

Northern Planning Committee

Agenda

Date:	Wednesday, 29th October, 2014
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

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

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

To approve the Minutes of the meeting held on 1 October 2014 as a correct record.

4. Public Speaking

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

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

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

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

5. **14/2475M-Repairs and rebuilding part of chapel, replacement windows and doors, conversion to create 7no. apartments, two storey rear extension to create additional accommodation and removal of listed trees, Pinewood Hotel, 180, Wilmslow Road, Handforth, Cheshire for Mr Atif Rulal (Pages 5 - 14)**

To consider the above application.

6. **14/2478M-Listed building consent for repairs and rebuilding part of chapel, replacement windows and doors, conversion to create 7no. apartments, two storey rear extension to create additional accommodation and removal of trees subject to TPO, Pinewood Hotel, 180, Wilmslow Road, Handforth, Cheshire for Mr Atif Rulal (Pages 15 - 20)**

To consider the above application.

7. **14/4028M-Proposed erection of 15 dwellings with associated vehicular access and footpath, Land to the North of, Chelford Road, Prestbury, Cheshire for Harvey Wood Investments Ltd (Pages 21 - 38)**

To consider the above application.

8. **14/1964C-Construction of new residential development of up to 26 dwellings (resubmission of planning application reference 14/0081C), Land to the East of Hermitage Lane, Cranage for Estate of S.H Darlington (deceased) (Pages 39 - 60)**

To consider the above application.

9. **14/4124M-Proposed Change of Use of Ancillary Accommodation to form New Dwelling with Single & Two Storey Extensions & Alterations, Stonemill Court, Wellington Road, Bollington, Macclesfield for David Whittaker (Pages 61 - 70)**

To consider the above application.

10. **14/4305M-Demolition of two buildings and Erection of 13 no Residential Dwellings (re-sub of refused planning application 14/1480M), Heath Lodge, Parkgate Lane, Knutsford, Knutsford, Cheshire for Thomas Jones, Thomas Jones and Sons** (Pages 71 - 84)

To consider the above application.

11. **14/3720M-Demolition of existing Public House (Five Oaks) to create 13 new apartments and associated parking and landscaping, The Oaks, Mobberley Road, Knutsford for Mr David Lloyd, Oak Tree Developments** (Pages 85 - 96)

To consider the above application.

12. **14/3395M-Wood Chip Biomass Boiler, Robinson Nurseries, Bolshaw Road, Heald Green for Peter Robinson, W Robinsons Nurseries Ltd** (Pages 97 - 108)

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 1st October, 2014 at Meeting Room, Macclesfield Library,
Jordangate, Macclesfield

PRESENT

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

Councillors L Brown, B Burkhill, S Gardiner, O Hunter, L Jeuda, D Mahon, D Neilson
and A Thwaite

OFFICERS IN ATTENDANCE

Peter Hooley (Planning and Enforcement Manager)
Beverley Wilders (Principal Planning Officer)
Nicky Folan (Planning Lawyer)
Neil Jones (Principal Development Officer)
Gaynor Hawthornthwaite (Democratic Services Officer)

49 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C Andrew, H Gaddum,
A Harewood, J Macrae and L Roberts

50 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interests of openness in respect of application number 14/3185M,
Councillor Gardiner declared that he was a former colleague of the agent as they
were his previous employer, but that he had no contact or discussed this
application with the agent.

51 MINUTES OF THE MEETING

RESOLVED – That the minutes of the meeting held on 3rd September 2014 be
approved and signed by the Chairman.

52 PUBLIC SPEAKING

RESOLVED – That the public speaking procedure be noted.

**53 WITHDRAWN - 14/3338M - WELTON OAKS SITE OFF, WELTON DRIVE,
WILMSLOW: OUTLINE APPLICATION FOR ERECTION OF UP TO 81
DWELLINGS (57 MARKET HOMES AND 24 AFFORDABLE HOMES)
ACCESSED VIA WELTON DRIVE AND STOCKTON ROAD INCLUDING
FORMAL AND INFORMAL OPEN SPACE, ECOLOGICAL BUFFER ZONES
AND LANDSCAPING**

The Chairman reported that this application had been withdrawn prior to the
meeting.

54 14/3185M - 5, HALSTONE AVENUE, WILMSLOW SK9 6NA: DEMOLITION OF ONE DWELLING AND THE CONSTRUCTION OF TWO NEW DWELLINGS WITH ACCESSES

Councillor W Fitzgerald (the Ward Councillor), Mr D Jones (an objector) and Rawdon Gascoigne (the agent for the applicant) attended the meeting and addressed the Committee on this matter.

Consideration was given to the above application.

RESOLVED – That, contrary to the Planning Officer's recommendation for approval, the application be REFUSED for the following reason:

The proposal would be an overdevelopment of the site with a detrimental impact on the residential amenity of adjacent occupiers and would be out of character with the surrounding street. The exact wording of the reason for refusal, to include reference to relevant policies, is delegated to officers.

55 14/3676M - GRANGE FARM, HOLMES CHAPEL ROAD, OVER PEOVER, KNUTSFORD, CHESHIRE WA16 9RD: TO REPLACE TWO WOODEN FRAMED LIVESTOCK BUILDINGS WITH ONE PURPOSE BUILT STEEL FRAMED LIVESTOCK BUILDING.

Mr I McGrath (the applicant) attended the meeting and addressed the Committee on this matter.

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)
A06EX - Materials as application
A01AP - Development in accord with approved plans
A04TR - Tree pruning / felling specification
2. Drainage details to be submitted
Submission of construction method statement - trees

In addition, it was requested that an informative be added to ensure that any lighting to be erected on/in the building should be designed and positioned so as to reduce light spillage beyond the site boundary and so as to minimise the impact on nearby neighbouring property and on the character and appearance of the countryside.

**56 14/3361M - LAND ADJACENT TO COPPICE WAY, HANDFORTH, CHESHIRE:
RESERVED MATTERS - LANDSCAPING. NEW VEHICULAR ACCESS WITH
MEANS OF ACCESS, LAYOUT AND ASSOCIATED ENGINEERING OUTLINE
PLANNING 12/1627M**

Ms K Phillips (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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. A05RM - Time limit following approval of reserved matters
A02RM - To comply with outline permission
A01AP - Development in accord with approved plans
A04LS - Landscaping (implementation)
2. Construction management plan
3. Waste management plan – to include reference to how the spoil from the site will be dealt with.

The meeting commenced at 1.00 pm and concluded at 3.00 pm

Councillor R West (Chairman)

Application No: 14/2475M

Location: PINESWOOD HOTEL, 180, WILMSLOW ROAD, HANDFORTH, CHESHIRE, SK9 3LF

Proposal: Repairs and rebuilding part of chapel, replacement windows and doors, conversion to create 7no. apartments, two storey rear extension to create additional accommodation and removal of listed trees.

Applicant: Mr Atif Rulal

Expiry Date: 05-Sep-2014

Date Report Prepared: 17 October 2014

SUMMARY RECOMMENDATION

Approve subject to s106 agreement and conditions

MAIN ISSUES

- Principle of housing on the site
- Impact upon listed building
- Impact upon the character of the area
- The impact upon trees of amenity value
- The impact upon highway safety
- The impact upon the amenity of neighbouring property

REASON FOR REPORT

The application has been called in to Committee by Cllr Burkhill for the following reason:

The building is grade 2 listed and contains an old chapel with a baptismal pool and some stained glass windows. It is part of Handforth's heritage. The works listed are of concern due to the important artefacts within the building and TPO trees in the grounds which are proposed to be cut down. I would ask therefore that the committee decide the application after perhaps a site visit.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a two / three-storey building, which was last used as staff accommodation ancillary to the adjacent hotel, and adjacent area of hardstanding last used for car parking. The building is Grade II listed and the trees to the north of the site and offsite to the south and east are protected by Tree Preservation Order. The site is located within a Predominantly Residential Area as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to erect a two-storey rear extension and convert the building to provide 7no. apartments. An accompanying application for Listed Building Consent (14/2478M) appears elsewhere on the agenda.

PLANNING HISTORY

14/0738M - Proposed new site access with gate from Spath Lane – Approved 02.04.2014

POLICIES

Macclesfield Borough Local Plan – Saved Policies

BE1 Design Guidance
BE15 Listed Buildings
BE16 Setting of listed buildings
BE18 Listed Building Consent
H1 Phasing Policy
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H13 Protecting Residential Areas
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Trees of amenity value
DC35 Materials and Finishes
DC37 Landscaping
DC38 Space, Light and Privacy

Other Material Considerations

National Planning Policy Framework (2012)

Cheshire East Local Plan Strategy – Submission Version

MP1 – Presumption in Favour of Sustainable Development
PG2 – Settlement Hierarchy
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SC4 – Residential Mix
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerow and Woodland
SE7 – The Historic Environment
SE9 – Energy Efficient Development
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport

CONSULTATIONS (External to Planning)

Environmental Health – No objections subject to conditions relating to dust control, hours of construction and noise mitigation

Strategic Highways Manager - No objections

VIEWS OF THE PARISH COUNCIL

Handforth Parish Council – Support the proposals but express concern about the limited number of car parking spaces on the site.

OTHER REPRESENTATIONS

One letter of representation has been received from a local resident raising the following issues:

- Loss of Willow trees on the corner of Spath Lane and Wilmslow Road will alter the character of the immediate area. Only 3 trees are proposed as replacement which is not sufficient.
- The provision of new vehicular access to the site so near to Wilmslow Road / Spath Lane junction is a concern. Suggest that traffic calming measures (signs, speed bumps, extra double yellow lines near to the junction, perhaps even a 20mph zone) need to accompany the development in order to not add to the hazards already presented by the road junction.

APPLICANT'S SUPPORTING INFORMATION

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

- Heritage Assessment
- Design & Access Statement
- Arboricultural Assessment
- Ecological Report
- Structural Survey

OFFICER APPRAISAL

Housing

The site is located in a Predominantly Residential area as defined in the Macclesfield Borough Local Plan, therefore there is no objection in land use terms to the further redevelopment of this previously developed site. The site is located very close to Handforth district centre with excellent access to all the associated shops, services and public transport links. The scale of the development and site is below the trigger for any affordable housing requirements.

The Council continue to present a housing land supply case at the numerous ongoing appeals based on the most up to date housing supply information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that

the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land, such as this, wherever possible.

Listed Building / Design / Character

The building was originally a Methodist chapel, two houses and a Sunday school. As noted above, the building was last used as ancillary staff accommodation to the adjacent hotel. The former Methodist chapel is at the northern end of the building and the tall, narrow lancet windows evidence this previous ecclesiastical use. The central section comprises two former cottages with traditional sash windows and stone steps to the front elevation. The southern most section is perhaps the least sensitive, comprises similar proportions to the Methodist chapel but with traditional sash windows and semi-circular headed window to the gable.

The rear of the property has clearly been added to over the years and presents an ad hoc arrangement to the existing car park. It is to the rear where the main alterations are made and is where the proposed extension will be sited. All the existing single-storey elements will be removed and replaced with the proposed two-storey rear extension. The gabled appearance of the extension, and the use of white washed brickwork and slate, is in keeping with the existing building, and the removal of the single-storey elements raises no significant heritage concerns. The setting of the building largely remains as existing (car parking) with some alterations to the landscaping.

Some parts of the structure do require rebuilding, the most significant area being on the east elevation at the southern end of the building due to the movement of the building has gone too far for any rectification work to satisfactorily stabilise the wall. Similarly the south elevation of the chapel section at the northern end of the building leans out significantly, and given that the wall is required to support new loads from the extension it has been recommended that this section of wall is also rebuilt. Comments from the Council's structural engineer are awaited.

The conservation officer has commented on the proposal and raises no issues with regard to the extension or conversion. The key aspect of the proposal relates to the windows, many of which are boarded up at present. It will be important to understand the condition of the windows once the boarding is removed and whether repair is possible or if replacements are necessary. A condition requiring further details of the existing and proposed windows is therefore recommended.

Views of the extension will be possible from Spath Lane, and to a lesser extent from Wilmslow Road in the winter months. However, given the particular form and scale of the extension there is not considered to be any significant impact upon the character of the area.

The proposal is therefore not considered to harm the significance of the heritage asset or the character of the area and therefore complies with policies BE1, BE15, BE16, BE18 and DC1 of the Local Plan, and the National Planning Policy Framework.

Trees

The Forestry Officer has noted that the majority of trees that form Group G2 of the Wilmslow Urban District Council (Pinewood Hotel Handforth) TPO 1972 (Weeping Willow, Lime and Horse Chestnut) are dead, in decline, of reduced vitality or have been previously removed. Of the 14 Weeping Willow originally protected by the Order, only seven now remain; one is

dead, four are in decline and the remaining two trees towards the junction with Wilmslow Road have asymmetric crown bias and lean extensively over the adjacent footpath. Two protected Lime trees located approximately 2-2.5 metres from the existing Chapel building display reduced vigour and past crown dieback. Both trees are considered to have limited long term future potential. All these trees along the prominent corner at the junction of Spath Lane and Wilmslow Road are proposed to be removed.

A young Horse Chestnut located in the North West corner of the site is possibly a replacement for a protected tree previously removed. The tree is proposed to be removed to accommodate the development, however its position adjacent to a 2 metre boundary wall could lead to the walls future displacement.

The proposal will also necessitate the removal of an unprotected semi mature Beech and a Cedar (G4 to the southern boundary of the site abutting 'The Pinewood Hotel'. Both the Beech and Cedar display significant decline/reduced vitality and have limited future potential.

The proposal will require the removal of all of protected Group G2 to accommodate the development. It is noted from the submitted Arboricultural Report that Group G2 has also been implicated in the structural movement of the existing building, although no evidence has been put forward in support of this. It is accepted that the integrity of G2 has been effectively compromised by previous removals and the decline of existing trees and therefore its loss to development is accepted on this basis. It is considered that the proposed loss of the young Horse Chestnut can be adequately be replaced elsewhere on the site. Due to the limited long term amenity value of the existing trees, their loss can be accepted in accordance with policy DC9 of the Local Plan.

The submitted Tree Planting Plan proposes the tree losses be replaced by seven replacement trees of which three are located on the Spath Lane frontage and four internally. The proposed tree replacements are considered acceptable in principle and should form the basis of a more detailed landscape scheme for the site. Landscaping conditions are therefore recommended.

Amenity

The existing building was last used as staff accommodation ancillary to the use of the hotel. The existing boarded up windows to the former chapel will be opened up as part of the proposal to serve habitable rooms. Other than this small alteration the front elevation of the building remains as existing. A minimum separation distance of 26 metres will be retained to the properties to the west on the opposite side of Wilmslow Road..

To the rear (east), the side gable of 2 Plumley Road, comprising one window which appears to serve an ensuite, faces the application site. The rear facing windows within the chapel will be opened up, but the distance between the development and the side of this neighbour will be 21 metres. The proposed rear extension will bring the building (in the form of a blank gable) closer to the rear amenity space of 2 Plumley Road, however the nearest corner of the neighbour's garden will be over 10 metres from the extension, which is considered to result in an acceptable relationship. There are also more windows to the rear elevation compared to the existing, but given the distances involved, no significant amenity issues are raised.

The existing hotel lies to the south of the site, and the guest house to the north is over 40 metres from the proposed apartments. No further amenity issues are therefore raised, and the proposal is considered to comply with policies DC3 and DC38 of the Local Plan.

Environmental Health have advised that in order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise from road traffic on Wilmslow Road and also from the car park activities associated with the adjacent hotel, an acoustic assessment report will be required. The assessment will need to detail present day time and night time noise levels at the site (date chosen when a function is occurring at the hotel) and any noise mitigation measures which are considered to be necessary. Any mitigation shown as part of the report must achieve the internal noise levels defined within BS8233:2014. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements. The agreed scheme shall be implemented, and maintained throughout the use of the development. Given that there are existing dwellings with similar relationships to these noise sources, it is considered that this can be dealt with by condition.

Environmental Health have also recommended a condition requiring the submission of a scheme to minimise dust emissions during construction. Given the limited scale of the works this condition is not considered to be necessary or reasonable in this case.

Highways

The Strategic Highways Manager has commented on the proposal and notes that the proposed access has been previously approved under application 14/0738M, and is therefore acceptable. Parking provision within the site was originally shown to be 9 spaces. The Parking Standards within the submission version of the Local Plan Strategy recommends parking provision for a development of this nature as follows:

- 1No 3 bed apartment - 2No spaces per apartment
- 5No 2 bed apartments - 2No spaces per apartment
- 1No 1 bed apartment - 1No space per apartment.

Therefore as a minimum 13 spaces should be provided to serve the proposed development. The site layout has been amended to accommodate the required level of parking. The proposal will also provide one cycle parking space per unit in line with the standards in the submission version of the local plan.

The conversion of the building from ancillary staff accommodation to seven apartments will result in a minor increase in traffic, which would have a negligible impact on the wider highway network. No significant highway safety issues are therefore raised.

Ecology

Bats

The submitted preliminary ecological assessment identified the buildings subject to this application as having potential to support roosting bats. The proposed development may consequently result in the disturbance of, or have an adverse impact upon roosting bats. Therefore a bat survey has been submitted, which was constrained by the time of year and limited access to some parts of the structure. However no evidence of roosting bats was recorded and the buildings and location has relatively limited potential to support roosting

bats. Consequently, the nature conservation officer advises that roosting bats are not likely to be present or affected by the proposed development.

Breeding Birds

Having regard to the nature of the development and the removal of vegetation, a condition requiring a breeding birds survey is recommended.

No significant ecological concerns are therefore raised.

Open Space

The proposed housing development triggers a requirement for public open space (POS), recreation and outdoor sport facilities as identified in the SPG on S106 (Planning) Agreements (May 2004). The public open space contribution is calculated on the basis of £1500 per bed space in apartments.

The SPG also requires £500 per two bed space (or more) apartment for offsite provision for recreation and outdoor sports facilities.

In the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS and amenity of £21,000, which would be used to make additions, improvements and enhancements to existing open space and amenity facilities at Spath Lane and Meriton Road in Handforth.

In addition, and again in the absence of on-site provision, the development will be required to provide a commuted sum for the provision of offsite recreation / outdoor sports facilities of £3,000, which would be used to make additions, improvements and enhancements to existing recreation and open space facilities at Spath Lane and Meriton Road in Handforth.

Heads of Terms

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

- £21,000 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities in Handforth; and
- £3,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) for improvements, additions and enhancements of existing facilities in Handforth.

Community Infrastructure Levy (CIL) Regulations

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

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

The commuted sum in lieu of public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 7 apartments. The occupiers of which will use local facilities as there is no open space on site, as such, there is a need to

upgrade / enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby and has good public transport links. The existing building is Grade II listed and whilst some localised rebuilding will be required, the proposed conversion and extension is not considered to harm the significance of this heritage asset. The loss of protected trees is regrettable, however their long term retention is unlikely given their condition, and the proposed replacement planting is considered to be acceptable. Furthermore, no further significant adverse impacts relating to design, amenity, highways, or ecology are identified. The proposal accords with policies within the local plan, and therefore in accordance with paragraph 14 of the National Planning Policy Framework, the proposal should be approved without delay. Therefore, subject to the receipt of comments from the Council's Structural Engineer a recommendation of approval is made subject to the Heads of Terms above and conditions.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning 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.

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. A02EX | - Submission of samples of building materials |
| 4. A10EX | - Rainwater goods |
| 5. A18EX | - Specification of window design / style |
| 6. A20EX | - Submission of details of windows |
| 7. A21EX | - Roof lights set flush |
| 8. A22EX | - Roofing material |
| 9. A01LS | - Landscaping - submission of details |
| 10. A04LS | - Landscaping (implementation) |

- 11.A22GR - Protection from noise during construction (hours of construction)
- 12.A08HA - Gates set back from footway/carriageway
- 13.A01HP - Provision of car and cycle parking
- 14. Schedule of existing and proposed windows to be submitted detailing the condition of existing windows and identifying those which can be reused and those which require replacement.
- 15. Submission of acoustic assessment and any required mitigation
- 16. Breeding birds survey to be submitted

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Application No: 14/2478M

Location: PINWOOD HOTEL, 180, WILMSLOW ROAD, HANDFORTH, CHESHIRE, SK9 3LF

Proposal: Listed building consent for repairs and rebuilding part of chapel, replacement windows and doors, conversion to create 7no. apartments, two storey rear extension to create additional accommodation and removal of trees subject to TPO.

Applicant: Mr Atif Rulal

Expiry Date: 11-Jul-2014

Date Report Prepared: 17 October 2014

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Impact upon listed building

REASON FOR REPORT

The application has been called in to Committee by Cllr Burkhill for the following reason:

The building is grade 2 listed and contains an old chapel with a baptismal pool and some stained glass windows. It is part of Handforth's heritage. The works listed are of concern due to the important artefacts within the building and TPO trees in the grounds which are proposed to be cut down. I would ask therefore that the committee decide the application after perhaps a site visit.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a two / three-storey building, which was last used as staff accommodation ancillary to the adjacent hotel, and adjacent area of hardstanding last used for car parking. The building is Grade II listed and the trees to the north of the site and offsite to the south and east are protected by Tree Preservation Order. The site is located within a Predominantly Residential Area as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks Listed Building Consent to erect a two-storey rear extension and convert the building to provide 7no. apartments. An accompanying application for full planning permission (14/2475M) appears elsewhere on the agenda.

PLANNING HISTORY

14/0738M - Proposed new site access with gate from Spath Lane – Approved 02.04.2014

POLICIES

Macclesfield Borough Local Plan – Saved Policies

BE18 Listed Building Consent

Other Material Considerations

National Planning Policy Framework (2012)

Cheshire East Local Plan Strategy – Submission Version

CONSULTATIONS (External to Planning)

None

VIEWS OF THE PARISH COUNCIL

Handforth Parish Council – Support the development but express concern about the limited number of car parking spaces on the site.

OTHER REPRESENTATIONS

None received

APPLICANT'S SUPPORTING INFORMATION

A design and access statement and a heritage statement have been submitted with the application.

OFFICER APPRAISAL

Listed Building

The building was originally a Methodist chapel, two houses and a Sunday school. As noted above, the building was last used as ancillary staff accommodation to the adjacent hotel. The former Methodist chapel is at the northern end of the building and the tall, narrow lancet windows evidence this previous ecclesiastical use. The central section comprises two former cottages with traditional sash windows and stone steps to the front elevation. The southern most section is perhaps the least sensitive, comprises similar proportions to the Methodist chapel but with traditional sash windows and semi-circular headed window to the gable.

The rear of the property has clearly been added to over the years and presents an ad hoc arrangement to the existing car park. It is to the rear where the main alterations are made and is where the proposed extension will be sited. All the existing single-storey elements will

be removed and replaced with the proposed two-storey rear extension. The gabled appearance of the extension, and the use of white washed brickwork and slate, is in keeping with the existing building, and the removal of the single-storey elements raises no significant heritage concerns. The setting of the building largely remains as existing (car parking) with some alterations to the landscaping.

Some parts of the structure do require rebuilding, the most significant area being on the east elevation at the southern end of the building due to the movement of the building has gone too far for any rectification work to satisfactorily stabilise the wall. Similarly the south elevation of the chapel section at the northern end of the building leans out significantly, and given that the wall is required to support new loads from the extension it has been recommended that this section of wall is also rebuilt. Comments from the Council's structural engineer are awaited.

Internally, the room layout remains substantially as existing. The mezzanine floor created in the chapel is set back away from external walls, which ensures the existing lancet windows are not affected.

The conservation officer has commented on the proposal and raises no issues with regard to the extension or conversion. The key aspect of the proposal relates to the windows, many of which are boarded up at present. It will be important to understand the condition of the windows once the boarding is removed and whether repair is possible or if replacements are necessary. A condition requiring further details of the existing and proposed windows is therefore recommended.

The proposal is therefore not considered to harm the significance of the heritage asset and therefore complies with policy BE18 of the Local Plan, and the National Planning Policy Framework.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The existing building is Grade II listed and whilst some localised rebuilding will be required, the proposed conversion and extension is not considered to harm the significance of this heritage asset. Therefore, subject to the receipt of comments from the Council's Structural Engineer a recommendation of approval is made subject to conditions.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning 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.

Application for Listed Building Consent

RECOMMENDATION: Approve subject to following conditions

1. A07LB - Standard Time Limit
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A10EX - Rainwater goods
5. A18EX - Specification of window design / style
6. A20EX - Submission of details of windows
7. A21EX - Roof lights set flush
8. A22EX - Roofing material
9. Schedule of existing and proposed windows to be submitted detailing the condition of existing windows and identifying those which can be reused and those which require replacement.

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Application No: 14/4028M

Location: Land to the north of, Chelford Road, Prestbury, Cheshire

Proposal: Proposed erection of 15 dwellings with associated vehicular access and footpath

Applicant: Harvey Wood Investments Ltd

Expiry Date: 25-Nov-2014

SUMMARY RECOMMENDATION REFUSE

MAIN ISSUES

- Whether the proposal complies with Green Belt policy and if not, whether there are any very special circumstances that would overcome the harm caused by inappropriateness and any other harm to the Green Belt
- The Council's housing land supply position
- Whether the visual impact of the proposal on the character and appearance of the area is acceptable
- Whether the proposal would have any adverse impact on nature conservation interests or on existing trees and landscaping
- Whether the access and parking arrangements are acceptable
- Open space provision
- Affordable housing
- Education contributions
- Whether the proposal would significantly injure the amenity of nearby residents
- Whether the proposal is a sustainable form of development

REASON FOR REPORT

As the application is for 15 dwellings, it constitutes a major application which, in accordance with the Council's constitution, is required to be dealt with by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the north side of Chelford Road, on the western edge of Prestbury. It comprises a vacant piece of land measuring 3.36 hectares in area. The site contains two large ponds and a significant amount of vegetation and trees, some of which are

protected by Tree Preservation Orders (TPOs). There are significant changes in levels across the site. There is an existing vehicular access point off Chelford Road via a field gate. Residential properties are located to the north, east and south of the site, with land to the west being largely open.

The site is located in the Green Belt and is designated as an Area of Special County Value (ASCV). Collar House Drive to the east of the site is designated as a Low Density Housing Area and Packsaddle Park opposite the site is a predominantly residential area. Public footpaths are located adjacent to (Collar House Drive) and opposite the site.

DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of 15 dwellings. Access and layout is to be considered at this stage with appearance, landscaping and scale being reserved.

The proposed site layout shows the construction of 9 large detached dwellings, one pair of semi detached dwellings and 4 terraced properties. 5 of the dwellings are proposed to be affordable. Access to plots 1 & 2 would be taken from Collar House Drive with access to Plots 3 to 15 taken from a proposed new access road off Chelford Road. As part of the proposal a new pedestrian footpath is proposed within the site, within the southern boundary adjacent to Chelford Road. This footpath would be available for use by the general public but would not be adopted.

RELEVANT HISTORY

The site has a history of refused planning applications for residential development on the site.

34800P – outline application for residential development – refused Oct 1983.

38819P - outline application for residential development – refused Oct 1984 – subsequent appeal dismissed.

59182P - outline application for residential development – refused July 1989.

64984P - outline application for residential development – refused Nov 1990.

POLICIES

Local Plan Policy

- NE1 Landscape Protection and Enhancement
- NE2 Landscape Protection and Enhancement
- NE11 Nature Conservation
- NE17 Nature Conservation
- BE1 Design Guidance
- GC1 New Buildings
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments
- H5 Windfall Housing

H13 Protecting Residential Areas
T2 Integrated Transport Policy
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC38 Space, Light and Privacy

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.

The following policies are relevant:

MP1 Presumption in Favour of Sustainable Development
PG1 Overall Development Strategy
PG2 Settlement Hierarchy
PG3 Green Belt
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland

SE9 Energy Efficient Development

Other Material Considerations

National Planning Policy Framework
National Planning Policy Guidance
Interim Statement on Affordable Housing
SPG on S106 Contributions
Prestbury SPD

CONSULTATIONS (External to Planning)

Highways: recommend refusal on highway safety grounds and on the grounds that it is not a sustainable development.

Environmental Health: no objections subject to conditions regarding construction hours restriction, dust control and contaminated land.

Environment Agency: no comments received to date.

Public Rights of Way Unit: note that the site is adjacent to a public footpath and that the access road to two dwellings exit onto the public footpath at Collar House Drive. Also note the proposed pedestrian footway along Chelford Road. However, whilst this proposed footpath would offer pedestrians access to Collar House Drive and Public Footpath No. Prestbury No. 22 which leads to Castle Hill and residential areas of the northwest of the village, there is no existing pedestrian footway between Collar House Drive and the village centre along the Chelford Road. Also note that steps are proposed onto the footpath, a graded ramp would be preferable. The proposal for the footpath should also include an access point through from the footpath to Chelford Road opposite Public Footpath Prestbury No. 23, in order to promote access to the Public Rights of Way network in the vicinity of the site, with minimal road walking. Informatives are recommended.

Housing: no objection subject to comments regarding the amount and type of affordable housing proposed.

United Utilities: no objection subject to conditions regarding foul and surface water.

Leisure Services: comments awaited.

Education: comments awaited.

VIEWS OF THE PARISH / TOWN COUNCIL

Prestbury Parish Council: strongly object on the grounds that it is in the Green Belt and not sustainable.

OTHER REPRESENTATIONS

71 representations have been received objecting to the proposal. Details can be read on file. The planning objections raised are summarised below:

- Building on greenbelt- contrary to policy
- Area of special County Value
- Affordable housing is not affordable
- Affordable housing is too far from village centre
- No public transport
- Congestion and road safety
- Highways safety including footpaths, no speed limits, no street lighting
- Danger to Cheshire cycleway cyclists
- Concerns over maintenance over Collar House Drive as is an unadopted road
- If approved will encourage further buildings on the land
- Local school is oversubscribed
- Issues over Falibroome School bus collections and road safety
- Noise Pollution
- Air quality and dust
- Parking issues
- Flooding on Chelford Road
- Houses in the area already not selling
- Requirement is for downsizing and not larger homes
- Concerns over Chelford Roads unique character
- Concerns over trees and the pond
- Ecology concerns
- Concerns over Japanese Knotweed
- Concerns over wildlife habitat for animals and the protected species
- Concerns over landscape character and appearance of the area.
- Concerns over the natural formation of Prestbury Village
- Concerned over neighbouring towns merging
- Concerns over the living conditions of local people
- Concerns over construction vehicles
- No local employment

APPLICANT'S SUPPORTING INFORMATION

A number of supporting documents have been submitted with the application. These can be viewed on the application file and include:

- Planning, Design & Access Statement
- Extended Phase I Habitat Survey
- Biodiversity Information Report
- Tree Survey
- Flood Risk Assessment

OFFICER APPRAISAL

Principle of Development/Green Belt

Appropriateness of the development

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The paragraph then goes on to list exceptions to the policy, none of which apply in this case. Local Plan policy GC1 is broadly consistent with paragraph 89.

The proposed erection of 15 dwellings is therefore inappropriate development in the Green Belt.

Paragraph 87 of the NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Impact on the openness of the Green Belt

As well as being inappropriate development, it is also considered that a residential development of the scale proposed would also have a significant impact on the openness of the Green Belt.

Other Harm to the Green Belt

Paragraph 80 of the NPPF sets out the five purposes of the Green Belt, one of which (bullet point 3), is to assist in safeguarding the countryside from encroachment. It is considered that the scale of the proposed development is such that it would involve encroachment into the countryside and would thereby conflict with one of the purposes of Green Belt.

To conclude, it is considered that the proposed development is inappropriate development in the Green Belt. Due to the scale and nature of the development proposed it would also impact on openness and would involve encroachment into the countryside. Substantial harm to the Green Belt would arise from the proposal. This substantial harm would need to be clearly outweighed by other considerations i.e. very special circumstances.

Very Special Circumstances

The Planning Statement submitted with the application acknowledges that as the site lies in the Green Belt, that the proposal is inappropriate development. However, it is suggested that there are a number of considerations that weigh in favour of the proposal and these are summarised below:

- Council cannot demonstrate a five year supply of deliverable housing sites;

- The site has previously been considered by a Planning Inspector to be an illogical boundary to the Green Belt when considering the Macclesfield Local Plan in 1982;
- The site history and the direction of travel of the CELP indicates that there is a real prospect of it being released for housing at the site allocations stage of the plan making process;
- The application site is a natural extension to the settlement boundary of Prestbury and is within walking distance of all amenities and services

Having considered the 'very special circumstances' put forward in support of the application, none are considered sufficient, either individually or cumulatively to outweigh the substantial harm that would arise from the proposal. With regard to the Council's housing land supply, this will be discussed in more detail elsewhere in the report, but Members will be aware that the Council maintains its position that it can currently demonstrate a five year housing supply. Notwithstanding this, the absence of a five year housing supply is not considered sufficient to clearly outweigh the Green Belt harm. With regard to a previous Inspectors comments in relation to the proposal, these were made over 30 years ago and the site continues to remain in Green Belt despite subsequent Local Plan reviews. The submission of a planning application is not an appropriate means to seek to change the land use allocation of a site, this should be done via the Local Plan review process. It is not accepted that there is sufficient evidence that there is a 'real prospect' of the site being released for housing at the site allocations stage of the plan making process and even if this were the case, as stated above, the determination of a planning application is not an appropriate or acceptable means to change adopted planning policy.

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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

Visual Impact

Whilst this is an outline application, approval of access and layout is being sought at this stage. A proposed site layout has been submitted with the application and shows that five of the large, detached houses are to be located adjacent to and within close proximity of Chelford Road. The finished floor levels of these proposed houses are higher than the nearby road level. The remainder of the housing would be located further back within the site. A new access road, widened access and pedestrian footpath is proposed off/alongside Chelford Road.

As stated, the site lies in the Green Belt and within an ASCV. At present, whilst overgrown, it is considered that it contributes positively to the visual amenity of the area, providing a positive landscape feature. Local Plan policy NE1 states that in ASCV’s the Council will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse impact on its character and appearance. Local Plan policies BE1 and DC1 relate more generally to design and require new development to reflect local character and be sympathetic to the character of the local environment, street scene, buildings and the site itself.

The Council's Landscape Officer has been consulted on the application and notes that, as the Design and Access statement indicates, the site benefits from considerable vegetation in the form of mature broadleaved trees and hedges, and a number of these trees along the Chelford Road boundary of the application site are subject to TPOs. The D&A also identifies that these trees contribute *'positively to local character, where density of development begins to increase on the approach to the village centre'*.

The qualities identified in the D&A are essentially those that characterise the Bollin Valley ASCV, namely the strong sense of naturalness, which is identified as being of particular importance in proximity to urban areas, where the woodland, mature trees give a sense of enclosure and a sense of place and contribute to the verdant and picturesque character of this particular area. The Bollin Valley ASCV clearly also contributes to the setting of Prestbury, just to the east, a function of this particular site that has been identified in the D&A.

It is not clear from the submission how the proposed development would either conserve or enhance the quality of the landscape and since the proposed development of 15 dwellings is likely to have an effect on the character and appearance of the area, it is also likely to be contrary to Policy NE1 of the Macclesfield Borough Local Plan.

As such it is considered that a development of the scale and type proposed would be contrary to Local Plan policies NE1, BE1 and DC1 and to guidance relating to design and to conserving and enhancing the natural environment contained within the NPPF.

Trees

The site contains a significant number of trees, some of which are formerly protected by Tree Preservation Orders (TPOs). A tree survey has been submitted with the application and the Council's forestry officer has been consulted.

Access into the site requires the removal of two Horse chestnut trees identified as T30 and 31 within the survey. The loss of T31 is accepted irrespective of the development proposals by virtue of the trees condition. There are only development reasons to remove T30 which has been identified as a high value category A specimen protected as part of the 1985 Tree Preservation Order which extends across the majority of the site.

It is unclear if any additional trees require removal in order to facilitate the requisite visibility splays; it is possible additional specimens may require removal immediately adjacent to the pond and to the west of the access. No details have been supplied in terms of the adoptable status associated with the proposed internal footpath which extends parallel to Chelford Road. If this feature is to be adopted excavation / construction will compromise the health and longevity of the high value trees which presently form the southern aspect of the site charactering the sylvan setting of this aspect of Chelford Road. It may be possible if the footpath does not require adoption that implementation could be facilitated under a 'no dig' solution, but given the prominence of the trees, this information should be provided as part of the application and details provided within a Arboricultural Impact Assessment.

As a result of an absence of formal management a significant number of trees have been allowed to establish throughout the site, any removals in order to facilitate development can be mitigated by specimen planting throughout the development should it proceed.

The majority of the proposed internal road layout reflects the requirement to observe the identified RPA's of the protected trees. The exception to this relates to the short section which serves plots 5 and 6. Implementation will require the removal of a number of mature trees which are protected as part of Group 2 of the 1985 Tree Preservation Order; these are high value Cat A trees the loss of which is considered to be unacceptable

There are also potential issue of relationship and social proximity in terms of retained trees and plots 5 and 9. It may be possible to over hand plot 9 with the garage re-located on the eastern aspect and the utilisable rooms to the west of the plot, but the dominance of the very large mature protected beech T24 associated with plot 5 may not be as easily addressed.

Levels may be an issue throughout the site but any negative impact appears to have been addressed by the use of selective retaining walls.

The impact of the proposals is considered unacceptable resulting in the premature removal of protected trees (DC9). Mitigation in terms of replacement planting is proposed but this will not offset any resulting loss of amenity given the size and age of the trees scheduled to be removed

If consideration is given to a revised layout it may be possible depending on the composition of the design to achieve an acceptable solution.

Ecology

An Extended Phase I Habitat Survey and a Biodiversity Information Report have been submitted with the application and the Council's Nature Conservation Officer has been consulted.

Great Crested Newts

Two ponds are located within the application site boundary that have been assessed by the submitted habitat survey as being suitable to support breeding great crested newts.

Initially the Nature Conservation Officer requested further survey work to be carried out in respect of newts. However, after the receipt of further clarification/information regarding the newt survey work undertaken, he is now satisfied that great crested newts are not reasonably likely to be present at the site.

Bats

A number of trees have been identified on site that have the potential to support roosting bats. The majority of these trees will be retained as part of the proposed development.

Two of these trees however (T30 and T31) would be lost under the current proposals.

It is advised that these trees must be subject to a detailed survey to establish the presence/absence of roosting bats and a report submitted to the Council prior to the determination of the application.

Badgers

Evidence of badger activity has been recorded on site but no sett is present. It is advised that the proposed development is likely to result in the loss of badger foraging habitat but this loss is unlikely to be significantly important.

As the status of badgers can change within a short time scale it is recommended that if planning consent is granted a condition be attached requiring the submission of an updated badger survey and assessment prior to the commencement of development.

Breeding birds

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

Common Toad

Common Toad is present at the site in considerable numbers. This species is a priority species and hence a material consideration. It is advised that the retention of the ponds on site would help to mitigate the impacts of the proposed development upon this species, however there is a loss of terrestrial habitat associated with the proposed houses.

In order to reduce the impacts associated with the loss of terrestrial habitat it is recommended that the applicant provides proposals for the enhancement of the retained terrestrial habitats around the ponds to ensure their value for this species is maintained. It should also be ensured that the retained ponds are not incorporated into residential gardens.

Hedgerows

Hedgerows are a UK Biodiversity Action Plan priority habitat and hence a material consideration. It is advised that the proposed development will result in the loss of a considerable length of existing hedgerow.

In summary, whilst the impact of the proposal, subject to the imposition of appropriate conditions, is considered to be acceptable with regard to Great crested newts, badgers, breeding birds and common toad, there is insufficient information to assess the impact of the proposal on bats. Concerns are also raised with regard to the loss of hedgerows.

Highways and Parking

As stated, an amended vehicular access off Chelford Road would provide access to 13 of the proposed dwellings (Plots 3 – 15), with access to Plots 1 & 2 being taken off Collar House Drive. 42 parking spaces are proposed to serve the 15 dwellings, 9 of which appear to be to serve Plots 10-15.

The Council's Strategic Highways Manager has been consulted on the application and comments that it is indicated that the proposed road would not be adopted as public highway and remain private, the internal road layout is acceptable although there does not seem to be any turning facilities to cater for refuse collection and delivery vehicles with the site. Given the number of properties proposed and the distance away from Chelford Road, refuse collection would need to be from within the site.

There is a segregated footpath proposed that runs alongside the site frontage which is of some benefit but it does not link into any other footway either side of the proposed development and therefore it is of little benefit for people walking to the site. The SHM comments that it has to be recognised that this will be a car based development and as such will be unsustainable.

The proposed main access is located just beyond a bend in Chelford Road and the plans submitted do not indicate the visibility plays in both directions. It is clear that in the important leading direction there is limited visibility due to the bend in Chelford Road and this is a fundamental problem with the access. The SHM therefore recommends that application is refused on highway safety grounds and that due to the fact that it is not a sustainable development.

Open Space Provision

The proposed housing development triggers a requirement for public open space (POS), recreation and outdoor sport facilities as identified in the SPG on S106 (Planning) Agreements (May 2004).

Whilst the formal comments of the Greenspace officer are awaited, in accordance with the SPG and in the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS and amenity of £45,000, which would be used to make additions, improvements and enhancements to open space and amenity facilities in Prestbury. In addition, and again in the absence of on-site provision, the development will be required to provide a commuted sum for the provision of offsite recreation / outdoor sports facilities of £10,000 (figure of £1000 per dwelling waived for affordable housing) which would be used to make additions, improvements and enhancements to recreation and open space facilities in Prestbury.

Affordable Housing

The site falls within the Adlington, Prestbury and Bollington sub area for the purposes of the SHMA update 2013. This identified a net need for 15 affordable homes per annum for the period 2013/14 – 2017/18. This is a requirement for 1x1bd, 11x 2bd and 1x 4+bd general needs units and 2x 1bd older persons accommodation. In addition to this, information taken from Cheshire Homechoice shows there are currently 11 applicants who have selected the Prestbury lettings area as their first choice. These applicants require 7x 1bd, 3x 3bd and 1x 4bd units.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version require that on developments of 15 dwellings or more (or 0.4 hectare) in Prestbury the Council will negotiate for the provision of affordable housing.

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.

The proposal is an outline application for 15 dwellings including provision of 5 affordable units. The application form outlines that 3 will be provided as rented and 2 intermediate tenure units. This tenure split and quantum of affordable housing is compliant with the IPS and emerging Local Plan policies. As this is an outline application it would not be expected that the residential mix to be secured at this stage, however the indicative site plan appears to show smaller housing which would comprise the affordable units. This includes a terrace of four units and a pair of semi-detached units. As there are 5 units to be provided it is assumed that this unit type and layout means that market, intermediate and rented units may be adjoining; this is not practical and may cause an issue for any RP who wishes to take transfer of the units. This would need to be addressed in any reserved matters application and it would be the Council's preference that the applicant engages in early discussions with Registered Providers about the transfer of the units.

Education

Given the number of dwellings proposed, it is necessary to consider whether the proposal triggers a requirement for financial contributions towards the provision of school places. At the time of writing, a response is awaited from the Council's education team on this issue and any response received will be reported as an update.

Amenity

As stated, existing residential properties are located to the north, east and south of the site, with two residential properties located to the west fronting Chelford Road.

Having regard to the proposed site plan and the relative position of existing and proposed dwellings, it is not considered that the proposal would result in a significant adverse impact on the amenity of existing residential occupiers. Similarly it appears that the proposed layout would result in acceptable relationships between the proposed dwellings.

Public Rights of Way

As previously stated, public rights of way are located adjacent to and opposite the site.

The Council's Public Rights of Way Unit have been consulted on the application and raise no objections to it subject to the addition of an informative regarding the public right of way should permission be granted. However, whilst the provision of a pedestrian footway along Chelford Road is noted, a number of amendments are suggested to its design, should the development proceed.

Flood Risk/Drainage

A Flood Risk Assessment (FRA) has been submitted with the application.

The Environment Agency and United Utilities have been consulted on the application. Comments from the Environment Agency are awaited and in the interim comments are also being sought from the Council's Flood Risk Manager. Any comments received will be reported in an update.

United Utilities raise no objections to the proposal subject to the imposition of conditions regarding foul and surface water. These conditions would be imposed should permission be granted for the development.

Sustainability

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

In addressing sustainability, Members should be mindful of the key principles of the National Planning Policy Framework.

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 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.

Notwithstanding the above, Inspectors have determined that locational 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, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. More specifically, 3 dimensions are referred to within the NPPF. These are identified as being '*an economic role*', '*a social role*' and '*an environmental role*'.

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

In this case, the site lies on the outskirts of Prestbury Village and the nature of Chelford Road is such that whilst services are available within the village, the lack of pedestrian footways along Chelford Road means that the development will inevitably be car dependent. In locational terms it is therefore considered to be unsustainable. Whilst there would be economic benefits arising from the proposal and whilst the proposed provision of affordable housing is a social benefit of the proposal, the environmental impact of the proposal is also considered to be unacceptable.

To conclude, the benefits of the proposal include some economic benefits and the provision of affordable housing. However, it is considered that the benefits of the proposal are outweighed by the loss of Green Belt land, the locational unsustainability of the site and the adverse visual impact of the proposal. The proposal is therefore considered to be inherently unsustainable.

Heads of Terms

Should Members be minded to approve this application, a S106 legal agreement would be required to secure the following:

- £45,000 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space and amenity facilities in Prestbury;
- £10,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) for improvements, additions and enhancements of existing recreation / outdoor sports facilities facilities in Prestbury;
- Mechanism to ensure that 5 of the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure;

Community Infrastructure Levy (CIL) Regulations:

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

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

The commuted sum in lieu of public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 15 dwellings, the occupiers of which will use local facilities as there is no open space on site, as such, there is a need to upgrade / enhance existing facilities. The contributions are in accordance with the Council's Supplementary Planning Guidance on Planning Obligations.

The provision of 5 units of affordable housing is necessary, fair and reasonable given the scale of the development proposed and is in accordance with the Council's Interim Planning Statement on Affordable Housing.

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

At the heart of the NPPF is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay. 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 NPPF taken as a whole or unless specific policies in the NPPF indicate development should be restricted.

In this case, as outlined within the report, key policies relating to Green Belt and housing are considered to be up to date and consistent with policies contained within the NPPF.

The proposal is inappropriate development in the Green Belt which would also impact on openness and involve encroachment into the countryside. Substantial harm is attached to the harm identified to the Green Belt. The very special circumstances put forward do not clearly outweigh the harm to the Green Belt. In particular, the Council can currently demonstrate a five year housing supply and notwithstanding this, the absence of a five year housing supply is not considered sufficient to clearly outweigh the Green Belt harm.. The proposal would result in an adverse impact on the visual amenity of the area, including an adverse impact on the ASCV. It would result in the loss of protected trees and would result in unacceptable relationships between existing trees and proposed dwellings. The proposed vehicular access off Chelford Road does not provide adequate visibility and would not therefore be acceptable on highway safety grounds. Concerns are also raised with regard to the sustainability of the site and to the adequacy of proposed servicing facilities. Insufficient information has been submitted with regard to the impact of the proposal on bats, which are a protected species. When considered as a whole, the proposal is considered to be an unsustainable form of development.

This application follows a series of refusals for housing proposals on this site. It is clear that the applicants are seeking to change the Green Belt designation of the site. However, as stated within the report, any desire to change the land use designation should be pursued via the Local Plan review. Due to the numerous concerns raised regarding the proposal within the report, the application is recommended for refusal.

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.

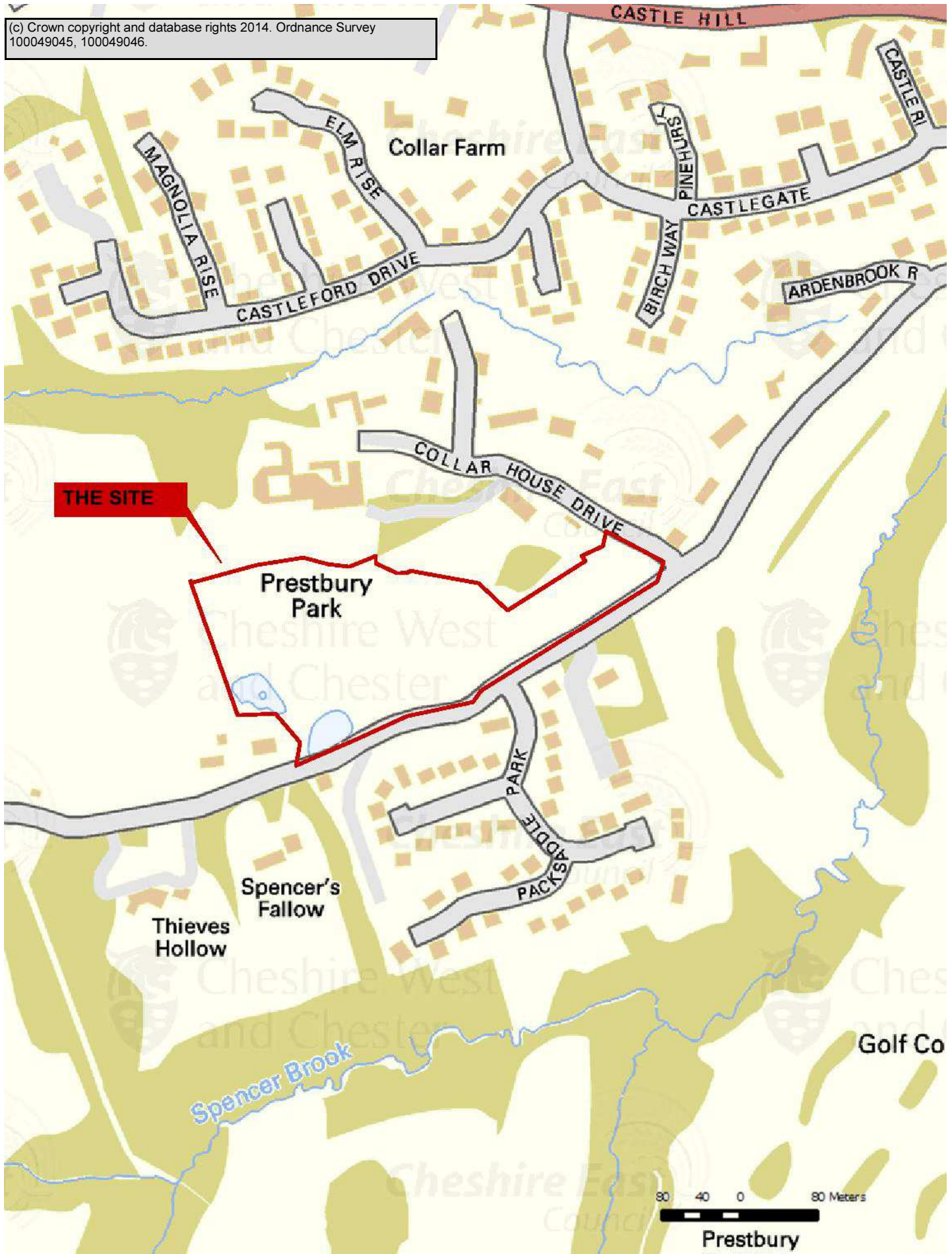
Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of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

Application for Outline Planning

RECOMMENDATION: Refuse for the following reasons

1. R01TR - Loss of protected trees
2. R02TR - Threat to protected trees
3. R03NC - Insufficient ecological information
4. Inappropriate development in the Green Belt, adverse impact on openness and encroachment into the countryside. Very special circumstances put forward not sufficient to outweigh the significant harm identified to the Green Belt.
5. Adverse visual impact and adverse impact on ASCV
6. Lack of visibility at the proposed access and resultant adverse impact on highway safety
7. Unsustainable form of development

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Application No: 14/1964C

Location: LAND TO THE EAST OF HERMITAGE LANE, CRANAGE

Proposal: Construction of new residential development of up to 26 dwellings (resubmission of planning application reference 14/0081C)

Applicant: Estate of S.H Darlington (deceased)

Expiry Date: 28-Jul-2014

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES:

- Principle of the development – Policy, Housing land supply, Open Countryside, Sustainability, Planning Balance
- The acceptability of the Layout, Access, Appearance, Scale and Landscape
- The impact upon Jodrell Bank
- Impact on residential amenity
- The impact upon ecology
- The provision of open space
- Provision of affordable housing
- The impact upon the Public Right of Way
- The impact upon trees and hedgerows
- The impact upon flooding and drainage
- Impact upon infrastructure
- CIL conformity/requirements

REASON FOR REFERRAL

This application is referred to the Northern Planning Committee as it is a major application and involves a departure from policy.

DESCRIPTION OF SITE AND CONTEXT

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

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

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

DETAILS OF PROPOSAL

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

All matters are reserved. As such, the application seeks permission for the principle of the erection of 26 dwellings on this site only.

The application is a re-submission of 14/0081C which was refused at Northern Planning Committee on the 19th March 2014 for the following reasons;

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
- 2. The proposed development would have an adverse impact upon the efficient operation of the Jodrell Bank Observatory. As such, the proposal is contrary to Policy PS10 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE14 of the emerging Cheshire East Local Plan Strategy – Submission Version.*
- 3. Insufficient detail regarding the proposed internal road layout which forms part of the access consideration of this application has been submitted. As such, the proposed development is considered contrary to Policy GR9 of of Congleton Borough Local Plan First Review 2005.*

The applicant has re-applied in an attempt to address some of these reasons for refusal.

RELEVANT HISTORY

14/0081C - Outline planning for the construction of new residential development of up to 26 dwellings – Refused 21st March 2014

19997/1 - Residential development (maximum of 12 dwellings) – Refused 2nd August 1988

POLICIES

Local Plan Policy

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

National Policy

National Planning Policy Framework (NPPF)

Cheshire East Local Plan Strategy – Submission Version

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, Hedgerows and Woodland
SE14 - Jodrell Bank
IN1 - Infrastructure
IN2 – Developer Contributions

Other Material Planning Considerations

- SPG2 - Provision of Private Amenity Space in New Residential Development
- The EC Habitats Directive 1992
- Conservation of Habitat & Species Regulations 2010
- Interim Affordable Housing Statement: Affordable Housing

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections, subject to provision of a footway link between the site and Main Road along Hermitage Lane.

Jodrell Bank (University of Manchester) – Object to the proposal on the grounds that a development of the size proposed in Goostrey would create a significant increase in the amount of interference with the telescope.

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

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

More specifically the following condition is sought;

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

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

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

The calculated amount would be £31,941 to maintain this over a 25 year period.

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

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

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

The site lies within the Holmes Chapel sub-area where there is an identified need for 85 affordable dwellings between 2013/14 and 2017/18. This need is made up from 10 x 2

beds, 7 x 3 beds, 2 x 1 beds older person accommodation and 4 x 2+ beds and 2+ bed older person accommodation.

There are also 26 applicants on the housing register with Cheshire Homechoice who have selected Goostrey as their first choice. These applicants require 10 x 1 bed, 9 x 2 bed, 5 x 3, 1 x 4 bed and 1 x 5 bed.

At the time of the SHMA update (2013/14 – 2017/18) there have been some affordable housing provision in the Holmes Chapel Rural sub-area of 13 dwellings in Twemlow. However, there is still a shortfall of 72 affordable homes needed in the Holmes Chapel Rural sub-area and therefore there is a need for affordable housing.

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

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

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

Public Rights of Way – No comments received at time of report

Previous comments to 14/0081C;

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

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

Education (Cheshire East Council) – No comments received at time of report

Previous comments to 14/0081C;

No objections

Environment Agency – No objections, subject to a number of conditions including; that the development shall be carried out in accordance with the submitted Flood Risk Assessment and associated mitigation measures; that the mitigation measures be carried out prior to the first occupation of the dwellings; the prior submission of a surface water drainage scheme and the prior submission of a scheme to create adequate flood flow paths and routing across the site.

VIEWS OF THE PARISH COUNCIL:

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

- Cheshire East has established a 5 year supply of housing land
- Goostrey and Holmes Chapel has already exceeded the number of houses required as detailed within the emerging Site Allocation and Development Policies Document
- The impact upon the Open Countryside
- The site is unsustainable
- The detrimental impact upon Jodrell Bank
- The proposal is contrary to the Goostrey Parish Council Housing Policy

OTHER REPRESENTATIONS:

Objections have been received from 85 neighbouring properties; In addition, 2 petitions, an MP letter, an objection from 'Love Goostrey' and a letter composed by a Planning Agent have been received. The main areas of objection relate to;

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

Other matters such as a loss of view and the impact upon property prices have also been raised. However, these are not material considerations.

SUPPORTING INFORMATION:

Revised Design and Access Statement
Contaminated Land questionnaire

Existing site photographs
Highways Statement
Revised Statement of Community Involvement (SCI)
Extended Phase 1 Habitat Survey
Tree Report
Tree Protection Plan
Tree Location Plan
Revised Arboricultural & Method Statement
Proposed tree planting plan
Planning Statement
Affordable Housing Statement
Revised Sustainability Statement
Existing drainage / water mains details
Flood Risk Assessment
Visual Impact Assessment

OFFICER APPRAISAL

Principle of Development

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

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

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

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

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

Housing Land Supply

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

Since the publication of the Housing Position Statement in February 2014 there have now been numerous principal appeal decisions which address housing land supply.

Each has concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180

homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

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 out 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, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Sustainability

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

In addressing sustainability, Members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“*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.”

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 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.

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

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

- Post box (500m) – 320m
- Amenity Open Space (500m) – 0m (To be provided on site)
- Children’s Play Space (500m) – 480m
- Outdoor Sports Facility (500m) – 480m
- Convenience Store (500m) – 320m
- Playground/Amenity Area (500m) – 480m
- Bank or Cash machine (1000m) – 320m
- Local meeting place (1000m) – 800m
- Public park or village green (1000m) – 480m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 400m

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

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

The following amenities/facilities fail the standard:

- Secondary School (1000m) – 4505m
- Supermarket (1000m) – 4400m
- Primary School (1000m) – 1770m

- Medical Centre (1000m) – 5600m
- Leisure Facilities (1000m) – 4500m
- Public House (1000m) – 1610m

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

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

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

It is considered that a similar conclusion can be drawn from the application site. It does not have a school or supermarket in the village; however it does have a local bus stop approximately 500 metres from the development site. This bus stop is served by bus Routes 319 and 49. The 319 route has 5 services a day (Monday to Saturday) and travels from Main Road, to Sandbach, Holmes Chapel and the Goostrey Railway Station. The 49 route has 2 services a day on Monday and Wednesdays and links the site to Holmes Chapel and Northwich. Given that Holmes Chapel, to which both these services run to, has both schools and shops, it is considered that the site is reasonably accessible for a rural settlement and therefore locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational 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, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. More specifically, 3 dimensions are referred to within the NPPF. These are identified as being *'an economic role'*, *'a social role'* and *'an environmental role'*.

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

There is an economic benefit to be derived from the construction of the scheme. A housing development of this size would bring the usual economic benefit to the closest shops, services and amenities and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. Affordable housing is also a social benefit.

From an environmental perspective, the Council's Landscape Officer has raised concerns regarding the development. More specifically, in response to the submitted Visual Impact Assessment, it was concluded that;

'The application site does not have any landscape designations, but the Congleton Local Plan identifies that the area lies outside the settlement boundary, as such it would appear that this outline application is contrary to Policy PS8: Open Countryside. In addition the landscape and visual impact assessment indicates that there will be an adverse visual impact and a neutral to slight adverse landscape impact, as such the proposals would appear to be contrary to policy GR5 of the Congleton Local Plan since the proposed development does not appear to respect or enhance the landscape character of the area.'

Thus, in this regard, the proposal would not represent the most sustainable form of development in environmental terms. As such, it is not considered that the proposal would be environmentally sustainable.

To conclude, the benefits of the proposal include the provision of affordable housing and the close proximity of the site to public facilities. However, it is considered that these benefits are outweighed by the loss of the open countryside, which when not required for the purpose of housing land supply, is inherently unsustainable.

Planning Balance

The application site, with the exception of the narrow strip of land referred to earlier in the report, lies entirely within the Open Countryside as designated by the Congleton Borough Local Plan First Review 2005. Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council's 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

From a sustainability perspective, the proposal would bring positive planning benefits such as; affordable housing, a boost to the local economy and would be sited in a relatively sustainable location. However, it is considered that these benefits are outweighed by the loss of the Open Countryside and the impact upon the landscape and as such, the use of the site for housing development is considered to be unacceptable in principle.

Layout, Appearance, Access, Scale & Landscape

The proposed indicative layout shows that the development could consist of the erection of 20 detached and 6 semi-detached dwellings constructed adjacent to an extension to Netherlea from the north to south of the site. 12 of the dwellings would be constructed to

the rear and parallel to the properties on Hermitage Lane to the west and the remainder would be constructed on the opposite side (east) of the proposed extended internal access road. Each dwelling would sit on a relatively large plot and be relatively well spaced in order to respect the local character. The footprints of the dwellings also largely reflect the footprint of the dwellings of the closest neighbouring properties.

A footpath would be created from a section of the proposed extension of Netherla, between Coppins and Marbrooke House on Hermitage Lane, onto Hermitage Lane itself.

An area of approximately 2100 square metres of public open space is proposed within the site.

It is considered that the submitted indicative layout plan demonstrates that 26 dwellings can be accommodated within the site without detriment to the local character.

However, permission for layout, appearance, access, scale and landscape are not sought as part of this application. Only indicative plans have been submitted at this stage and these are not considered in detail as they are subject to change.

Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan. Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope. It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Prof. S. Garrington from Jodrell Bank, in response to application 14/0081C, advised that;

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

As an illustration, a domestic IT device which just meets the CISPR 22 limit suffering this loss would exceed the ITU threshold for detrimental interference by approximately 10 dB, ie a factor of 10. Additional shielding such as the use of foil backed plasterboard can mitigate this to some extent (and is recommended by JBO) but the aggregate effect of several devices per house in a development of 26 houses is likely to exceed the threshold.

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

As part of the previous application, Jodrell Bank were contacted and asked to clarify their position. Following an informal discussion with Professor Garrington, he re-iterated his concern regarding the incremental impact new housing development is having upon Jodrell Bank. However, he advised that the impact upon the Telescope would be similar to the impact an approved housing scheme for 13 dwellings in Twemlow would / will have (Ref: 10/2647C) to which Jodrell Bank also objected to.

In the appeal against the Council's resolution to refuse the Twemlow application, the Inspector took the view that since there were dozens of houses already in Twemlow, we must already accept the level of interference. Based on the parallels between the two sites, it was not considered that a reason for refusal on these grounds could be sustained at appeal and as such, it was not considered that a refusal on Jodrell Bank grounds could be sustained.

In the intervening period from that advice on the former application, Professor Garrington has carried out further studies on how such developments can have a detrimental impact upon Jodrell Bank. In response to this application, Professor Garrington has now advised that;

'Following the concerns raised in our comments on the previous submission of this application, we have been developing a more extensive and detailed analysis of the potential contributions to radio interference received by the radio telescopes at Jodrell Bank from residential and other developments in the surrounding area.

This work confirms our previous concerns but also allows a quantitative assessment of the incremental contributions from existing and new proposed developments. Noting that there is more than one development of this size proposed in Goostrey and that further development is to be expected we must also consider the cumulative effect of these increases in the potential to cause harmful interference to our scientific observations.

Our analysis indicates that developments of this size do constitute a significant increase in potential interference and we have raised this concern with senior planners at Cheshire East. In order for these concerns to be taken into account further in the planning process we are obliged to oppose this application.'

Given that the position of Jodrell Bank, following further research, has now been escalated from a concern to an opposition, it is now considered that the proposed development would have a detrimental impact upon Jodrell Bank and as such, would be contrary to Policy PS10 of the Local Plan and Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version.

Amenity

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

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

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

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

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

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

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

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to the provision of a number of conditions and informatives. These suggested conditions include; Hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase environmental management plan, hours of construction, the prior submission of a Travel Plan, the prior

submission of electric vehicle infrastructure, the prior submission of a dust mitigation scheme and a contaminated land condition and informative.

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

Ecology

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

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

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

With regards to hedgerows, it is recommended that conditions are imposed to ensure that any woodland hedgerows and the plantation woodland are retained as part of a landscaping scheme.

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

Open Space

Amenity Green Space (AGS)

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

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

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

However, since this advice the actual size of the proposed POS has been provided by the applicant. Based on this more accurate figure, a revised maintenance sum of £31,941.00 is now required over a 25 year period.

Children and Young Persons Provision (CYPP)

The Council's Parks Management Officer advised in response to the previous application that *'Having calculated the existing amount of accessible CYPP within 800m of the site*

and the existing number of houses which use it, 26 new homes will place extra demand on the facilities at Booth Bed Lane as it is acknowledge that the development site would be impractical due to its size for a new play facility.'

As such, it has been calculated that the Council would need £5,677.34 for the upgrade of the Booth Bed Lane site which would be spent of upgrading the equipment and infrastructure. It is also calculated that a commuted sum of £18,507.00 would be required to maintain this over a 25 year period.

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

Affordable Housing

The Interim Planning Statement (IPS) advises that the there should be a 30% on-site affordable housing requirement on sites for 3 dwellings or more within all settlements in rural areas of 3000 or more population. Furthermore, a tenure split of 65% social rent (or affordable rent) and 35% intermediate tenure should be sought.

The Council's Strategic Housing Development Officer has advised that the site falls within the Holmes Chapel sub area in the 2013 SHMA update. Within this area the update illustrated an affordable housing requirement of 72 units between 2013/14 and 2017/18. Cheshire Homechoice, the Council's Choice-based lettings systems shows that there are currently 26 applicants who have selected Goostrey as their first choice.

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

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

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

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

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

Footpaths / Public Right of Way

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

The Council's Public Rights of Way Officer, in response to the original submission, advised that she has no objections to the proposed development. However, the developer

would be expected to include the maintenance of this route within the arrangements for the maintenance of the open space of the proposed site.

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

Trees and Hedgerows

There are no protected trees on the site.

Trees

The application is supported by a tree report, tree protection plan and tree location plan.

The Council's Tree Officer has advised that he has no objections from a tree impact perspective, subject to a number of conditions. These conditions include; Tree retention; the prior submission of a tree protection plan; the prior submission of a method statement / construction specification; tree pruning / felling specification; the prior submission of an arboricultural method statement; the prior submission of a levels survey; the prior submission of a service / drainage layout plan; the implementation of the development in accordance with the submitted arboricultural information.

Subject to these conditions, it is considered that the development would not have a significant detrimental impact upon trees.

Hedges

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

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

Flood Risk and Drainage

During the application process, a Flood Risk Assessment (FRA) was requested by the Environment Agency. This FRA was subsequently submitted, and in response, the Environment Agency have advised that they have no objections in principle to the development, subject to a number of conditions. These conditions are; that the development shall be carried out in accordance with the submitted Flood Risk Assessment and association mitigation measures; that the mitigation measures be carried out prior to the first occupation of the dwellings; the prior submission of a surface water

drainage scheme and the prior submission of a scheme to create adequate flood flow paths and routing across the site.

As such, subject to the addition of the above conditions, it is not considered that the proposal would create any significant flooding concerns.

United Utilities were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a condition requiring the prior submission of a scheme for the disposal of foul and surface waters for the entire site. In addition, it is recommended that separate water metres to each unit should be provided at the applicant's expense. All pipework must comply with current water supply (water fittings) regulations 1999. Should the application be approved, the applicant should contact UU regarding connection to the water mains.

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

Infrastructure

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

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

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools on application 14/0081C has advised that *'...no contribution will be required from this development.'*

Levy (CIL) Regulations

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

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

The development would provide sufficient Amenity Green Space on site. However, to ensure its maintenance, a commuted sum of £31,941.00 would be required for its maintenance over a 25 year period.

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

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

It is also advised that the maintenance of a proposed footpath link from the site onto Heritage Lane be included in the Open Space maintenance provision within the S106. This is considered to be necessary, fair and reasonable in relation to the development.

The overall requirement on this site would be for 8 affordable houses with 5 provided as social or affordable dwellings and 3 as intermediate tenure. The IPS requires that the homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all affordable units may be increased to 80%. This is considered to be necessary, fair and reasonable in relation to the development.

On this basis, the S106 requirements are compliant with the CIL Regulations 2010.

CONCLUSIONS

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

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

From a sustainability perspective, the proposal would bring positive planning benefits such as; affordable housing, a boost to the local economy and would be sited in a relatively sustainable location. However, it is considered that these benefits are outweighed by the loss of the Open Countryside and the impact upon the landscape and as such, the use of the site for housing development is considered to be unacceptable in principle.

Jodrell Bank (The University of Manchester) has raised an objection in relation to the impact of the scheme upon the Radio Telescope. Given that this objection is based on further research undertaken since the determination of the previous submission, and results in an escalation in their concerns to an objection, it is considered that the development would have a detrimental impact upon the Radio Telescope and as such, is deemed to be contrary to Policy PS10 of the Local Plan.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution towards the maintenance of on-site

public open space and the enhancement and maintenance of children's play space off-site and the necessary affordable housing requirements.

In terms of; ecology, drainage, flooding and the impact of the development upon neighbouring amenity, subject to a number of conditions, the impacts upon these considerations can be mitigated against.

However, as the proposal is for new dwellings in the Open Countryside and does not adhere to the housing policies within this designation, in conjunction with the loss of the Open Countryside and the detrimental impact the proposal would have upon the landscape, the use of the site for housing development is considered to be unsustainable and unacceptable in principle. In addition, the proposal would have an adverse impact upon the efficient operation of the Jodrell Bank Observatory.

As such, the proposed application should be recommended for refusal.

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.

Should this application be the subject of an appeal, authority 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.

Heads of terms;

1. A commuted payment of £31,941.00 for the maintenance over a 25 year period of on-site Amenity Green Space (including the footpath link).
2. A commuted payment of £5,677.34 for the upgrade of the Booth Bed Lane site which would be spent of upgrading the equipment and infrastructure.
3. A commuted payment of £18,507.00 for the maintenance over a 25 year period of off-site Children and Young Persons Provision.
4. 30% Affordable Housing provision – 8 units. Provided no later than 50% occupation. Transferred to registered provider. A tenure split of 65% social rent (or affordable rent) and 35% intermediate tenure.

Application for Outline Planning

RECOMMENDATION: Refuse for the following reasons

1. Open Countryside
2. Jodrell Bank

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Application No: 14/4124M

Location: Stonemill Court, Wellington Road, Bollington, Macclesfield, SK10 5HT

Proposal: Proposed Change of Use of Ancillary Accommodation to form New Dwelling with Single & Two Storey Extensions & Alterations

Applicant: David Whittaker

Expiry Date: 24-Oct-2014

Date Report Prepared: 16th October 2014

SUMMARY RECOMMENDATION	APPROVE, SUBJECT TO CONDITIONS
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MAIN ISSUES:

- The principle of the development
- Sustainability
- Design/impact on the character & appearance of the area
- Impact on neighbouring residential amenity
- Highways safety
- Landscape, trees, ecology issues
- Other matters: land ownership/boundaries; accuracy of plans; drainage and flooding.

REASON FOR REPORT

The application has been called to committee by the local ward member, Cllr Livesley, for the following reasons:

- Cramped development
- Parking issues; narrow access from Wellington Road
- Design not in keeping
- Drainage issues (there isn't any to connect property to); past history/neighbour dispute; applicant signed previous application as land owner and wasn't

DESCRIPTION OF SITE AND CONTEXT

The site is located to the rear of Stonemill Court off Wellington Road, Bollington. It is adjacent to Courier Row and is within the ownership of number 3 Stonemill Court, which has a large plot that contains a mature garden, including a brook and ponds. Within the garden there are a number of outbuildings, one of which is a summerhouse, which is the subject of this

application. There are residential properties surrounding the site and a Council Depot beyond the north-eastern corner of where the proposed dwelling is to be located.

The application proposes to utilise the existing access from Wellington Road along the existing gravel track, which fronts onto Courier Row, a small terrace of 5 No. stone cottages.

The site is located within a Predominantly Residential Area, as defined in the Local Plan.

DESCRIPTION OF PROPOSAL

The proposed seeks full planning permission for *“Proposed Change of Use of Ancillary Accommodation to form New Dwelling with Single & Two Storey Extensions & Alterations”*. Further details of the proposal are provided below.

RELEVANT PLANNING HISTORY

The most relevant and significant planning history is application 13/2940M: Proposed Change of Use of Ancillary Accommodation to form New Dwelling with Extensions & Alterations. Approved, 1st Novemebr 2013. Hence, this is an extant permission, which is a significant material consideration.

02/2383P	Extension to existing summerhouse to form granny bungalow. Refused, Jan 2003
45525P	Detached house with car parking space, 3 Stonemill Court (121 Wellington Road). Refused, July 1986. Appeal dismissed, May 1987
21577P	Detached dwelling and garage, at land to the rear of 121 Wellington Road. Refused, March 1980. Appeal dismissed, Jan 1981

POLICIES

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

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

Macclesfield Borough Local Plan – saved policies

As noted above, the application site lies within a Predominately Residential Area of Bollington; therefore the relevant Macclesfield Local Plan polices are:-

- BE1 (Design principles for new developments)
- DC1 (High quality design for new build)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Landscaping)
DC9 (Tree protection)
DC38 (Guidelines for space, light and privacy for housing development)
DC41 (Infill housing development or redevelopment)
H2 (Environmental quality in housing developments)
H5 (Windfall housing sites)
H13 (Protecting residential areas)
NE11 (Protection and enhancement of nature conservation interests)

Policies BE1, H2, H13 and DC1 seek to ensure a high standard of design (and quality of living environment) for new development and to ensure that new development is compatible with the character of the immediate locality of the site. Policies H13, DC3, DC38 and DC41 seek to protect the residential amenities of adjoining properties and ensure adequate space, light and privacy between buildings. Policy DC6 seeks to ensure appropriate access for vehicles and pedestrians, appropriate levels of parking and a suitable turning area. Policy DC8 seeks appropriate landscaping of new development and policy DC9 seeks to ensure the long-term welfare of trees of amenity value.

Other material considerations

National Planning Policy Framework

The National Planning Policy Framework (NPPF) 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.

Paragraph 216 of the 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).

CE Local Plan Strategy – Submission Version (May 2014)

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. The relevant policies in the *Cheshire East Local Plan Strategy – Submission Version* are as follows:

Strategic Priority 2 – Creating sustainable communities

Strategic Priority 3 – Protecting and enhancing environmental quality

Strategic Priority 4 – Reduce the need to travel, manage car use and promote more sustainable forms of transport

MP1 – Presumption in favour of sustainable development

PG2 – Settlement hierarchy

PG6 – Spatial distribution of development

SD1 – Sustainable development in CE

SD2 – Sustainable development principles

SC4 – Residential mix

SE1 – Design

SE2 – Efficient use of land

SE3 – Biodiversity and geodiversity

SE5 – Trees, hedgerows and woodland

SE12 – Pollution, land contamination and land instability

SE13 – Flood risk and water management

CO1 – Sustainable travel and transport

Appendix C – Parking standards

National Planning Practice Guidance

CONSULTATIONS

Environmental Health:

No objections, subject to conditions related to: hours of operation, pile driving, dust control and a Phase I Contaminated Land report (there is history of the site having been used as a timber yard and a landfill site is within 250m of the site).

Strategic Highways Manager:

No objections

Heritage & Design – Nature Conservation:

No objections

Heritage & Design – Landscape:

No comments to make.

Heritage & Design – Forestry:

No objections, subject to a condition re tree felling and pruning

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council:

Recommend refusal, for the following reasons:

- Over development of the site
- Obstruction of access to the site and parking for other residents
- Land ownership issues
- If minded to approve, evidence of land ownership should be provided prior to determination

OTHER REPRESENTATIONS

8 No. representations have been received from the occupants of neighbouring properties (3 No. of which are from one author and 2 No. others are from one other author). Details can be read on file. A summary of the issues raised is provided below:

- Over development of the site
- Windows will overlook property (4 Albert Road), resulting in loss of privacy
- Loss of privacy (7 Ashbrook Road), due to balconies
- Boundary issue – a ‘structure’ is positioned on neighbouring car parking space, which will impede parking (3 Courier Row). The ‘structure’ needs aligning and positioning on the applicant’s land
- Unclear how far the building is from the car parking space of 3 Courier Row
- Construction will cause unacceptable disruption and temporary loss of car parking space (3 Courier Row)
- Overshadow car parking space (3 courier Row)
- Future access rights need to be resolved
- Drainage issues – proposed seems to suggest that connection will be made to the existing drain in Courier Row. Connecting to such drainage will cause unacceptable disruption/loss of access
- Highways safety issues – access off Wellington Road, loss of turning circle/no turning circle provided, lack of parking provision
- Loss of sunlight
- Impact on wildlife
- Out of character with the area
- Loss of outlook
- The Council needs access along the boundary for maintenance purposes
- Inaccurate plans (location plan and site plan)
- Concerns about flooding; too close to culvert, which must not be disturbed as it can cause flooding

APPLICANT’S SUPPORTING INFORMATION

The applicant submitted the following additional information, details of which can be read on file:

Design & Access Supporting Statement

OFFICER APPRAISAL

Principle of Development

The principle of the proposed is acceptable, subject to adhering to relevant Development Plan policies. Indeed, the principle has already recently been accepted with approved application 13/2940M.

Sustainability

The site is considered to be in a sustainable location and the proposed development is considered to be a sustainable form of development.

Policy

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

Highway safety

Concerns have been raised regarding highways safety issues. The Strategic Highways Manager (SHM) notes the disputes and objections regarding land ownership and boundaries. However, the gravel track is not part of the adopted highway infrastructure and therefore the Highway Authority has no jurisdiction in this regard. The SHM also notes that the junction with Stonemill Court is tight; however, it already handles a quantity of domestic traffic and appears to operate safely.

The application form states that there are 4 No. car parking spaces on site and 4 No. spaces will remain. For clarification, 2 No. spaces will be retained for number 3 Stonemill Court and 2 No. spaces will be provided for the new dwelling. This level of provision is in accordance with the Council's emerging parking standards (*CE Local Plan Strategy – Submission Version*).

It is considered that the application proposals will not significantly affect the existing access arrangements for the site or the parking arrangements for Courier Row. The plans submitted indicate that there will still be sufficient room within the site for car users to manoeuvre in order to be able to exit the site onto Wellington Road in a forward direction. For the avoidance of doubt, a condition can be attached to any approval for details of turning area(s) to be submitted and approved. The concerns raised in representations are acknowledged. However, it is considered that this application will not adversely affect vehicle or pedestrian safety to a degree that would warrant a refusal and that the proposal accords with policies DC6 and DC41.

Design/impact on the character and appearance area

Although the development is described as conversion of summerhouse with extensions, in effect the proposed is for a new dwelling (given the extent of fabric that would remain of the existing summerhouse). However, this doesn't affect the principle as being acceptable, and it is evident from representations that consultees and the occupants of neighbouring properties are well aware of the design, size and scale of the proposal.

The proposed is a two-storey, two-bedroom dwelling with single-storey elements on the northern and western facing elevations. The max. height is approx. 6.3m. The external materials are a mix of stone and rendered elevations, with reclaimed stone slates for the roof. Representations have suggested the proposed is out of character with the area. Although the style of the property is not typical of the wider area, given its siting and materials it is considered that the design is acceptable and that the proposed dwelling will have an acceptable impact on the character and appearance of the area. The proposed is considered to accord with policies BE1, DC1, DC41, H2 and H13.

Impact on neighbour amenity

Concerns have been expressed regarding loss of amenity to neighbouring properties. Policy DC38 outlines recommended distance standards for new development in respect of levels of space, light and privacy. For two-storey properties it is recommended that there is a distance of 25m back to back and 21m front to front and 14m if a habitable room faces a blank wall. It is noted that the orientation of the proposed dwelling is such that the northern side facing elevation faces some properties on Albert Road, in particular, numbers 4 and 6, which are approx. 50m from the proposed dwelling; the southern facing side elevation and western facing rear elevation are angled towards properties on Ashbrook Road, the nearest being number 7, at a distance of approx. 40m; the front, eastern facing elevation technically faces the western side elevation of number 9 Courier Row, which is a distance of approx. 23m from the proposed dwelling, and it is also noted that there are numerous trees in between number 9 and the proposal. Hence, the proposed dwelling more than meets the desired distance standards in policy DC38 in respect of levels of space, light and privacy.

It is acknowledged that the fact that a two-storey building will be erected in the position proposed will alter outlook from certain vantage points. However, the extent of change in outlook is considered not to be of significant magnitude to cause concern. For clarification, it is noted that the eastern facing elevation of the proposed dwelling is positioned approx. 1.7 to 1.9m from the car parking space of number 3 Courier Row.

Overall it is considered that the proposed development would have a limited and acceptable degree of impact on the amenities of neighbouring properties and would accord with policies DC3, DC38, DC41 and H13.

Forestry/landscaping/ecological issues

As noted above, no concerns are raised by the Arboricultural, Nature Conservation or Landscape Officers in respect of the proposed development. As such it is considered that the proposed accords with policies NE11, DC8 and DC9.

OTHER MATTERS

Concerns have been expressed regarding land ownership, boundaries, accuracy of plans, drainage and flooding.

Land ownership

As regards land ownership, the applicants have stated via 'Certificate A' submitted with the application that they are the sole owners of the land to which the development relates; in response to observations made of the representations submitted the applicants have responded by stating:

"We vigorously repudiate any suggestions that we are not the rightful owners of the land belonging to No 3 Stonemill Court and outlined in this planning application and have indisputable documentation to back up this statement by deeds and surveys."

Council representatives have recently been to the site and clarified that there is no existing or proposed encroachment onto adjoining Council land.

The Council has to take ownership issues on good faith. If there is a continued boundary dispute this is a civil matter that would need to be resolved outside this application process.

Accuracy of plans

It has been asserted that the plans include a "structure" sited on the parking area of number 3 Courier Row. For clarification, the plans (proposed site plan and ground-floor layout) illustrate an *existing kerb line, not a structure*. A topographical survey plan has also been submitted with the application which is provided to accurately denote the position of features within the site and its boundaries.

It is asserted that the site plan and location plan "appear inaccurate". However, it is not clear what the author of this statement considers to be inaccurate on these plans.

The location plan is submitted on an Ordnance Survey base-map; whilst there may be new development not shown on such plans it is considered suitable for the purposes of identifying the site and the siting of the proposed development.

Drainage and flooding

The application form states that the intension is to connect to an existing drainage system and that foul sewage is to be disposed of via a mains sewer. The case officer has established that the applicant is exploring 3 No. options: – 1) connecting to existing services towards Wellington Road, 2) connecting to existing services at the adjacent site owned by the Council or 3) installing a septic tank. As with many new developments, further exploration is required before a final decision can be reached on this matter. To ensure the technical details are acceptable a drainage condition is suggested.

The application proposes no changes to any of the brooks or streams or ponds on site. Therefore, the application cannot be said to have an impact on any existing flooding issues on or around the site. There is nothing in this application that would suggest that it would block

up the brook that runs through the site. The Council has other powers to control the free flow of water in these cases.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, representations have been borne in mind. However, in assessing the detail of the application it is considered that the proposed development a) is acceptable in design terms and has an acceptable impact on the character and appearance of the area; b) raises no significant highways safety/parking concerns; c) has a limited and acceptable degree of impact on the amenities of neighbouring properties; d) raises no significant forestry, landscaping or ecological issues and e) other matters relating to land ownership, boundaries, accuracy of plans, drainage and flooding have been addressed accordingly and ultimately are not matters that would warrant a refusal of the application.

Bearing all the above points in mind, it is considered that the proposed accords with all relevant Development Plan policies and there are no other material considerations that would carry sufficient weight to refuse the application; as such it is recommended the application be approved, subject to relevant conditions.

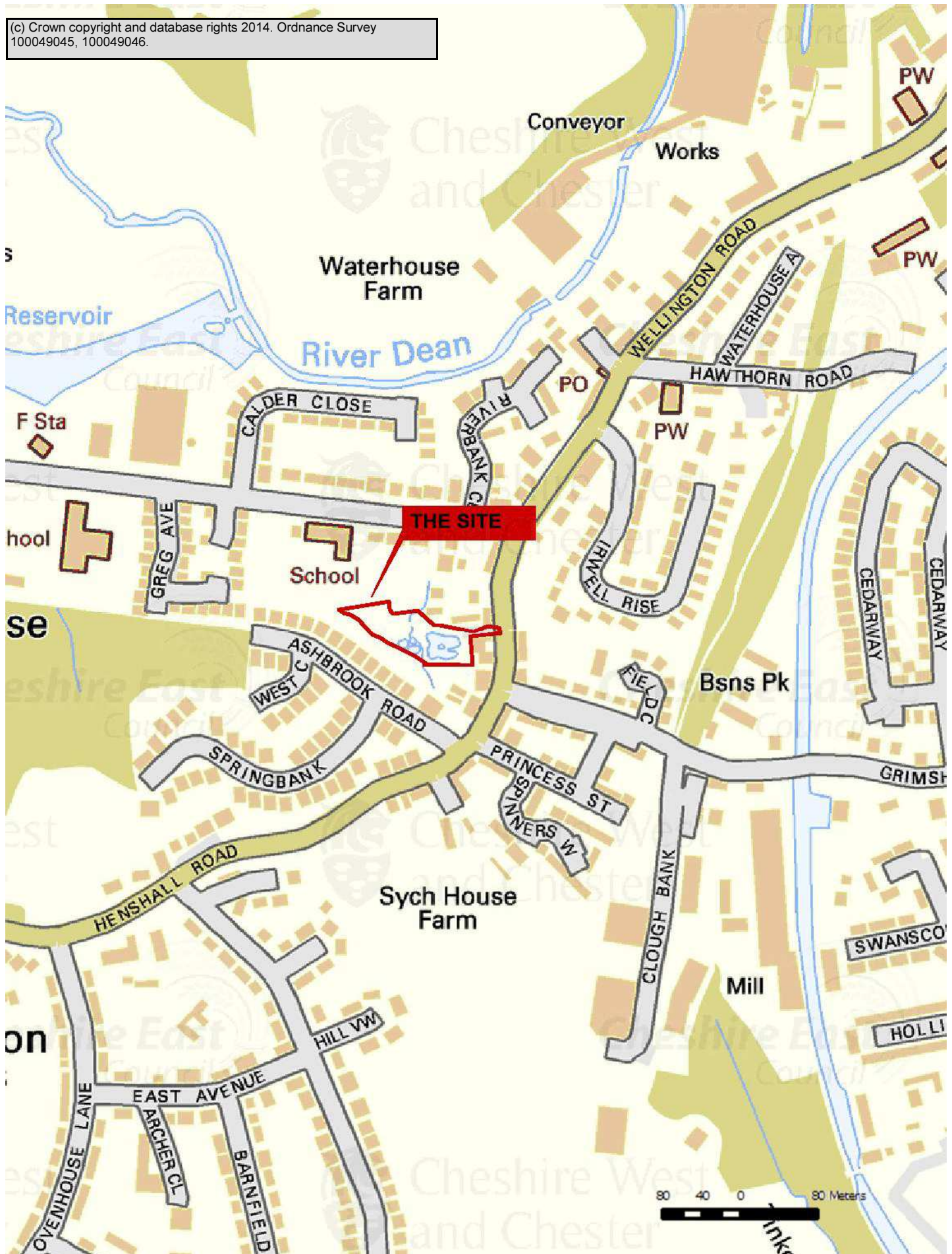
In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical 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. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A04TR - Tree pruning / felling specification
5. A23GR - Pile Driving
6. AHAC1 - submission of details of turning area(s)
7. AHP51 - submission of details of drainage
8. Dust control details
9. Hours restriction - noise generative activity
10. Phase I Contaminated Land Report

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100049045, 100049046.



Application No: 14/4305M

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

Proposal: Demolition of two buildings and Erection of 13 no Residential Dwellings (re-sub of refused planning application 14/1480M)

Applicant: Thomas Jones, Thomas Jones and Sons

Expiry Date: 11-Dec-2014

Date Report Prepared: 10 October 2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions and subject to a s106 agreement requiring a financial contribution of £33,000 towards Public Open Space and a Recreational Open Space Contribution of £11,000. This money would be used at Shaw Heath Open Space and Play Area

MAIN ISSUES

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

REASON FOR REPORT

The application is for the erection of 13 residential units and under the Council's Constitution, it is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

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

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

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

DETAILS OF PROPOSAL

This application seeks full planning permission to demolish the existing house and associated annexe and erect 13 dwellings comprising 5 two storey detached dwellings and 8 semi-detached two storey dwellings arranged around an internal access road.

This is a resubmission of a scheme for 14 dwellings on the site previously refused at Northern Planning Committee for the following reason:

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.

The main changes relate to plots 5,6,7,8 and 9 being moved further back from the boundary with rear gardens of properties along Parkgate. The proposed properties are now further away from the boundary than the existing dwellings on the site.

PLANNING HISTORY

14/1480m Demolition of two buildings and Erection of 14 no Residential Dwellings Refused 09-Jul-2014 Under appeal.

POLICIES

Macclesfield Borough Local Plan – Saved Policies

NE11 – Nature Conservation
BE1 – Design Guidance
BE2 – Preservation of Historic Fabric
H1 – Phasing Policy
H2 – Environmental Quality in Housing Developments
H5 – Windfall Housing Sites
DC1 – Design: New Build
DC3 – Amenity
DC6 – Circulation and Access
DC8 - Landscaping
DC9 – Tree Protection
DC38 – Space, Light and Privacy
DC41 – Infill Housing Development
DC63 – Contaminated Land

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development

PG2 – Settlement Hierarchy

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SC4 – Residential Mix

SE1 – Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerow and Woodland

SE7 – The Historic Environment

SE9 – Energy Efficient Development

SE12 – Pollution, Land Contamination and Land Instability

SE13 – Flood Risk and Water Management

CO1 – Sustainable Travel and Transport

Other Material Considerations

Ministerial Statement – Planning for Growth

National Planning Policy Framework

Planning Practice Guidance

CONSULTATIONS (External to Planning)

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

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

Natural England – no objections

Environmental Health – Objections on noise grounds but in the event of approval recommends conditions.

Highways – no objections

VIEWS OF THE TOWN COUNCIL

None received at time of writing report

OTHER REPRESENTATIONS

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

- Overlooking
- Light pollution
- Existing highways problems
- Flooding and drainage
- Overbearing/ overshadowing
- loss of trees
- request replacement of boundary treatment

APPLICANT'S SUPPORTING INFORMATION

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

Design & Access Statement

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

Arboricultural Assessment

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

Protected Species Survey

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

Transport Assessment

The site is widely accessible, a sustainable location and the highways network can accommodate the increase in vehicle movements. The proposed access and internal access

road would be suitable to serve the development and would not have an adverse impact upon highway safety.

Noise Report

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

OFFICER APPRAISAL

Housing

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

The site is not identified within the Strategic Housing Land Availability Assessment (SHLAA) and whilst the LPA has an identified 5 year housing supply, there is still a presumption in favour of residential development.

In addition, the proposals would include a mix of housing types which would meet the housing needs of Knutsford identified within the Cheshire East Strategic Housing Market Assessment Update 2013. Therefore the construction of housing on the site would contribute towards meeting local housing objectives.

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

Design

External Appearance

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

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

The proposals adopt a more traditional approach to the design of the dwellings, incorporating a variation in materials and a selection of particular details from the wider area which has

influenced the design of the dwellings. Notably: hipped roofs, brick, barge board detailing, mock tudor cladding and prominent sill and lintel detail.

The fenestration of the dwellings is considered to be acceptable and in keeping with the variety of properties in the surrounding area with the materials and features drawn from the local area.

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

Size and Scale

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

Layout

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

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

Trees / Landscaping

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

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

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

Leisure / Public Open Space

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

In the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS of £33,000, which would be used to make additions, improvements and enhancements to Shaw Heath open space facilities in Knutsford. In addition, and again in the absence of on-site provision, the development will be required to provide a commuted sum for the provision of offsite recreation / outdoor sports facilities of £11,000, which would be used to make additions, improvements and enhancements to recreation and Shaw Heath open space facilities in Knutsford.

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

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

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

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

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

Both policy IMP4 and RT5 within the MBLP 2004, and Cheshire East's Draft Town Centre Strategy for Knutsford indicate that improvements to open space are necessary in Knutsford. The thresholds stipulated within the guidance documents indicated that major developments would generate demand for such facilities. Given the proposed size of the development, it is considered that a financial contribution towards open space and recreation would fairly and reasonably relate in scale and kind to the development and would bring about on site benefits to the scheme by enhancing the open space in the local area serving the development.

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

Ecology

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

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

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

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements.

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

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

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

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

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

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

Amenity

Overlooking

The proposals have been amended following the refusal of the last application. The last application was refused on the following grounds:

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.

The proposals would not result in direct overlooking because there would be 21m between habitable rooms between units, and to neighbours up to 25m between the rear elevations of the new dwellings and the properties along Parkgate. The exception to this would be the relationship between plots 12 and 13 which would be a reduced distance of 14.5m. This could be mitigated via obscure glazing for these plots.

The previous scheme resulted in separation distances of 20-21m which was below the standards within policy DC38. The proposals now meet the requirements of the policy and these separation distances are in fact better than the separation distances between the existing dwellings and the neighbours.

There would be no principal windows in the side elevations of plots 4 and 9 overlooking properties along Parkgate and this would also ensure no overlooking of gardens.

Plots 5-8 would have principal windows facing properties along Parkgate however these windows are 13.5m off the boundary and 25m from rear principal windows.

The proposals have been amended to resolve the previous reason for refusal.

The previous refusal also makes reference to policy DC41 which requires proposals to meet existing standards where these are higher than the policy requirements in policy DC38. As the relationship between properties in this area do not exceed these standards, the relevant standards are those contained within policy DC38.

Overshadowing

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

Noise

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

The submitted report acknowledges that the site is affected by noise from aircraft and the railway line as well as traffic along the road network. The report concludes that rail and traffic noise does not materially affect the site and that with appropriate mitigation, the impact of

aircraft noise inside the properties can be minimised. Whilst it would not be possible to minimise outside noise, this is something experienced by existing residents in this area.

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

Noise associated with construction can be conditioned.

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

Highways

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

The existing point of access at the site is poor- the traffic report argues there is an improvement to highway safety. However, given the level of activity associated with the existing dwelling and annexe compared to the 13 proposed dwellings, whilst the new access would be fit for purpose, it is considered that the resultant impact on highway safety would be the same.

The proposals would meet the minimum car parking standards as set out within the emerging Cheshire East Local Plan. There would be 29 spaces including garages. Most units would have a minimum of two spaces with the 4 bedroom units having 3 and 4 spaces. The point of access and internal road layout is to an adoptable standard and therefore acceptable to serve the development.

The proposals would not have an adverse impact upon highway safety in accordance with policies DC6 within the MBLP and guidance within chapter 4 of the NPPF. No objections have been received from Highways in relation to the proposal.

Drainage

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

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

Heritage Assets

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

Undesignated Heritage Asset

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

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

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

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

Other Considerations

The conditions suggested by Network Rail would be imposed accordingly.

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

The previous application was refused due to concerns in respect of amenity however now the scheme has been reduced to 13 units this has meant that the proposals now meet and in places exceed the spacing standards set out in policy DC38. The Framework indicates that proposals should only be refused where the level of harm would significantly and demonstrably outweigh the benefits of the proposals. The proposals for 13 dwellings would make a positive contribution to housing land supply, in a sustainable location and would not raise significant issues in respect of amenity, highway safety, drainage or in any other way. Whilst concerns have been raised in respect of noise these would not substantiate a reason for refusal given the limited nature of the impact and given the existing conditions within this residential area.

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

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

In order to give proper effect to the 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.

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.

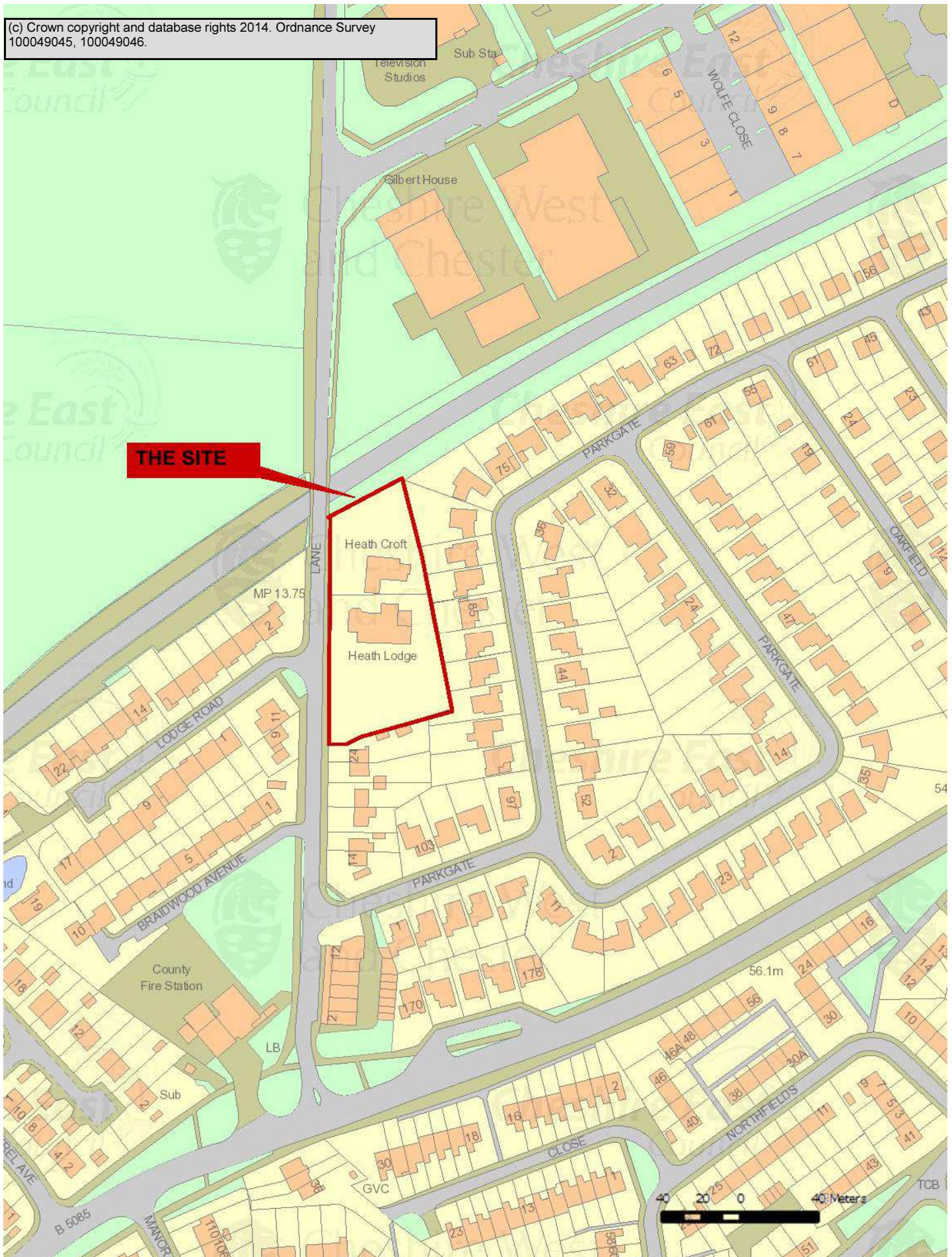
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

- | | |
|-----------|---|
| 1. A03FP | - Commencement of development (3 years) |
| 2. A23GR | - Pile Driving |
| 3. A22GR | - Protection from noise during construction (hours of construction) |
| 4. A19MC | - Refuse storage facilities to be approved |
| 5. A17MC | - Decontamination of land |
| 6. A15LS | - Submission of additional landscape details |
| 7. A12LS | - Landscaping to include details of boundary treatment |
| 8. A12HA | - Closure of access |
| 9. A08MC | - Lighting details to be approved |
| 10. A07HA | - No gates - new access |
| 11. A06TR | - Levels survey |
| 12. A06NC | - Protection for breeding birds |
| 13. A06HP | - Use of garage / carport |
| 14. A02TR | - Tree protection |
| 15. A05TR | - Arboricultural method statement |
| 16. A04NC | - Details of drainage |

- 17.A30HA - bird boxes
- 18.A02NC - Implementation of ecological report
- 19.A02HA - Construction of access
- 20.A02EX - Submission of samples of building materials
- 21.A01TR - Tree retention
- 22.A01MC - Noise insulation
- 23.A01LS - Landscaping - submission of details
- 24.A01GR - Removal of permitted development rights
- 25.A01AP - Development in accord with approved plans
- 26.dust control measures

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Application No: 14/3720M

Location: THE OAKS, MOBBERLEY ROAD, KNUTSFORD, WA16 8HR

Proposal: Demolition of existing Public House (Five Oaks) to create 13 new apartments and associated parking and landscaping.

Applicant: Mr David Lloyd, Oak Tree Developments

Expiry Date: 31-Oct-2014

Date Report Prepared: 10 October 2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions and subject to a s106 agreement requiring a financial contribution of £33,000 towards Public Open Space and a Recreational Open Space Contribution of £4500. This money would be used at Shaw Heath Open Space and Play Area

MAIN ISSUES

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

REASON FOR REPORT

The application is for the erection of 13 residential units and under the Council's Constitution, it is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the Five Oaks Public House – a large two storey detached building constructed circa 1900, its curtilage comprising hardstanding to the front of the site and a garden area to the rear with a few young trees.

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

DETAILS OF PROPOSAL

This application seeks full planning permission to demolish the existing public house which has been vacant for some time and the construction of a three storey building containing 13 new apartments and associated parking and landscaping.

Planning History

13/3537M 14 number residential retirement apartments ranging from 1 and 2 bedrooms. Change of use from commercial public house to residential retirement village. Withdrawn 04-11-2013.

POLICIES

Macclesfield Borough Local Plan – Saved Policies

NE11 – Nature Conservation
BE1 – Design Guidance
BE2 – Preservation of Historic Fabric
H1 – Phasing Policy
H2 – Environmental Quality in Housing Developments
H5 – Windfall Housing Sites
DC1 – Design: New Build
DC3 – Amenity
DC6 – Circulation and Access
DC8 - Landscaping
DC9 – Tree Protection
DC38 – Space, Light and Privacy
DC41 – Infill Housing Development
DC63 – Contaminated Land
RT5 - Open Space

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development
PG2 – Settlement Hierarchy
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SC4 – Residential Mix
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerow and Woodland
SE7 – The Historic Environment
SE9 – Energy Efficient Development
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport

Other Material Considerations

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

CONSULTATIONS (External to Planning)

Environment Agency – no objections recommends informatives

United Utilities – recommends conditions

Highways – no objections

Environmental Health – further clarification on window sizes in respect of glazing

VIEWS OF THE TOWN COUNCIL

Knutsford Town Council - The Council supports this application on the grounds that the applicant has listened to previous objections and made a significant improvement to the scheme. Furthermore the type of accommodation provided is needed in the town.

OTHER REPRESENTATIONS

5 letters in support, however wish matters relating to boundary treatment, privacy, tidying up the site and ownership matters to be considered.

1 objection raising concerns in respect of loss of light, overlooking and impact upon trees.

APPLICANT'S SUPPORTING INFORMATION

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

Design & Access Statement

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

Planning Statement

This statement provides details of the policy framework and an analysis as to how the proposals comply with these policies.

Tree Survey

The site has a few trees however there are few specimens worthy of formal protection. Those scheduled for removal have limited amenity value or are of poor condition. Those worthy of protection lie outside of the application site and would be protected through mitigation measures.

Protected Species Survey

Bats were not present and there is no requirement for an EPS licence. Reasonable avoidance is proposed.

Noise Report

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

OFFICER APPRAISAL

Housing

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

The site is not identified within the Strategic Housing Land Availability Assessment (SHLAA) and whilst the LPA has an identified 5 year housing supply, there is still a presumption in favour of residential development.

In addition, the proposals would include a mix of housing types which would meet the housing needs of Knutsford identified within the Cheshire East Strategic Housing Market Assessment Update 2013. Therefore the construction of housing on the site would contribute towards meeting local housing objectives.

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

Design

Size and Scale

The proposed building would be two storeys high which is consistent with both the existing building on the site and those within the locality.

The building facing Mobberley Road would have a large floorplate however this is consistent with buildings in the area such as the medical centre, social club and garage.

The building to the rear would have a smaller footprint and would be smaller in height appropriate to this backland location and also appropriate given that residential properties along Leigh Avenue back onto the site.

The building to the rear would not be clearly visible from Mobberley Road given the presence of the building to the front of the site.

There are also examples of backland and infill development within the wider area meaning that this type of development is not inappropriate.

External Appearance

There is a variety of different house types and building styles in this locality and given that the current building occupies a prominent position on the plot and within the streetscene, a building with presence would be appropriate here.

The proposals adopt a more traditional approach in terms of materials and scale which is consistent with the buildings within the immediate locality and a selection of particular details from the wider area which has influenced the design of the building. Notably: hipped roofs, brick, barge board detailing and prominent sill and lintel detail.

Whilst the windows and undercroft features are modern, the fenestration of the building is considered to be acceptable and in keeping with the variety of properties in the surrounding area as these features maintain a horizontal emphasis within the design with the materials and features drawn from the local area.

Layout

The layout comprises the larger more prominent building to the front of the site with the smaller building which is domestic in scale to the rear, car parking to the front and rear with areas of landscaping. As the site at present comprises a prominent building within a sea of hardstanding, arguably the proposals improve upon this – the proposals are only marginally more dense but constitute an efficient use of land. As this is an urban location densities in this location are higher and therefore backland development would not be inconsistent with the character of the area.

Trees / Landscaping

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

The applicant has submitted a Tree Report which indicates that the impact upon neighbouring trees would be mitigated and removed trees would be compensated for in the planting proposals.

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

Leisure / Public Open Space

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

In the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS of £33,000, which would be used to make additions, improvements and enhancements to Shaw Heath open space facilities in Knutsford. In addition, and again in the absence of on-site provision, the development will be required to provide a commuted sum for the provision of offsite recreation / outdoor sports facilities of £4500, which would be used to make additions, improvements and enhancements to recreation and Shaw Heath open space facilities in Knutsford.

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

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

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

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

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

Both policy IMP4 and RT5 within the MBLP 2004, and Cheshire East's Draft Town Centre Strategy for Knutsford indicate that improvements to open space are necessary in Knutsford. The thresholds stipulated within the guidance documents indicated that major developments would generate demand for such facilities. Given the proposed size of the development, it is considered that a financial contribution towards open space and recreation would fairly and reasonably relate in scale and kind to the development and would bring about on site benefits to the scheme by enhancing the open space in the local area serving the development.

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

Ecology

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

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

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

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

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

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

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

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

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

The Council's Ecologist has been consulted on this application and raises no objection to the proposals subject to conditions.

Amenity

Overlooking

As principal windows are located on the front and rear elevations there would not be any resultant direct overlooking. The windows in the side elevations facing properties along Leigh Avenue would be obscure glazed where these are not high level or non principal windows. The windows facing the medical centre next door would not cause an amenity issue.

Overshadowing

The separation distances between the new properties and neighbours are sufficient to ensure the proposals would not result in overshadowing of principal windows. The separation distances would result in some overshadowing of gardens to properties along Leigh Avenue and at the corner of Leigh Avenue and Mobberley Road however this would not be severe as it is the rear gardens that would be affected and the larger private spaces for these properties are to the side.

Noise

The comments from Environmental Health are duly noted and are consistent with advice on similar schemes nearby ref 13/2935M – Parkgate Industrial Estate approved by Strategic Planning Board in March this year.

That application which was for a large number of residential properties at Parkgate Industrial Estate would experience comparable outdoor noise levels (due to aircraft/ the railway) to this application. Under that application it was considered that the harm to amenity would be outweighed by other considerations.

The outdoor noise likely to be experienced by future occupants when enjoying their garden would be similar to that experienced by existing residential properties around the site.

Environmental Health have requested further details in respect of glazing however this can be conditioned if it is not received before the committee meeting.

The proposals would deliver the following redevelopment benefits:

- 13 apartments comprising a good mix of house types and sizes, which will help meet the Council's housing targets
- provide houses in an accessible and sustainable location
- financial contributions towards improvements in public open space and recreation space
- provide an opportunity to enhance and improve landscaping and boundary treatments to neighbours

The above factors need to be weighed against the clear concerns from Environmental Health which relate to the suitability of the site for residential development. The issue being the combined impact of industrial noise and aircraft noise impacting on the site.

It is acknowledged that it is impossible to mitigate the severe impact of aircraft noise on external gardens / amenity areas and this is contrary to the NPPF. However it is considered that the benefits above would tip the planning balance in favour of the development, subject to the suggested conditions recommended by Environmental Health being incorporated into conditions.

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

Highways

Access to the Public House is available along the entire frontage of the site with Mobberley Road, The majority of the access will be closed off with access to the site taken from the south west corner of the site only. It is also proposed that the footway will be reinstated along the closed off section of the existing access to improve road safety for pedestrians and to prevent vehicles parking.

In terms of off street resident and visitor parking spaces, the proposed parking provision is consistent with Cheshire East Parking Standards for the number of one and two bedroom apartments and visitor parking- there would be two spaces for the two bed units, one space for the one bed units and one visitor space.

The replacement of the Public House with 13 apartments will result in a minor increase in traffic in the morning peak hour, when compared to that associated with the Public House use, which would have a negligible impact on the wider highway network.

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

Drainage

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

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

Other Considerations

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

The Framework indicates that proposals should only be refused where the level of harm would significantly and demonstrably outweigh the benefits of the proposals. The proposals for 13 apartments would make a positive contribution to housing land supply, in a sustainable location and would not raise significant issues in respect of amenity, highway safety, drainage or in any other way. Whilst concerns have been raised in respect of noise these would not substantiate a reason for refusal given the limited nature of the impact and given the existing conditions within this residential area.

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

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

In order to give proper effect to the 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.

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.

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A23GR - Pile Driving
3. A22GR - Protection from noise during construction (hours of construction)
4. A19MC - Refuse storage facilities to be approved
5. A17MC - Decontamination of land
6. A15LS - Submission of additional landscape details
7. A12LS - Landscaping to include details of boundary treatment
8. A12HA - Closure of access
9. A08MC - Lighting details to be approved
10. A07HA - No gates - new access
11. A06TR - Levels survey
12. A06NC - Protection for breeding birds
13. A25GR - Obscure glazing requirement
14. A02TR - Tree protection
15. A05TR - Arboricultural method statement
16. A04NC - Details of drainage
17. A30HA - wheel washing facilities
18. A02HA - Construction of access
19. A02EX - Submission of samples of building materials
20. A01TR - Tree retention
21. A01MC - Noise insulation
22. A01LS - Landscaping - submission of details
23. A01AP - Development in accord with approved plans
24. bird box details to be submitted
25. dust control measures

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Application No: 14/3395M
Location: ROBINSON NURSERIES, BOLSHAW ROAD, HEALD GREEN
Proposal: WOOD CHIP BIOMASS BOILER
Applicant: PETER ROBINSON, W ROBINSONS NURSERIES LTD
Expiry Date: 15-Oct-2014

Date Report Prepared: 15 October 2014

SUMMARY RECOMMENDATION
REFUSE

MAIN ISSUES

- Principle of Development/ Green Belt
- Renewable Energy/ Sustainable Development
- Amenity
- Design/ Visual impact
- Ecology
- Highway Safety
- Trees

REASON FOR REPORT

The application is for the erection of a building over 1,000 sq. m and under the Council's Constitution, it is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site measures 6,219.28 sq. m and comprises W Robinsons Nurseries Ltd– an existing nursery business.

The site is bounded by a residential estate to the East, Bolshaw Road to the North with Styal Golf Course to the south east, south and west. A spur for the Manchester Airport Eastern Link Road runs along the southern site boundary in a north western to south easterly direction.

There is a public footpath running north to south adjacent to the nursery business along a field boundary.

DETAILS OF PROPOSAL

The development proposes to construct a single biomass Combined Heat and Power plant on part of the commercial Nursery site to provide affordable heat and power to the Nursery with the double aim of maintaining the economic viability of the Nursery and associated jobs, and to make a significant reduction in the carbon footprint of the Nursery. Any surplus electricity would be exported to the National Grid. The building would measure 30m x 40m reaching a height of 14m to eaves, 16m to ridge and the flue would have a height of 20m.

Wood would be delivered from various locations and would be burned to provide energy for the existing business. At present, the business is reliant on coal, heavy fuel oil and gas.

Planning History

Various applications for glass houses associated with the existing business and applications for the Manchester Airport Eastern Link.

POLICIES

Macclesfield Borough Local Plan – Saved Policies

NE11 – Nature Conservation
BE1 – Design Guidance
DC1 – Design: New Build
DC3 – Amenity
DC6 – Circulation and Access
DC8 - Landscaping
DC63 – Contaminated Land
T7 – Safeguarded Routes
GC1 – Green Belt
DC13 – Noise
DC62 – Renewable Energy
DC63 – Contaminated Land

Cheshire Waste Local Plan - Saved Policies

Policy 1 Sustainable Waste Management
Policy 2 Need For Waste Management Facilities
Policy 12 Impact of Development Proposals
Policy 14 Landscape
Policy 15 Green Belt
Policy 19 Agricultural Land Quality
Policy 20 Public Rights Of Way
Policy 23 Noise
Policy 24 Air Pollution: Air Emissions Including Dust
Policy 26 Air Pollution: Odour
Policy 27 Sustainable Transportation of Waste and Waste Derived Materials
Policy 28 Highways
Policy 36 Design

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development
PG3 – Green Belt
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, Hedgerow and Woodland
SE9 – Energy Efficient Development
SE11 – Sustainable Management of Waste
SE14 – Jodrell Bank
CO1 – Sustainable Travel and Transport

Other Material Considerations

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

CONSULTATIONS (External to Planning)

PROW Unit – no objections subject to informative

Environment Agency – no objections but permit is required

Environmental Health – recommends refusal on the grounds of insufficient information

Highways Agency – No objections

Highways – No objections

VIEWS OF THE TOWN COUNCIL

Handforth Town Council objects - Councillors also expressed concern about the lack of consultation with neighbours. Given the scale of the development residents of Clay Lane and Bolshaw Farm Lane should have been made aware of the proposals within this planning application. Councillors also question whether adequate justification has been given to warrant releasing land from the Green Belt.

Styal Parish Council has no objections to this planning application in principle but would want reassurances that any odours emanating from the operation are strictly controlled and minimised.

OTHER REPRESENTATIONS

None received

APPLICANT'S SUPPORTING INFORMATION

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

Planning Statement

This statement provides details of the proposals, policy framework and details of the benefits of the proposals.

Protected Species Survey

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

Contaminated Land Report

Details of the ground conditions.

CO2 Saving Impact Assessment

Details of the carbon savings associated with the boiler.

Visual Impact Assessment

Plans showing the building from various vantage points.

OFFICER APPRAISAL

Principle of Development

The site lies in the North Cheshire Green Belt as defined by the Development Plan. New buildings in the Green Belt are regarded as inappropriate development unless they meet one of the exceptions within paragraph 89 of the Framework. Paragraph 91 of the Framework states that:

“When located in the Green Belt, elements of many renewable energy project will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to succeed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

The proposed biomass boiler is considered to be inappropriate development when measured against policy GC1 of the Macclesfield Borough Local Plan and paragraphs 89-91 of the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Whilst the building would be located on an existing field, this seems the most logical location to extend the site, located adjacent to its southern boundary where it would be viewed as part and parcel of the existing site with its backdrop of substantial horticultural buildings.

The flue would be tall and whilst it would be seen against the backdrop of these buildings its sheer height would make it incongruous resulting in encroachment and impact upon openness.

This harm together with the harm by reason of inappropriateness would need to be clearly outweighed by other considerations in favour of the development in order to conclude that there may be very special circumstances to permit the development.

Renewable Energy/ Sustainability

The Nursery currently relies on three existing boiler houses which have served this function as the Nursery has expanded. The biomass plant would displace all coal boiler heat and much gas boiler heat. In addition the CHP would export to the grid and would displace electricity generated by large power stations. The CO2 reduction would be the broad equivalent of taking 4220 family cars off the road or the emissions of 1635 semi-detached houses.

Policies within the NPPF, emerging Local Plan and adopted Local Plan are all supportive of the inclusion of renewable technologies and improvements towards achieving a low carbon future.

There is some synergy between renewable energy and sustainability as this would not only reduce the carbon footprint of the business by replacing fossil fuels, it would also reduce fuel miles thereby reducing the need to travel. This is a significant benefit of the proposals.

Air Quality

The applicant state there would also be a reduction in particulate matter and nitrogen oxides. As discussed further in the report, this has not been demonstrated conclusively. Whilst a potential benefit, it is not possible to attribute much weight to this with the information provided in the application.

Jobs

2 full time jobs would be created in transportation and 1-2 jobs on the harvesting and chipping of the wood chip.

This is a benefit that is considered carries some weight in favour.

Ash Waste

The applicant has identified that the ash is waste material used in fertiliser and ideal for re-use elsewhere across the site. This adds to the sustainability benefits of the proposal and carries some weight in favour of the development.

Green belt balance

The combination of the above factors would constitute benefits in favour of the proposals (subject to more information on the pollution impacts of the boiler). The proposal has the potential for wider environmental benefits which paragraph 91 of the Framework indicates could be considered as very special circumstances. However, it is considered that the scale of the building, albeit in context of the existing horticultural layout, has a significant impact on openness. This is a key attribute of the green belt and should be afforded significant weight. It is not considered that the applicant has demonstrated the very special circumstances needed for this project to succeed. The considerations in favour are not considered to outweigh the harm by reason of inappropriateness and the other harm to the Green Belt (harm to openness and encroachment).

(It is noted that the “Redhill” case, which is a legal case affecting the technical approach to considering applications for planning permission in the Green Belt, is currently at the Court of Appeal. However, the outcome does not affect the overall recommendation for this proposal as the application has been assessed using the “Redhill” approach and the extent of “any other harm” as set out in para 88 of the NPPF has been limited to consideration of other harm to the Green Belt only. Any reversal of the Redhill decision would only add to the considerations of potential harm that could be considered in the Green Belt balance).

Amenity

The key considerations in respect of amenity would be noise, odour and impact upon air quality.

Noise

The noise sources related to the installation are as follows:

- Pumps
- Fans

- The fuel delivery auger (intermittent)
- Deliveries of fuel to the site

The Environmental Health team has dealt with applications for similar biomass boilers elsewhere and therefore has a basis for comparison in terms of the noise output from the above equipment/activities. Observations elsewhere have indicated that noise generation is low, with noise barely audible at 5m from the building in any direction.

Adding to this, the proposals are located behind an existing business which is a large scale operation – there is already a high degree of background noise. In addition, the site is located over 200m from residential properties. The noise from similar installation has normally been below current ambient noise levels.

Moreover, any noise generated could be mitigated via conditions requiring insulation of the building and that activities take place inside the building. It should be noted that the Planning Statement already specifies an intention for all works associated with the proposals to take place inside the building post construction. Therefore the proposals would not have a significant adverse impact upon neighbours through noise.

Notwithstanding the above, Environmental Health has requested further information in respect of the proposals which, at the time of writing the report, was not forthcoming. In the absence of this information, Environmental Health cannot be certain that the proposals would not have an adverse impact upon neighbours through noise, pollution and air quality.

Air Quality

The proposals would involve the burning of wood pellets which would release contaminants into the atmosphere which are measured as part of air quality assessments. However, these need to be balanced against the relative reduction in pollutants released from burning fossil fuels.

It would appear on face value, that as the boiler would be burning wood pellets only and the design includes a chimney to ensure fumes are discharged at a height of 20m above ground level that this should reduce the impact upon air quality, however, as noted above for noise, there is insufficient information within the submission to demonstrate this conclusively.

Design/ Visual Impact

The structure would be in the form of a simple industrial shed constructed from profile steel box cladding, coloured olive green to match that on the packing shed and existing coal boiler housing. The agent considers that this would blend in with the wooded background of the site.

As the chimney is 20m it is proposed that this be finished in matt silver metal to match the existing. The height of the building is necessary for the size of boiler and associated pipe work.

The Visual Impact Assessment submitted is not of the quality that one would expect for a major application. It is a very poor example and is not convincing in respect of the visual impact of the proposals.

However and on balance, this is not a particularly sensitive location particularly given the site would abut the new SEMMM A6-MARR link road and would be viewed against the backdrop of existing industrial buildings and trees.

In addition, its form follows function and reflects details on the adjacent buildings which is in keeping with its location and the purpose it would serve.

On that basis, the visual impact would not be significantly adverse.

Trees

The proposed building would be located adjacent to a band of large mature trees which would provide important screening to the building. Additional information in respect of trees was requested however, as above, this information was very poor quality and is not sufficient to demonstrate that the construction of the building and its proximity would not undermine the long term retention of these trees. On that basis, there is insufficient information to determine that the proposals would not have an adverse impact upon trees that have amenity value.

Ecology

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

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

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

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

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

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

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

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

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

The Council's Ecologist has been consulted on this application and raises no objection to the proposed mitigation subject to conditions relating to breeding bird mitigation.

Highways

The key issues in respect of highway safety are as follows:

1. Accessibility
2. Traffic Generation

The site is located at the edge of a residential area and therefore vehicles to the main entrance to the site have to pass through this residential area. However, this is an existing situation- this is already a large business which generates high volumes of traffic to and from the site. There is also another business premises directly adjacent which also generates significant traffic which also passes through this area. The road network is therefore considered suitable owing to the fact that it already accommodates HGV movements in this location. The access is also suitable for similar reasons.

Turning to traffic generation, the agent has indicated that the wood chip would be delivered in bulk tippers. Deliveries would be greatest during the winter months. They would average 2-3 deliveries per day, Monday-Saturday during the period 0800-18:00 hours. This would not add noticeably to existing HGV movements along Bolshaw Road to service the Nursery and adjoining farm shop especially as the bulk tipper deliveries of wood chip would displace current coal deliveries.

The highways engineer has not provided formal comments as yet, and whilst further highways information has been requested, in light of the above, it is unlikely that the additional movements associated with this boiler would have a significant adverse impact upon highway safety through traffic generation to the extent that it would justify a reason for refusal.

It should also be noted that the Highways Agency has considered the proposals in the context of SEMMMS and has no objections to the proposals.

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is inappropriate development in the Green Belt. The proposal would also cause harm through encroachment and reduction in openness. To be permitted, this substantial harm must be clearly outweighed by other considerations.

The proposals would have some very positive benefits to fulfilling a low carbon future and would also result in some job creation. Whilst these benefits are welcomed, this would not outweigh the identified harm to the Green Belt.

In addition, there is insufficient information to demonstrate that the boiler would not have an adverse impact upon trees or neighbours through noise, fumes or air quality. On that basis, the proposals are recommended for refusal.

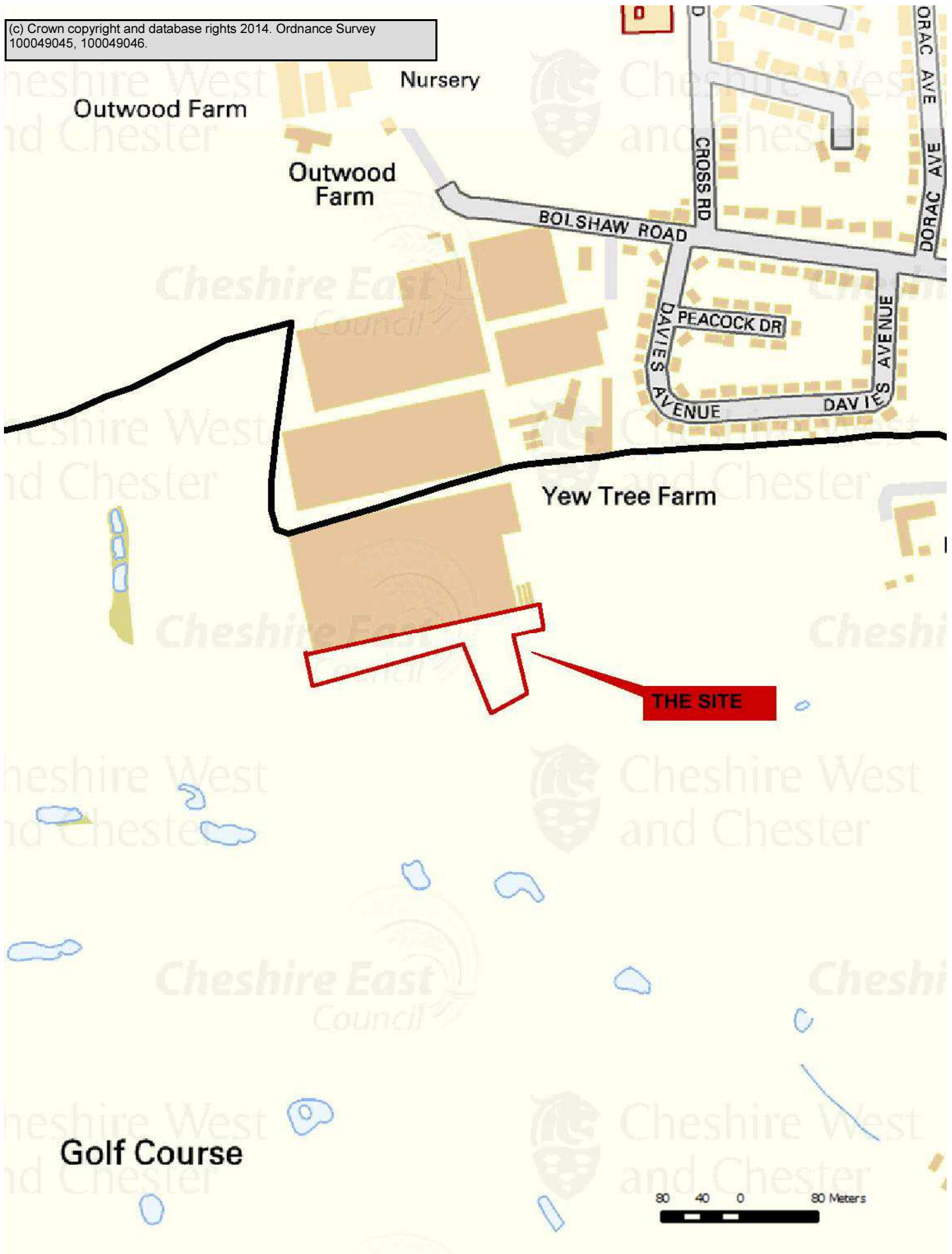
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Application for Full Planning

RECOMMENDATION:

1. R02TR - Insufficient information in respect of impact upon trees
2. R12LP - Contrary to Green Belt / Open Countryside policies
3. Insufficient information in respect environmental health considerations relating to noise and air quality

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