

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 7th January, 2015</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

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

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

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

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

**3. Minutes of the Meeting (Pages 1 - 12)**

To approve the Minutes as a correct record To approve the Minutes of the meeting held on 26 November 2014 as a correct record.

**4. Public Speaking**

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

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

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

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

5. **14/3844M-Change of use from industrial to residential. Development of 33 new dwellings including 8 apartments, improvements to land levels, amenity, infrastructure and landscaping to suit, Land Opposite, Lowerhouse Mill, Albert Road, Bollington for Rowlinson Investments Ltd (Pages 13 - 42)**

To consider the above application.

6. **14/4481M-Erection of 4 new semi detached properties, Land Adjacent to, 25, The Race, Handforth for Grays Inn 10 (Pages 43 - 62)**

To consider the above application.

7. **14/5122M-Change of use of existing vacant industrial warehouse unit to an indoor Trampoline Park (class D2 leisure use) (re-submission of withdrawn application 14/2083M), 4, Brooke Drive, Handforth, for Erik Haugen, RYZE Manchester Limited (Pages 63 - 72)**

To consider the above application.

8. **14/4732C-Variation of condition 6 on existing permission 11/2720C; Outline application for extension to manufacturing, warehouse and office facility, Sanofi Aventis, London Road, Holmes Chapel for Fisons Ltd, Trading as Sanofi (Pages 73 - 78)**

To consider the above application.

9. **14/4705C-Application for all Reserved Matters in relation to previous permission 11/2720C; the extension to manufacturing facility (area 12), Sanofi Aventis, London Road, Holmes Chapel for Fisons Ltd, Trading as Sanofi (Pages 79 - 84)**

To consider the above application.

10. **14/4932N-New Cubicle Shed, Walnut Farm, Barthomley, Crewe for Mr P Abell (Pages 85 - 92)**

To consider the above application.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 26th November, 2014 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

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

Councillors C Andrew, B Burkhill, H Gaddum, S Gardiner, A Harewood,  
O Hunter, L Jeuda, D Mahon, D Neilson, L Roberts and A Thwaite

### **OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Solicitor), Mr P Hooley (Planning and Enforcement  
Manager), Mr N Jones (Principal Development Officer), Mr P Wakefield  
(Principal Planning Officer) and Miss B Wilders (Principal Planning Officer)

### **69 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors L Brown and J  
Macrae.

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

In respect of application 14/3619M, Councillor Mrs H Gaddum declared a  
pecuniary interest as the building next to the application site was owned by  
her husband's family. She left the meeting prior to consideration of the  
application.

In the interest of openness in respect of application 14/3531M, Councillor  
D Neilson declared that he knew Mr Dicken who was speaking on the  
application as he was a Governor of a School alongside him but he had  
not spoken to him about the application.

In the interest of openness in respect of application 14/3619M, Councillor  
D Neilson declared that one of the speakers was a neighbour of his and he  
had had meetings with the speakers wife as they were both Governors of  
a local School, however he had not discussed the planning application  
with the speaker.

In the interest of openness respect of application 14/3954M, Councillor D  
Neilson declared that the site was in his Ward and that he had  
corresponded with constituents but had advised them of the facts only.

In the interest of openness in respect of application 14/3531M, Councillor S Gardiner declared that the agent for the applicant was a former colleague.

In the interest of openness in respect of application 14/2147M, Councillor Mrs A Harewood declared that the application was in her Ward and that she lived near the application site. She had spoken to residents about the application but had not pre-determined it.

In the interest of openness in respect of applications 14/3242M and 14/3536M, Councillors Miss C Andrew, D Mahon, S Gardiner and L Jeuda all declared that they were members of The National Trust.

In the interest of openness in respect of application 14/3531M, Councillor Mrs H Gaddum declared that she knew Rawdon Gascoigne, Mr Dicken and Parish Councillor Mrs T Jackson who were all speaking on the application.

In the interest of openness in respect of the same application, Councillor R West declared that he also know Mr Dicken and Parish Councillor Mrs T Jackson speaking on the application.

In the interest of openness in respect of application 14/3242M, Councillor D Neilson declared that Styal Mill had been discussed at a Board meeting of Tatton Park which he had attended.

In respect of application 14/2147M, Councillor R West declared a non pecuniary interest as he was on the Board of Directors at Peaks and Plans. He left the meeting prior to consideration of the application.

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

## **71 MINUTES OF THE MEETING**

### **RESOLVED**

That the minutes be approved as a correct record and signed by the Chairman subject to the inclusion of Councillor P Raynes and Mr Topping as people who attended the meeting and spoke in respect of application 14/3720M. This information was omitted from the minutes in error.

## **72 PUBLIC SPEAKING**

### **RESOLVED**

That the public speaking procedure be noted.

## **73 14/2049C-DEMOLITION OF EXISTING INDUSTRIAL BUILDING AND REDEVELOPMENT TO PROVIDE RESIDENTIAL DEVELOPMENT,**

**NEW ACCESS, OPEN SPACE AND RECONFIGURED CAR PARK,  
SIEMENS HOUSE, VAREY ROAD, CONGLETON FOR SIEMENS PLC**

Consideration was given to the above application.

(Mrs A Martin, an objector and Paula Stratford, agent for the applicant attended the meeting and spoke in respect of the application.

**RESOLVED**

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

- The provision of a NEAP facility (comprising a minimum of 8 items of equipment)
- Management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.
- Submission of landscape and habitat management plan
- Provision of 30% affordable housing with 65% to be provided as social/affordable rent and 35% provided as intermediate tenure
- Phasing of affordable housing
- The payment of £10,163 for habitat creation/enhancement works in the locality, to offset loss of biodiversity
- Financial contribution of £125,000 towards highway improvement works along A34 corridor
- Financial contribution of £25,000 towards bus stop improvements and other sustainable transport modes

And subject to the following conditions:-

1. A01OP Submission of reserved matters
2. A02OP Implementation of reserved matters
3. A03OP Time limit for submission of reserved matters
4. A06OP Commencement of development
5. A08OP Ground levels / sections to be submitted with reserved matters application
6. A32HA Submission of construction method statement (including hours of construction)
7. A19MC Refuse storage facilities to be approved
8. Foul and surface water drainage details to be submitted
9. Submission of remediation strategy if contamination is found during construction
10. Hedgerow to Eaton Bank boundary to be retained
11. Submission of a method statement to safeguard the Local Wildlife Sites during the construction process
12. Lighting scheme for the site to be submitted
13. Submission of details for safeguarding hedgehogs

14. Breeding birds survey to be submitted
15. Features for nesting birds and roosting bats to be incorporated into the proposed development.
16. Arboricultural Impact Assessment to accompany the reserved matters application
17. Phase II contaminated land investigation to be submitted
18. Travel plan to be submitted
19. Electric vehicle charging points to be provided
20. Environmental Management Plan (dust control) to be submitted
21. Noise mitigation details to be submitted
22. Reserved matters to include provision for pedestrians and cyclists through the site
23. Written scheme of archaeological investigation to be submitted
24. The residential properties shall not back on to the boundaries shared with the Local Wildlife Sites

It was requested that an informative be included to make reference to parking arrangements. In addition Officers agreed to clarify if the application was required to be referred to the Secretary of state as a departure from policy.

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 Chairman) 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.

(The meeting adjourned for a short break).

**74 14/3531M-PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF 6 APARTMENTS AND 4 DWELLINGS (RESUBMISSION 14/0111M), FORD HOUSE, THE VILLAGE, PRESTBURY FOR MR & MRS J ELDER**

Consideration was given to the above application.

(Councillor P Findlow, the Ward Councillor, Parish Councillor Mrs T Jackson, representing Prestbury Parish Council, Judy McCoskery, representing Prestbury Amenity Society, Mr Carol Hamilton, representing Prestbury Business Forum, James Ireland, an objector, Andy Frost, a supporter and Rawdon Gascoigne, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

- 20,000 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space and amenity facilities in Prestbury; and
- £7,000 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 in Prestbury.
- £29,500 to provide support and opportunities for young people and youth clubs and organisations in and around Prestbury.

And subject to the following conditions:-

1. A03FP Commencement of development (3 years)
2. A01AP Development in accord with approved plans
3. A02EX Submission of samples of building materials
4. A01GR Removal of permitted development rights
5. A07EX Sample panel of brickwork to be made available
6. A10EX Rainwater goods
7. A12EX Fenestration to be set behind reveals
8. A17EX Specification of window design / style
9. A20EX Submission of details of windows
10. A21EX Roof lights set flush
11. A22GR Protection from noise during construction (hours of construction)
12. A23GR Pile Driving
13. A25GR Obscure glazing requirement
14. A02HA Construction of access
15. A01HP Provision of car parking
16. A07HA No gates - new access
17. A32HA Submission of construction method statement
18. A01LS Landscaping - submission of details
19. A04LS Landscaping (implementation)
20. A12LS Landscaping to include details of boundary treatment
21. A01TR Tree retention
22. A02TR Tree protection
23. A04TR Tree pruning / felling specification
24. A19MC Refuse storage facilities to be approved
25. A02CA Demolition as precursor of redevelopment
26. Bat mitigation (including bat loft) to be provided
27. Breeding Bird Survey to be submitted
28. Provision and management of undeveloped ecological buffer zone
29. Scheme to minimise dust emissions arising from demolition / construction activities to be submitted
30. Phase II contaminated land survey to be submitted
31. Details of foul and surface water drainage to be submitted
32. Written scheme of archaeological investigation to be submitted
33. Details of existing and proposed ground levels to be submitted with finished floor levels of the buildings set at a minimum of 101.78 m

AOD, and no alteration of existing ground levels within the 1% flood outline

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 Chairman) 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.

(The meeting was adjourned for a short break. Prior to consideration of the following item, Councillor B Burkhill left the meeting and did not return).

- 75 **14/3242M-UPPER GARDEN: REDEVELOPMENT OF THE UPPER GARDEN, INCLUDING THE RESTORATION OF THE HISTORIC GLASSHOUSE AND BACK SHEDS, INCLUDING PROVISION OF AN ANCILLARY RETAIL OFFER WITHIN ONE OF THE RESTORED BACK SHEDS, THE TEMPORARY PROVISION OF A STRUCTURE FOR CATERING AND LANDSCAPE RESTORATION WORKS. CONSTRUCTION OF A NEW GARDENER'S BUILDING AND COMPOUND. QUARRY BANK HOUSE: CHANGE OF USE OF QUARRY BANK HOUSE FROM C3 (DWELLINGHOUSE) TO D2 (ASSEMBLY & LEISURE). STYAL VILLAGE PROPERTIES: CHANGE OF USE AND LISTED BUILDING CONSENT FOR 13 OAK COTTAGES FROM C3 (DWELLINGHOUSE) TO D2 (ASSEMBLY AND LEISURE) AND CONVERSION AND ADAPTATION OF EXISTING COLLECTION STORE TO USE AS AN INTERPRETATION FACILITY. NORTHERN WOODS: RESTORATION OF PATHS AND BRIDGES INCLUDING THE REMOVAL OF MODERN PATHS. CAR PARK: RECONFIGURATION AND EXTENSION OF THE EXISTING CAR PARK, WITH ASSOCIATED LANDSCAPING WORKS. WELCOME BUILDING: PROVISION OF A NEW SINGLE STOREY VISITOR WELCOME BUILDING, QUARRY BANK MILL, QUARRY BANK ROA**

Consideration was given to the above application.

(Louise Gardiner, an objector and Stephen Anderson, the agent for the applicant attended the meeting and spoke in respect of the application).

## **RESOLVED**

That for the reasons set out in the report and in the update to Committee, the application be approved subject to consultation with the Secretary of State and subject to the following conditions:-

1. Commencement of development (3 years).
2. Development in accord with approved plans.
3. Details of materials to be submitted.
4. Tree retention.
5. Tree protection details to be submitted.



6. Arboricultural construction specification/method statement to be submitted.
7. Development to be carried out in accordance with the recommendations made in the submitted Great Crested Newt Survey.
8. Method statement for reptile mitigation measures to be submitted.
9. Breeding birds survey to be submitted.
10. Written scheme of archaeological investigation to be submitted.
11. Cafe building - temporary for 5 years
12. Detailed drainage design to be submitted
13. Implementation of landscaping scheme submitted with application

It was requested that an informative be included which encouraged the National Trust to do as much as possible to help the tenanted farmer in respect of access to his fields.

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 Chairman) 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.

**76 14/3536M-LISTED BUILDING CONSENT FOR THE RESTORATION OF THE HISTORIC GLASSHOUSE AND BACK SHEDS; CHANGE OF USE OF NUMBER 13 OAK COTTAGES FROM C3 (DWELLINGHOUSE) TO D2 (ASSEMBLY AND LEISURE) AND CONVERSION AND ADAPTATION OF EXISTING COLLECTION STORE TO USE AS AN INTERPRETATION FACILITY, QUARRY BANK MILL, QUARRY BANK ROAD FOR THE NATIONAL TRUST**

Consideration was given to the above application.

**RESOLVED**

That the application be approved subject to the following conditions:-

1. A07LB Standard Time Limit
2. A01AP Development in accord with approved plans
3. A05EX Details of materials to be submitted

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 Chairman) 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.

(Prior to consideration of the following item, Councillor Mrs H Gaddum left the meeting and did not return).

**77 14/3619M-CONSTRUCTION OF NEW BUILD THREE STOREY OFFICE BLOCK WITH GROUND FLOOR RETAIL USE ON PART OF THE EXISTING CAR PARK AT KING EDWARD HOUSE, CAR PARK, KING EDWARD HOUSE, KING EDWARD STREET, MACCLESFIELD FOR NIC LEWIS, COTTON ESTATES LTD**

Consideration was given to the above application.

(Nic Lewis, the applicant and David Wilcock, agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the update to Committee the application be approved subject to the expiry of the additional publicity period and the receipt of any additional consultation/representation responses and subject to the following conditions:-

1. A03FP Commencement of development (3 years)
2. A01AP Development in accord with approved plans
3. A02EX - Material to be submitted and agreed
4. A07EX Sample panel of brickwork to be made available
5. A11EX Details to be approved (railings)
6. A20EX Submission of details of windows
7. A32HA Submission of construction method statement
8. A17MC Decontamination of land
9. Details of piling
10. Dust Control
11. Floor Floating
12. Archaeological works
13. Method statement to ensure protection of adjacent listed buildings during construction works
14. Recess depth of window and door frames to be agreed.

(Councillor S Gardiner requested that it be minuted that he voted against approval of the application).

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 Chairman) 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.

(Prior to consideration of the following item, Councillor R West left the room and Councillor B Livesley took over the Chair).

**78 14/2147M-DEMOLITION OF EXISTING GARAGES AND ERECTION OF NEW THREE STOREY BLOCK OF APARTMENTS AND TWO STOREY**

**HOUSES, GARAGES AND OPEN LAND, TENBY ROAD,  
MACCLESFIELD FOR PEAKS AND PLAINS**

Consideration was given to the above application.

(Nigel Bennett, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

Commuted sums of £24,000 for POS in lieu of onsite provision

And subject to the following conditions:-

1. A03FP Commencement of development (3 years)
2. A03AP Development in accord with revised plans (unnumbered)
3. A02EX Submission of samples of building materials
4. A01LS Landscaping - submission of details
5. A05LS Landscaping – implementation
6. A12LS Landscaping to include details of boundary treatment
7. A02TR Tree protection
8. A06NC Protection for breeding birds
9. A23MC Details of ground levels to be submitted
10. A22GR Protection from noise during construction (hours of construction)
11. A23GR Pile Driving
12. A13HA Construction of junction/highways
13. A19MC Refuse storage facilities to be approved
14. A32HA Submission of construction method statement
15. Tree method statement for the removal of the existing garages and hard standing within the identified retained trees Root Protection Areas
16. Floor floating
17. A scheme to minimise dust emissions
18. Bin and cycle store
19. Parking to be provided and made available prior the occupation of the dwellings and permanently so maintained. Prior to the provision of parking an amended layout plan is required showing the re-location of the three proposed spaces away from the open space
20. Amendment to layout plan to re-locate the proposed footpath located to the south of the proposed 7 parking spaces
21. Details of play area to be submitted and agreed, provided prior to occupation and permanently so maintained
22. Drainage details
23. Contaminated land

24. Affordable housing

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 Chairman) 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.

(Prior to consideration of the following item, Councillor B Livesley vacated the Chair and Councillor R West returned to the Chair).

79 **14/3954M-DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 3NO. TWO AND A HALF STOREY TERRACED DWELLINGS. (RESUBMISSION OF 14/1304M), 60, JODRELL STREET, MACCLESFIELD FOR MR KIERAN VYE & NICK CONWAY, SELETAR PROPERTIES LTD**

Consideration was given to the above application.

(Kath Brickell, an objector attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

Overdevelopment of site with impact on residential amenity and insufficient car parking provision including reference to the fact that proposed garages do not meet standards meaning that they would not be useable as garages.

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

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chairman) 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.

80 **14/4806M-PRIOR APPROVAL OF SINGLE STOREY KITCHEN EXTENSION TO REPLACE EXISTING KITCHEN AND OUTBUILDINGS EXTENDING 5.2M BEYOND THE REAR WALL, MAXIMUM HEIGHT OF**

**3.5M AND EAVES HEIGHT OF 2.5M, 7, ALBERT STREET, MACCLESFIELD FOR MR JULIAN BROADHURST**

Consideration was given to the above application.

**RESOLVED**

That for the reasons set out in the report and in the update to Committee it was confirmed that prior approval was not required.

**81 14/4535C-SINGLE STOREY SIDE EXTENSION, 110, BRADWALL ROAD, SANDBACH FOR PETER HULLAND**

Consideration was given to the above application.

**RESOLVED**

That the application be delegated to the Planning and Enforcement Manager for approval subject to clarification regarding the existing access to the garage is not restricted and subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application

**82 URGENT ITEM - 14/4807M - 13, HALLSIDE PARK, KNUTSFORD WA16 8NQ: PRIOR APPROVAL OF A SINGLE STOREY EXTENSION TO REAR OF DETACHED HOUSE, OPEN PLAN OAK FRAMED STRUCTURE TO REPLACE EXISTING CONSERVATORY EXTENDING 4.2M BEYOND THE REAR WALL, MAXIMUM HEIGHT OF 3.5M AND EAVES HEIGHT OF 2.2M FOR MR PETER RAYNES**

Consideration was given to the above application.

**RESOLVED**

That for the reasons set out in the report and in the update to Committee it was confirmed that prior approval was not required.

The meeting commenced at 2.00 pm and concluded at 7.45 pm

Councillor R West (Chairman)

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Application No: 14/3844M

Location: LAND OPPOSITE, LOWERHOUSE MILL, ALBERT ROAD,  
BOLLINGTON

Proposal: Change of use from industrial to residential. Development of 33 new dwellings including 8 apartments, improvements to land levels, amenity, infrastructure and landscaping to suit.

Applicant: Rowlinson Investments Ltd

Expiry Date: 12-Nov-2014

### REASON FOR REPORT:

The proposal is a major development requiring a Committee decision.

#### SUMMARY:

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

There is an environmental impact in the locality due to the development taking place on a green field, however, the proposal falls on land which is allocated for employment uses and appeals on this site and the land opposite have been allowed and development has been found to be acceptable.

It is considered that a scheme for housing would fall in line with policies contained within the NPPF. The principle of developing land which is allocated for employment purposes has been established elsewhere and will help to contribute to both local housing needs, and the Council's five year housing supply. It is also considered that housing on the application site will also have a more positive impact on the local area than industrial development.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing, contributions to public open space and local health care. In addition it would also provide appropriate levels of public open space both for existing and future residents.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release, where it cannot be demonstrated that there is a need for the site to be safeguarded for employment purposes.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. In fact, the impact from a residential scheme would be less than that of a commercial one.

The design is considered to be appropriate as too is any impact on amenity. Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to a legal agreement and conditions.

**RECOMMENDATION:**

Approval is recommended subject to conditions and completion of a S.106 Agreement.

**DETAILS OF PROPOSAL**

Full Planning Approval is sought for the construction of a residential housing development comprising a total of 33 units, comprising 11 detached dwellings, 14 semi-detached and 8 apartments in one apartment block. The application would also include 10 affordable dwellings.

All properties would be provided with off street parking spaces. The detached and semi detached properties would have private gardens and the apartments would be surrounded by a shared amenity space.

It should be noted that initially the scheme was submitted for 34 units, however, revised plans were submitted, which see the number of dwellings reduced from 34 to 33, an increase in the amount of formally equipped play area from 195 sq m to 521 sq m, increased space separation distances, and an increase in the amount of amenity space around the apartment block.

**SITE DESCRIPTION:**



The application site consists of predominantly flat agricultural grassland surrounded by mature hedgerows.

To the south, it is bounded by residential dwellings on Woodlea Drive and to the east by industrial buildings on Albert Road. The road to the east of the site terminates at the Council's Household Waste Recycling Centre. To the north of the site is the River Dean, with open countryside beyond it.

The site area is 1.2 hectares.

Access to the site is taken from Albert Road. The residential properties on Woodlea Drive are two storey detached properties.

### **RELEVANT HISTORY:**

- |          |  |
|----------|--|
| 07/2812P | 10 Business industrial and storage units (outline) – Refused 25.01.08 – Appeal Withdrawn         |
| 06/2021P | 12 Business, industrial and storage units (outline) – Refused 07.11.06 – Appeal Allowed 28.05.08 |

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- 14 Presumption in favour of sustainable development
- 50 Wide choice of quality homes
- 56-68 Requiring good design
- 69-78 Promoting healthy communities

#### **Development Plan:**

The Development Plan for this area is the 2004 Macclesfield Local Plan, which allocates the whole site under policy E4. This policy allows for general industry (Class B2), warehousing (Class B8), high technology (Class B1b), and light industry (Class B1c) usage.

The relevant Macclesfield Local Plan Saved Policies are considered to be: -

#### **Built Environment**

- BE1– Design Guidance
- BE2 – Historic Fabric

### **Development Control**

DC1 – New Build  
DC3 – Amenity  
DC5 – Natural Surveillance  
DC6 – Circulation and Access  
DC8 – Landscaping  
DC9 – Tree Protection  
DC35 – Materials and Finishes  
DC36 – Road Layouts and Circulation  
DC37 – Landscaping  
DC38 – Space Light and Privacy  
DC40 – Children's Play Provision and Amenity Space  
DC41 – Infill Housing Development  
DC63 – Contaminated Land

### **Employment**

E1 – Retention of existing and proposed employment sites  
E4 – General Industrial Development

### **Transport**

T2 – Integrated Transport Policy

### **Environment**

NE11 – Protection and enhancement of nature conservation interests  
NE17 – Nature Conservation in Major Developments

### **Housing**

H1 – Phasing policy  
H2 – Environmental Quality in Housing Developments  
H5 – Windfall Housing  
H13 – Protecting Residential Areas

### **Recreation and Tourism**

RT5 – Open Space

### **Implementation**

IMP1 – Development Sites  
IMP2 – Transport Measures

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

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

The following are considered relevant material considerations as indications of the emerging strategy:

- MP1: Presumption in favour of sustainable development;
- PG6: Spatial Distribution of Development;
- SE1: Design;

- SE2: Efficient Use of Land;
- SE3: Biodiversity and geodiversity;
- SE4: The Landscape;
- SE5: Trees, Hedgerows and Woodland;
- SE6: Green Infrastructure;
- SE9: Energy Efficient Development;
- SE12: Pollution, Land contamination and land instability;
- SE13: Flood risk and water management;
- EG3: Existing employment sites;
- IN1: Infrastructure
- IN2: Developer Contributions:
- SC4: Residential Mix
- SC5: Affordable Homes
- SD1: Sustainable Development in Cheshire East;
- SD2: Sustainable Development Principles; and
- CO1: Travel Plans and Transport Assessments.

#### **Supplementary Planning Documents:**

The following Supplementary Planning Documents (SPDs) have been adopted and are a material consideration in planning decisions (within the identified former Local Authority areas):-

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Housing Market Assessment (SHMA)

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

North West Sustainability Checklist

SPG on Section 106 Agreements (Macclesfield Borough Council)

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

##### **HIGHWAYS:**

The Strategic Highways Engineer raises no objections to the proposals.

There are two points of access to the site; the northern most access serves 21 dwellings and the southern access serving 12 dwellings. The technical designs of the access points are acceptable and visibility has been provided at both junctions. The parking provision for the residential units within the site meets current standards.

##### **ENVIRONMENTAL HEALTH:**

No objection subject to conditions relating to hours of operation, dust control, floor floating, pile driving and contaminated land.

It is recommended that a noise impact assessment is carried out (for the flats 1-8) to gauge any impact from the commercial/industrial uses both on the boundary and across the road, to inform the applicant as to any mitigation measures required from these potential 24hrs use noise generative sources.

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Report submitted in support of the application recommends that further investigation is required to address the potential for ground gas risks.

#### **UNITED UTILITIES:**

No objection subject to a condition relating to site drainage.

A public sewer crosses this site and United Utilities will not permit building over it. United Utilities will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

#### **HOUSING:**

The Housing Strategy and Needs Manager Supports the Scheme as there is an urgent demand for Affordable Housing in Macclesfield and Bollington.

The applicant has stated in their Planning Statement that the affordable units will be transferred to Peaks and Plains Housing Trust. The Design and Access Statement states that the affordable housing offer will comprise of 8no. 1 and 2 bed units and 4 houses (2 x 2 bed and 2 x 3 bed), they have also confirmed the 65% social rented and 35% intermediate tenure split. The Housing Strategy and Needs Manager initially had concerns about the housing mix, however, following discussions and revisions the Housing Strategy and Needs Manager now supports the scheme. Peaks and Plains Housing Trust would be the deliverer of the affordable housing.

#### **PUBLIC RIGHTS OF WAY:**

The Public Rights of Way Officer raises no objections to the proposed development. The Public Right of Way Officer advises the applicant that they should not interfere with the public right of way in any way – such interference may give rise to enforcement action being taken against the developer to prevent obstruction of the public right of way.

#### **ENVIRONMENT AGENCY (EA):**

Raised no objections in principle to the proposed development, subject to the following conditions and informatives:

The development shall be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures detailed within the FRA.

1. *Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
2. *Provision of compensatory flood storage.*
3. *Finished floor levels are set no lower than the 1% plus climate change plus 600mm freeboard, design river flood level.*

The EA have reviewed the Preliminary Risk Assessment with respect to potential risks to controlled waters from land contamination. Based on the information provided within the desk study the site's previous uses appear to be unlikely to give rise to significant contamination. Therefore, the EA have no requirements for additional works to be undertaken at this time in respect of controlled waters.

#### **THE SCHOOL ORGANISATION AND CAPITAL STRATEGY MANAGER:**

This development will generate 5 primary and 4 secondary aged pupils.

The primary schools within a 2 mile radius of the site are forecast to cumulatively have no unfilled places by 2019, and therefore a contribution will be required for those pupils generated by this development.  $5 \times 11919 \times 0.91 = \text{£}54,231$ .

There is forecast to be 72 unfilled places in the local secondary schools by 2020. However, the service has already considered this capacity against a number of approved applications and applications with resolutions to approve. On this basis a contribution will be required.  $4 \times 17959 \times 0.91 = \text{£}65,371$ .

#### **GREENSPACES:**

The Green Spaces Officer initially raised concerns with the private amenity space around the apartments, however, revised plans have been received, so further comments on this have been requested.

A detailed design scheme for the POS will be required. As will a S106 agreement. The revised plans have increased the area of POS. A commuted sum for offsite Recreation Open Space provision will be required. The amount for 33 family units would be £33,000. Further comments are awaited from the Green Spaces Officer.

#### **REPRESENTATIONS**

The planning application was originally advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice.

A petition with approximately 35 signatures has been received from local residents. The petition is simply titled "Say No to houses in Bollington".

Approximately 62 letters of objection have been received from local households. The objections are summarised as follows: -

Access –

Access by road is poor, being via Moss Brow – an extremely narrow and steep yet already very busy road and Albert Road (on which there are two primary schools and two infant nurseries with consequent gridlock twice a day, a fire station which needs clear access, a factory, many houses and a recycling centre, which sees heavy traffic from local residents recycling large items, particularly at weekends.

Housing traffic demand is very different to employment demand and will contribute massively to peak traffic levels. Peak times are the biggest issue with Albert Road and must not be increased further or gridlock will occur.

Green Belt -

The land should be returned to Green Belt with no housing or industrial buildings being built as it is a flood plain. The local flora and fauna would be destroyed.

The field provides access to footpaths and beautiful countryside used by dog walkers, runners and walkers. The land is also home to, or used by owls, bats, buzzards, badgers and other wildlife.

Building in this area will affect the views across the Cheshire Plain. It is at this point that the hills begin, and there are some outstanding views which must not be lost or affected by building in this location.

Is it wise to build houses adjacent to a refuse disposal site? They will be blighted by the noise and smells. It was sited there so as not to affect Bollington residents.

The land should be retained for industrial use as Bollington has lost most of its industrial land to housing developments over recent years.

When local people get together these days the main topics of conversation are the following:

1. The GP surgery is already overloaded and not as efficient as previously, and the same applies to the pharmacy. 2. Parents are already experiencing difficulty in getting their children into local schools. 3. How awful the traffic is in Bollington these days. 4. How sick and tired people are of having to continually write and protest in order to protect this area of Bollington.

The site should be left for business's use, as there are several businesses which are unable to find suitable ground or suitable premises locally. After looking now for over a year, the writer is unable to find anywhere locally that would suit his needs. The writer will have to travel to the surrounding areas like Stockport to find something suitable. If the site was to be divided into individual plots for development to suit small and medium businesses then the writer feels this would attract more people to this ground and that this would be beneficial to the local economy. The type of business use the writer sees a need for is units with some parking and working space that would suite manufacturing, food production and small offices.

Provision of flats is not in keeping with the property types available in the Lower house area. These should be removed from the plan.

The properties should be built in the same style and materials as the Woodlea Drive properties which are adjacent to stone properties. Any other materials would have a negative impact on Woodlea Drive.

As usual this site has been jam packed with houses for maximum profit with minimum aesthetic appeal. There is not enough parking on the plan to allow 2.5 cars per household. The number of properties should be reduced to reduce the number of cars. A visitors parking area should be provided adjacent to the play area which will attract additional traffic for children to play in this beautiful setting.

Impact on residential amenity -

The occupier of 8 Woodlea Drive comments that they have concerns about the prospect of having two blocks of two storey apartments overlooking their house. Given the small size of the gardens on Woodlea Drive, there is very little separation between the writers house and the boundary of the site meaning that the writers property will be in very close proximity to the residents in the apartments and considers they will be overlooked by the windows in that side of the building. The plans indicate that the bin area for the apartments would be located directly on the other side of the writers fence adjacent to the writers only outdoor seating area in their garden. The writer objects to this and would request that a different location is chosen. Finally, the only direct sunlight the writer currently gets in their garden in the morning is from the direction of the planned development, the location of the apartment block will block this sunlight completely.

The occupier of 6 Woodlea Dive comments that their property is not overlooked at all currently and the proposed development layout would change this, with the proposed apartments looking directly into their property and rear elevation of the writers home. The writer comments that the distance between the rear of the writers property and the proposed apartments is such that they could probably converse easily with any residents of the apartments from the comfort of the writers rear bedroom window or bathroom. The parking area proposed is less than 4m from one of the writers bedrooms and the potential disturbance and noise from the vehicles would ensure that the bedrooms at the rear of the writers property is compromised. Furthermore the proposed layout makes no consideration for the historic path or the right of way crossing the land, which is disappointing. The density of the houses in the plan is not in keeping with the immediate surroundings. Given the new development under way in Bollington the planners should consider if further housing is required and if the village infrastructure can cope. Is Bollington going to become too large and lose it's charm and character?

Flood risk –

The report states that “areas within Flood zone 3 will be lowered to increase water storage” This doesn't work, if areas are lowered they will be below the water table and will fill with water. This means that there is no additional volume available. They even say as much themselves further down by saying that “compensatory flood storage will be provided on an area elsewhere” This implies it is on an area outside the site which means that the site itself is not viable. Raising the land by 600mm and digging a ditch are insufficient protection against the volume of water that can flood.

Loss of employment land –

The situation is that in an economic downturn employment land will not be developed but will be saved for the future. Also with development of several key employment sites within Bollington (Kay Metzler and the canal side timber site) it is debatable if there is enough employment land in Bollington. This will be reviewed as part of the imminent Neighbourhood plan and any decision should await this review.

Other matters raised –

The Co-op is due to move in October and exiting site to be redeveloped for housing – meaning additional traffic for the duration of development.

Lowerhouses is a small hamlet – historically different to Bollington and should remain that way.

The development would cause light pollution and increased emissions from vehicles.

There is no clear case for the building of houses in this area at this time, given the existing availability of brown sites to meet housing demand over the life time of the strategic plan.

Total housing supply expectations for East Cheshire service centres will not be clarified until early 2015, pending local plan's land allocation process.

The site is not in a sustainable location.

The present bridge is very narrow, of short span over the river providing limited capacity and, by modern standards, of very poor quality. Therefore, in the unfortunate case that this development gets approval, CEC should grasp the opportunity and apply a condition requiring the bridge to be re-built with greater road width, height and span across a widened river at the entire expense of the developer, an expense that CEC are unlikely ever to justify on their own account.

New occupants will need healthcare and the children will need schooling. Do the Bollington Health Centre, the 4 primary schools and Tytherington High School have sufficient extra capacity to accommodate new patients and pupils? If not, the proposal should be rejected.

Whilst the developers will state that Albert Road will be the main access to the development, the occupants will more than likely use Moss Brow as a short cut.

The only solution that would satisfy us would be to close Moss Brow making both sections of the road cul de sac's. Would it not be an option to make it a condition of the application that the above road traffic improvements are carried out by the developer at their cost? This would alleviate our problem but would then increase traffic along Albert Road, although the move of the Coop to the new development at Waterhouse Mill should help.

Following the submission of revised plans, further neighbour consultation letters have been posted. At the time of preparing the committee report, no further comments had been received from residents.



## VIEWS OF THE TOWN COUNCIL

**Bollington Town Council** recommends the application for refusal on the following grounds: -

1. The Town Council has consistently opposed all development on this land and has requested Cheshire East to consider returning this open countryside to the Green Belt. The land should return to Green Belt because it is rural open countryside, grazing land and not a typical brownfield site.
2. The Town Council asks that this Application be refused on the grounds that there is no objective need to build these houses in the area. The Cheshire East Local Plan is not clear about the number of houses to be built in the Town Council area up to 2030, however even if a high figure of 30% is used (330) the town is approaching that number with houses in the pipeline, or recently completed. An example of these, are the former Kay Metzeler Industrial Site with 91 homes being built over the next 2 years and numerous smaller developments within the Town. Also partly within the Town's boundary and immediately on our borders are the former Tytherington Business Park with 300 houses and the permission for 61 homes at Ingersley Vale. The location of these developments means that many of these residents will use Bollington's facilities some of which are stretched.
3. Of particular concern is that this application land is unsuitable for development because it is set partially within the flood plain of the River Dean as is acknowledged by the applicants. Even if there is amelioration, taking this land out of the flood plain will cause potential serious flooding further down the River Dean. Local knowledge indicates flooding of far greater volume than is acknowledged in the report. Building in the flood plain lays potential and existing residents open to the threat of flood damage and the threat of not being able to insure their homes. There has already been extensive reengineering of the River Dean, not acknowledged by the application documents, upstream of this flood plain which will increase water flow and therefore the volume of water build up at any one time and thus the risk of flooding.
4. The creation of 34 new dwellings including 8 apartments will add significant traffic to very overcrowded roads. Access to the site is either by the narrow steep road called Moss Brow which has a very dangerous exit onto Bollington Road. Moss Brow is used by school children; or access is down Albert Road which suffers from heavy traffic flows due to two schools, two nurseries as well as a large factory, a Fire Station and a very heavily used waste disposal and recycling centre. The applicant points out that the Coop Store at the top of Albert Road will be moving in future but that has no bearing on traffic flows down and up Albert Road which are very large at particular times.
5. When considering the plans in detail the Town council objects to the use of the access road to the recycling centre to provide access to the site. This road is too narrow to take the additional traffic and the exit will not be wide enough to safely accommodate vehicles entering and leaving the site.
6. The Town Council further objects to the creation of a block of apartments opposite the mill. Apartments are suitable when restructuring reused buildings such as churches or mills and the Town council has supported such developments. Free standing apartments

are not needed as part of the Towns planned infrastructure. The requirement is for affordable family homes of good quality build. This aspect of the development should be rejected.

7. When consulted later this year or early next year by Cheshire East Council in relation to the Local Plan, Bollington Town Council will reiterate strongly representations already made in November 2013 to Cheshire East that the two parcels of land on either side of the access road to the recycling centre were designated employment land in 1988 against the advice and wishes of local people and should be returned to the Green Belt as protected open countryside to prevent urban sprawl and to protect the integrity of Lowerhouse and Bollington as a whole. Until that request has been fully investigated and a decision taken no development of any kind should be considered on these sites.
8. In addition, it should be noted that the Bollington community have long held the ambition to create a Conservation Area in Lowerhouse to preserve and acknowledge the vital contribution of Samuel Greg and family to the history of the Town and to the industrial revolution in North East Cheshire. Further development on these open country sites would weaken the impact of that unique heritage which includes the mighty Lowerhouse Mill and reservoir built by Phillip Antrobus in 1819 and bought and renovated as a cotton mill by Samuel Greg junior in 1832. Samuel Greg took a benevolent view towards his employees, he improved the cottages in Long Row, built a school and library, allocated allotments and built the coach house. All these architectural elements are still clearly in place. Bollington Town Council supports the view of the Bollington Civic Society that this architectural heritage should be recognised and the Greg story commemorated as it is the basis of the Towns nickname of the Happy Valley. The Town Council therefore objects to development of open countryside as a degradation of this unique inheritance and while recognising this may not be a planning objection, would wish to bring to the attention of the Planning authority as the custodian through its responsibilities for conserving our architectural, historical, sociological, economic and industrial heritage, to the high level of potential damage that development of any kind on these sites would do to that heritage in this context in Bollington. The demand for a Conservation Area was presented to Macclesfield Borough Council in 2005 and was rejected precisely because the land was at that time designated employment land. Please note that throughout the boom years of the early 2000's no developer wished to use this site for employment purposes. It is highly likely that the demand for a Conservation Area to recognise the special heritage value of this area would be reiterated in any development of a Neighbourhood Plan for Bollington.
9. In terms of Neighbourhood Planning, the Town Council is about to declare its Neighbourhood Plan Area and begin the process of planning with the community what Bollington needs in terms of future development and where that development should take place. This will not be to stop development but to properly plan it alongside the other needs of the community such as access to open space which is acknowledged by Cheshire East Council to be less than required. This development and the one on the East side of the Household Waste Access Road, which is likely to be given the green light if this application is approved, will undermine that process and rob the community of the chance to consider these large plots of land within that Neighbouring Planning Process.

10. The Town Council meeting, which considered this application last night (16<sup>th</sup> September), was held at the local school because of the number of people who were likely to attend. As expected the School Hall was full. You will also note from the responses you have received directly from residents near and far from this development the depth of feeling within the community about the development of this land.

## **APPLICANT'S SUPPORTING INFORMATION**

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Tree Survey Report;
- Transport Assessment;
- Preliminary Risk Assessment;
- Planning Statement;
- Ecological Report
- Flood Risk Assessment.

## **OFFICER APPRAISAL**

The key issues are:

- Principle of the Development (Windfall Housing Sites);
- Loss of land allocated for Employment purposes;
- Principle of the Development (Need for Affordable Housing);
- Impact on open space;
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Flood risk
- Environmental Health; and
- Other Material consideration or matters raised by third parties.

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

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

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

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

It is considered that this development on this site would make effective use of the land and make a contribution to the Council's 5 year land supply.

The site is allocated as an existing employment area where policy E4 (which normally permits Use Classes B2, B8, B1b and B1c) applies. Furthermore, Policy E1 seeks to normally retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, there are a number of relevant material considerations when considering the proposed loss of employment land. These are:

- Replacement of a potentially unneighbourly use to adjacent residents.
- HGV's associated with the allocated use would be removed from the highway.
- The site is vacant and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area.
- The proposed scheme provides a good mix of housing types. 30% of which is offered to be affordable.
- Some on-site public open space would be provided.
- Provision of family-sized homes in Bollington.
- The site is in a relatively sustainable location. The site has good access to the major road network (Wellington Road) and a bus service. Shops and schools are in walking distance.

Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential development on this site is acceptable in this location and that a case to retain employment land would not be sustainable. This is looked at in more detail below.

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

### **Loss of Employment land**

The application site is designated for employment uses within the Local Plan.

Policy E1 seeks to retain employment land for employment purposes. However, Paragraph 22 of The Framework states that:

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

The land at Albert Road has been allocated for employment use since 1997 and despite obtaining consent; it has never come forward for development. The Employment Land Review considers this site in Appendix E1 (page E1-123). It notes that the site has zero prominence, has been actively marketed for rent or for sale, has access constraints and flooding constraints. Other barriers to delivery of employment development include market conditions and the size of the market.

This would suggest that the site is not a prominent site in an attractive location for business as well as having some constraints to its development. The ‘Market Attractiveness’ section (completed by Colliers CRE) of the site pro-forma in the Employment Land Review suggests that residential use would seem a logical use for the site.

The employment land recently lost at Tytherington Business Park was intended for a completely different market sector (serviced offices) and it is not considered that the loss of that employment land increases the likelihood of the land at Albert Road being developed.

The following is a list of large employment sites in the former Macclesfield Borough where employment land is available:

- Tytherington Business Park
- Lyme Green Retail and Business Park
- Hurdsfield Industrial Estate
- Adlington Park
- Poynton Industrial Estate
- Stanley Green Industrial Estate, Handforth

This equates to there being approx 30 years worth of supply of employment land in the immediate areas of Macclesfield, Tytherington and Bollington based on historic take-up rates from 1996 and an over supply of employment land in Cheshire.

In the context of NPPF paragraph 22, on the evidence to date, it would be difficult to argue that there is a reasonable prospect of the site being used for employment purposes and therefore be protected for such use.

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

This application includes 10 affordable units with 6 to be provided as rented and 4 to be provided as intermediate tenure. It is understood that the units would be transferred to Peaks and Plains Housing Trust who are a Registered Provider of Social Housing registered with the Homes and Communities Agency (HCA).

The site falls within the Adlington, Prestbury and Bollington sub-area for the purposes of the SHMA update 2013. This showed a net requirement for 15 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 1x 1bd, 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 86 applicants, these applicants require 40x 1bd, 26x 2bd and 16x 3bd units.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size. 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 IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development. The IPS also requires that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings).

Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007) or whatever standards the HCA are applying to their grant funding programme at the time.

The proposal provides 6 x 1 bed apartments for Social Rent and 4 x houses provided as 2 x 2 bed and 2 x 3 bed Intermediate units.

The Housing Strategy and Needs Manager is now happy with the residential mix.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing suites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the

latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

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

Bollington Town Council have commented that there is no need for the houses, and if 300 houses are needed in Bollington, adjacent areas like East Tytherington and Ingersley Vale can make up the shortfall. The Cheshire East Local Plan Strategy – Submission Version contains no specific housing figure for Bollington.

Bollington is one of thirteen Local Service Centres, which are to accommodate 2,500 houses between 2010-30. The application site is within the SHLAA (ref 4036), where it is referenced as contributing to the housing requirements in years 6-10 of the Plan. It states that the site is available, achievable and developable for 35 houses.

## **ENVIRONMENTAL SUSTAINABILITY**

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

The main public view would be from Albert Road from car borne residents who would be visiting the Council's Household Waste Recycling Centre, and on foot by people accessing the local footpath network. The site would also be visible from residents on Woodlea Drive. The apartments would have a small communal garden area. The dwellings are proposed to be constructed in brick or natural stone with man made stone slates on the roof. Stone cills and thresholds to windows would be used. The materials can be conditioned, should planning

permission be granted. The dwellings and apartment block would be two storey. The design of dwellings is considered to be appropriate to the local area.

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

There are two points of access to the site, the northern most access serves 21 dwellings and the southern access serving 12 dwellings. The technical designs of the access points are acceptable and visibility has been provided at both junctions. The parking provision for the residential units within the site meets current standards.

Albert Road joins the B5090 Wellington Road and is a straight road of reasonable standard, it does also serve two primary schools that causes considerable on-street parking at school times in both the morning and afternoon. There are other existing industrial premises served from Albert Road.

In regard to the traffic implications of the development, a development of 33 units is not considered a major development in highway terms and is likely to generate some 22 two way trips in the peak hours along Albert Road and Moss Brow. It has to borne in mind that the industrial consent for the site would have produced a similar level of traffic on the road network but also have included an element of HGV's. All of the development trips to and from the site would not use Albert Road, a proportion of trips will be via Moss Brow.

The access road, which concludes at the Council's Household Waste Recycling Centre measures 5.5m for the short section which would be accessed by traffic generated by the proposed development. This is suitable to cater for two-way traffic, as identified by "Manual for streets".

It should be noted that the appeal decisions for industrial development on the application site have not found the access arrangements for industrial vehicles to the site to be inadequate.

In summary, there has been an acceptance that the land in this proposal can be developed for industrial use and this is material factor in the assessment of this application. From a highway point of view, it would be preferable if this site was residential as it would not have the HGV element of vehicle trips on the local road network. It is accepted that at peak school times there is considerable on-street parking associated with the two primary schools, although this problem is confined to relatively short times in the morning and afternoon. The problem with parent parking occurs outside most schools and planning applications are not normally refused on all roads that have schools located on them. Considering this particular application, the quantum of development does not produce a severe impact on the road network even if all trips were routed along Albert Road. The traffic associated with the site will be distributed on two routes and also only a percentage of development traffic will travel during the peak school time, the Strategic Highways Manager cannot therefore recommend that there is a highway reason to refuse this application especially when industrial development has previously been approved on the site.

#### **Residential Amenity:**



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

The site is located adjacent to the River Dean and fields. The main relationship with existing dwellings are those on Woodlea Drive.

It is considered that the relationship with the properties on Woodlea Drive would be acceptable. The distance between the rear of the third and fourth properties on Woodlea Drive and the proposed apartment block would be approximately 15m and it is noted that there are no habitable windows on the facing elevation of the apartment block. The distance between the dwelling at the end of Woodlea Drive and plot 16 would be approximately 18m, which would be on balance acceptable given the existing landscaping on the boundary. Overall, it is considered that the application proposals would not have a detrimental impact on residential amenity to the surrounding properties through overlooking, loss of privacy or by being overbearing. A final levels and boundary treatment conditions are proposed to ensure continued protection of the amenity of surrounding residents.

With regard to the inward levels of amenity provided to the occupiers of the proposed new dwellings. It is considered that this broadly satisfies the amenity standards of the local plan. However, the distance between plots 11 and 14 is too tight. The applicants' agent has been asked to address this and subject to an alteration here, it is considered that the internal relationships would be acceptable.

In addition, it is considered that the area of communal space around the apartment block is too limited. The applicants agent has been asked to reconsider this.

#### ARBORICULTURAL IMPLICATIONS:

The application was initially supported by a Tree Survey but not by an Arboricultural Implication Assessment. The Tree Survey indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2005 Trees in Relation to Construction. This document is now obsolete, and has been superseded by BS5837:2012 (Trees in relation to design, demolition and construction).

The submitted plans and particulars were more illustrative than accurate and are not cross referenced with their Root Protection Areas and respective Tree protection details onto a proposed Master Plan.

An updated tree survey and implication assessment was submitted in response to comments received from the Arboricultural Officer, these provide more detailed information relating to the protection of tree roots, tree and hedgeline protection measures during the proposed construction works and an assessment of the hedge status and condition in the area of the proposed new vehicular entrance.

It is accepted in arboricultural terms that given the openness of the central core aspect of the site, development should be able to be accommodated without impacting on those trees protected as part of the 1993 TPO on the offsite trees to the west.

The identified layout establishes adequate space in terms of social proximity and initial concerns about plots 9 and 22 have now been addressed in terms of the provided “no dig” construction specification.

#### ECOLOGICAL IMPLICATIONS:

The Council's Nature Conservation Officer has considered the ecological issues associated with the proposed development.

##### Grassland habitats

The majority of grassland habitats on site are of limited nature conservation value. There are however two areas of grassland located near to the River Dane which are more diverse and worthy of retention as part of the proposed development. The submitted landscape plan refers to river margins being planted up. In order to safeguard the existing nature conservation value of the river corridor, the Nature Conservation Officer has advised that the landscape proposals should state that the river margins would be safeguarded and managed appropriately. An area of 2758 sq m has been defined for amenity and species rich grassland to be maintained and managed adjacent to the River Dean

If planning consent is granted, the Nature Conservation Officer recommends that conditions be attached to ensure no development takes place within 8m of the top of the bank of the River Dane, and that a method statement be submitted for safeguarding of the river corridor during the construction process. In addition, a condition requiring the submission of a habitat management plan would be required.

##### Roosting bats and trees

A tree on site was initially identified as having potential to support roosting bats. An updated Bat Survey has been received, which concludes that there are no issues with the tree proposed for removal – once the surveyors were able to climb the tree for a close inspection the tree was found to have limited potential to support roosting bats.

##### Hedgerows

Hedgerows are a habitat of principal importance and hence a material consideration. The proposed development is likely to lead to the loss of a section of hedgerow to facilitate the proposed site entrance. It is recommended that the submitted landscaping plan be amended to include suitable replacement planting to compensate for the loss of this section of hedgerow. It is considered that this replacement planting can be secured under a landscape condition.

##### Otters

No evidence of otters was recorded during the submitted survey however this species is known to be present on the River Dean. However, as the application site supports limited opportunities for otters to seek shelter or protection and a buffer adjacent to the river will be provided it is advised that the proposed development is unlikely to have a significant adverse impact upon this species.

However, to secure an enhancement for biodiversity, it is recommended that if planning consent is granted, a condition be attached requiring the applicant to submit proposals for the construction of an artificial otter holt as part of the proposed development.

#### Badgers

Badgers are active upon the application site but no evidence of a sett was recorded. The Nature Conservation Officer advises that the proposed development is likely to result in the loss of foraging habitat for this species but this impact is not likely to be significant. However, as the status of badgers can change within a short timescale it is advised that if planning consent is granted a condition should be attached requiring the submission of a further badger and assessment survey prior to the commencement of the development.

#### Breeding birds

If planning consent is granted standard conditions will be required to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds as part of the proposed development:

#### Conditions

If planning consent is granted the Nature Conservation Officer advises that the following conditions should be attached:

- Submission of details for compensatory native species hedgerow planting
- Landscaping plan for the river corridor which includes the retention, wherever possible, of the semi-improved grassland habitats as shown on the submitted phase one habitat survey.
- Provision of 8m undeveloped buffer zone adjacent to the river. Where any works are required within this buffer details for the reinstatement of semi-natural habitats following the completion of development should be submitted.
- Method statement for the safeguarding of the river corridor and associated habitats during the construction process.
- Submission of detailed proposals for the construction of an artificial otter holt.
- Safeguarding of breeding birds
- Submission of proposals for the provision of features for nesting birds and roosting bats.
- Submission of 10 year habitat management plan including proposals for the eradication of Himalayan Balsam.

#### ENVIRONMENTAL HEALTH:

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

Due to the proximity of the proposed residential development particularly but not restricted to flats 1 – 8 on the southern aspect of the site to commercial/industrial premises it is recommended that a noise impact assessment is carried out to gauge any impact from the commercial/industrial uses both on the boundary and across the road. This assessment will inform the applicant as to any mitigation measures required from these potential 24hrs use noise generative sources. This matter can be conditioned.

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. The transport statement submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

#### LAND CONTAMINATION:

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Report submitted in support of the application recommends that further investigation is required to address the potential for ground gas risks. The Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require an additional site investigation survey and any subsequent remediation required.

#### DRAINAGE MATTERS:

A water supply can be provided and a separate metered supply to each unit will be required. United Utilities suggest that conditions are attached to ensure that no development is commenced 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. In addition, it is noted that a public sewer crosses this site and United Utilities will not permit building over it. United Utilities will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

#### ENVIRONMENT AGENCY:

It is noted that the Environment Agency has assessed the submitted Flood Risk Assessment and comment that if the suggested measures included within the FRA are undertaken, that the proposed development will meet the requirements of the NPPF.

The River Dean is designated "main river". In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the Environment Agencies prior written consent is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Dean. The proposed layout shows an 8 metres wide strip that is clear and unobstructed, between the top of the river bank and the boundary of the proposed development, which is acceptable in principle. Any proposed surface water outfall structure will require consent as above. The outfall structure should be built wholly within the bank profile using materials in keeping with the local area. The surface water discharge exit velocity should not exceed 1.0 metre/second and be angled with the direction of flow.

The position of the redundant mill channel that passes through the site should be determined and its condition ascertained. The layout should avoid proposed buildings over the line of the redundant mill channel, as this could lead to difficulties with access for maintenance to the mill channel.

The submitted Flood Risk Assessment (FRA) demonstrates that compensatory flood storage will be provided, to mitigate for the flood plain taken by the proposed development such that river flooding will not be increased elsewhere. The proposed buildings are to be set with a minimum floor level, which is to be no lower than the '100 years plus climate change plus 600mm freeboard' design river flood level. This is acceptable to companies providing insurance. The FRA is based on the latest river modelling data for the River Dean.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Bollington, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **Developer Contributions:**

In accordance with the Councils SPG on S106 (Planning) Agreements, the proposal triggers the need for both Public Open Space (POS) and Recreation / Outdoor Sports (ROS) provision, in line with the current CEC policy. The requirements are as follows: -

#### Public Open Space (POS)

The POS requirement at a rate of 40sqm per dwelling will be 1,320sqm of play and amenity open space.

It is noted from the application that it is proposed to provide this on site as part of the development. Whilst there is some merit in providing this on site, the location, design and accessibility is crucial and the scheme presented is not considered to be acceptable.

- The play space should be located together, not split across the site
- The open spaces should be well considered and located with purpose. They must be clearly capable of delivering a consistent facility. It is not acceptable to allocate a verge

along a road edge as informal play space nor is it acceptable to overlay open space use over areas retained for other reasons

- The spaces should be suitably landscaped and be of a useful size, containing elements of interest to a wide range of residents
- The open spaces should have good surveillance and adequate buffers from property boundaries and roads and parking
- Access to open spaces should be clear and defined and available to the wider public

A detailed design scheme for the POS will be required. As will a S106 agreement.

If insufficient POS is provided on site, a commuted sum for offsite provision will be required.

Clarification has been sought from the applicant as to how the applicant proposes the onsite open space to be managed. It is a requirement that the open spaces be provided in perpetuity and measures taken to ensure this. The council may consider accepting transfer of the open spaces with the required 15 year commuted sum for maintenance. This matter will need to be agreed prior to the completion of a S106 agreement. If the applicant intends to retain the POS provision then a landscape management plan will need submitting prior to consent.

#### Recreation Open Space (ROS)

A commuted sum for offsite ROS provision will be required. The amount for 33 family units would be £33,000. A more accurate com sum figure can be calculated once further comments have been received from the Green Spaces Officer.

The commuted sum will be used to make additions, improvements and enhancements to existing Recreation and Outdoor Sport (pitches, courts and greens) provision in Bollington. The commuted sum will be used at Bollington Recreation Ground and/or Bollington Cross. The spend period will be 15 years.

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

The comments provided by consultees, the Town Council and residents in relation to infrastructure issues, highways issues, flood risk and wildlife issues, housing need and affordable housing, design and built environment issues and loss of employment land are noted and covered under the headings above.

In terms of Green Belt, the NPPF is clear that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. The Green Belt Assessment (2013) sets out what the exceptional circumstances are to justify releasing land from the North Cheshire Green Belt but these exceptional circumstances would not apply to adding land to the Green Belt. Therefore, any proposal to put this land in the Green Belt would need to demonstrate the exceptional circumstances particular to this site (in the context of the five purposes of Green Belt – i.e. not including flooding, access, ecology etc). It is the view of officers that this would be very difficult to justify. The Submission Version of the Local Plan (May 2014) has no proposals for de-allocating sites and returning them to Green Belt. The opposite is the case around towns in North Cheshire. In Macclesfield, it is proposed that 700 houses should be built in the Green Belt.

Bollington has not formally started on the Neighbourhood Planning process, but there is interest in this and informal meetings have been held. As discussed, it is not clear whether Neighbourhood Plans can alter Green Belt boundaries (NPPF paragraph 83 “Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.”) It is considered that due to the fact that Bollington Town Council is only “about to declare its Neighbourhood Plan Area and begin the process of planning with the community what Bollington needs in terms of future development and where that development should take place”, it would be inappropriate to withhold granting planning permission on this basis, as this process has not yet commenced and its future and timescale for resolving a Neighbourhood Plan is some way off, possibly up to 2 years.

It should be noted that application 06/2021P was refused on the grounds of insufficient information being provided in order to assess the impact of the proposed development (at that time 12 no. industrial and storage units) having regard to the risk of flooding from the development. It is considered that the FRA submitted complies with the NPPF and the statutory body responsible for flood risk, the Environment Agency, has raised no objections. It is therefore considered that a refusal on the grounds of flooding could not be justified.

The impact of the traffic which would result from the development is considered to be less than that which would be associated with employment use of the land and it is considered that the removal of commercial vehicles from the local area would actually provide a benefit to the local residents. The Strategic Highways Manager raises no objections to the scheme and considers the access arrangement to be acceptable.

The request for the area around Lowerhouse to become a Conservation Area has been previously considered and rejected because the land was at that time designated employment land. This factor has not changed. Under the prevailing Macclesfield Borough Local Plan the site is allocated for Employment purposes and therefore, it would not be justified to refuse development on the basis that it could be reallocated at some time in the future via the Local Plan process.

#### **Heads of Terms for a Legal Agreement:**

- **30% Affordable Housing** (i.e. 10 units as proposed);
- A contribution of **£54,231.00** is required towards primary education;
- A contribution of **£65,371.00** towards secondary education.
- Provision of **£33,000.00** towards Public Open Space.

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

##### **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) Fair and reasonably related in scale and kind to the development.

The provision of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 33 dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The development would result in increased demand for both primary and secondary school places in and around Bollington, where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

On this basis the S106 contributions associated with the scheme is compliant with the CIL Regulations 2010.

## CONCLUSIONS AND REASON(S) FOR THE DECISION

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

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

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

During the application process, negotiations have taken place between officers and the developer, which has resulted in the submission of a revised layout plan which has improved space separation distances and the amount of public open space on site. The Housing Strategy and Needs Manager supports the proposals and the mix of affordable housing which is now proposed.

It is acknowledged that local residents have repeatedly sought to resist development on this site. Appeals on this site and the land opposite have been rejected and employment development has been allowed. It is considered that a scheme for housing would fall in line with policies contained within the NPPF. The principle of developing land which is allocated for employment purposes has been established elsewhere and will help to contribute to both



local housing needs, and the Council's five year housing supply. It is also considered that housing on the application site will also have a more positive impact on the local area than industrial development.

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

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#### Application for Full Planning

#### RECOMMENDATION:

1. A01AP - Development in accord with approved plans
2. A03FP\_1 - Commencement of development (3 years)
3. A01GR - Removal of permitted development rights
4. A01LS - Landscaping - submission of details
5. A02HA - Construction of access
6. A04LS - Landscaping (implementation)
7. A04TR - Tree pruning / felling specification
8. A15LS - Submission of additional landscape details
9. A16LS - Submission of landscape/woodland management plan
- 10.A02TR - Tree protection
- 11.Breeding Birds
- 12.Nesting bird mitigation measures
- 13.Boundary Treatement
- 14.Noise mitigation scheme
- 15.In accordance with Flood Risk Assessment
- 16.CONSTRUCTION HOURS OF OPERATION
- 17.Should any contamination be found, a remediation strategy shall be submitted to the EA
- 18.Features for roosting bats to be incorporated into housing
- 19.Provision of 8m undeveloped buffer zone adjacent to the river

20. Method statement for the safeguarding of the river corridor and associated habitats during the construction process.
21. Submission of detailed proposals for the construction of an artificial otter holt.
22. Submission of 10 year habitat management plan including proposals for the eradication of Himalayan Balsam
23. Submission of updated badger survey prior to commencement of development.
24. Pile foundations
25. Electric Vehicle Infrastructure
26. Dust control
27. Contaminated Land
28. Engineer designed no dig hard surface construction for the driveway and parking areas located within retained trees Root Protection Areas required
29. Travel Plan

The map displays a residential area in Cheshire East and West and Chester. A red outline labeled "THE SITE" is located near a watercourse. Key features include Woodlea Drive, Moss Lane, Ridley Road, and an allotment garden. A scale bar indicates 40 meters.

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Application No: 14/4481M  
Location: LAND ADJACENT TO, 25, THE RACE, HANDFORTH  
Proposal: Erection of 4 new semi detached properties  
Applicant: Grays Inn 10  
Expiry Date: 17-Nov-2014

Date report prepared: 22 December 2014

### REASON FOR REPORT

The application was called-in by Councillor Burkhill (Handforth Ward) for the following reasons:

- Considerable local concern from residents and the Forestry Commission had been raised in respect of this site and the previous application, which was withdrawn (though it is noted that the Officer had been minded to recommend refusal in the committee report prepared for the Northern Planning Committee). A lot of local concern has been expressed again in respect of the current application.
- There were environmental concerns associated with the previous application and the current application looks very similar, if not identical.

### NOTE

The attention of members is drawn to the fact that the applicant has now appealed to the Planning Inspectorate on the grounds of non determination of the application. It has been decided that the application should still be discussed by members in order to inform the decision about whether or not the Council contest the appeal.

#### Summary

- 1) the Council cannot demonstrate a 5 year supply of housing land;
- 2) the proposed is considered to be a sustainable form of development, therefore the application should be approved unless either
  - a) the adverse impacts significantly and demonstrably outweigh the benefits of the proposal or;
  - b) there are other specific policies within the NPPF that indicate development should be restricted;
- 3) the key benefit of the proposal is the provision of 4 No. dwellings, thereby contributing to the housing needs of the area;
- 4) it is considered that there are no significant or demonstrable adverse impacts that outweigh the benefits of the proposal nor are there other policies in the NPPF that should prevent the development;
- 5) the existing Open Space is outside of the application site and will be retained post development (this was not the case in the previous application);

- 6) given the make up, constraints and status of the application site, replanting or allowing the trees on site to re-establish themselves is not a feasible option and therefore there are no sustainable arboricultural or ecological reasons for refusal of the application;
- 7) the design of the proposed development is considered to be in keeping with the area and street-scene;
- 8) the proposed development would not significantly impact on the amenities of neighbouring residential properties;
- 9) the proposed development does not raise any highways safety/parking issues;
- 10) the consultation comments from the Flood Risk Manager are awaited.

### **SUMMARY RECOMMENDATION**

As noted, the application has been appealed on the grounds of non-determination and therefore no decision is being made on the application. However, if the application were being determined, bearing in mind the points discussed below, a recommendation of approval would be made, subject to conditions.

### **PROPOSAL**

This application seeks full planning permission for the erection of 4 No. semi- detached, two-storey dwellings; the application includes alterations to the informal parking area used by local residents.

The proposed development would provide 4 No. three bedroom dwellings, each with 2 No. parking spaces (in the form of a driveway adjacent to each property) and private rear gardens. The development also includes landscaping the existing informal parking area, which is to be retained as parking available for use by local residents. A small section of the parking area is designated as a bin storage area for use at refuse collection times.

### **SITE DESCRIPTION**

The application site is situated at the head of the cul-de-sac of The Race, which is located on a 1960s housing estate in Handforth. The railway and viaduct bound the north-western boundary of the site; beyond the south-western boundary of the site is the historic Mill Race and an area designated as Open Space in the Local Plan; beyond the north-eastern and south-eastern boundaries are residential properties on Caldys Road and The Race respectively. The site edged red (the application site) lies within an area designated as Predominantly Residential in the Local Plan; it is noted that a small area beyond the western boundary of the site-edged red (i.e. the area edged blue on the Location Plan) falls within an area designated as Existing Open Space in the Local Plan. A Government Pipeline & Storage System (GPSS) pipeline runs across the site, in a broadly east-west direction. The site comprises an area of recently felled woodland and an area of hard-standing (currently used by local residents for parking).

## RELEVANT HISTORY

14/2215M     Erection of 4 No. new semi-detached properties. Withdrawn, 31.07.2014

## NATIONAL & LOCAL POLICY

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.

### National Policy

#### The National Planning Policy Framework

The National Planning Policy Framework came into effect on 27 March 2012, and replaced 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.

Para 14 of the NPPF states that

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development*

For decision-making this means approving development proposals that accord with the development plan without delay...and

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

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

Para 49 of the NPPF states

*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.*

Hence, key questions that need to be considered are a) does the Council have a five year housing land supply? b) If not, are there adverse impacts that would outweigh the benefits of the proposed development or other policies in the Framework which indicate that development should be restricted? And c) is the proposed development a sustainable form of development?

## **National Planning Practice Guidance**

### **The Development Plan**

As noted above

*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (para 2, NPPF)*

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

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

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

- NE7 (Retain and enhance existing woodlands)
- NE11 (Nature conservation)
- BE1 (General design)
- RE1 (Open space)
- RT5 and DC40 (Children's play provision and amenity space)
- H1 (Phasing policy)
- H2 (Environmental quality in housing developments)
- H5 (Windfall housing sites)
- H13 (Protecting residential areas)
- DC1 (High quality design for new build)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Circulation and access)
- DC8 & DC37 (Requirements for landscaping)
- DC9 (Tree protection)
- DC35 (Materials and finishes)



- DC36 (Road layouts and circulation)
- DC38 (Guidelines for space, light and privacy for housing development)
- DC41 (Infill housing development)
- DC63 (Contaminated land)

### **Cheshire East Local Plan Strategy – Submission Version (May 2014)**

The following are considered relevant material considerations as indications of the emerging strategy:-

- SP2 (Creating sustainable communities)
- SP3 (Protecting and enhancing environmental quality)
- SP4 (Reduce the need to travel/promote more sustainable modes of transport)
- MP1 (Presumption in favour of sustainable development)
- SD1 (Sustainable development in CE)
- SD2 (Sustainable development principles)
- SE1 (Design)
- SE2 (Efficient use of land)
- SE3 (Biodiversity and geodiversity)
- SE4 (Landscape)
- SE5 (Trees, hedgerows and woodland)
- SE6 (Green infrastructure)
- SE12 (Pollution, land contamination and land instability)
- SE13 (Flood risk and water management)
- SD2: (Sets out sustainable development principles)
- CO1 (Sustainable travel and transport)

### **CONSULTATIONS**

#### **The Forestry Commission**

The Forestry Commission (FC) does not support or object to planning applications and recognises decisions with regard to development are rightly the responsibility of the Local Planning Authority. The FC has confirmed that a restocking order has been issued in relation to a specific area of the application site.

#### **Government pipelines and storage system (GPSS)**

No objections have been raised to the application, subject to the developer according with the relevant pipeline easements.

#### **Environment Agency**

The Environment Agency (EA) raises no objections to the application and directs the Local Planning Authority (LPA) to standard advice available on its website. It is noted from the previous application that under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws, the EAs prior written consent is required for any proposed works or

structures, in, under, over or within 8 metres of the top of the bank of the river Dean, designated as a “main river”. (NB. It is noted that there are no proposed works that are within 8m of the bank of the river Dean).

### **United Utilities**

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

### **Strategic Highways Manager**

The Council's Strategic Highways Manager raises no objections to the application and has stated that in assessing the application the key highways issues are as follows:

- Provision of sufficient car parking
- Ensuring that there are suitable refuse collection arrangements from the public highway.

Recommend a condition for an area to be set aside within the site for refuse collection. (NB. It is noted that an area is set aside within the site for bin storage at refuse collection times).

### **Civil Aviation Authority**

No comments received as of 22.12.2014

### **Environmental Protection**

The Environmental Protection Team is satisfied that implementation of the recommendations outlined within the Noise Assessment report submitted with the application would ensure occupants of the proposed dwellings would be protected from any undue noise from railway traffic.

The Environmental Protection Team raises no objections to the proposed development, subject to conditions re a) implementation of the recommendations in the Noise Impact report and post completion verification to be provided, b) details of piling (if necessary), c) submission of details to minimise dust emissions and informatives regarding contaminated land and hours of construction.

### **Heritage & Design – Forestry**

#### ***Pre emotive tree felling & restocking notice***

As regards the pre emotive tree felling on site and the restocking notice issued by the Forestry Commission (FC), taking account of a) information submitted in the ‘*Design & Access Statement*’ regarding garden and residential curtilage associated with number 25 The Race, b) communication received from the FC regarding the details of the restocking notice

issued and c) information received during the course of the application regarding the leasehold & title deeds of number 25 The Race, the Arboricultural Officer notes that:

*...if the land in question has been identified as a Private Residential Garden within the legal definition of the term and demonstrated by Legal Title then the Requirements for a Felling Licence do not apply...It would therefore follow that any felling carried out would not have required a felling licence within the land confirmed as residential garden and that any subsequent restocking notice served for the purpose of non compliance with such a licence for the land would not be subject to the powers under Section 17A Power of Commissioners to require a restocking notice after unauthorised felling.*

### **Tree planting proposals**

The application site (site edged red) includes some tree planting. However, most of the proposed tree planting lies within the area edged blue on the plans submitted. The Arboricultural Officer makes the following observation and comments in relation to the proposed tree planting:

1) The position of some of the trees does not comply with BS5837:2012 Trees in relation to design demolition and construction (Recommendations). With particular regard to the garden of Plot 4 there are no less than six 'high forest' trees - 3 No. Oak (QR), 2 No. Beech (FS) and 1 No. Ash (FE) – which, given their future growth potential, will present significant constraints to the use of the garden in the long term. There are a number of 'high forest' trees shown to be planted to the south of Plot 3 (again a mix of Ash, Beech and Oak), all of which will cause significant shading problems to the garden; 1 No. Ash is shown to be planted at only 5 or so metres from the rear corner of Plot 3.

2) BS5837:2012 (Section 13.1.3) states that all new planting proposals should take into account future use, layout and design of a development site, taking into account the ultimate height and spread of the proposed trees. Section 13.2.2 states that the effect of shade by new trees and the likely extent and density of the tree crown when fully grown should also be taken into account to ensure residents enjoy reasonable light. The problems related to buildings and spaces around them having low daylight and sunlight levels is well known and has been the subject of specific guidance in a range of relevant guidance documents. All the guidance points to the need to have sufficient daylight and sunlight both within and around buildings and this should be part of the site planning for development.

On the tree planting proposed, the Arboricultural Officer considers that a more appropriate tree planting scheme should be obtained, which could be secured by condition.

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

#### **Woodland**

The Nature Conservation Officer notes that the application site includes an area of recently felled woodland; furthermore, the woodland is listed on both the National Inventory of Woodland and Trees and the Inventory of Deciduous Woodland BAP (Biodiversity Action Plan) Priority Habitat (England). Habitats of this type are included on Section 41 of the

Natural Environment and Rural Communities Act 2006 as Habitats of Principal Importance for the conservation of biodiversity in England.

The Nature Conservation Officer considers that, whilst the trees have recently been felled from the site they are likely to regenerate within a relatively short period of time (evidence of natural regeneration was present on site during his site visit). Consequently, the Nature Conservation Officer advises that the application site must, therefore, still be regarded as supporting UK priority woodland habitat, which is a material consideration for the determination of this application.

The Nature Conservation Officer considers that the tree planting proposed within the area edged blue on the plans submitted cannot be considered replacement woodland habitat and would make only a minor contribution towards compensating for what he considers to be the loss of woodland habitats and associated loss of biodiversity resulting from the proposed development.

### ***Badgers***

The Nature Conservation Officer notes that a badger sett is present on site; however, he concludes that the sett currently appears to be inactive. Consequently, provided the sett remains inactive the proposed development is unlikely to have a significant impact upon badgers. If planning consent is recommended the Nature Conservation Officer recommends a condition be attached requiring an up-dated badger survey/assessment to be undertaken and submitted to the LPA, prior to the commencement of development.

### **Heritage & Design – Landscape**

No comments received as of 22.12.2014. However, overall landscaping and arboricultural issues have been considered by the Arboricultural Officer.

### **Housing Strategy & Needs Manager**

The Housing Strategy & Needs Manager (HSNM) raises no objections to the application and confirms that, given the number of dwellings (4 No.) and the size of the site (0.2ha) no affordable housing is required as part of the development.

### **Network Rail**

Network Rail (NR) raises no objections to the application, subject to conditions to reduce the risk to the railway infrastructure from developments.

### **CE Flood Risk Manager**

Awaiting comments as of 22.12.2014

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

#### **Handforth Parish Council**

Handforth Parish Council opposes the application for the following reasons:-

- 1) There is insufficient car parking within the vicinity of the site and this will be worsened; access is also poor
- 2) The loss of the existing footway on part of The Race
- 3) Loss of light/privacy to homes on Caldry Road that adjoin the site
- 4) The Council is aware that properties on Caldry Road are experiencing problems with ground water; this situation could be made worse by the recent removal of the willow trees on the site
- 5) The submitted plans appear to propose to fence off an area designated in the current Local Plan as Open Space.

## REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. Objections have been received from the occupants of 17 No. properties in the area, details of which can be read on file. The objections raised can be summarised as follows:

- Pre-emptive tree removal (breaking the law). Replanting/restocking order issued and should be respected so that the woodland can be restored
- Loss of environment - the woodland and the wildlife that use it; therefore detrimental impact on wildlife
- Development on open space; will result in loss of access to the Open Space (and access to the river corridor) for many residents; loss of 'incidental open space' therefore contrary to policy RT2 of the Local Plan
- The loss of trees has resulted in residents experiencing increased noise levels from the railway
- Contrary to the objective of sustainable development
- Risk of flooding (natural spring on site)
- Risk of damage to pipeline and contamination of river
- Question the claim that fly-tipping has occurred on site
- Proposed planting of silver birch trees along northern boundary of plots 1 and 2 will gradually overshadow these gardens; these trees will also drop sap and leaves on the cars parked on the parking area (recommend lower growing shrubbery plants as an alternative)
- Impact on residential amenity – loss of privacy, loss of light, impact of floodlit access road
- Land claimed to be garden/residential curtilage in the D & A Statement has never been used or cultivated as such
- Increase in traffic in the area
- Loss of car parking spaces/impact on highways safety
- Will reduce the 'gap' between Handforth and Wilmslow (an objective in the Draft Handforth Strategy is to protect this gap)
- Properties not in keeping with the area (mainly 2 bed-roomed maisonettes close to the site)

- Proposed wooden fencing not in keeping with the area and would change the character of the designated Open Space

## **APPLICANT'S SUPPORTING INFORMATION**

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

- *Design and Access Statement*
- *Planning Statement*
- *Preliminary Ecological Appraisal*
- *Noise Assessment*

During the course of the application details of the leasehold of number 25 The Race has been submitted, details of which can be read on file. Also, a plan has been submitted (M2420.01D) which provides an overview of a) land ownership, b) residential curtilage/garden, c) GPSS pipeline & easement, d) Open Space, e) area to which the FC Restocking Notice applies, f) the proposed site layout and g) the site edged red and land edged blue.

## **APPRAISAL**

The key issues are considered to be as follows:-

- Housing land supply
- The principle of development & issue of sustainability
- Impact on Open Space
- Pre-emptive tree felling, restocking & arboricultural issues
- Ecological issues
- Design/impact on the character and appearance of the area & street-scene
- Impact on residential amenity
- Highways safety

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

Paragraph 47 of the NPPF requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of five year housing supply has two components – the housing requirement and the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the '*National Planning Practice Guidance*' indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current 'Housing Supply Position Statement' prepared by the Council employs the figure of 1180 homes per year as the housing requirement, this being the calculation of Objectively Assessed Housing Need used in the 'Cheshire East Local Plan Strategy - Submission Version'.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination of the 'Cheshire East Local Plan Strategy - Submission Version'. He has concluded that the Council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, it is recommended that this figure is no longer used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need should be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

### ***Principle of development & sustainability***

Para 7 of the NPPF states that sustainable development has three dimensions: economic, social and environmental and therefore the planning system has to perform a number of roles accordingly, i.e. an economic role, a social role and an environmental role.

### ***Environmental Sustainability***

As noted above, the area designated as the application site (the site edged red) is located within a Predominantly Residential Area of Handforth, as defined in the Local Plan. It is considered that the site is located within a sustainable location and, given that the trees and associated ecological habitats have already been removed, the proposed development overall is environmentally sustainable.

### ***Social sustainability***

It is considered that the proposed dwellings would make a small social contribution to the area – i.e. provision of 4 No. dwellings, thereby contributing to the housing needs of the area.

### ***Economic sustainability***

It is considered that construction of the proposed dwellings would make a small economic contribution to the area.

Given the location of the site and the provision and construction of the 4 No. dwellings it is considered that the proposed development is a sustainable form of development.

### ***Impact on Open Space***

The area edged blue on the plans is located within an area designated as Open Space within the Local Plan. It is noted that on the previous, withdrawn, application (14/2251M) the area of Open Space was within the application site (site edged red) and it formed part of the garden

area of plot 3. The Open Space is now outside of the application site (the site edged red). No building is proposed on the area designated as Open Space; the applicant now proposes to plant trees on the area designated as Open Space (along with other trees proposed within the scheme). This tree planting may satisfy the restocking order issued by the FC, should it be pursued.

Local Plan policy RT1 states (amongst other things) that

*areas of recreational land and open space as shown on the proposals map will be protected from development...*

The reason for the policy states (amongst other things) that existing facilities form an important resource which must be retained for the benefit of the community and that open spaces are important for their amenity value and can contribute to the character of the townscape.

Para 74 of the NPPF states that existing open space should not be built on unless:-

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.*

It is claimed within the 'Design & Access Statement' and the 'Planning Statement' that the area of land that the Open Space falls within is part of the residential curtilage/garden of number 25 The Race. A copy of a plan associated with the legal title and leasehold of 25 The Race have been included in the 'Design & Access Statement' (figs 3 and 4) and, during the course of the application, a copy of the leasehold agreement has been submitted. Within one of the representations it is asserted that the land has not been cultivated as garden or used in that way. It is acknowledged that a significant area of the land that appears to constitute the residential curtilage/garden of 25 The Race (according to the Leasehold) has been populated by trees over many years and it would appear therefore that much of the area of this land has indeed not been used as garden throughout this period. However, the information pertaining to the lease and legal title of 25 The Race indicates that the area outlined in red in Fig 4 of the 'Design & Access Statement' (and indicated yellow on plan M2420.01D) is designated as garden within the leasehold/legal title of number 25 The Race. With regards to the issue of Open Space, providing the area designated as Open Space remains as Open Space post development, and is clearly delineated from the proposed garden and residential curtilage of plot 3, it is considered that the proposed development would not harm the designated Open Space and therefore would comply with policy RT1.

#### ***Pre-emptive tree felling, restocking & arboricultural issues***



The land in question has recently been subject to an investigation into illegal tree felling by the Forestry Commission.

The land that is the subject of this planning application is split into two freeholds. Broadly, one that encompasses plots 1 and 2 (illustrated in orange on plan M2420.01D) and one that encompasses plots 3 and 4 (illustrated edged yellow on plan M2420.01D). The Forestry Commission considered the ownerships separately for the purpose of their investigation into illegal tree felling, as separate landowners are allowed to fell up to 5cu m of timber in a calendar quarter without a felling licence.

The FC confirmed that whilst the tree felling which occurred in the area that is under one ownership (the area illustrated orange on plan M2420.01D) appeared to have been an offence under the provisions of the Forestry Act, the volume of timber felled was below the tolerance they typically apply to be confident of securing a conviction or issuing a restocking notice. Therefore the FC concluded that they would not be taking any further action in respect of this area of land. Hence, there is no requirement for the applicant to plant trees within the area illustrated orange on plan M2420.01D.

The FC also concluded that the volume of timber felled in the area that includes plots 3 and 4 (an area under a different ownership, illustrated edged yellow on plan M2420.01D) again indicated an offence under the Forestry Act, but in this area the volume of timber felled was sufficient for the FC to have concluded that further action was warranted. It has been confirmed that the FC has issued a restocking notice. The area of land that the restocking order relates to is identified in Fig 10 of the *'Design & Access Statement'* and highlighted on plan M2420.01D edged green. It is noted on p.19 of *'Design & Access Statement'* that the applicant intends appealing against the restocking notice; it has been confirmed that an appeal has been submitted. One of the key reasons for appealing against the restocking notice is that the area of land to which the restocking notice relates is considered to be residential curtilage/garden. As noted above, the Council's Arboricultural Officer has confirmed that if the land in question is designated as garden in the legal title then a felling licence would not have been required for felling the trees; consequently the restocking notice issued by the FC would not be subject to the powers under Section 17A Power of Commissioners to require the restocking notice after unauthorised felling. The outcome of this appeal cannot be presumed. However, it appears that the FC will not be able to require the applicant to comply with the restocking notice, given the status of the land, and therefore there would be no requirement for the applicant to plant trees on this area of land.

It is noted that a felling licence is not required for tree felling immediately required for development authorised under the Town and Country Planning Act 1990 and therefore any planning permission takes precedence over re-stocking.

As noted, there is an oil pipeline that crosses the site that has an associated easement. Generally, trees cannot be planted within 6m of the pipeline and for some species the distance is 10m.

Hence, in summary, with reference to plan M2420.01D: a) the FC does not require the owner of the land illustrated in orange to plant trees on any of this land; b) trees cannot be planted in the area of the GPSS pipeline; c) the restocking notice (the 'hatched' area on the plan) lies totally within the area designated as residential curtilage/garden of number 25 The Race in

the leasehold (edged yellow on the plan), as such, it is understood that the FC will not be able to enforce the restocking notice. Consequently, there is no compelling requirement for either a) allowing the trees that have been felled to regenerate themselves or b) planting new trees. The Arboricultural Officer has some concerns about the tree planting proposed in respect of species, layout and relationship with properties. However, this matter could be addressed with an amended tree planting plan. Hence, there are no sustainable arboricultural reasons for refusing the application.

### ***Ecological issues***

As stated previously, the application site includes an area of recently felled woodland. The woodland at this site is listed on both the National Inventory of Woodland and Trees and the inventory of Deciduous Woodland BAP Priority Habitat (England). Habitats of this type are included on section 41 of the Natural Environment and Rural Communities Act 2006 as Habitats of Principal Importance for the conservation of biodiversity in England.

Reviewing paragraph 84, page 30 of ODPM circular 06/2005 (Biodiversity) this states that habitats subject to a Biodiversity Action Plan (BAP) can be a material consideration. This circular is still extant. However, to complicate things, the UK Biodiversity Action plan does not strictly exist anymore; however, all of the species and habitat that were listed are now listed as “Habitats of Principal Importance for the conservation of biodiversity in England” under section 41 of the Natural Environment and Rural communities Act 2006. Section 40 of this Act places a duty on local authorities to have regard to the conservation of biodiversity when carrying out normal functions.

In answer to the question of whether UK BAP habitats are still a material consideration Natural England responded with the following:

*Previous planning policy (and some supporting guidance which is still current), refers to UK BAP species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list. So the same species and habitats are of material consideration for planning purposes as previously was the case, they are just referenced using different terminology.*

Relevant Macclesfield Local Plan policies are: NE7 (Woodlands), NE11 (Nature Conservation), NE12 & NE13 (Protection of designated sites – this does not strictly apply as the woodland was never designated however the site would qualify as a Local Wildlife Site by virtue of it being on the UK BAP habitat inventory). In addition, the UK BAP section 41 habitats are listed in paragraph 3 of Policy SE3 in the Cheshire East Local Plan Strategy Submission Version.

Para 117 of the NPPF states that, *“to minimise impacts on biodiversity and geodiversity, planning policies should...(amongst other things)... promote the preservation, restoration and re-creation of priority habitats...”*

Para 118 of the NPPF states that...*When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity...*

As noted above, the Council's Nature Conservation Officer considers that, whilst the trees have recently been felled from the site they could potentially regenerate within a relatively short period of time. Consequently, the Council's Ecologist has advised that the application site must therefore still be regarded as supporting UK priority woodland habitat, which is a material consideration for the determination of this application. However, the Council's Arboricultural Officer notes that trees that lie within residential gardens cannot be designated as BAP Priority Habitat.

Bearing in mind the situation discussed above, i.e. a) the lack of a compelling argument that will result in the restocking notice being enforced and b) there being no compelling reasons for allowing the trees that were felled on site to re-establish themselves or to plant trees in the areas outside the restocking area and c) the fact that trees within gardens cannot be designated as BAP Priority Habitat, it is considered that, although the loss of woodland habitat and associated biodiversity is regrettable, there are now no sustainable reasons for refusing the application on ecological grounds.

### ***Design/impact on the character and appearance of the area & street-scene***

The proposed dwellings are two-storey, semi-detached dwellings each with 3 No. bedrooms, gardens and a hard-standing driveway for parking 2 No. cars. The materials proposed are red brick walls, grey roof tiles, upvc windows, steel composite doors and tarmac hard-standing.

As regards layout, plots 1 and 2 are perpendicular to the rear of the properties that front onto Caldý Road. Plots 3 and 4 are situated at the end of the line of properties on The Race, set back behind the existing build line of those properties. The railway line is raised up on a viaduct approx. 22m to the west of the dwelling on plot 3. The viaduct is the final approach into the Station at Handforth where the trains will be slowing down. To the south/south-west of plots 3 & 4 there is woodland.

The majority of buildings in the area are two-storey built in red brick with tiled roofs. The design, size, scale and materials of the proposed development are considered to be acceptable within the context of the character and appearance of the area and street-scene.

### ***Impact on residential amenity***

There is a distance of approx. 15m between the rear elevations of the properties on Caldý Road and the side elevation of the proposed dwelling on plot 1. The only windows on the proposed northern side elevation of the dwelling on plot 1 serve a landing at first-floor level and a small secondary lounge window at ground-floor level. A boundary fence is proposed along the boundary between these properties. Hence, the distance between habitable room windows on the rear elevations of properties on Caldý Road and the side elevation of the proposed dwelling on plot 1 accords with the distance standards in policy DC38.

As noted, the proposed dwellings on plots 3 and 4 are set back from the existing build line of the properties on The Race. The distance between the overlapping part of the side elevation of the proposed dwelling on plot 4 and the side elevation of numbers 25 and 27 The Race is approx. 6.5m. No habitable room windows are affected.

It is considered overall that the proposed new dwellings comply with the required space, light and privacy standards outlined in policy DC38. The future occupiers of the proposed dwellings will have amenities in accordance with the requirements for privacy distances, outlook and access to local services.

It is noted that the size of the garden area proposed for the dwelling on plot 3 is not as large as the garden areas proposed for the other dwellings. However, the area of land edged blue adjacent to the western boundary of the garden of plot 3 is to be retained as Open Space without any development on the land and trees are to be planted within the area; as such, this open space beyond the western boundary will result in the outdoor space being perceived as being larger than it actually is.

Within this context it is considered that the size of the garden proposed for plot 3 would not be a sufficient reason for refusal of the application. The layout of the proposed development complies with the criteria set out in Local Plan policies DC38 and DC41.

### ***Highways safety***

The applicant proposes that the development will provide two car parking spaces for each of the proposed four dwellings, which complies with the parking standards outlined in the '*CE Local Plan Strategy – Submission Version*'.

Part of the site (the existing hard-standing area) is currently used informally by local residents for off-street parking, reducing on-street parking demand. The plans provided indicate that an area of the site will be retained for this purpose, with some remodelling and minor landscaping. While the remodelling may result in a small reduction in the number of practical available spaces on the site, it is noted that the site is in private ownership and there is no obligation for the applicant to provide an area for public parking. Therefore, the Strategic Highways Manager has no objection to the remodelling of this area as the result is that some off-street car parking provision is retained.

Refuse collection at developments should be made possible within a reasonable distance of the nearest refuse vehicle access point and within a reasonable distance of dwellings. The Strategic Highways Manager has recommended that a condition be attached to any permission requiring an area to be set aside within the site for the purpose of refuse collection. The site plan shows that an area has been designated for this purpose.

Bearing the above factors in mind, it is concluded that there are no highway issues to warrant refusal of the application.

### **OTHER MATERIAL CONSIDERATIONS**

As the proposed area to be used for car parking spaces for residents is located on private land, the land may need to be dedicated as public highway in a separate legal agreement outside the scope of this planning application. This would ensure that the spaces are available for residents to continue to use.

## **RESPONSE TO OBJECTIONS**

Most of the objections raised have been addressed within various sections of the report above. A few issues that have not been addressed will be dealt with here. Thus, a) although residents may now experience increased noise levels due to the removal of trees on the site, this is not a reason to require trees to be planted on the site; b) the issue of flooding has not been addressed, as yet, as comments are awaited from CE Flood Risk Manager; c) the reference to fly-tipping is not a significant issue in the determination of the application; d) it is considered that the 'gap' between Handforth and Wilmslow will not be significantly eroded due to the proposed development – the railway line itself acts as a buffer.

## **PLANNING BALANCE, CONCLUSIONS AND REASON(S) FOR THE RECOMMENDATION**

In summary, key issues are: 1) the Council cannot demonstrate a 5 year supply of housing land and the proposed is considered to be a sustainable form of development, therefore the application should be approved unless either a) the adverse impacts significantly and demonstrably outweigh the benefits of the proposal or b) there are other specific policies within the NPPF that indicate development should be restricted; 2) it is considered that the key benefit of the proposal is the provision of 4 No. dwellings; it is also considered that there are no significant and demonstrable adverse impacts that outweigh the benefits of the proposal nor are there other policies in the NPPF that should prevent the development proceeding; 3) the existing Open Space is outside of the application site and will be retained post development (this was not the case in the previous application); 4) given the make up, constraints and status of the application site – i.e. i) an area in one ownership where the FC couldn't take any action in respect of the pre-emptive tree felling that occurred and there is no requirement for trees to be planted in this area, ii) the constraint of the GPSS pipeline and the fact that trees cannot be planted within the easement of the pipeline, iii) the residential curtilage/garden status of the area of land to which the FC restocking notice applies (which doesn't appear to have been known at the time of the previous application) – replanting or allowing the trees that were on site to re-establish themselves is not a feasible option and therefore there are no sustainable arboricultural or ecological reasons for refusal of the application; 5) the design, size, scale, layout and materials of the proposed development are considered to be in keeping with the area and street-scene; 6) there is no significant impact on the amenities of neighbouring residential properties; 7) the proposed development does not raise any highways safety/parking issues (the potential loss of some of the existing informal parking spaces is acknowledged, but ultimately the land owner does not have to provide the land for such parking purposes); 8) the consultation comments from the Flood Risk Manager are awaited and it is intended that an up-date will be possible by the time of the committee meeting.

As noted at the outset, the application has been appealed on the grounds of non-determination and therefore no decision is being made on the application. However, if the application were being determined, bearing in mind the points discussed above, a

recommendation of approval would be made, subject to conditions. The discussion at committee is to inform the action the Council takes in respect of the appeal.

### **Conditions**

Regardless of the position the Council adopts in relation to the appeal, the following conditions would be recommended to the Inspectorate, should the Inspectorate allow the appeal:

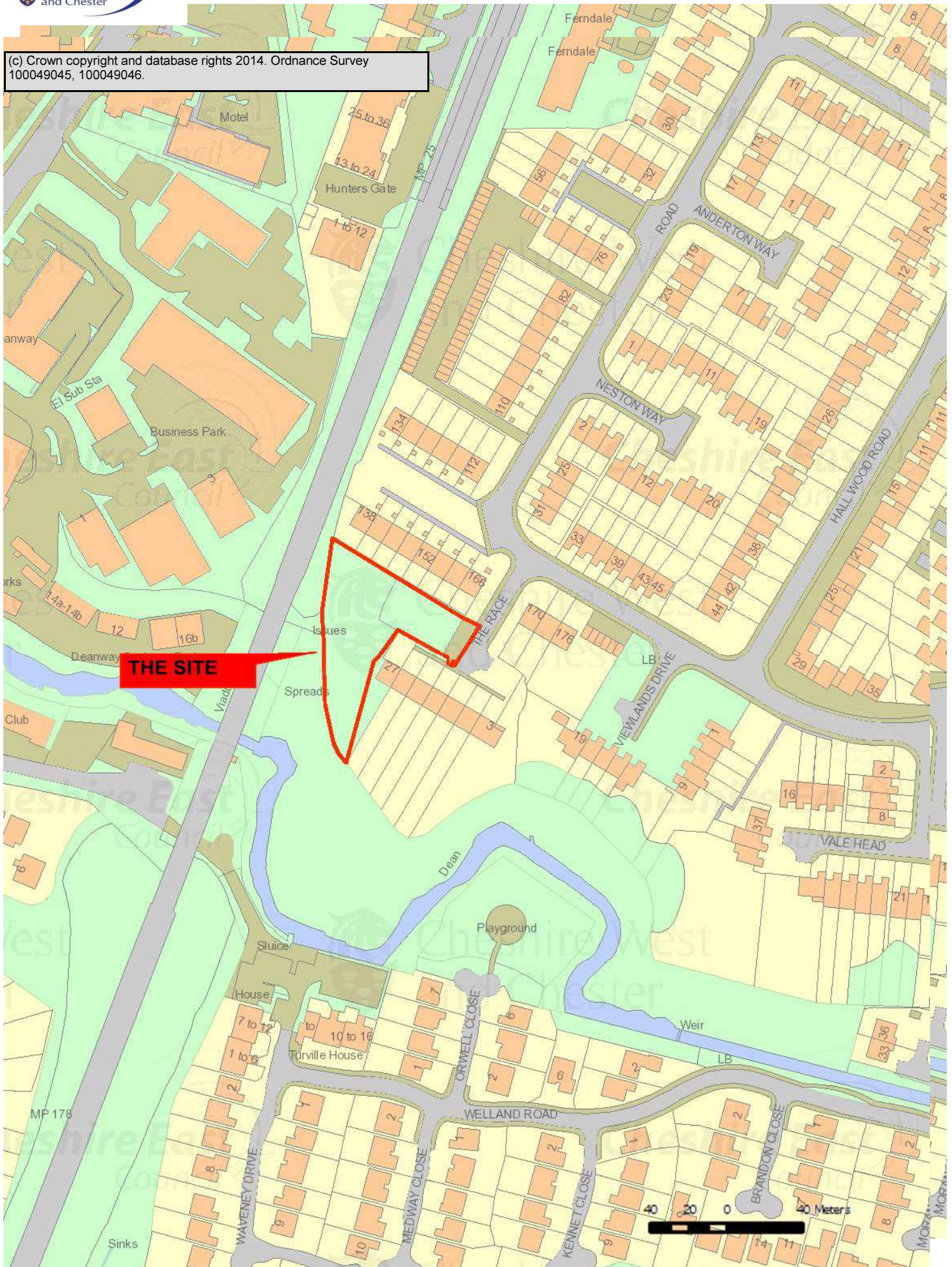
- Development within 3 years
- Development in accordance with plans
- Samples of materials for external surfaces to be submitted/approved
- Landscaping, boundary treatment and tree planting details to be submitted/approved
- Landscaping, boundary treatment and tree planting details to be implemented as approved
- Tree protection details to be submitted/approved
- Trees shown to be retained to be retained
- Details of any tree pruning/felling (if necessary) to be submitted/approved
- Details of piling (if used) to be submitted/approved
- Dust control details to be submitted/approved
- An up-dated Badger survey to be submitted/approved
- All measures to reduce noise in the Noise Assessment Report to be implemented and verification of such to be submitted to the LPA post development completion

### **Informatives**

- The applicant's attention is drawn to the recommendations of United Utilities
- The applicant's attention is drawn to the recommendations of Network Rail
- The applicant's attention is drawn to the lawful requirements re contaminated land
- The applicant is advised to undertake all noise generative activities between the following hours: 0800-1800 Mon to Fri, 0900-1400 Sat, with no works of Sundays or Bank Holidays.
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Application No: 14/5122M

Location: 4, BROOKE DRIVE, HANDFORTH, CHESHIRE, SK9 3LL

Proposal: Change of use of existing vacant industrial warehouse unit to an indoor Trampoline Park (class D2 leisure use) (re-submission of withdrawn application 14/2083M)

Applicant: Erik Haugen, RYZE Manchester Limited

Expiry Date: 30-Jan-2015

**REASON FOR REPORT:**

The proposal is a major development requiring a Committee decision.

**SUMMARY**

Whilst the loss of the unit for employment purposes would be contrary to policy E1 of the Local Plan, it is considered to be acceptable in the context of paragraph 22 of the Framework. This paragraph advises against the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Adequate car parking can be provided within the site, and the site is accessible by a range of transport options. No significant highways issues are therefore raised. Furthermore, there is not considered to be any significant impact upon the character of the area, and subject to further clarification with Environmental Health, the amenity of neighbours will be safeguarded. No significant adverse impacts are identified, and as a sustainable form of development, planning permission should be granted.

**SUMMARY RECOMMENDATION**

Approve subject to conditions

**PROPOSAL**

The application seeks full planning permission to change the use of an existing industrial warehouse to an indoor trampoline park (class D2 leisure).

**SITE DESCRIPTION**

The application site comprises a vacant industrial warehouse building with ancillary office accommodation and front and side parking areas. The site is located within an Existing Employment Area as identified in the Macclesfield Borough Local Plan.

**RELEVANT HISTORY**

68939P – Mixed Development of B1, B2 AND B8 uses – Approved 06.01.1992

78163P – Industrial and/or warehousing development with related highway and other infrastructure works – Approved 11.07.1994

14/2083M - Change of use of existing vacant industrial warehouse unit to an indoor Trampoline Park (class D2 leisure use) – Withdrawn 07.08.2014

14/3194M - Part Change of Use to car showroom (Sui Generis) and motor vehicle service/repair garage (including MOT testing) (Use Class B2) with ancillary offices and extension to existing unit with associated works – Approved 05.09.2014

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance is paragraph 22 relating to avoiding the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

### **Development Plan**

The Development Plan for this area is the 2004 Macclesfield Local Plan. The relevant Saved Policies are:

- BE1: Design principles for new developments;
- E1: Employment land
- E3: B1 (Business)
- E4: General industrial development;
- DC1: Design – New Buildings
- DC2: Design - Extensions
- DC3: Amenity
- DC6: Circulation and Access.

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

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

The following are considered relevant material considerations as indications of the emerging strategy:

- Policy SD 1 Sustainable Development in Cheshire East
- Policy SD 2 Sustainable Development Principles
- Policy SE 1 Design
- Policy SE 2 Efficient Use of Land
- Policy SE 12 Pollution, Land Contamination and Land Instability
- Policy PG 1 Overall Development Strategy
- Policy EG1 Economic Prosperity
- Policy EG3 Existing and proposed employment sites

## **CONSULTATIONS**

Highways – Comments not received at time of report preparation (no objections to previous application)

Environmental Health – No objections

United Utilities - Comments not received at time of report preparation (no comments on previous application)

Environment agency (EA) - Comments not received at time of report preparation (no objections to previous application)

Handforth Parish Council – Object on the grounds of limited provision of on site car parking and that an existing problem with on street parking in this area could be made worse should the development go ahead in its present form (Supported previous application)

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. No representations have been received.

It should be noted that a press advert is also required to advertise the application. This has not yet been placed in a local newspaper. Therefore, it will be necessary to delegate the application back to the Planning & Enforcement Manager to allow the required level of publicity to take place.

## **APPRAISAL**

### **The key issues are:**

- The principle of the development;
- Highways, access, servicing and parking issues;
- Design and Amenity Implications;

## **ECONOMIC SUSTAINABILITY**

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

The site is allocated as an existing employment area where policies E3 and E4 (which, normally permit Use Classes B1(a), B1(b), B1(c), B2, B8, B1b and B1c) apply. Furthermore, Policy E1 seeks to normally retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes.

The application site is designated for employment uses within the Macclesfield Local Plan. Policy E1 seeks to retain employment land for employment purposes. However, paragraph 20 of the Framework states that, to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

Of particular relevance to this application is paragraph 22, which states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed.

Developing the site for a leisure use would not accord with the adopted local plan allocation for the site. However, Policy EG3 of the Submission Version of the Local Plan also relates to existing and allocated employment sites, and recognises that a more flexible approach may be required in certain circumstances. It states that:

*Existing employment sites will be protected for employment use unless:*

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
- ii. The site is no longer suitable or viable for employment use; and*
  - a. There is no potential for modernisation or alternate employment uses; and*
  - b. No other occupiers can be found.*

Footnote 51 relating to planning policy EG3 of the core strategy states that the site should be marketed at a realistic price reflecting its employment status for a period of not less than 2 years.

### **Marketing**

The marketing report submitted with the applications shows that no. 4 Brooke Park (the application site) has been actively marketed since spring 2011 by both CBRE and DTZ.

On review of the marketing report it seems that whilst there has been a steady flow of viewings of the application premises during the marketing process, the site has been discounted for various reasons including location, the shared service yard and insufficient offices and loading.

It is considered that the application site is likely to lie vacant for the short to medium term due to the reasons stated above. There is not sufficient industrial warehouse demand locally for a unit of this size and configuration and there is more demand from leisure users due to the mixed demographic profile of the nearby surrounding area.

### **Sequential Analysis**

The applicant chose this site as within the region of 6,600 people live in Handforth and the town provides significant demand from local residents as well as being located within close proximity to Wilmslow, Heald Green, Stockport and Styal and is within just a 20 minute drive from Manchester.

The applicant has considered many alternative sites for the indoor Trampoline Park in the area, notably in and around Trafford Park, all of which have been discounted for various reasons, as described in the paragraphs below.

*Longwood Park:* the warehouse unit considered here was a vacant detached property that would have been ideal for this use. However another tenant obtained the lease to the space

before the applicant was able to secure the unit, so it had become unavailable and therefore discounted.

*Central Park Trading Estate:* An empty industrial unit was considered in this location, but the price was too high and parking provision was not suitable. The unit was therefore unviable and unsuitable for the purposes of this use.

*14 First Avenue, Trafford Park:* This unit was in a good location with sufficient and suitable parking, but its internal layout did not work for the trampoline park and was therefore discounted as being unsuitable for the use.

### **Employment levels**

If the application site were fully occupied as a B8 unit, it could accommodate in the region of 26 staff (2061 / 80 sq m).

The applicant expects to employ in the region of 30 full time employees (FTE), although there will only be 15 employees working at any one time due to the nature of the business, which will employ staff on a shift basis.

Based on these calculations, it can be seen that there would be a slight increase of approximately 4 employees on the baseline position; assuming the current site was utilised as a B8 Warehouse unit. The application site has been vacant for approximately 3 years and therefore has not provided any employment and no economic benefit either locally or further afield in recent times, which does detract from the business park's vitality.

In addition to those noted in the above, additional employment generated as a result of the proposals would include cleaners, personal trainers etc. that would not be directly employed by the applicant, but may be either freelance or be employed through an agency. The opening hours proposed by the applicant will also be longer than a B8 use providing more flexible working patterns and greater employment opportunities.

### **Conclusions on economic sustainability**

It is considered that as there is no reasonable prospect of the application site being used for its current, protected use. Therefore, in accordance with the provisions of the Framework, the proposals that form this application can be considered acceptable as an appropriate development that provides employment whilst providing a new leisure use.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Highways and parking issues**

The existing building has an overall floor area of 2,601m<sup>2</sup> and benefits an open B use class. A total of 50 parking spaces are currently provided, none of which are to disabled standard, and there is no formal cycle storage facility.

A baseline level of traffic generation has been calculated using the TRICS database which indicates a worst case total (for a B1(a) use) of 254 daily two-way vehicle movements on the surrounding highway network. AM and PM peak hour traffic flows from the extant permission are 39 vehicles per hour (vph) and 37vph respectively

The Strategic Highways Manager commented on the previous identical application noting that the existing level of traffic generation from the site will need to be taken into account when considering the traffic impact of this new proposal.

The trips generated by the proposed development have been derived from traffic generated by another similar development Surrey. They have assessed the likely footfall that the use would have and from this data looked at the potential car occupancy to then finally determined the number of trips to the site.

Based upon this information the applicant predicts that the site will generate between 20-25 weekday two-way trips. The Strategic Highways Manager does not agree with the assertion in the transport statement that there will be the level of linked trips to this site as the decision to visit such a leisure facility is a destination in its own right and visitors would make a separate trip to the site. Therefore, it is expected that the number of trips to the site will be higher than predicted although not to such a level that would constitute a traffic impact issue.

The level of highest peak hour traffic generation from this facility is likely to fall outside the traditional workday AM and PM peaks and busiest trip generation to the site would be during the weekend.

There is a considerable area of car parking fronting the site, with parking for 48 cars, which is considered to be a reasonable level of car parking provision for the proposed use. The net increase over and above the existing commercial use during the weekday peaks when the background traffic is at its highest is likely to be negligible. No highway objections are therefore raised

The site is located approximately less than two minutes walk from the closest bus stop on Epsom Avenue. Buses run between Handforth Dean and Stockport via Heald Green and Cheadle as well as between Wilmslow and Stockport at a frequency of approximately one an hour Monday to Friday and also on Saturdays.

Handforth railway station is located less than 10 minutes' walk from the site and provides regular services to and from Manchester Piccadilly, Stockport and local stations en-route to the north as well as to Crewe, Alderley Edge and local stations to the south. Epsom Avenue is designated as being a suggested cycle route on a quiet road and has a dedicated off road cycle link running to the west connecting it with Handforth and making a connection to the on-road designated cycle lanes along Manchester Road which lead to Finney Green and Lacey Green. Alternatives to the private car are therefore available.

### **Design and Amenity Implications**

The proposed change of use does not seek any significant alteration to the external appearance of the building. Signage would be secured under a separate application in due course.

The application site is within an employment area, with predominantly industrial and office units. It is considered that the application proposals would bring an empty building back into use, retaining the local character of the environment and enhancing the internal fabric of the building.

The application property is a detached building with the nearest residential properties on the opposite side of the railway. The proposed opening hours are; 9am to 9pm on Mondays to Thursdays, 10am to midnight on Fridays and Saturdays and 10am to 9pm on Sundays and Bank Holidays. As noted above, Friday and Saturday nights are proposed to open until midnight. Between 9pm and midnight on these two nights, the applicant intends to open the venue for “Club High Heaven” nights for younger people aged 15+, which involves DJs, live music, laser shows etc. There is therefore the potential for some noise during these hours, however this needs to be considered in the context of the existing lawful use of the site. Environmental Health have not raised any objections to the proposal, however, further clarification will be sought on this matter, and reported to members in an update.

### **Flood Risk**

The application site is in a flood zone 1, being an area where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. The Environment Agency (EA) has been consulted and whilst no comments have been received in relation to this application, no objections were raised to the previous identical scheme. They had previously requested that an informative is placed on any decision that makes the applicant aware of their responsibilities to Handforth Brook.

### **SOCIAL SUSTAINABILITY**

Paragraph 73 of the Framework notes that access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and well being of communities. The proposed trampoline park will contribute to this aim.

### **PLANNING BALANCE**

Whilst the loss of the unit for employment purposes would be contrary to policy E1 of the Local Plan, it is considered to be acceptable in the context of paragraph 22 of the Framework. This paragraph advises against the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. In addition, the proposed trampoline park will employ approximately 30 staff, which is comparable to the use of the site as a B8 warehouse unit. The site is located within a reasonably accessible location, and given that no external alterations are proposed, the impact upon the character of the area is acceptable. Subject to an acceptable outcome of further consultation with Environmental Health, the living conditions of neighbours will be protected. There are no significant adverse environmental implications. Finally, the proposal will represent an alternative opportunity for sport and recreation, which can make an important contribution to the health and well being of communities. The proposal is therefore considered to be a sustainable form of development.

### **RECOMMENDATION**

To allow a press advert to be placed in the local newspaper, it is recommended that the application is delegated to Planning and Enforcement Manager to approve subject to 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 Chair (or in his absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

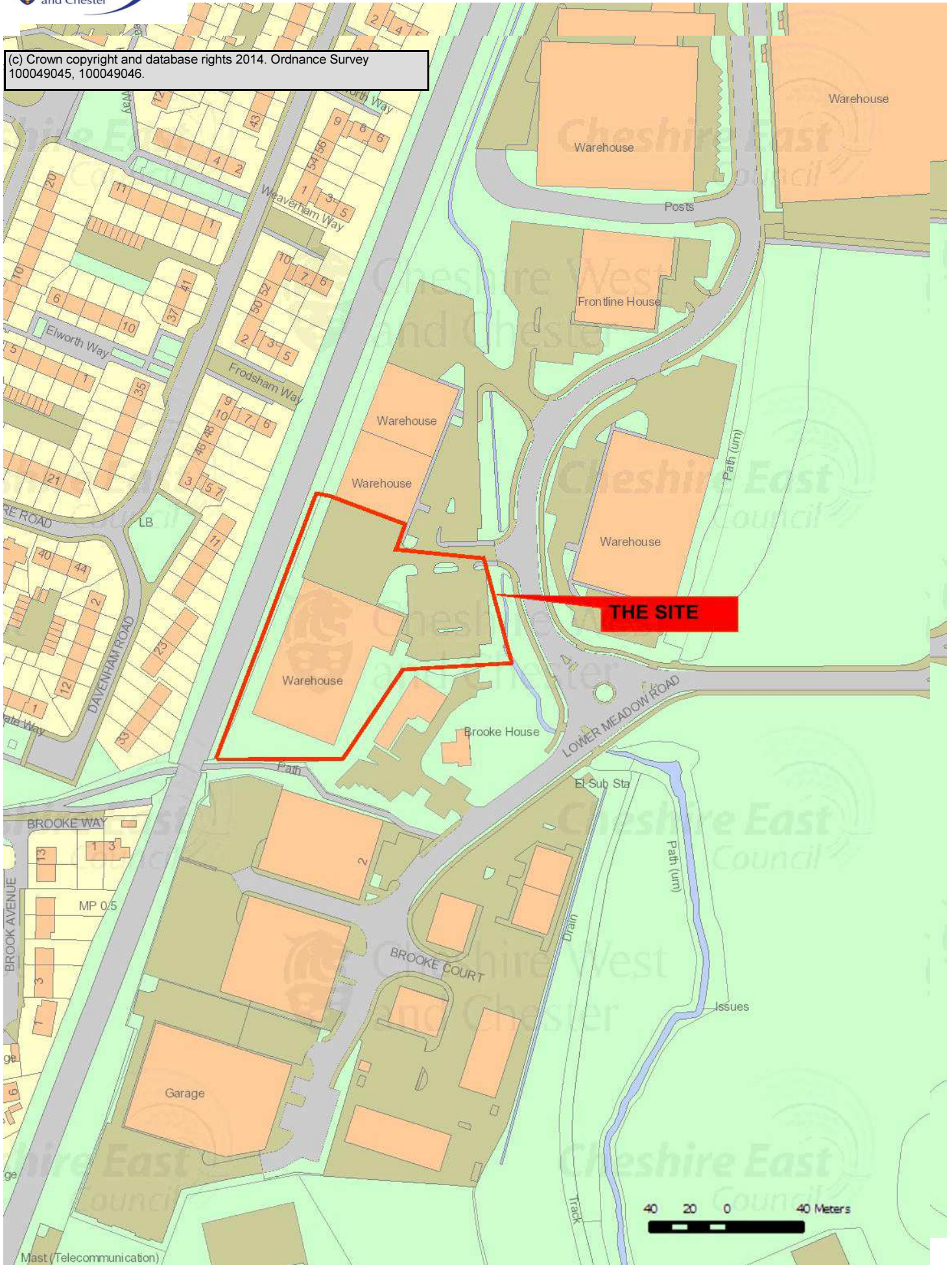
#### Application for Full Planning

#### RECOMMENDATION:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A13GR - Business hours (including Sundays)
4. A04HP - Provision of cycle parking
5. A19MC - Refuse storage facilities to be approved
6. Travel plan to be submitted
7. Car parking to be provided



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Application No: 14/4732C

Location: SANOFI AVENTIS, LONDON ROAD, HOLMES CHAPEL, CREWE, CHESHIRE, CW4 8BE

Proposal: Variation of condition 6 on existing permission 11/2720C; Outline application for extension to manufacturing, warehouse and office facility

Applicant: Fisons Ltd, Trading as Sanofi

Expiry Date: 08-Jan-2015

**REASON FOR REPORT:**

The proposal relates to a condition attached to a major development and therefore requires a Committee decision.

**SUMMARY:**

The principle of the development is accepted. The condition as worded originally is not reasonable as it requires submission of details of the temporary portacabins before phase 1 of the development commences, which will not be required until later phases. As amended, the condition meets all of the tests outlined in the NPPF and NPPG and therefore it is recommended that the condition be amended under Section 73 of the Town & Country Planning Act 1990.

**RECOMMENDATION:**

APPROVE variation of condition no. 6 of outline consent 11/2720C

**PROPOSAL:**

In May 2014, outline planning permission was granted (ref;11/2720C) to extend the manufacturing warehouse and office facilities at the site of Sanofi Aventis in Holmes Chapel. This application seeks to amend condition no. 6 attached to the outline approval. Condition no. 6 stated that:

*"Prior to the commencement of development hereby permitted, details (including drawings of the elevations, floorplans and position/s) of the 2 temporary office portacabins shall be*

*submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.”*

The outline consent indicated that 2 temporary portacabins would be sited to the rear of the plant to serve as office floorspace whilst the new offices were constructed. However, now that the detailed reserved matters have been drawn up for the first phase of development, which is also presently under consideration under planning ref; 14/4705C, the temporary portacabins are not required at this stage. As such, it is proposed to amend the condition so that the details of the portacabins can be provided at a later stage when the remaining phases come forward. It is proposed to reword the condition accordingly:

*“Prior to the provision of any temporary office facilities, details (including a timetable of provision and removal, drawings of the elevations, floorplans and position/s) of temporary office portacabins / accommodation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.”*

#### **SITE DESCRIPTION:**

This application relates to the site of Sanofi Aventis in Holmes Chapel, a large industrial firm specialising in the manufacture and the distribution of pharmaceutical products. The site falls within the settlement zone line of Holmes Chapel and is allocated for employment in the adopted Congleton Borough Local Plan First Review (2005).

#### **RELEVANT HISTORY:**

There are a number of planning applications for the site associated with the plant's incremental growth. However, the most recent and relevant are:

11/2720C - OUTLINE APPLICATION FOR EXTENSION TO MANUFACTURING, WAREHOUSE AND OFFICE FACILITY – Approved 15-May-2014

08/0405/FUL - New energy centre and assoc. ancillary equipment, new sprinkler water storage tank and pump house – Approved 12-Oct-2012

05/1026/FUL - Erection of security fences, gates, barriers, security cabin, flag poles, landscaping, vehicle lay-by and footpaths within the existing site boundary – Approved 17-Nov-2005

#### **NATIONAL & LOCAL POLICY**

##### **National Policy:**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 7, 8, 17 and 206.

Planning Practice Guidance (PPG) is also of relevance.

**Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the settlement zone line of Holmes Chapel Village under Policy PS5.

The relevant Saved Policies are: -

PS5 – Villages

GR1 – General Criteria for New Development

GR2 – Design

GR6 – Amenity and Health

GR9 – Accessibility

E4 – Employment Development in Villages

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

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

The following are considered relevant material considerations as indications of the emerging strategy:

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

EG1 – Economic Prosperity

**CONSULTATIONS:**

**Environmental Protection:**

No objection subject to an informative relating to contaminated land.

**PARISH COUNCIL:**

**Holmes Chapel Parish Council:** Support the application

**REPRESENTATIONS:**

None

**APPRAISAL:**

The principle of the development has already been established. The key issue is whether or not the proposed amendment to condition no. 6 would be acceptable in terms of its necessity, relevance to planning and to the development to be permitted, enforceability, preciseness and whether it would remain reasonable in all other respects (NPPF para 206).

**Assessment**

The effect of the proposed amendment would be to delay the submission of the details of the temporary portacabins to a later phase of development. Given that the portacabins are not required for the first phase of the development, it would be unreasonable to expect the applicant to provide this detail beforehand.

In terms of being necessary, details of the proposed temporary portacabins will still be required before the later phases of development are commenced to ensure that any visual impacts are acceptable. As such, the condition still serves a purpose and as amended is necessary, relevant and reasonable in all other respects.

Thus, the proposed amendment of the condition would be acceptable and in accordance with the advice within the Framework. Further, the proposal would assist in the delivery of sustainable economic development by enabling an existing large local employer to realise their expansion plans. As such, a recommendation of approval is made.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his 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.

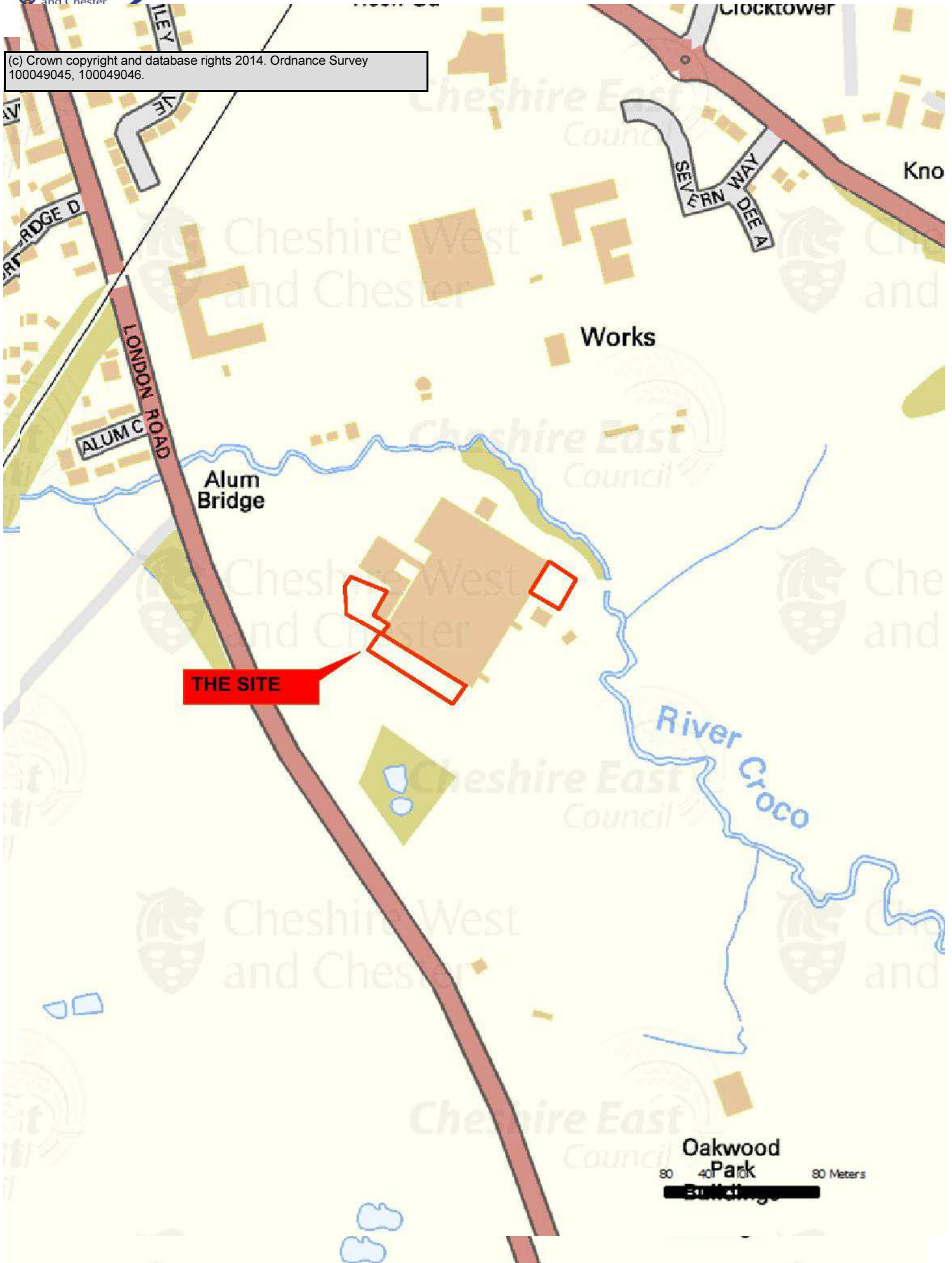
#### Application for Variation of Condition

RECOMMENDATION: Approve subject to following conditions

1. time limit (1) - commencement of development
2. time limit (2) - submission of reserved matters
3. approval of reserved matters
4. approved plans
5. details of reserved matters
6. details of office facilities
7. 2 year limit on temporary office portacabins
8. details of materials
9. hours of construction
10. piling
11. floor floating
12. surface water drainage details
13. details of facing materials and internal insulation (jodrell bank)
14. details of acoustic enclosure of any fans



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Application No: 14/4705C

Location: SANOFI AVENTIS, LONDON ROAD, HOLMES CHAPEL, CREWE, CHESHIRE, CW4 8BE

Proposal: Application for all Reserved Matters in relation to previous permission 11/2720C; the extension to manufacturing facility (area 12)

Applicant: Fisons Ltd, Trading as Sanofi

Expiry Date: 08-Jan-2015

**Date report prepared:** 22 December 2014

**REASON FOR REPORT:**

The proposal is a major development and therefore requires a Committee decision.

**SUMMARY:**

The principle of the development is compatible with surrounding land uses and would facilitate the delivery of new jobs and economic growth for Sanofi Aventis, a local employer. The appearance, scale and layout of the proposals would not impact detrimentally on the character or the site of the area. The proposal is considered to be acceptable in terms of its impact upon landscaping, residential amenity and is acceptable in highways terms. The proposal therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

**RECOMMENDATION:**

APPROVE subject to conditions

**PROPOSAL:**

In May 2014, outline planning permission was granted (ref; 11/2720C) to extend the manufacturing warehouse and office facilities at the site of Sanofi Aventis in Holmes Chapel. This application seeks approval of all of the reserved matters (access, appearance, landscaping, layout and scale) for Phase 1 of the development which comprises of the extension to the manufacturing facility.

## **SITE DESCRIPTION:**

This application relates to the site of Sanofi Aventis in Holmes Chapel, a large industrial firm specialising in the manufacture and the distribution of pharmaceutical products. The site falls within the settlement zone line of Holmes Chapel and is allocated for employment in the adopted Congleton Borough Local Plan First Review (2005).

## **RELEVANT HISTORY:**

There are a number of planning applications for the site associated with the plant's incremental growth. However, the most recent and relevant are:

11/2720C - OUTLINE APPLICATION FOR EXTENSION TO MANUFACTURING, WAREHOUSE AND OFFICE FACILITY – Approved 15-May-2014

08/0405/FUL - New energy centre and assoc. ancillary equipment, new sprinkler water storage tank and pump house – Approved 12-Oct-2012

05/1026/FUL - Erection of security fences, gates, barriers, security cabin, flag poles, landscaping, vehicle lay-by and footpaths within the existing site boundary – Approved 17-Nov-2005

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 7, 8, 17 and 206.

Planning Practice Guidance (PPG) is also of relevance.

### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the settlement zone line of Holmes Chapel Village under Policy PS5.

The relevant Saved Policies are: -

PS5 – Villages

GR1 – General Criteria for New Development

GR2 – Design

GR6 – Amenity and Health

GR9 – Accessibility

E4 – Employment Development in Villages

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

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

The following are considered relevant material considerations as indications of the emerging strategy:

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

EG1 – Economic Prosperity

#### **CONSULTATIONS:**

##### **Environmental Protection:**

No objection

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

Comments awaited.

#### **PARISH COUNCIL:**

**Holmes Chapel Parish Council:** Support the application.

#### **REPRESENTATIONS:**

None

#### **APPRAISAL:**

##### **Principle of Development**

The principle of the development has already been established following the approval of outline application. This application does not provide an opportunity to re-examine the principle of development. The purpose of this application is to consider the access, appearance, landscaping, layout and scale of the scheme (the reserved matters).

##### **Appearance, Layout and Scale**

This application relates to Phase 1 of the outline consent, which deals with 'Area 12' of the plant where it is proposed to extend the manufacturing facility. The extension would be sited alongside the existing packing area of the plant which is the elevation facing London Road. The proposals would be within the scale parameters set by the outline application. The size of the building would be commensurate with the existing building and would be similar in terms of external appearance. It would be smaller in terms of size and overall height and as such the scale of the proposals would appear subordinate to the main plant.

The proposed extension would introduce some glazed areas to an otherwise blank elevation and as such would provide some visual improvements and better articulation of part of the main London Road elevation. The facing materials would match those of the existing plant

and as such, the general design, appearance, layout and scale is considered to be acceptable and in accordance with Local Plan Policies GR1 and GR2.

### **Landscaping**

Whilst the proposal relates to the area of the site that fronts London Road, this section is well screened from the road by existing planting and a bund. Ample separation would remain between these landscape features to enable their retention and owing to dense non-deciduous planting; it is not considered that any additional planting is required to soften the proposals.

### **Access**

The outline application was supported by a Transport Statement (TS) which provided some clarity in terms of staffing numbers, traffic generation and the impact on the local highway network. The impact from the development will be non-material in terms of the operation of the existing site access. In terms of traffic generation, the additional trips which would be generated would be negligible. There are no changes proposed to the access or parking arrangements and any additional vehicular movements and parking requirements as a result of the proposals could be catered for by the existing site access and parking provision already at the site.

The comments of the Strategic Highways Manager are awaited.

### **Impact on the Amenity of Adjacent Properties**

The proposed development is within an existing industrial site and would not materially affect the amenities of any nearby residents (nearest residents are on the western side of London Road 180 metres to the northwest of the site).

### **Conclusions and Planning Balance**

The extension to the manufacturing facility proposed follows the granting of outline consent. The proposal is for sustainable development which would bring environmental, economic and social benefits and would be compliant with relevant policy. Benefits would arise from the proposal and there are no significant adverse impacts associated with it. The application is therefore recommended for approval.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, 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.

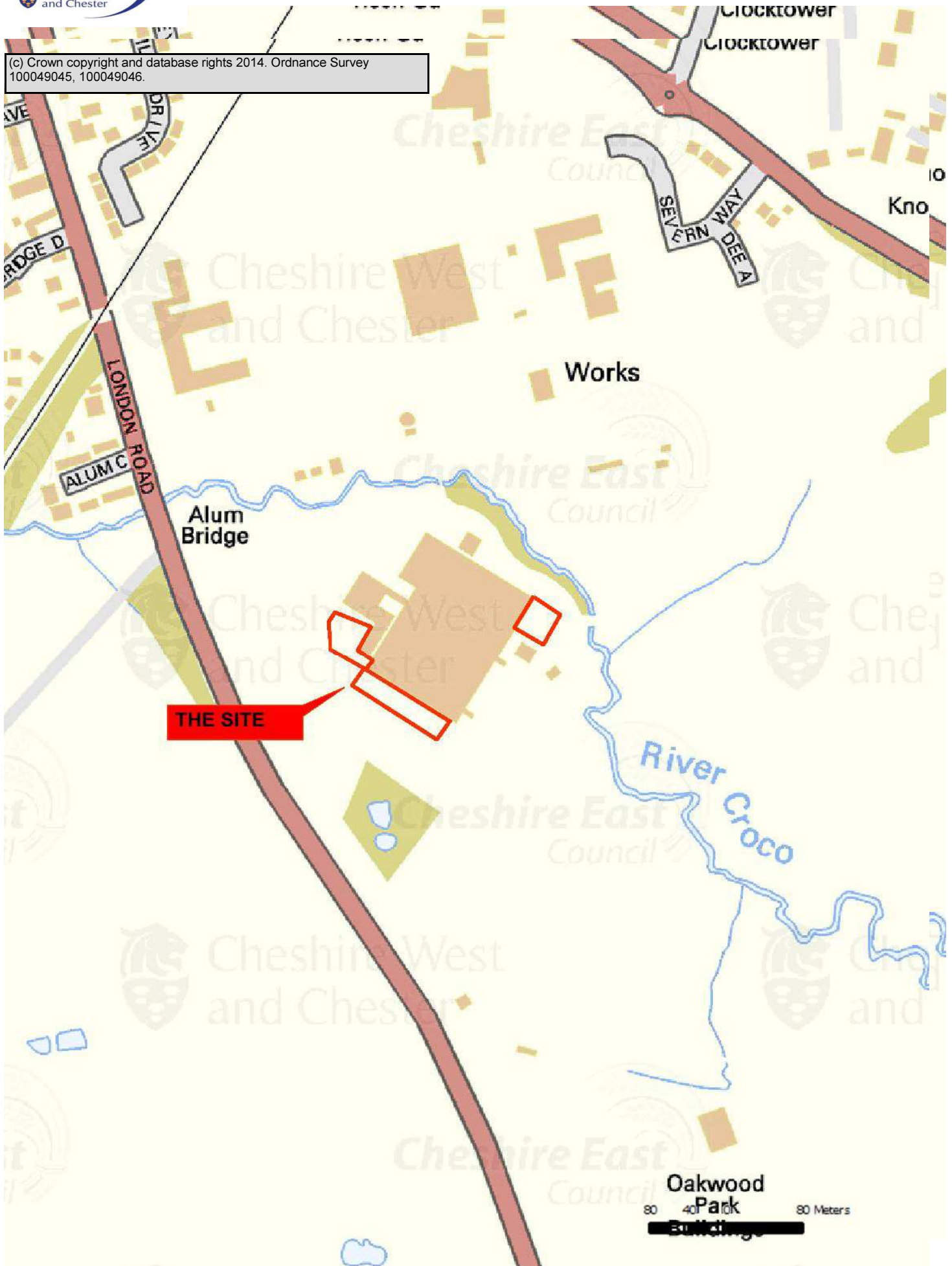
Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of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

Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. Proposal relates to Phase 1 only (Area 12)
3. Submission of levels survey

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Application No: 14/4932N  
Location: WALNUT FARM, BARTHOMLEY, CREWE, CHESHIRE, CW2 5PQ  
Proposal: New cubicle shed  
Applicant: MR P ABELL  
Expiry Date: 27-Jan-2015

**SUMMARY:**

The site is within the Green Belt where buildings for the purposes of agriculture are acceptable and this is an established agricultural business.

There would be a limited environmental impact in the locality due to additional built form in the Green Belt. However, agricultural buildings are considered to be acceptable features in rural areas.

The proposal would satisfy the economic and social sustainability roles by supporting an existing rural business.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon design, highway safety, ecology and amenity.

The scheme represents a sustainable form of development and the planning balance weighs in favour of supporting the development subject to conditions.

**RECOMMENDATION:**

**Approve subject to conditions**

**PROPOSAL**

This application is for full planning permission for the erection of a new cubicle shed at this existing dairy farm. The building would be sited in the existing farmyard and would be attached to an existing building of a similar design.

The building would measure 51.5m x 26m, with a height of 8m and would be constructed of concrete panels and Yorkshire boarding, with a fibre cement roof. The floorspace would be 1,212sqm meaning that it constitutes a small scale major development. The building would be screened by an existing soil bund.

## **SITE DESCRIPTION**

The application site is a working farm located within the Green Belt on the western side of Radway Green Road. The site contains a mix of traditional farm buildings and more utilitarian agricultural buildings. The farmhouse is a detached property which is located to the east of the site. To the north of the farmhouse is a fishing lake.

## **RELEVANT HISTORY**

11/2538N- Lean-to extension of existing building – approved 11<sup>th</sup> October 2011  
11/0591N – Erection of 233m<sup>2</sup> general purpose agricultural building within the farm yard of Walnut Tree Farm – Approved 2<sup>nd</sup> April 2011  
10/2205N – 90m<sup>2</sup> Extension to a general purpose agricultural building – Approved 2<sup>nd</sup> August 2010  
10/1457N - Determination (Agricultural/Forestry) 450m sq General Purpose Agricultural Building - Details of Siting, Design and External Appearance Not Required  
P99/0112 - Quad bike and horse riding track, chalet and car parking – Approved 27<sup>th</sup> April 2000  
P98/0387 - Angling and irrigation pool with car parking – Approved 23<sup>rd</sup> July 1998  
P92/0530 - Farm store (GDO determination) – Planning Permission Not Required 14<sup>th</sup> July 1992

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 28 and 89.

### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the South Cheshire Green Belt.

The Relevant policies of the **Borough of Crewe and Nantwich Replacement Local Plan 2011** are:

### **Local Plan policy**

NE.1 – Development in the Green Belt  
NE.9 – Protected Species  
NE.14 – Agricultural Buildings Requiring Planning Permission  
BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 - Infrastructure

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

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



The following are considered relevant material considerations as indications of the emerging strategy:

The relevant policies of are:

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

#### **CONSULTATIONS:**

##### **Highways:**

None received at the time of report writing.

##### **Environmental Health:**

No objection.

##### **Public Rights of Way:**

The building could impact on a Public Right of Way and this should not be blocked or altered without prior consent.

##### **Barthomley Parish Council:**

Does not wish to comment on the application.

#### **REPRESENTATIONS:**

None received at the time of report writing.

#### **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

##### **Principle of Development**

The site is designated as being within the South Cheshire Green Belt where buildings for agriculture are acceptable in principle, as set out in Policy NE.1 of the adopted local plan and paragraph 89 of the NPPF. Paragraph 28 of the NPPF also promotes the support the sustainable growth and expansion of all types of business and enterprise in rural areas.

The proposal is therefore considered to be acceptable in principle, subject to the issues discussed below.

## **Sustainability**

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

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

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

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

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

## **Environmental Role**

The site is within the Green Belt and there would be some environmental impact in terms of the creation of additional built form. This environmental impact is not considered to be significant though as agricultural buildings are appropriate development in the Green Belt.

## **Economic Role**

Government policy is committed to supporting sustainable economic growth.

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

The development would help the expansion of an existing rural business and is therefore economically sustainable.

## **Social Role**

The expansion of the farm will help to retain employment and is therefore considered to be socially sustainable.

## **.Highways Implications**

The Strategic Highways Manager has not submitted comments on this application at the time of report writing. However; there would be no loss of parking provision and no change to the existing access.

### **Amenity**

The nearest residential property is in excess of 200m away from the proposal and as such a building of this size and appearance would have no adverse impact on residential amenity.

The proposal is therefore considered to be acceptable and in compliance with Policy BE.1 (Amenity).

### **Design**

The building is of a typical agricultural character, very similar to the one to which it would be attached and the materials proposed are appropriate.

The proposal is therefore considered to be acceptable in design terms and in accordance with Policy BE.2 of the adopted local plan.

### **Public Rights of Way**

Public Rights of Way have expressed concerns that the building may impact on the public footpath. From examining the plans it does not appear that this is the case, however an informative should be included on the decision notice reminding the applicant that they would need prior consent to carry out any works that would impact on the public footpath.

### **Ecology**

There are ponds adjacent to the site. They are used for fishing and as such would not support Great Crested Newts.

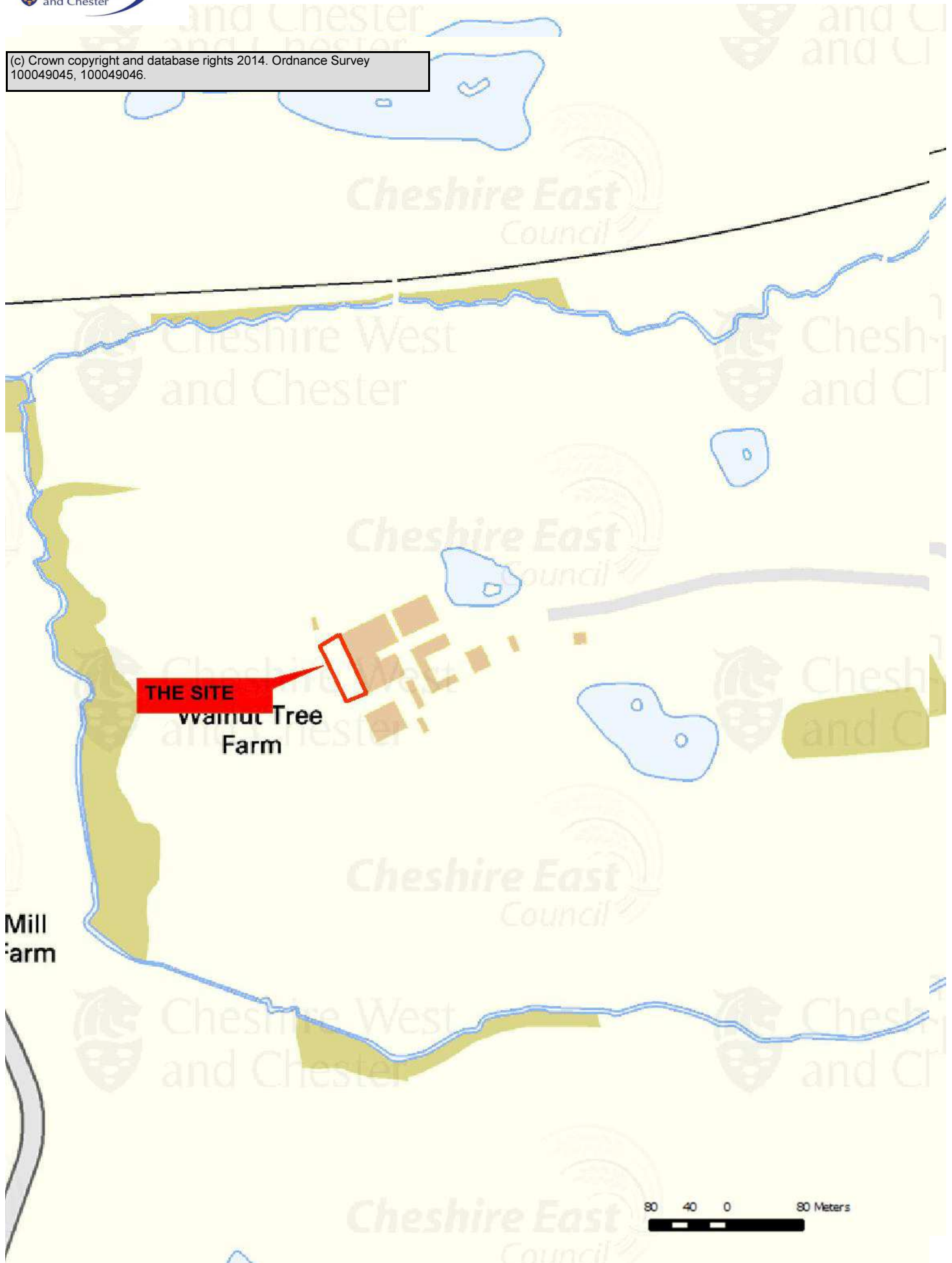
The proposal is therefore considered to be acceptable in ecological terms.

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.

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

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