that a successful outcome is achievable where the archaeological works are properly integrated into the programme. A report will also be required and the mitigation may be secured by condition.

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

The site is within a predominantly residential area in Macclesfield on previously developed land, in a sustainable location close to existing services, community facilities and public transport links.

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

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

Whilst the loss of a site in existing employment use is unfortunate, the site is not allocated as such and as the relocation of businesses which create an unacceptable level of nuisance to neighbouring dwellings arising from noise, smell, safety or traffic generation is encouraged, no objections are raised to the loss of employment on this site.

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

## **HEADS OF TERMS**

- Commuted sums of £58k to mitigate for the loss of existing open space and for POS in lieu of onsite provision;
- Five units as affordable and these will be plots 15, 16, 17, 18 and 10. Four units (plots 15, 16, 17 and 18) will be provided as rented tenure and one (unit 10) as intermediate tenure;
- 100% of the affordable units will be provided before the sale or let of 50% of the market dwellings;
- Dedicate the 7 parking spaces on Saville Street as public highway (separate legal agreement); and
- Provision for the embankment of trees to be transferred to a communal area as Green Infrastructure.

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

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

- (a) Necessary to make the development acceptable in planning terms;
- (a) Directly related to the development; and
- (b) Fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 18 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The provision of 30% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The Provision for the embankment of trees to be transferred to a communal area as Green Infrastructure is necessary, fair and reasonable to secure appropriate ongoing management of the landscape areas that are not within private gardens.

All elements are necessary, directly relate to the development and are fair and reasonably related in scale and kind to the development.

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

*Should this application be the subject of an appeal, authority shall be delegated to the Planning and Enforcement 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.*

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#### Application for Full Planning

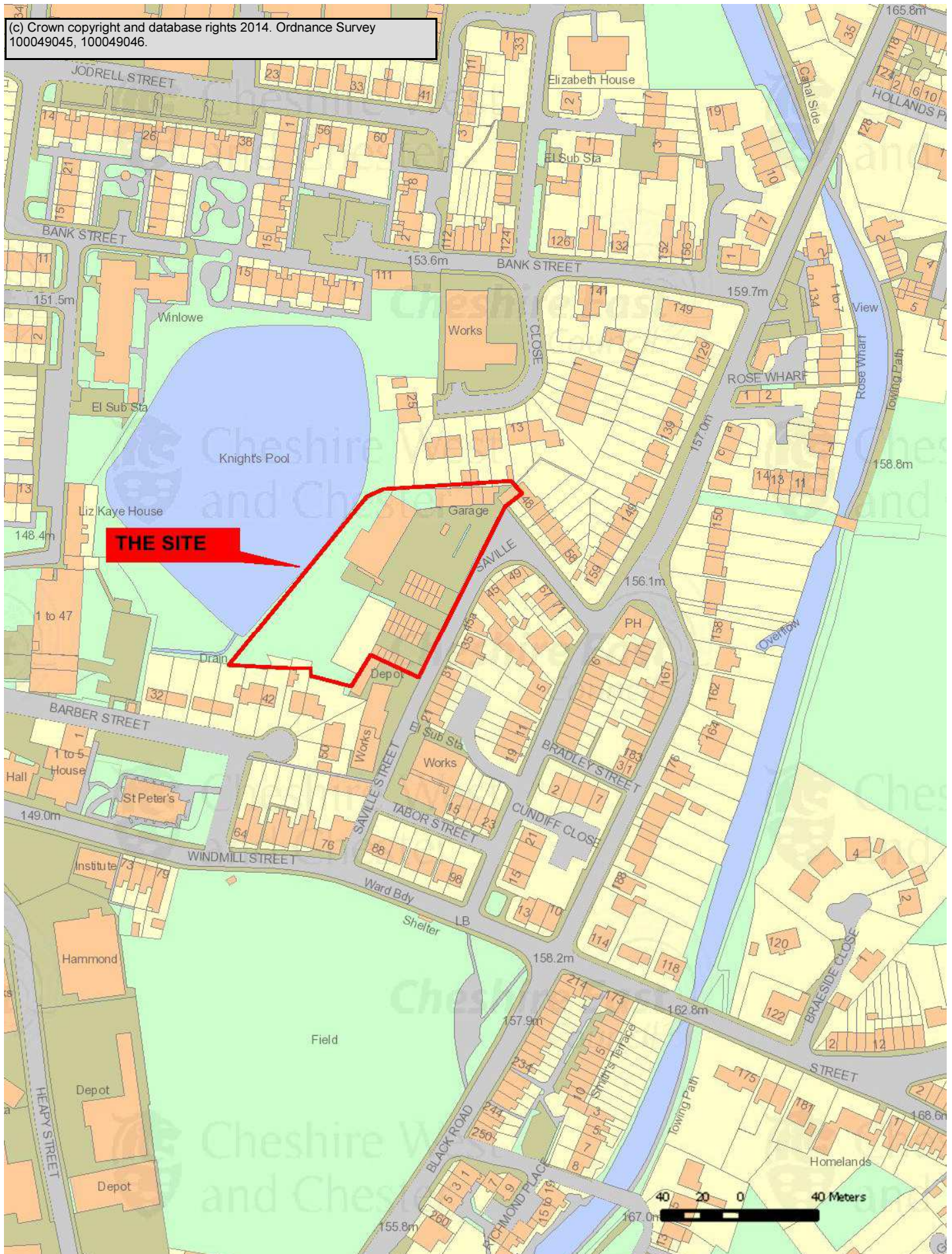
RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

- 1. A03FP - Commencement of development (3 years)
- 2. A01AP - Development in accord with approved plans
- 3. A23MC - Details of ground levels to be submitted

- 4. A02EX - Submission of samples of building materials
- 5. A13HA - Construction of junction/highways
- 6. A07HA - No gates - new access
- 7. A12HA - Closure of access/removal of dropped kerbs
- 8. A01LS - Landscaping - submission of details
- 9. A04LS - Landscaping (implementation)
- 10.A12LS - Landscaping to include details of boundary treatment
- 11.A01TR - Tree retention
- 12.A02TR - Tree protection
- 13.A04TR - Tree pruning / felling specification
- 14.A05TR - Arboricultural method statement
- 15.A06TR - Levels survey
- 16.A07TR - Service / drainage layout
- 17.A19MC - Refuse storage facilities to be approved
- 18.A04HP - Provision of cycle parking
- 19.A17MC - Decontamination of land
- 20.A04NC - Details of drainage
- 21.A22GR - Protection from noise during construction (hours of construction)
- 22.A23GR - Pile Driving
- 23.A32HA\_1 - A scheme to minimise dust emissions
- 24.A32HA - Construction Management Plan
- 25.NPPF Informative
- 26.Contamination Informative



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**NORTHERN PLANNING COMMITTEE – 6 AUGUST 2014**

**UPDATE TO AGENDA**

**APPLICATION NO: 14/1945M**

**LOCATION Land off Saville Street, Macclesfield**

**UPDATE PREPARED 4 August 2014**

**OFFICER APPRAISAL**

**Flood Risk:**

It would appear that the site currently drains into Knights Pool via the culvert on the northern edge of the site. Whilst officers believe that any flood risk issue can be readily resolved with some on-site attenuation to meet current design standards and the applicant should be able to route surface water to the same outfall, a Flood Risk Assessment would still be required.

**Loss of employment:**

The applicant has confirmed that the following businesses would be affected by the redevelopment of the site:

- Saville Street Motors - proprietor Mr C Pointon plus 1no. employee
- Macclesfield Spray and Repair - proprietor Mr L McAllister (sole trader)
- Hulley Roofing - storage unit only
- DW Windows - storage unit only

Therefore three jobs may be affected. They have all been informed that their leases will not be renewed in light of the current application.

**Greenspace:**

The Greenspace commuted sum would be payable on the implementation of the development and not a condition of receiving planning permission.

**Amenity Implications:**

A Site Section has been received in relation to the properties on Barber Street. Number 44 Barber Street would be the most affected by the development. However:-

- The minimum distance to the gable wall is 15.77 metres which is more than the minimum recommended;
- The gable is not at right angles to the property and it is angled away from it;
- In terms of loss of view or light the gable will not be as high as the current trees are, and accepting the fact that a blank gable is probably a less desirable view than foliage the suggestion of planting and bushes on the bank at the back of the garden will ameliorate this somewhat.

- The aspect is almost due north so loss of sunlight into the garden would not be a significant issue, notwithstanding that the existing trees would probably have more effect on the light into the garden with the additional height and the canopy.

## **CONCLUSION**

As the applicants are still preparing a Flood Risk Assessment (FRA) and as the drainage strategy will form a significant part of the FRA report (which will also consider flood risk from Knights Pool, sewers and overland flow) officers are recommending that the recommendation is changed to a 'defer and delegate' approval to officers in conjunction with the Chairman of Committee subject to the submission of an acceptable Flood Risk Assessment.

Application No: 14/0883M

Location: Land Off, West Lane, High Legh, WA16 6NS

Proposal: To demolish existing building and to erect 10 two storey dwellings, together with associated roads, footpaths, drainage and landscaping.

Applicant: Lee Charnley, Property Alliance Group

Expiry Date: 11-Jun-2014

**Date Report Prepared:** 15 July 2014

#### **SUMMARY RECOMMENDATION**

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

#### **MAIN ISSUES**

- The principle of the development;
- Impact on openness to this part of the Green Belt;
- Whether the site should be retained for employment purposes;
- Impact of the design and character and appearance of the street scene;
- Housing mix and the need for additional affordable housing in the area;
- Provision of public open space;
- Amenity issues;
- Highways safety, access, servicing and pedestrian safety;
- Arboricultural implications; and
- Other material planning considerations.

#### **REASON FOR REPORT**

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

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

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

The site is some 0.8ha in extent. It consists of two distinct parts. The first is the warehouse building and its immediate curtilage which had been used for circulation, parking and outside storage. The second is a small area of woodland to the south of the building which is fenced off from it.

The warehouse building is a substantial full height brick building. The building is a steel framed structure, clad with brickwork, and has a concrete roof deck. It has external dimensions of some 55.5m by 31.4m. The building is flat roofed and has a height of some 7.6m. It provides some 1,663 sq m of internal floorspace.

There are two gated accesses to the warehouse. The first is off Beechtree Farm Close and is to the west of the main building. The other is off West Lane and is to the immediate east of the building. Both accesses operate unsafely because of restrictions on visibility.

There is a high metal palisade fence around the whole of the immediate curtilage of the building (other than the gateways). There are large areas of hardstanding to the east, north and west of the building. These were previously used for parking, circulation and outside storage. There is also an area to the south of the building within the fenced area. The wooded area to the south of the building contains several large oak trees along the frontage with Beechtree Farm Close.

To the north of the site, there is open land extending to the M56 motorway and beyond. The southern and western boundaries are formed by roads (Beechtree Farm Close and West Lane respectively). There is a farmhouse on the opposite side of West Lane and a further scatter of dwellings along West Lane towards High Legh.

The site has a very different developed character from the open countryside to the north, west and south from which it is separated by high fencing and trees. The warehouse is located some 500m to the north of the village of High Legh. It is connected by West Lane which forms part of the B5158. There is a footway running the full length of the road between the site and the village. The village contains a range of facilities, including a primary school, a community hall and a church. There is a bus stop within the village offering public transport services. It is some 800 metres walk away from the site.

## **DETAILS OF PROPOSAL**

This application seeks planning permission to redevelop the site for 10 four bedroomed houses. These houses would be laid out in a courtyard facing north. All the required car parking would be contained within the courtyard.

The houses would be sited wholly within the footprint of the existing building. In total the footprint would be significantly lesser footprint (932m<sup>2</sup>) than the existing (1727m<sup>2</sup>). The height of the houses to ridge would be the same as the existing building (7.6 metres) but significantly less to eaves (4.9 metres compared to 7.5 metres).

The existing accesses to the site would be closed and a new access formed close to its northern boundary. This would have highway safety benefits due to the provision of better visibility.

The existing trees and other vegetation within the site would be improved by additional planting and the introduction of hard and soft landscaping which would help blend the scheme with its surroundings. New tree and hedgerow planting is proposed within the site but particularly to the north and west where screening is currently more limited.

Most of the existing mature trees within the site would be retained. Three Beech trees would need to be removed close to the existing building to produce an effective layout. However these losses will be fully compensated for by new planting. Three trees within the highway verge to West Lane would need to be removed in order to provide safe visibility splays. However these trees already intrude into the visibility splay of the existing access and would require removal for safety reasons even if the proposal does not proceed.

## **RELEVANT HISTORY**

The building is now in a very poor state of repair.

This rusting is so extensive that in order to repair the steel it would be necessary to remove the masonry cladding, treat and repair the steel, and then re-clad. Furthermore there is extensive carbonation of the concrete roof deck. The structural report submitted with the application confirms that the extensive rusting of the steel frame and the perished concrete roof deck make the property unviable for refurbishment.

The building has now been vacant for nearly two years. Because of its poor state of repair, the applicant has stated that it has become increasingly difficult to find tenants

The last tenant (*Cosmo Graphis Ltd*) only occupied a third of the building, using the floorspace for the temporary storage of documents. They were only prepared to enter into a short-term licence agreement, and paid rent on a boxes stored basis. The Company had no employees based at the site. Since Cosmo Graphis Ltd vacated the site in April 2012, the premises have been fully marketed through professional agents. No prospective tenants have come forward.

Although there have been numerous historic planning application on the site, none are relevant to this current application for the redevelopment of the site.

## **POLICIES**

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

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

### **Local Plan Policy:**

The application site lies within the Green Belt as defined by the Macclesfield Borough Local Plan (MLP), therefore the relevant Local Plan policies are considered to be: -

- Policy GC1: New Buildings in the Green Belt;
- Policy NE11: Nature Conservation;
- Policy NE7: Woodland;
- Policy BE1: Design Guidance;
- Policy RT5: Open Space Provision;

- Policy E1: Employment;
- Policy H1: Phasing Policy;
- Policy H2: Environmental Quality in Housing Developments;
- Policy H5: Windfall housing sites;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and access;
- Policy DC8: Landscaping;
- Policy DC9: Tree Protection;
- Policy DC38: Space, Light & Privacy;
- Policy DC40: Children's Play Provision and Amenity Space;
- Policy T3: Pedestrians;
- Policy T4: Access for People with Restricted Mobility; and
- Policy T5: Provision for Cyclists.

### **Other Material Considerations**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight. The relevant Sections include:-

### **Cheshire East Local Plan Strategy – Submission Version**

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

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

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

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

Policy CS3 outlines the intended Green Belt policy for the area. Policy CS3 repeats the purposes of including land within the Green Belt listed in the Framework and sets out that permission will not be granted for inappropriate development in accordance with national policy. It should be noted here that paragraph 5.95 of the CELP states that “to achieve sustainable development, over a period of several decades the council recognises that some development may be necessary within the Green Belt in both the north and south of the Borough, however a review of Green Belt also allows the potential of new Green Belt to be explored”.

Replacing MBLP policies NE1, NE2, NE11, BE1, BE3, BE4, H4, H13, E1, T2, T3 and T4 are (CELP) policies SE3, SE1, SD2, SE1, EG3 and CO1, which are summarised below: -

- Policy SE3: which seeks to protect and enhance biodiversity and geodiversity;
- Policy SE1: sets out requirements for design;
- Policy SE12: Pollution and Unstable Land ensures that development protects amenity;
- Policy SD2: sets out sustainable development principles;
- Policy EG3: updates the approach to be taken to existing employment sites; and
- Policy CO1: deals with sustainable travel and transport including public transport.

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

### **HIGHWAYS:**

No objections.

### **ENVIRONMENT AGENCY:**

No objections, subject to contaminated land conditions.

### **UNITED UTILITIES ASSET PROTECTION:**

No objections, although there are no known public sewers in the vicinity of the proposed development and a separate metered supply to each unit will be required.

### **ENVIRONMENTAL HEALTH:**

No objections, subject to the provision of the sound insulation specifications for all the dwellings across the site and the provision of acoustic fencing to mitigate road traffic noise to a satisfactory level. Conditions controlling the hours of construction, hours and method of pile foundations (if necessary), and submission of a scheme to minimise dust emissions are also suggested.

### **GREENSPACE:**

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

### **HOUSING STRATEGY AND NEEDS MANAGER:**

A 30% proportion of the proposed dwellings would need to be affordable housing, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The

preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

As a rule, the Council would prefer to see affordable housing provided on-site. This is in line with Government guidance to encourage the development of sustainable and balanced communities. However, there may be physical or other circumstances where an on-site provision would not be practical or desirable. The proposal offers to make a financial contribution to the provision of affordable housing.

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

### **HIGH LEGH PARISH COUNCIL:**

High Legh Parish Council supported the principle of changing the use of this site to allow the building of a residential development. This support was predicated on the development retaining the footprint of the existing building (i.e. the one to be demolished). It also, however, expressed a number of concerns over the design or style of the proposed development, the residential mix proposed, and most strongly the access arrangements. While still expressing strong support for a residential development on this site and recognising that this new proposal is sited entirely within the footprint of the existing building, our concerns over the other issues remain. These are:

1. We do not consider the style and design of the proposed buildings to be suitable for the surrounding area;
1. The proposals for all 10 houses to be four bedroomed dwellings does nothing to maintain the sustainability of the High Legh community, and we would still prefer a slightly more varied residential mix; and
2. The major issue however is with the proposed entrance/exit which we as locals who use the B5158 (West Lane) on a regular basis believe to be dangerously placed. The B5158 is a derestricted rural road with at least 6,000 vehicles movements a day, as well as being a bus route. The proposed entrance/exit joins this road at a point which is not much more than 100m over a blind summit (M56 overbridge) for traffic heading south toward High Legh and partly hidden round a blind bend for traffic heading north toward Broomedge. Our previous response suggested that entry and exit to/from the development should be made via Beechtree Farm Close and an upgraded and well signposted four-way junction with West Lane and Peacock Lane. We consider this item to be so potentially dangerous that without a Cheshire East Highways report to the contrary, we would recommend that this application be refused. If you are still minded to approve the application with the proposed entrance/exit, we feel that it is vital that restrictive, well signposted speed limits are imposed on the B5158 and that these are supported by hazard signage in both directions.

## **REPRESENTATIONS**

The application has been advertised in accordance with the General Development Management Order 2010, in this case incorporating the following elements:-

- On site, by the means of a site notice on Beech Tree Farm Close making reference to major development;
- This site notice was posted on 25 March 2014 ;
- Notice was published in the local press (Knutsford Guardian) on 26 March 2014; and
- The closest residential property has also been written to directly.



The publicity period for this application expired on 16 April 2014.

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

- Lack of reference to Diamond Cottage, the nearest residential property;
- Danger to highway safety at the access;
- 10 new residential units will increase the highway safety issue;
- Barn owls are present in the area;
- Loss of trees;
- Noise and disturbance during the construction phase of the development;
- Loss of privacy through overlooking;
- Potential light pollution;
- A more rural development would be more acceptable.

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

#### **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following reports/documents in support of the application, details of which can be read on the electronic file on the Council's public access website.

- Design and Access Statement;
- A Flood Risk Assessment;
- A Transport Statement;
- An Arboricultural Impact Statement;
- An Ecological Statement;
- A Phase 1 Contamination Report; and
- A Building Condition Report.

#### **OFFICER APPRAISAL**

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

- The principle of the development and its impact on openness to this part of the Green Belt;
- Whether the site should be retained for employment purposes;
- Impact of the design and character and appearance of the street scene;
- Housing mix and the need for additional affordable housing in the area;
- Sustainability;
- Provision of public open space;
- Amenity issues;
- Highways safety, access, servicing and pedestrian safety;
- Arboricultural implications; and
- Other material planning considerations.

**The principle of the development (Green Belt):**

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

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

Paragraph 89 of the Framework now states that the limited infilling or partial and complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including development within it than the existing development would not be inappropriate development.

Paragraph 89 does not stipulate uses of land that are appropriate or inappropriate on previously developed land. As such, it is considered that the redevelopment of the warehouse building and its immediate curtilage for a residential redevelopment would be acceptable development in principle, so long as the proposed development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it.

#### **Impact on openness to this part of the Green Belt:**

In terms of the existing development and as stated above, the warehouse building is a substantial full height brick building. It has external dimensions of some 55.5m by 31.4m. The building is flat roofed and has a height of some 7.6m. It provides some 1,663m<sup>2</sup> of internal floorspace (1,727m<sup>2</sup> external)

The houses have been specifically designed to be sited wholly within the footprint of the existing building.

None of the houses are proposed on parts of the site which are currently undeveloped.

The footprint of the proposed houses (923m<sup>2</sup>) would be significantly less than that of the existing building (1727m<sup>2</sup>). The height of the houses to ridge would be the same as the existing building (7.6 m) but significantly less to eaves (4.9m compared to 7.5m).

The curtilages of the proposed houses, including their gardens, would not extend beyond the immediate curtilage of the existing building, including the areas used for circulation, parking and storage. To the south, the proposed gardens would not extend beyond the line of the existing palisade security fence which separates the operational area around the warehouse from the adjoining woodland.

Taking all of the different factors into account it is considered that the proposed dwellings would have a comparable impact on the openness of the Green Belt when measured against the existing building on the site. The dwellings would not have a greater impact on the openness of the Green Belt. It is considered that the proposed development does not

threaten any of the purposes of including land within the Green Belt, particularly as it does not encroach beyond the existing site.

A new access would be created off West Lane, close to the northern boundary of the site. The two existing accesses off West Lane and Beech Tree Farm Close would be closed. This would allow a large area of existing hardstanding to be reinstated to soft landscaping. It could be argued that this would thereby increase openness around the site.

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

#### **Whether the site should be retained for employment purposes:**

Local Plan Policy E1 seeks to retain employment land for employment purposes. However, Paragraph 22 of The Framework states that:

*“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*

In this respect, the site is not specifically allocated or protected by the Local Plan for employment development. As such, the issue of whether there is a “reasonable prospect” of it being reused for employment purposes does not arise.

As stated above, the existing building is in a very poor state of repair. The steel frame is rusting extensively. This rusting is so extensive that in order to repair the steel it would be necessary to remove the masonry cladding, treat and repair the steel, and then re-clad. Furthermore there is extensive carbonation of the concrete roof deck. The structural report submitted with the application confirms that the extensive rusting of the steel frame and the perished concrete roof deck make the property unviable for refurbishment. The total cost of refurbishment would significantly exceed any economic return to the owner.

The lack of reasonable prospects of re-occupation by an employment user is confirmed by the fact that the site has been marketed for over 12 months and no potential occupier has come forward.

#### ***Housing Land Supply***

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

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%*

*(moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

The NPPF clearly states at paragraph 49 that:

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

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

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

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

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

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

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

*Elworth Hall Farm, Sandbach (11 April 2014).* It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

*Dunnocksfold Road, Alsager (14 July 2014).* Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants' backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

*Newcastle Road, Hough (14 July 2014).* In the absence of evidence to the contrary the Inspector accepted that the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds currently household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no

justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

However, if the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Councils 5 year land supply position.

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

The application site is located within the Green Belt, there is no landscape designation covering the application site, but the area is identified in the Cheshire Landscape Character Assessment, 2009 as being within Landscape Character 10 (LFW3) Arley Lower Farms and Woods with higher density blocks of woodland and standard trees within hedgerows.

The site is well screened to the south and north east by large trees and mature vegetation. This screening allows for limited and intermittent views of the building from the approaches to the site along the B5159.

Screening to the north and west is more limited although there are still a number of large mature trees which allow only partial views of the existing building. The existing landscaping will be supplemented by additional planting and the introduction of hard and soft landscaping which will help blend the scheme with its surroundings. New tree and hedgerow planting is proposed within the site but particularly to the north and west where screening is currently more limited.

The proposed site layout allows the new buildings to sit comfortably on the site and within the constraints of the existing building, with all car parking successfully screened from the road. There will be a 2.2m high closed-board acoustic timber fence behind a circa 1.5m high hedgerow fronting the Eastern and Southern site boundaries. A 2.8m high closed-board acoustic timber fence will enclose the site to the North and West. The boundary treatment plan and landscape plans have been discussed in detail and agreed with the Council's landscape architect.

The harsh and unattractive form of the existing building detracts from the rural character of the Green Belt location. The new building envelope is designed to reduce the visual impact to the surrounding rural setting. A palette of pastoral materials has been chosen to blend the buildings with their surrounding context. The design seeks to re-create a typical 'barn' typology using a masonry plinth with areas of lighter weight first floor cladding, double height gable ends and double height feature openings. The two units addressing the access road turn through 90° to act almost as a gatehouse type arrangement to the courtyard and 'slide' over the top of the masonry plinth. A projecting Flemish bond brick is suggested to break-up and articulate the façade whilst making a contemporary reference to the detailing of the surrounding period brick architecture.

Therefore, it is considered that proposed development would have an acceptable design and have a limited visual impact on the street scene compared to the existing structure.

#### **Housing mix and the need for additional affordable housing in the area:**

The proposal is for 10 four-bedroomed dwellings. Whilst the mix of dwellings is not ideal, it has been partly derived from the constraints imposed on siting the dwellings wholly within the footprint of the existing building. As such, it minimises the impact on openness.

A greater number of smaller dwellings would increase traffic generation, need a larger building footprint, and require more on-site parking. This would potentially have an adverse impact on trees on the site and the impact of the development on the wider area.

The proposal is within the small settlement of High Legh and for 10 units and therefore meets the threshold for a provision of affordable housing. The Affordable Housing Interim Planning Statement states that as a rule, the Council would prefer to see affordable housing provided on-site. This is in line with Government guidance to encourage the development of sustainable and balanced communities. However, there may be physical or other circumstances where an on-site provision would not be practical or desirable.

The proposal offers to make a financial contribution to the provision of affordable housing and the Council's Strategic Housing Section would support this proposal on this site. Due to site constraints and a requirement to maintain the footprint of the existing building the dwellings will be constructed in one block. It would not be suitable for the affordable dwellings to be in one complete block with the market units and management of the affordable units would be unfeasible due to this. Furthermore this constraint does not allow for the type and size of affordable housing required, which is smaller 1 and 2 beds. A financial contribution will allow the provision of more suitable affordable housing in the locality. A site visit by the Council's Strategic Housing Section also raised concerns about the suitability of this location for affordable housing provision with relatively poor access to services and facilities.

The applicant has agreed to provide the financial contribution for the proposed affordable housing units that would normally be required. Normally there would be a requirement for three affordable units on this site. As the need currently stands the Council would normally require two 2 bedroomed rented units and one 2 bedroomed intermediate tenure unit.

The Interim Planning Statement on Affordable Housing states that: *"Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site. The amount of any contribution will need to be agreed with the Council. Where off-site provision is made by the developer or as a result of any financial contribution, this should be in a location elsewhere within the Borough where there is an identified need."*

The required contribution to reflect the cost necessary to facilitate an equivalent amount of affordable housing within the area would be secured via a Section 106 legal agreement attached to any permission.

### **Sustainability:**

Local Plan Policy H5 provides criteria for the consideration of planning applications for housing development on un-allocated sites. The site is located in a rural area and it cannot be considered a sustainable site in terms of its location. That being said, the site is within walking distance of the services within High Legh which include a primary school, a church and other community facilities. It is also within walking distance of a bus stop offering a bus

service. It could also be argued that the proposal will help support High Legh Primary School where there are 30 vacant places according to information provided by the school.

In terms of the *social role* and *economic role* to sustainable development, the application proposal would provide a new form of housing that is not currently available within the area. With regard to the *environmental role* of sustainability, the proposal would involve the redevelopment of previously developed land, rather than Greenfield land.

Any deficiencies in this respect must be balanced against the benefits of the proposal in terms of taking pressure of other Greenfield sites, openness and improvements to visual amenity and highway safety.

#### **Provision of public open space:**

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

10 open market family dwellings would generate need for £30,000 Public Open Space (POS) and £7,000 (£10k - £3k for the three affordable units) Recreational Open Space (ROS).

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

The POS contribution would be used for High Legh play areas and amenity spaces for additions, enhancements and improvements. The ROS would be used for High Legh playing field and open space for pitch and kickabout improvements.

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

The applicant's have agreed to pay the required contributions.

#### **Amenity issues:**

The Noise Impact Assessment submitted with the application has identified that the key noise sources within the vicinity of the site are road traffic noise from the adjacent West Lane and the M56 motorway which lies approximately 150m to the north of the site.

The Local Planning Authority has given appropriate consideration towards the mitigation measures required to ensure a commensurate level of protection against noise for future occupants.

Mitigation proposed would be a 2.5m high acoustic grade barrier along the eastern and southern boundaries; a 2.8m high acoustic grade barrier along the northern and western boundaries; and alternative ventilation scheme for all dwellings (i.e. acoustic trickle-ventilators combined with a mechanical extract ventilators).



The Council's Environmental Health department have reviewed the application and have raised no objections to the scheme subject to conditions to secure the noise mitigation as suggested above.

The separation distances proposed within the residential complex are considered acceptable as the scheme has been designed in a holistic manner. The nearest elevation of the proposed dwellings would be over 60 metres away from Diamond Cottages.

#### **Highways safety, access, servicing and pedestrian safety:**

As stated above, the existing accesses to the site would be closed and a new access formed close to its northern boundary.

At the proposed access, visibility to the left would be very marginally sub-standard, but clearly acceptable. To the right (looking south), the proposed visibility splay is only 102m long compared to the 160m required to safely accommodate the 50 mph speed of approaching vehicles. Essentially the access/egress position as suggested by the application is in the optimum position and offers the maximum betterment from the existing access/egress points both in terms of position, but also vehicle classification use (i.e. no HGV's). Having considered all the options it is considered that there is no better position and although visibility is not ideal, the land is previously developed land with existing accesses with poorer viability.

The proposed access and amendments to existing accesses must be by an agreement with the Highway Authority under S184 of the Highways Act 1980. Also, the intention not to seek adoption of the internal roads requires an Advance Payment Code notice to be served. Redundant vehicular accesses should be reinstated to verge and this would be secured via a condition.

As the houses would have 4 bedrooms, the policy requirement would be for 3 parking spaces each (30 in total). It is proposed that 23 car parking spaces will be provided on the site utilising the existing areas of hard standing. The arrangement of the parking areas has been sensitively designed in order to ensure that there will be minimal impact on the existing landscape, including the trees which are covered by TPO's. All houses have 200% parking including two dedicated car parking spaces per dwelling located adjacent to the front door. There are three separate parking spaces for visitors. It is considered that this level of parking is acceptable given the negative design implications of providing further parking.

There are no objections in principle to these proposals from the Strategic Highways and Transportation Manager as the traffic generation on the highway network would be minimal from 10 dwellings, especially given the potential use from an unrestricted employment site.

#### **Arboricultural implications:**

Selected trees within the site are afforded protection by the Macclesfield Borough Council (High-Legh - Former CEGB Store) Tree Preservation Order 2005. The application is supported by an Arboricultural Impact Assessment which has informed the layout design. The application also includes a plan showing protected trees for retention/removal. The application

is also supported by a Landscape Planting Plan which shows proposals for replacement planting in mitigation for trees proposed for removal.

Three 'A' Category protected trees (all Copper Beech) along the southern sections of the site will require removal to accommodate the proposed development. The trees are mature specimens in good condition with high life expectancy. Along the southern boundary adjacent to Beechtree Farm Lane stand five mature Oak which are shown for retention

The Planning Statement also identifies that three Oak trees on the highway verge on the B5159 will need to be removed to provide safe visibility splays. The statement goes on to say that these trees already intrude into the visibility splay of the existing access and would require removal in any event.

Two further unprotected trees, a mature 'A' category Elm and a semi mature 'B' category Beech located close to the front of the existing building are to be removed.

The submitted landscape scheme provides for four replacement trees (3 Beech and 1 Oak) on the B5159 frontage and 17 new trees (6 Beech, 5 Oak 3 Cherry and 3 Field Maple) to the north east of the site. Indicative areas of native shrub planting are also shown along the southern boundary sections of the site

Local Plan Policy DC9 states that development that would result in the direct loss of trees or woodland which are subject of a Tree Preservation Order will not be allowed except in exceptional circumstances. The exceptional circumstances stated in sub paragraph (a) and (b) do not apply here. Sub paragraph (c) states exceptionally where mitigation provides an identifiable net environmental gain.

The loss of three protected Copper Beech trees would result in a moderate impact to the visual amenity of the immediate area around Beechtree Farm Close. Nevertheless the proposed planting in mitigation for the loss of these trees in terms of numbers would likely provide the identifiable net environmental gain as required by Policy DC9 in the longer term, which requires consideration as part of the balancing exercise. Given the existing landscape character however, any long term benefit in landscape terms would be better served by planting predominantly Oak trees.

#### **Other material planning considerations:**

##### **ENVIRONMENTAL HEALTH:**

Whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

##### **CONTAMINATED LAND:**

The application area has a history of use as a depot and therefore the land may be contaminated. This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The phase I report submitted in support of the application recommends that further intrusive investigations are required. The Council's Land Contamination Team has no objection to the application provided that a condition is imposed to secure the required intrusive investigation. These views are shared by the Environment Agency.

#### ECOLOGY:

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

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

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

A number of Oak trees have been identified on site which have potential to support roosting bats however these will be retained as part of the proposed development. The Council's Ecologist has therefore advised that with the exception of the possible disturbance of breeding birds, there are unlikely to be any significant ecological issues associated with the proposed development. If planning consent is granted the Council's Ecologist has recommend that conditions be attached to safeguard breeding birds and ensure some additional provision is made for birds and roosting bats.

#### DRAINAGE:

The site is not at risk of flooding as it is within Flood Risk Zone 1. There are no known public sewers in the vicinity of the proposed development. A water supply can be provided and a separate metered supply to each unit will be required. United utilities have raised no objection to the application subject to foul and surface water details being secured via condition.

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

In summary and to conclude, the issues raised in the representations have been addressed and all the issues raised have been borne in mind. In respect of the guidance in the NPPF the proposed redevelopment of a brownfield site is an appropriate form of development within the Green Belt, hence, the proposed development is acceptable in principle. The proposed

development is considered not to have a greater impact on the openness of the Green Belt than the existing and not to threaten the purposes of including land within the Green Belt.

## HEADS OF TERMS

- Commuted sums of £37k in lieu of onsite public open space provision; and
- Provide a financial contribution for the proposed affordable housing units that would normally be required (30%).

### Community Infrastructure Levy (CIL) Regulations:

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

- (a) Necessary to make the development acceptable in planning terms;
- (a) Directly related to the development; and
- (b) Fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu of recreation / outdoor sport facilities is necessary, fair and reasonable, as the proposed development will provide 10 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The provision of 30% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

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

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

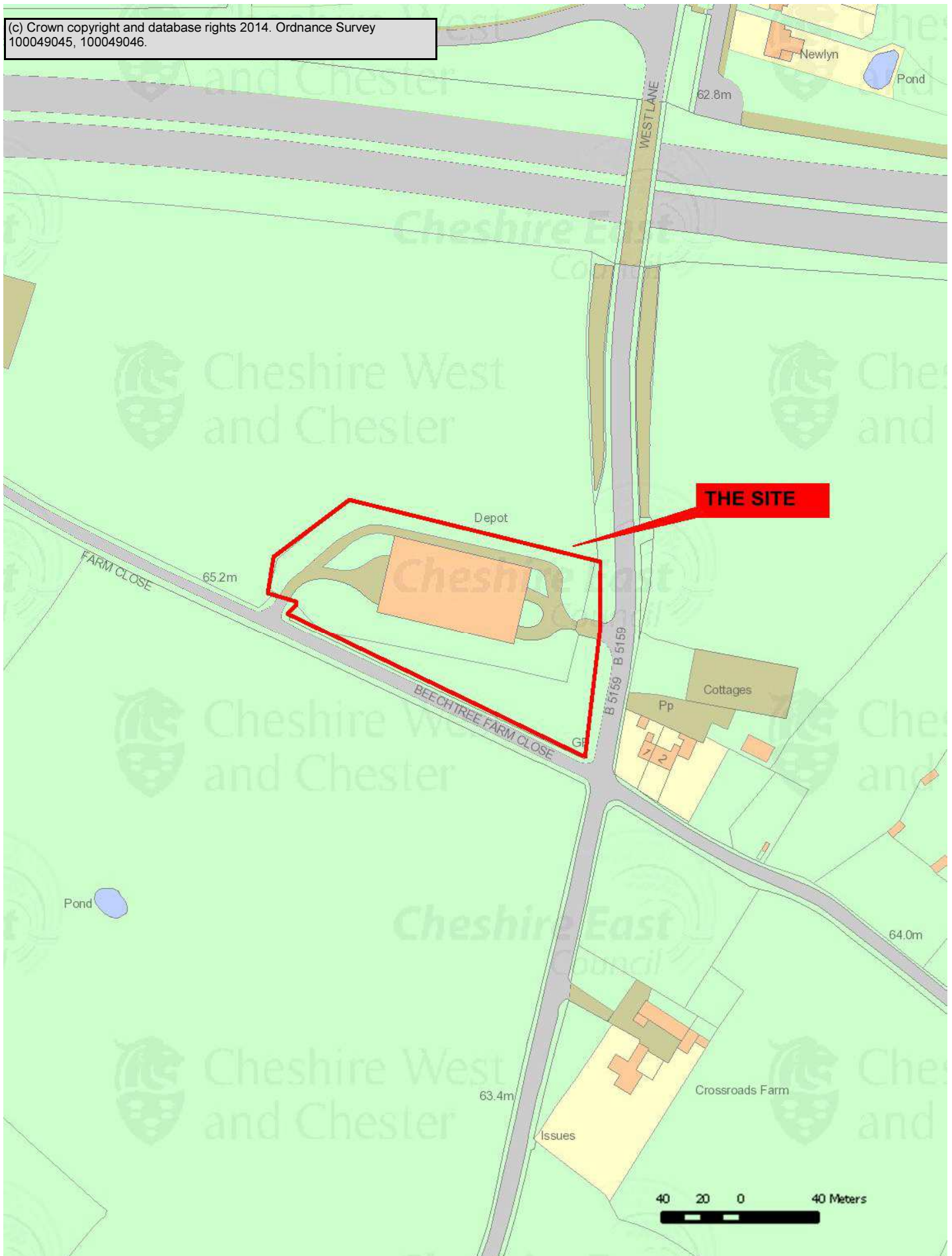
*Should this application be the subject of an appeal, authority shall be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads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

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A23MC - Details of ground levels to be submitted
4. A02EX - Submission of samples of building materials
5. A13HA - Construction of junction/highways
6. A12HA - Closure of access/removal of dropped kerbs
7. A01LS - Landscaping - submission of details
8. A04LS - Landscaping (implementation)
9. A12LS - Landscaping to include details of boundary treatment
10. A01TR - Tree retention
11. A02TR - Tree protection
12. A04TR - Tree pruning / felling specification
13. A05TR - Arboricultural method statement
14. A08MC - Lighting details to be approved
15. A07TR - Service / drainage layout
16. A19MC - Refuse storage facilities to be approved
17. A04HP - Provision of cycle parking
18. A17MC - Decontamination of land
19. A04NC - Details of drainage
20. A22GR - Protection from noise during construction (hours of construction)
21. A23GR - Pile Driving
22. A32HA\_1 - A scheme to minimise dust emissions
23. A32HA - Construction Management Plan
24. A01MC - Noise insulation
25. NPPF Informative
26. Contamination Informative

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Application No: 14/2222M

Location: RED WALLS, PARKFIELD ROAD, KNUTSFORD, WA16 8NP

Proposal: Demolition of bungalow, garage and summer house, erection of new dwelling, replacement of timber gates and hard and soft landscaping.

Applicant: IGG GROUP

Expiry Date: 24-Jun-2014

**Date Report Prepared:** 21 July 2014

#### **SUMMARY RECOMMENDATION**

**Approve subject to conditions**

#### **MAIN ISSUES**

Impact on:

- Design in relation to Conservation Area/ Low Density Housing Area/ Street Scene
- Neighbouring Amenity
- Highways
- Trees
- Landscaping
- Nature Conservation

#### **REASON FOR REPORT**

Due to the heritage and design issues relevant to this application, the Planning and Enforcement Manager considers that the application should be referred to the Northern Planning Committee.

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

The application site relates to a single storey bungalow located within a plot which benefits from substantial screening to the north, south and east boundaries. The dwelling and plot is therefore well screened from existing public vantage points. It is noted that over time, Parkfield Road has seen a number of replacement dwellings and extended dwellings, which have now resulted in a variety of house types and ages.

#### **DETAILS OF PROPOSAL**

Revised plans have been submitted during the application process, amending the details slightly. The proposal is for Conservation Area Consent for the demolition of the existing bungalow, garage and summer house and planning permission for the erection of a two storey contemporary replacement dwelling with a basement level incorporated. Additional landscaping works are also proposed and replacement entrance gates.

The proposals follow a formal pre application advice meeting and letter.

## **RELEVANT HISTORY**

None.

## **POLICIES**

### **Local Plan Policy**

BE1 – Design Guidance  
BE2- Historic Fabric  
BE3 – Conservation Areas  
BE4- Demolition in Conservation Areas  
BE13 – Legh Road Conservation Area  
BE21- Archaeology  
NE11- Nature Conservation  
H5 – Windfall Housing  
H12 – Low Density Housing Areas  
H13 – Protecting Residential Areas  
DC1 – New Build  
DC3 - Amenity  
DC6 – Circulation and Access  
DC8 – Landscaping  
DC9 – Tree Protection  
DC38 – Space, Light and Privacy  
DC46- Demolition  
DC63- Decontaminated 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 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.

MP1 – Presumption in Favour of Sustainable Development

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SE1 – Design

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

## **National Planning Policy Guidance**

### **National Planning Policy Framework**

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

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

## **Other Material Planning Considerations**

Legh Road Conservation Area Appraisal 2005

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

Highways: no objections.

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

Knutsford Town Council: The Council objects on the grounds that the new dwelling would be out of keeping with the prevailing design in the Legh Road Conservation Area and would represent overdevelopment when considered in the context of its historical surroundings.

## **OTHER REPRESENTATION**

Six representations have been received in relation to the application, the main points of which are summarised below:

- Overdevelopment of the plot
- Would not preserve or enhance the character or appearance of the Conservation Area
- Adverse impact on the amenities of neighbouring properties near to the western boundary in terms of overlooking, overbearing impact and overshadowing
- Possible drainage issues related to the swimming pool
- Unclear what materials are to be used

Full copies of the representations received are available to view on the Council's website.

## **APPLICANT'S SUPPORTING INFORMATION**

Planning Design and Access Statement. Heritage Statement.

## **OFFICER APPRAISAL**

### **KEY ISSUES**

#### **Design/Conservation Area**

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

The objections received have been carefully considered.

However, it is noted that Parkfield Road is characterised by dwellings of a variety of architectural styles, and many of the properties on this road are modern style replacement dwellings. Subject to the materials used being acceptable, which can be conditioned, the proposed dwelling is considered to have an acceptable impact on the character and appearance of the street scene and locality. The development would not constitute overdevelopment of the plot and would be of a size, scale and siting that would not over dominate neighbouring properties or the street scene.

Whilst it is noted that the proposed dwelling would be close to the western boundary, it is nevertheless not considered to adversely impact on the character and appearance of this low density housing area. Sufficient space would remain within the plot and between the surrounding properties and it is noted that whilst the dwelling would be increasing in height from 3.6m (existing) to 7m (proposed), this would be of a similar height to neighbouring properties. Overall the existing high standards of space, light and privacy within the Legh Road Conservation Area would be retained.

Substantial boundary screening would remain and additional heavy landscaping on the western boundary is proposed. Overall the development would accord with all design objectives.

Para 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, and the desirability of new development making a positive contribution to local character and distinctiveness.

Para 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance.

Local Plan policies BE3 and BE13 state that development should protect or enhance the character and appearance of the Legh Road Conservation Area.

A Conservation Area is defined in the Planning (Listed Building and Conservation Areas) Act 1990 as: "an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance." The character of these areas is defined not only by a concentration of historic buildings, but also by the relationship these buildings have with each other, historic street patterns, plot boundaries, the spaces between buildings and so forth.

As set out in the Legh Road Conservation Area Appraisal 2005, the Legh Road Conservation Area is characterised by substantial houses set in large grounds. Within the Legh Road Conservation Area the Borough Council will seek to preserve and enhance the interesting and individual design of the large houses set in spacious grounds.

The Legh Road Conservation Area comprises a number of detached or semi-detached houses, with capacious, well-planted gardens. As well as the importance of the villas themselves the conservation area appraisal reinforces the importance of the established landscaping stating 'one of the most important features of the Legh Road Conservation Area is the abundance of mature trees, which mark the boundaries and sit within the gardens of the houses.'

The Conservation Officer raises no objections to the proposed development.

The Red Walls site as existing contains a nondescript bungalow dating from the 1960's which is considered to neither contribute nor detract from the character of the Conservation Area. The proposals retain the current site entry point, driveway and boundary treatment to Parkfield Road.

Whilst the objections from the Town Council and neighbours have been carefully considered, the proposed dwelling is deemed to be a contemporary high quality dwelling, that continues the development within the Legh Road Conservation Area of individual and unique detached houses set within large landscaped plots.

The proposal would be well screened via existing and proposed boundary treatment to the front and side boundaries and would not be readily visible from public vantage points within the Conservation Area.

Furthermore, the proposal is deemed to be in keeping with the mix of architectural styles in the area, which are considered to make up this area of special interest; the Harding Watt Houses on nearby Legh Road and Leycester Road are an eclectic mix and as such a 'different' house style such as proposed would not be out of keeping, subject to conditions including a materials condition.

The proposed replacement gates would also be in keeping with the character and appearance of the Conservation Area, subject to appropriate materials which can be conditioned.

Overall therefore the development would preserve the character and appearance of the Legh Road Conservation Area.

### **Amenity**

The objections have been carefully considered. It is noted that the proposal is relatively close to the western boundary. However, the proposed dwelling would be circa 18m away from windows to habitable rooms on the nearest neighbouring property to the west of the development. This would be 4m more than stipulated in the guidance for distances set out under Local Plan policy DC38. Furthermore, due to the orientation of the proposal and neighbouring properties in relation to the sun's path, there is not considered to be any adverse impact in terms of loss of light to neighbouring property.

No first floor windows to habitable rooms are proposed on the side elevations and the ensuite windows can be conditioned to be obscurely glazed.

Whilst there would be a taller dwelling on the site than the existing dwelling, close to the boundary, any visual impact would be further mitigated through the extensive proposed landscaping on the western boundary. This will be conditioned to ensure that the specimens are of sufficient height when planted. The Landscape Officer raises no objections to the proposal subject to this.

The dwelling would be over 27m from the dwelling to the rear and whilst a balcony is proposed to the front, the respective distances would mean no adverse impact in terms of overlooking.

Overall a commensurate degree of space, light and privacy would remain to all neighbouring properties subject to conditions and the development accords with Local Plan policies DC3 and DC38.

### **Highways**

The Strategic Highways Manager raises no objections.

The gate width at less than 3m is marginally acceptable. Width between brick piers must be maximised and not reduced by new gate construction.

Sufficient parking would remain on the site. No highway objections are raised and the scheme would comply with policy DC6.

### **Trees/ Landscaping**

The Tree Officer raises no objections to the development, however states:

*The proposed increase in the building footprint does bring the development close to if not touching the canopy of the Oak tree in the adjacent property. The canopy extends some 7m across the site.*

*The high and dense tree cover on the east boundary may give rise to some daylight problems in the adjacent habitable rooms, however, this may be offset by extra light through the proposed central atrium.*

*Trees at the access have low branches and these will need to be pruned to allow access for demolition and construction materials/ high sided vehicles etc.*

Various conditions need to be attached to ensure that all of the trees in the Conservation Area are preserved.

The Landscape Officer raises no objections to the proposed development, however notes that the Hornbeam proposed on the western boundary would not be very high (30-40cm) and they would take quite a few years to grow to a suitable height. Therefore a revised landscaping scheme should be submitted, to show more mature Hornbeam trees or a suitably high level alternative to be planted on the western boundary, to ensure that the proposed dwelling is suitably screened from neighbouring property and Parkfield Road.

Subject to this the development would accord with policy DC8.

### **Nature Conservation**

The Nature Conservation Officer raises no objection to the demolition of this relatively modern bungalow and associated outbuildings, and the development is not considered to have any adverse impact on protected species, in accordance with Local Plan policy NE11.

### **Environmental Health**

The Environmental Health Officer raises no objection to the development. There are not considered to be any issues regarding contaminated land on the site.

### **Archaeology**

The development affects an area within Knutsford's Area of Archaeological Potential, as defined in the Local Plan of the former Macclesfield Borough Council. It is advised, from the Archaeology Officer however, that this particular application has no archaeological implications and no further mitigation is advised.

### **United Utilities**

United Utilities do not object to the development, subject to informatives being attached relating to drainage.

## **CONCLUSION AND REASONS FOR DECISION**

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

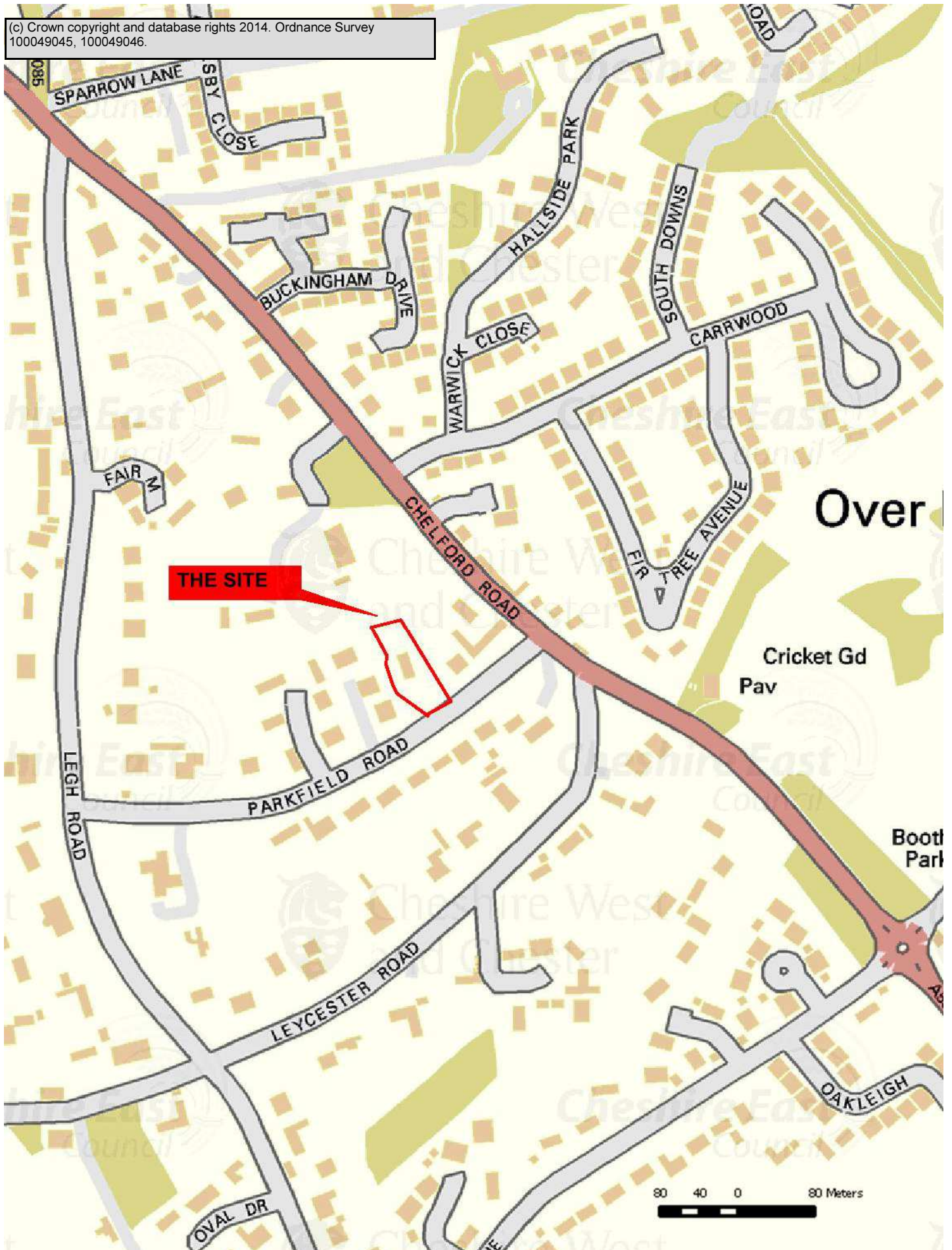
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01GR - Removal of permitted development rights
2. A01LS - Landscaping - submission of details
3. A01TR - Tree retention
4. A03TR - Construction specification/method statement
5. A04LS - Landscaping (implementation)
6. A04TR - Tree pruning / felling specification
7. A06TR - Levels survey
8. A07GR - No windows to be inserted
9. A07TR - Service / drainage layout
10. A23GR -
11. Pile Driving
12. Pile Driving
13. A25GR - Obscure glazing requirement
14. A02CA - Demolition as precursor of redevelopment
15. A02TR - Tree protection
16. A03FP - Commencement of development (3 years)
17. A02AP - Detail on plan overridden by condition
18. A05EX - Details of materials to be submitted
19. Hours of construction
20. Informative
21. Contaminated Land

## 22. Drainage

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**NORTHERN PLANNING COMMITTEE – 6th August 2014**

**UPDATE TO AGENDA**

**APPLICATION NO.**

14/2222M

**LOCATION**

RED WALLS, PARKFIELD ROAD, KNUTSFORD, WA16 8NP

**UPDATE PREPARED**

4<sup>th</sup> August 2014

**REPRESENTATIONS**

Since preparing the original report, further representations have been received from the occupiers of Holly Tree House, Sandings and The Firs Coach House, raising the following issues:

- The Firs Coach House were not notified of the proposed development
- Adverse impact on the character and appearance of the Conservation Area
- Adverse impact on neighbouring properties
- Environmental Issues regarding drainage and impact on protected trees
- Constitutes overdevelopment of the plot

**KEY ISSUES**

These additional comments have been carefully considered. The Firs Coach House does not adjoin the boundary of the application site and so a neighbour notification letter was not sent to this property. Furthermore, a site notice was erected within the vicinity of the site.

As noted in the original report, Parkfield Road comprises dwellings of a variety of architectural styles and the proposed dwelling is considered to have an acceptable impact on the character and appearance of this part of the Legh Road Conservation Area.

The development is not considered to constitute overdevelopment of the plot and is considered to be of a size, scale and siting that would not over dominate neighbouring properties or the street scene.

The Tree Officer and United Utilities raise no objections to the development and subject to conditions the development is not considered to adversely impact on protected trees or drainage of the site.

## **CONCLUSION**

Whilst the additional objections have been considered, as in the original report the proposed development is considered to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application. Therefore a recommendation of approval is made, subject to conditions.

Application No: 14/2083M

Location: 4 Brooke Park, Epsom Avenue, Handforth, Wilmslow, Cheshire, SK9 3RL

Proposal: Change of use of existing vacant industrial warehouse unit to an indoor Trampoline Park (class D2 leisure use)

Applicant: Erik Haugen, High Heaven

Expiry Date: 25-Jul-2014

**Date Report Prepared:** 25 July 2014

**SUMMARY RECOMMENDATION**

Approve, subject to conditions

**MAIN ISSUES**

- The principle of the development;
- Highways, access, servicing and parking issues;
- Design and Amenity Implications;
- Flood Risk; and
- Other Health Benefits.

**REASON FOR REPORT**

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

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

**DESCRIPTION OF SITE AND CONTEXT**

This application seeks planning permission for the change of use of 4 Brooke Park in Handforth from an open class "B" use to a Trampoline Park D2 (leisure) use.

The application site is located at Brooke Park, an industrial estate of eight industrial warehouse units, built over two phases. It is located to the rear of Stanley Green Industrial Estate in Handforth. The building forming this planning application provides large, clear span industrial warehouse accommodation, incorporating ancillary offices at ground and at mezzanine/first floor levels, with good access and turning areas with allocated car parking. The unit has a full height loading door and a separate loading/turning area for delivery and

refuse vehicles. Internally, the unit provides a clear expanse of open plan warehouse with some partitioned offices at ground and a small mezzanine area.

The application unit has been vacant for 30 months now, despite extensive marketing of the premises.

## **DETAILS OF PROPOSAL**

The proposed trampoline park is a recreational sports facility open to the public for freestyle trampoline play, trampoline dodgeball and basketball, large foam cube pits and fitness classes. The open jump area will consist of a large area of safety-padded, wall-to-wall interconnecting trampolines. The proposed use caters for individuals of all ages, as well as group events including birthday parties.

The applicant has stated that indoor trampoline play is a unique and safe way for youths and adults to have fun while at the same time obtain significant health benefits. Trampoline jumping provides a low-impact workout—the trampoline absorbs a significant percentage of the shock when undertaking exercises such as plyometrics (explosive moves) or jogging in place. This means it is much easier on the joints and is well suited for people recovering from injuries. It also provides significant cardiovascular benefits and enhances skills such as strength, agility, and balance.

Indoor Trampoline Parks are a relatively new concept to the UK, and is a new leisure use, which is proving increasingly popular in the USA.

The applicant already runs a number of indoor trampoline parks across the U.S. and will be opening their first operation in Glasgow in late spring/early summer 2014.

## **RELEVANT HISTORY**

The industrial estate was built out in two distinct phases. Planning permission was originally granted on the site in December 1991 for a mixed B1, B2 and B8 development by virtue of application reference 68939P.

Phase two was first applied for under application reference 00/2319P, for five industrial / storage, units which was refused by the Council in November 2000. An amended application was then submitted and subsequently approved in January 2001 by virtue of application reference 00/2772/P.

## **POLICIES**

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

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

### **Local Plan Policy:**

The application site is located within a defined employment area. Therefore the relevant Local Plan policies are considered to be: -

- Policy BE1: Design principles for new developments;
- Policy E1: Retention of employment land;
- Policy E4: General industrial development;
- Policy DC3: Amenity; and
- Policy DC6: Circulation and Access.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

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

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

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

- Policy EG3 specifically relates to existing and proposed employment sites; and
- Policy SC1 relates to leisure uses and with regards leisure facilities.

### **The National Planning Policy Framework**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

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

### **HIGHWAYS:**

No objections.

### **ENVIRONMENTAL HEALTH:**

No comments.

### **ENVIRONMENT AGENCY:**

No objections.

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

### **HANDFORTH PARISH COUNCIL:**

The Parish Council have confirmed that they support the application.

## **REPRESENTATIONS**

The application has been advertised in accordance with the General Development Management Order 2010, in this case incorporating the following elements:-

- On site, by the means of a site notice on Epsom Avenue making reference to major development;
- These site notices were posted on 16 May 2014 ; and
- Notice was published in the local press (Wilmslow Express) on 15 May 2014.

The publicity period for this application expired on 5 June 2014.

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

- This centre sounds fantastic, and I support the business model whole heartily;
- This centre will benefit children and families and our community by bringing jobs, healthy activities for kids, and provide a good place for older children to do something productive;
- It will also bring people from further afield into the area, thus shopping in our local shops and contributing to the well being of Cheshire East. Being a Wilmslow resident with 2 children I'm now finding it hard to find indoor activities now they have grown out of soft play centres; and
- Looking into the set up I think I would be an excellent facility to many children in the area.

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

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following reports/documents in support of the application, details of which can be read on the electronic file on the Council's public access website.

- Planning, Design and Access Statement;
- Marketing Report; and
- Transport Statement.

## OFFICER APPRAISAL

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

- The principle of the development;
- Highways, access, servicing and parking issues;
- Design and Amenity Implications;
- Flood Risk; and
- Other Health Benefits.

### The principle of the development:

Paragraphs 12 and 13 of The Framework states that the development plan is the starting point for decision making. *“Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”* The: *“NPPF constitutes guidance for local planning authorities and decision-takers”... and is: “a material consideration in determining applications”.*

Paragraph 14 states: *“At the heart of the NPPF is a presumption in favour of sustainable development”...“For decision-taking this means” (unless material considerations indicate otherwise)... “where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

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

The National Planning Policy Framework marks a shift in emphasis of the planning system towards a more positive approach to development. As the minister says: *“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.*

The site is allocated as an existing employment area where policies E3 and E4 (which, normally permits Use Classes B1(a), B1(b), B1(c), B2, B8, B1b and B1c) apply. Furthermore, Policy E1 seeks to normally retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes.

### LOSS OF AN EMPLOYMENT SITE:

The application site is designated for employment uses within the Macclesfield Local Plan. Policy E1 seeks to retain employment land for employment purposes.

However, the National Planning Policy Framework at Section 1, paragraph 20 states that, to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Further, paragraph 21 continues that, in drawing up Local Plans, local planning authorities should:

- Set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;
- Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- Support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;
- Plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries; and
- Identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.

Of particular relevance to this application is paragraph 22, which states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed.

Developing the site for a leisure use would not accord with the Adopted Plan allocation for the site. However, Policy EG3 of the Submission Version of the Local Plan also relates to existing and allocated employment sites, and recognises that a more flexible approach may be required in certain circumstances. It states that:

1. Existing employment sites will be protected for employment use unless:
  - i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or
  - ii. The site is no longer suitable or viable for employment use; and
    - a. There is no potential for modernisation or alternate employment uses; and
    - b. No other occupiers can be found.

Footnote 42 relating to planning policy EG3 of the core strategy states that the site should be marketed at a realistic price reflecting its employment status for a period of not less than 12 months.

#### MARKETING/VACANT UNIT:

The marketing report submitted with the applications shows that no. 4 Brooke Park (the application site) has been empty for over 2.5 years, since September 2011. The site has been actively marketed during that time by both CBRE and DTZ.

On review of the marketing report it seems that whilst there has been a steady flow of viewings of the application premises during the marketing process, the site has been discounted for various reasons including location, the shared service yard and insufficient offices and loading.

It is considered that the application site is likely to lie vacant for the short to medium term due to the reasons stated above. There is not sufficient industrial warehouse demand locally for a unit of this size and configuration and there is more demand from leisure users due to the mixed demographic profile of the nearby surrounding area.



#### SEQUENTIAL ANALYSIS:

The applicant chose this site as within the region of 6,600 people live in Handforth and the town provides significant demand from local residents as well as being located within close proximity to Wilmslow, Heald Green, Stockport and Styal and is within just a 20 minute drive from Manchester.

The applicant has considered many alternative sites for the indoor Trampoline Park in the area, notably in and around Trafford Park, all of which have been discounted for various reasons, as described in the paragraphs below.

*Longwood Park:* the warehouse unit considered here was a vacant detached property that would have been ideal for this use. However another tenant obtained the lease to the space before the applicant was able to secure the unit, so it had become unavailable and therefore discounted.

*Central Park Trading Estate:* An empty industrial unit was considered in this location, but the price was too high and parking provision was not suitable. The unit was therefore unviable and unsuitable for the purposes of this use.

*14 First Avenue, Trafford Park:* This unit was in a good location with sufficient and suitable parking, but its internal layout did not work for the trampoline park and was therefore discounted as being unsuitable for the use.

#### EMPLOYMENT LEVELS:

If the application site were fully occupied as a B8 unit, it could accommodate in the region of 26 staff (2061 / 80 sq m).

*PLEASE NOTE that a calculation for potential employees for the site based on a B1 use has not been entertained as it is considered very unlikely that it would be occupied by a B1 operator, when there are other units specifically designed as offices nearby.*

The applicant expects to employ in the region of 30 full time employees (FTE), although there will only be 15 employees working at any one time due to the nature of the business, which will employ staff on a shift basis.

Based on these calculations, it can be seen that there would be a slight increase of approximately 4 employees on the baseline position; assuming the current site was utilised as a B8 Warehouse unit. In fact, the application site has been vacant for over 2.5 years and therefore has not provided any employment and no economic benefit either locally or further afield and therefore detracts from the business park's vitality.

In addition to those noted in the above, additional employment generated as a result of the proposals would include cleaners, personal trainers etc. that would not be directly employed by the applicant, but may be either freelance or be employed through an agency. The opening hours proposed by the applicant will also be longer than a B8 use providing more flexible working patterns and greater employment opportunities.

#### EMPLOYMENT LAND:

As part of the LDF process, Cheshire East Council produced an Employment Land Review (ELR) for the Borough. This most recent ELR, completed in March 2012, assesses the land demand for employment land and premises in Cheshire East up to 2030. The study considers all employment land uses, which fall within the 'B' Use Class of the Use Classes Orders.

The ELR states that following a review of the Cheshire East property database, there is currently in excess of 550,000m<sup>2</sup> of available employment space. There is circa 394,275 m<sup>2</sup> of industrial accommodation and 156,663 m<sup>2</sup> of office space. In addition, there is also 44 acres of land for sale.

In terms of land supply, the document states that there is a total land supply of 272.38ha identified in Cheshire East as potential employment sites up to 2030. This is made up of 109.48ha from potential mixed use allocation sites combined with the 162.90ha from sites categorised as being considered for employment allocations.

#### CONCLUSIONS:

It is considered that as there is no reasonable prospect of the application site being used for its current, protected use. Therefore, in accordance with the provisions of the NPPF, the proposals that form this application can be considered acceptable as an appropriate development that provides employment whilst providing a new high quality leisure use.

#### Highways, access, serving and parking issues:

##### EXISTING SITUATION:

The site currently has an overall floor area of 2,601m<sup>2</sup> and benefits from extant planning permission for an open B class use. A total of 50 parking spaces are provided, none of which are to disabled standard, and there is no formal cycle storage facility.

As the site benefits from an extant planning permission a baseline level of traffic generation has been calculated using the TRICS database which indicates a total of 254 daily two-way vehicle movements on the surrounding highway network. AM and PM peak hour traffic flows from the extant permission are 39 vehicles per hour (vph) and 37vph respectively

##### ACCESSIBILITY & LOCAL FACILITIES:

The site is located approximately less than two minutes walk from the closest bus stop on Epsom Avenue. Buses run between Handforth Dean and Stockport via Heald Green and Cheadle as well as between Wilmslow and Stockport at a frequency of approximately one an hour Monday to Friday and also on Saturdays.

Handforth railway station is located less than 10 minutes' walk from the site and provides regular services to and from Manchester Piccadilly, Stockport and local stations en-route to the north as well as to Crewe, Alderley Edge and local stations to the south.

Epsom Avenue is designated as being a suggested cycle route on a quiet road and has a dedicated off road cycle link running to the west connecting it with Handforth and making a connection to the on-road designated cycle lanes along Manchester Road which lead to Finney Green and Lacey Green.

The site is also located close to a large retail shopping outlet on Long Marl Drive which currently has both food and non-food stores in the form of Tesco, Marks and Spencer and British Home Stores. Planning permission has also been granted, subject to s106 Agreement, for a new Next store adjacent to these stores meaning that there is considerable opportunity for linked and multi-purpose trips.

**ACCESS & PARKING:**

Access to the site will remain from Epsom Avenue. Car parking provision will be 45 ordinary spaces and 3 additional disabled bays have been provided. Assessment of parking demand has shown that the proposed number of spaces will accommodate anticipated demand without being so excessive as to encourage unnecessary car travel. The development will provide 10 cycle storage spaces located at the front of the building where they are overlooked and within a very short distance of the main access.

**TRANSPORT IMPACT:**

A worst case assessment has been made of the impact of the development. Whilst the site is well located in terms of accessibility by walking, cycling, bus and train travel the only mode share discount applied has been for multiple occupancy car trips. The reality is that these trips would be lower than assessed due to the sites accessibility by sustainable travel options.

Comparison of the existing vehicle movements with the traffic generation anticipated from the proposed development have been shown in the submitted Transport Statement and it is considered that the application would produce a net reduction in two-way traffic flows of 18vph for the PM peak and 134 in the 12 hour daily period respectively.

Because the proposed development will not open to visitors until 09:00 hours on weekdays there will also be a net reduction of 39vph in the AM peak period.

No objections are raised to the proposal by the Strategic Highways Manager.

**Design and Amenity Implications:**

The proposed change of use does not seek any significant alteration to the fabric of the building and minimal physical changes will be made to the building. There are no changes proposed to any external elevation. Signage would be secured under a separate application in due course.

The application site is within an employment area, with predominantly industrial and office units. It is considered that the application proposals would bring an empty building back into use, retaining the local character of the environment and enhancing the internal fabric of the building.

The proposed opening hours are; 9am to 9pm on Mondays to Thursdays, 10am to midnight on Fridays and Saturdays and 10am to 9pm on Sundays and Bank Holidays. As noted above, Friday and Saturday nights are proposed to open until midnight. Between 9pm and midnight on these two nights, the applicant intends to open the venue for "Club High Heaven" nights for younger people aged 15+. The purpose of these evenings will be to give young people somewhere different to go out and be active on a Friday and Saturday evening with

DJs, live music, laser shows etc. Members please note that NO alcohol will be served at any time and will not be available to people coming to the trampoline park.

The application property is a detached building and there are no residential properties within close proximity. Notwithstanding this, there is not expected to be any significant noise generated within the property as a result of the proposed use, nor would the proposed use result in odours being emanated from the site and therefore there will be no impact on local amenity

The applicant has confirmed that the collection of waste will be via the Council's waste collection and the storage of waste will be dealt with in agreement with the relevant department in the Council. A condition is suggested to control these details.

### **Flood Risk:**

The application site is in a flood zone 1, being an area where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. The Environment Agency (EA) has been consulted and has raised no objections to the application proposals. They have requested that an informative is placed on any decision that makes the applicant aware of their responsibilities to Handforth Brook.

### **Other Health Benefits**

The proposed trampoline leisure centre will provide a unique way of keeping active. The health benefits of this park are important to highlight due to the growing rise in obesity. Granting consent for this application proposal will not only provide a new way to keep active and exercise for children, but will have areas and classes for adults. It could provide an innovative leisure use that will be one of the first of its kind in the UK. The proposed use could contribute towards the Council's objectives toward a more health and active community whilst providing an opportunity for a positive and forward thinking approach to health and leisure.

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

The proposed use is appropriate given the location of the site. It is not considered the use proposed would result in significant and detrimental parking and highway safety issues over and above an industrial use. The use proposed would also not raise any concerns in respect of the character of the area or neighbouring amenity. Whilst the loss of the unit for employment purposes would be contrary to policies E1 and E4 this is acceptable in the context of the advice contained in the NPPF. On that basis, the proposals are in accordance with policies BE1 (Design principles for new developments), DC3 (Amenity) and DC6 (Circulation and Access) of the Macclesfield Borough Local Plan 2004 and guidance within the National Planning Policy Framework. The application is recommended for approval subject to conditions.

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

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

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#### 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. A13GR - Hours of operation
4. A04HP - Provision of cycle parking
5. A19MC - Refuse storage facilities to be approved
6. A20MC - Travel Plan
7. A25GR - Car Parking Provided



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Application No: 14/2237C

Location: Radnor Park Industrial Estate, BACK LANE, CONGLETON

Proposal: Change of use from offices / manufacturing (B2) to fitness centre

Applicant: Pulse fitness

Expiry Date: 14-Aug-2014

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions

**MAIN ISSUES:**

The key issues in the determination of this application are:

- a) Principle of Development
- b) Loss of Employment Land
- c) Highways
- d) Residential Amenity

**REASON FOR REPORT**

The application is included on the agenda of the Northern Planning Committee as the proposal relates to a site measuring more than 1ha in size and is therefore a small-scale major development.

**DESCRIPTION OF SITE AND CONTEXT**

This application relates to the site of an existing commercial warehouse (46,025 square metres), office building and associated parking and loading areas on the western edge of Radnor Park Industrial Estate in Congleton. The surrounding uses are predominantly commercial and industrial in nature, however, the built up area to the west. The site is situated within the settlement zone line of Congleton as designated in the adopted Congleton Borough Local Plan First Review (2005).

**DETAILS OF PROPOSAL**

Full planning permission is sought to change the use of the integral offices associated with the manufacturing centre to use as a fitness centre. The proposal would amount to a change in use of 807 square metres of floorspace. The existing site offers some 46,025 square metres of B2 general industrial floorspace.

## RELEVANT HISTORY

08/1728/FUL - New access and parking area - Approved 04-Dec-2008

13/5117C - Change of use from manufacturing unit to fitness centre – Withdrawn 07-Mar-2014

## POLICIES

### Congleton Borough Local Plan Policy:

PS4	Towns
GR1	New Development
GR2	Design
GR6	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR18	Traffic Generation
E10	Re-use or Redevelopment of Existing Employment Sites

### 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. Thus, the relevant policies are:



Policy SD 1 Sustainable Development in Cheshire East  
Policy SE 1 Design  
Policy EG 3 Existing and Allocated Employment Sites

**Other Material Considerations**

National Planning Policy Framework

**CONSULTATIONS (External to Planning)**

**Environmental Protection:**

No comments received

**Strategic Highways Manager:**

No comments received

**Archaeology:**

This application has no archaeological implications and no archaeological mitigation is advised.

**VIEWS OF CONGLETON TOWN COUNCIL:**

No objection

**OTHER REPRESENTATIONS:**

None received

**APPLICANT'S SUPPORTING INFORMATION:**

Design & Access Statement  
Marketing Information

**OFFICER APPRAISAL**

**Principle of Development**

The application site is located within the settlement zone line for Congleton, where according to Policy PS4, there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies.

The proposals involve the change of use of part of the existing manufacturing and office building at the site. The use would be accommodated within the existing buildings and as such, no operational development is proposed. The character and appearance of the site and the area would remain unchanged and as such would not be affected by the proposals.

According to Local Plan Policy E10, proposals for the change of use or redevelopment of existing employment sites to non-employment uses will not be permitted unless it can be demonstrated that the site is no longer suitable for employment use or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes. This advice is consistent with the NPPF and Policy EG 3 (Existing and Allocated Employment Sites) of the Cheshire East Local Plan Strategy – Submission Version.

In considering whether the site is no longer suitable for employment uses, account will be taken of:

- 1 The location of the site or premises and the physical nature of any building
- 1 The adequacy of supply of suitable employment sites and premises in the area
- 2 Whether reasonable attempts have been made to let or sell the premises for employment uses

The site is located within an established industrial estate on the north-westerly edge of Congleton. The site is well connected being positioned in close proximity to services and facilities and is accessible by various modes of transport. Whilst the buildings appear to be in reasonable condition and contribute to the employment floorspace within an established industrial estate, the buildings are outdated and are in need of investment.

The general demand and uptake of existing units within the area appears to be good with most units occupied. However, the applicant has stated that despite marketing the buildings for re-use from 2007 to 2013 (when the applicant purchased the site), there was no interest received from industrial users. Whilst there has been some limited interest, these were for alternative non-industrial uses and as such were not pursued.

Additionally, the marketing exercise included the offer of splitting the office accommodation from the main manufacturing warehouse. However, there is an abundance of modern office floorspace in close proximity to the site which is more attractive to end users and is not out-of date or substandard compared with the office accommodation the subject of this application. As such, these efforts to secure re-use of the office accommodation have also been unsuccessful.

With respect to the manufacturing part of the site, the proposal will only see the partial loss of floorspace (807 square metres), which will mainly comprise of existing office floorspace for which there has been no success in securing re-use and for which there is already a healthy supply in the area. Consequently, it is considered that the proposal would only amount to a small loss of employment floorspace, for which it has been demonstrated that there is no real interest in re-using as employment floorspace.

In considering whether there would be a substantial planning benefit from permitting an alternative use account will be taken of:

- 1 Any benefits in terms of traffic generation, noise or disturbance to amenity
- 1 The impact the proposal would have on the environment & economy of the local area
- 2 The need for the proposal and its potential contribution to the local area

### 3 The requirements of other relevant policies of the local plan.

The site benefits from good vehicular access and is capable of being serviced by large articulated vehicles. Whilst the local road network does provide access to residential properties, the present lawful use of the site and the wider industrial estate operates without causing significant harm to these neighbouring uses and the local highway network. The proposal would provide some employment benefits with the creation of 4 new jobs and would constitute a sustainable form of development. In any event, it is considered that the loss of this small amount of floorspace, predominantly office space would not undermine the contribution of employment floorspace in the area.

Taking the above into account, it is considered that the proposal complies with Local Plan Policy E10 and the emerging Policy EG3 in the Local Strategy.

#### **Highways**

The proposal would make use of the existing vehicular access and parking areas. These are capable of serving the proposed use without giving rise to parking or highway safety issues in the area. In assessing the previously withdrawn application for the same development, the Strategic Highways Manager offered no objection to the proposals. As such, the proposal is found to be acceptable in terms of highways and parking.

#### **Residential Amenity**

The nearest residential properties are sited approximately 50 metres to the west. In view of the current lawful industrial use at the site and the pattern of surrounding commercial development; it is not considered that the proposed use would have any greater material harm on neighbouring residential amenity. Conditions controlling hours of use could minimise any disturbance at sensitive times.

#### **Conclusions and Reasons for the Decision**

The applicant has demonstrated that part of the site is unsuitable for its current use and that reasonable attempts have been made to market part of the site for either its current use or redevelopment for alternative B2 uses. The proposal would amount to a small loss of employment space relative to the size of the site and therefore the loss of employment opportunities would not be felt.

There is no evidence to demonstrate issues arising from the site's use in terms of noise, general disturbance or traffic flow, and furthermore the proposal will provide a recreational use which will benefit local provision. The proposal will have no greater impact than the current lawful use and as such, the development is found to accord with the Development Plan and is recommended for approval.

In order to give proper effect to the 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 (or in his absence the Vice Chair) of Northern

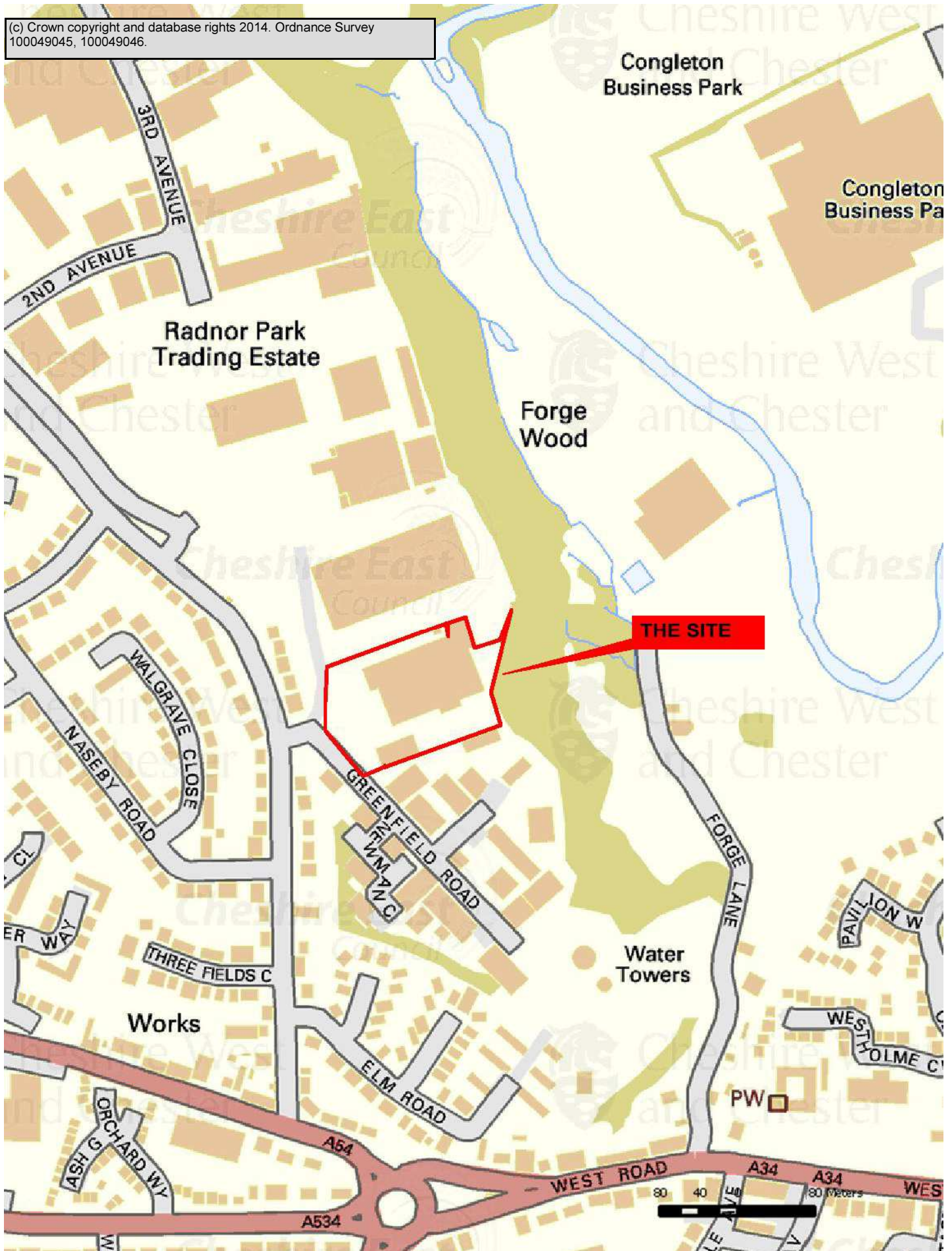
Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. The development hereby approved shall commence within three years of the date of this permission.
2. Approved plans
3. Hours of opening
4. Parking
5. Parking
6. Parking

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