

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 29th April, 2015</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Meeting Room, Macclesfield Library, Jordangate, Macclesfield</b>

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

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

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

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

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

To approve the Minutes of the meeting held on 1 April 2015 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. **14/5471M-Demolition of the former Council office buildings and associated car parking and erection of an assisted living development (Use Class C2) comprising 67 assisted living apartments integrated with a wide range of wellbeing and support facilities (including a hydrotherapy pool, physiotherapy room, treatment room, gym, library and hobby room, residents lounge, restaurant, guest suite, hair and nail salon, sauna, steam room, and staff accommodation) and care provision tailored to individual resident needs, set in attractive landscaping with associated car parking and construction of additional vehicular access from Alderley Road, County Offices, Chapel Lane, Wilmslow for PegasusLife (Pages 7 - 18)**

To consider the above application.

6. **15/0036M-Variation of condition 12 (caravan occupancy) on application 06/2254P (APPEAL DECISION APP/C0630/A/07/2033939) - Change of use to allow siting of 32 timber clad twin unit caravans, access work and landscaping, Rode Heath Wood, Back Lane, Eaton for Mrs Yvette Johnson (Pages 19 - 28)**

To consider the above application.

7. **15/0037M-Variation of condition 3 (caravan occupancy) on approved 14/0408M - Change of use to allow the siting of 23 timber-clad twin-unit caravans (resubmission of scheme allowed on Appeal under planning permission 09/3544M), Rode Heath Wood, Back Lane, Eaton for Mrs Yvette Johnson (Pages 29 - 38)**

To consider the above application.

8. **15/0283M-Proposed Erection of Hotel Comprising 35 Bedrooms and associated facilities including 37 Car Parking Spaces, Landscaped gardens, Driveway, Boundary Enhancement Measures and Gated Access, Lode Hill, Altrincham Road, Styal for Mr Lee Brown (Pages 39 - 52)**

To consider the above application.

9. **15/1057C-First Floor Front Build over Existing Garage and Porch. Rear Single Storey Garden Room, 42, Primrose Chase, Goostrey, Crewe for Mr & Mrs Kolker**  
(Pages 53 - 58)

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 1st April, 2015 at The Capesthorpe Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

Councillor R West (Chairman)

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

### **OFFICERS IN ATTENDANCE**

Mr P Hooley Planning and Enforcement Manager), Mr N Jones (Principal  
Development Officer) and Mrs C McKay (Locum Planning Lawyer)

### **116 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors L Brown, B Livesley  
and L Roberts.

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

In the interest of openness in respect of application 14/4130C, Councillor  
S Gardiner declared that he used to work for the agents a long time ago.

In the interest of openness in respect of application 14/0616C, Councillor  
S Gardiner declared that he did some work related to the application site a  
few years ago, however he had not commented on the proposals.

In the interest of openness in respect of application 15/0111M, Councillor  
R West declared that he attended a meeting of Adlington Parish Council  
when the application had been discussed but he had not made any  
comments on the application. Also as Ward Councillor for Adlington he  
did know some of the speakers.

In the interest if openness in respect of the same application, Councillor S  
Gardiner declared that he used to be employed by someone that lived  
close to the application site.

### **118 MINUTES OF THE MEETING**

#### **RESOLVED**

That the minutes of the meeting held on 4 March 2015 and be approved  
as a correct record and signed by the Chairman.

### **119 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

120      **14/4130C-DEVELOPMENT OF 24 DWELLINGS WITH ASSOCIATED LANDSCAPING AND ACCESS, LAND ADJACENT, MANOR LANE, MANOR LANE HOLMES CHAPEL FOR PROPERTY CAPITAL PLC AND MR AND MRS L BU**

Consideration was given to the above application.

(Councillor A Kolker, the Ward Councillor and Steve Grimster, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

Affordable Housing comprising:

- 7 units on site 4 for social/affordable rented and 3 for shared ownership

Public Open Space comprising of:

- £7,142.46 to upgrade Elm Drive and £23,468.00 towards future maintenance (25 years)
- Management company for onsite Amenity Green Space

And subject to the following conditions:-

1. Standard time limit 3 years
2. Development to be carried out in accordance with approved plans
3. Submission / approval and implementation of scheme of electromagnetic screening
4. Submission / approval and implementation of environmental management plan
5. Hours of construction limited
6. Hours of piling limited
7. Accordance with submitted noise mitigation scheme
8. Submission / approval and implementation of scheme to minimise dust emissions
9. Foul drainage should be connected to foul sewer
10. Construction of approved access
11. Ecological mitigation to be carried out in accordance with submitted statement
12. Accordance with ecological mitigation

13. Bird breeding survey
14. Materials to be submitted and approved
15. Landscaping scheme to be submitted including management details and boundary treatments
16. Landscaping implementation
17. Tree protection scheme
18. Arboricultural Method Statement
19. Submission of plan showing refuse vehicle tracking
20. Submission of a suite of design and construction plans which will include for the proposed tactile paving on Manor Lane and 2 metre service strips
21. Submission of details of any external lighting
22. Removal of permitted development rights Classes A-E
23. Cycle storage to be provided for all dwellings on the site
24. Landscaping condition amended to note that the buffer between new housing and listed building should incorporate semi-mature trees / planting where possible at the outset

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 the 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.

(Prior to consideration of the following application, Councillor Mrs O Hunter left the meeting and did not return).

- 121        **14/0616C-PROPOSED RESIDENTIAL DEVELOPMENT OF 16 NO DWELLINGS TO VACANT LAND NORTH OF BROOK STREET, CONGLETON. PROPOSED DEVELOPMENT IS AN EXTENSION TO THE EXISTING APPROVED SCHEME WHICH HAS BEEN DESIGNED TO FACILITATE FUTURE ACCESS,, LAND OFF BROOK STREET PHASE 2, BROOK STREET, CONGLETON FOR MRS NICHOLA BURNS, MORRIS HOMES NORTH LTD**

Consideration was given to the above application.

(Rob Earley, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

- 3 units on site 2 for social/affordable rented and 1 for shared ownership

And subject to the following conditions:-

1. Standard time limit 3 years
2. Development in accordance with submitted plans
3. Hours of construction restriction – construction including delivery vehicles.
4. Hours restriction - piling activity
5. Updated Contaminated land Phase 1 to be submitted
6. Landscape scheme and Management Plan to be submitted
7. Landscaping to include native species for ecological value
8. Implementation of landscaping
9. Survey for breeding birds and protection during breeding season
10. Incorporation of features into the scheme suitable for use by breeding birds
11. Incorporation of features into the scheme suitable for use by bats
12. Submission/approval and implementation of a programme of remedial works to retained trees
13. Levels to be submitted
14. Materials to be submitted to and approved
15. Detailed scheme for dust mitigation during demolition and construction
16. Details of external lighting strategy to be submitted and agreed
17. Retention of Wheel House Building
18. Detailed Tree Protection Scheme to be submitted, agreed and fully implemented
19. Scheme for watercourse protection during construction including 8m buffer strip and wildlife corridor to be retained
20. Development to be carried out in accordance with Flood Risk Assessment
21. Site Waste Management Plan to be submitted and agreed
22. Precise details of all boundary treatments within the site to be agreed to include public open space and riverside areas or footpaths
23. Method statement detailing proposals for the eradication of Japanese Knotweed and Himalayan Balsam
24. Details of bin storage to be submitted to and approved
25. Removal of PD classes A-E

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 the 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.

122      **15/0111M-THE DEMOLITION OF AN EXISTING GARAGE AND WORKSHOP AND THE CONSTRUCTION OF AN ECO HOUSE OF EXCEPTIONAL DESIGN IN THE EXISTING GARDEN OF GREEN LEAVES, BROOKLEDGE LANE, GREEN LEAVES, BROOKLEDGE LANE, ADLINGTON FOR JOHN COSTELLO**

(During consideration of the application, Councillor Miss C Andrew left the meeting and returned, therefore she did not take part in the debate or vote on the application).

Consideration was given to the above application.

(Parish Councillor David Moss, representing Adlington Parish Council, Arthur Bell, an objector and Graeme Luxton, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan, which reduces openness. The material considerations advanced by the applicant in favour of the proposal do not amount to the required very special circumstances to clearly outweigh the identified harm to the Green Belt. The development is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and paragraph 89 of the National Planning Policy Framework.

2.      A European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development. Due to the Green belt harm identified, there are no reasons of overriding public interest to allow the proposal. The proposal therefore fails to meet the tests of the Habitats Directive.

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 the 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 commenced at 2.00 pm and concluded at 3.30 pm

Councillor R West (Chairman)

Application No: 14/5471M

Location: COUNTY OFFICES, CHAPEL LANE, WILMSLOW, SK9 1PU

Proposal: Demolition of the former Council office buildings and associated car parking and erection of an assisted living development (Use Class C2) comprising 67 assisted living apartments integrated with a wide range of wellbeing and support facilities (including a hydrotherapy pool, physiotherapy room, treatment room, gym, library and hobby room, residents lounge, restaurant, guest suite, hair and nail salon, sauna, steam room, and staff accommodation) and care provision tailored to individual resident needs, set in attractive landscaping with associated car parking and construction of additional vehicular access from Alderley Road

Applicant: PegasusLife

Expiry Date: 03-Mar-2015

## SUMMARY

The site is identified as a Housing Allocation in the Macclesfield Borough Local Plan. The principle of elderly person's accommodation is therefore considered to be acceptable.

As the proposal is not classified as use class C3 (dwellinghouses) there is no affordable housing requirement. However, the development will provide suitable accommodation to enable an ageing population within Cheshire East to live full independent lives for as long as possible. It is considered that the proposal would make a valuable contribution towards meeting an identified housing need for elderly people within the Borough, as well as continuity in their care, which is a material consideration of significant weight. Contributions towards off site provision of open space will also be secured, which is a further benefit of the proposal.

Revised plans are awaited that are expected to overcome initial concerns regarding the scale and massing of the proposal, and will clarify the extent of car parking that will be available to serve the development. In addition a method statement will be submitted to outline the tree protection measures during construction. Finally additional bat surveys are awaited as the optimum time of year for surveys is approaching.

A number of economic benefits will also arise from the development including additional trade for local business and the creation of employment. Subject to the satisfactory receipt of this outstanding information, the proposal is a sustainable form of development, and a recommendation of approval is made subject to conditions and a s106 agreement. Final details of the recommendation will be provided as an update.

## **RECOMMENDATION**

Approve subject to conditions and a s106 agreement

## **PROPOSAL**

This application seeks full planning permission to demolish the former Council office buildings and associated car parking and erect an assisted living development comprising 65 assisted living apartments integrated with a wide range of communal and support facilities including a reception/concierge area, restaurant, lounge, library and hobby room, wellbeing facilities including physiotherapy suite, treatment room, hair and nail salon, salt inhalation suite, sauna, steam room, and gym set in attractive landscaping with associated car parking and construction of additional vehicular access from Alderley Road.

## **SITE DESCRIPTION**

The application site comprises 2 former Council office buildings. One is an attractive 3 to 3.5 storey Victorian building and the other is a two-storey flat roof 1960/70s building. The remainder of the site comprises a car park and grassed area with substantial tree cover protected by Tree Preservation Order. The site is allocated for Housing in the Macclesfield Borough Local Plan, and is surrounded by a Predominantly Residential Area.

## **RELEVANT HISTORY**

None relevant

## **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.

56-68 Requiring good design

### **Development Plan**

The relevant Saved Policies of the Macclesfield Borough Local Plan are:

NE11 Nature conservation;

BE1 Design Guidance;

H2 Environmental Quality in Housing Developments

H4 Housing sites in urban areas

H9 Affordable Housing;

H13 Protecting Residential Areas;

DC1 and DC5 Design;

DC3 Residential Amenity;

DC6 Circulation and Access;

DC8 Landscaping;

DC9 Tree Protection;  
DC35, DC36, DC37, DC38 relating to the layout of residential development;  
DC40 Children's Play Provision and Amenity Space  
T3 Pedestrians;  
T4 Access for people with restricted mobility;  
T5 Provision for Cyclists.

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  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG3 Green Belt  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SC1 Leisure and Recreation  
SC2 Outdoor sports facilities  
SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

### **CONSULTATIONS**

**Highways** – No objections to access or traffic generation. Clarification required on car parking.

**Environmental Health** - No objections subject to conditions relating to dust control, piled foundations, floor floating, travel plans and contaminated land.

**Environment Agency** - No objections subject to conditions relating to contaminated land and groundwater

**United Utilities** – No objections subject to conditions relating to ground and surface water

**Wilmslow Town Council** – Broadly in favour of the development but expressed concerns about the aesthetics of this important gateway site in terms the overall height and design quality. Recommend that it should be entrance only from Alderley Road and exit only to Bedells Lane. Medical Centre traffic should also continue to be allowed to use the Bedells Lane exit.

Request that capital receipts from the sale of the site be utilised for public realm improvements in Wilmslow and that S106 agreements be put in place to improve pavement surfaces around the development and along Alderley Road into the Town Centre and also to enhance the pedestrian crossing on Bedells Lane.

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Wilmslow Express.

5 letters of representation has been received making the following general comments:

- Definite need for this type of accommodation
- Concern about appearance and height at this important gateway site
- Concern about traffic impact
- Parking restrictions will be necessary on Bedells Lane
- Consideration should be give to re-siting pedestrian crossing on Bedells Lane
- Assurance needed that there is no damage to Chruch's drainage pipe
- No trees should be planted that will cause damage to Church buildings
- Height is unacceptable
- Architecturally bland
- Car parking inadequate
- Entry and exit should be one way
- Site cannot justify more than 4 storeys

1 letter of support has been received noting:

- Allows downsizing for aging population, freeing up family homes
- Short walk to town centre
- Good use of Council site
- Supports NPPF guidelines for accommodation of the elderly

## **APPRAISAL**

The key issues are:

- Impact upon amenity of neighbouring property
- Impact upon nature conservation interests
- Protected trees
- Impact upon character of the area
- Highway safety

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design / character**

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

The local area is characterised by a variety of buildings, which are predominantly two or three storeys. There are some larger buildings, such as the Wilmslow Unified Church and a relatively recent four storey building on Chapel Lane, but these are the exception rather than the norm. The buildings generally have a very domestic scale about them, even the four-storey building, which is not a substantial or particularly prominent structure.

The largest buildings along Alderley Road as you approach the town centre are three-storey, with one exception that uses its roof space to provide a fourth floor.

The design and access statement references the predominantly domestic scale of the buildings and points to examples of other buildings that have influenced the design of the proposal. Colshaw Hall, Hawthorne Hall and the existing Remenham building (on the application site) are all buildings with attractive features and detailing, but the extent to which this is carried through to the current proposal is limited.

As originally submitted, the proposed elevations of the five-storey building were rather monotonous, with little variation or depth to any aspect. This was compounded by the sheer scale of the building, which was way beyond the size of anything else in the area. Negotiations with the applicant have since taken place, and the building has gradually been reduced in size, and additional detailing added to the elevations. The key plans provided to members provide the most recent revision, which mainly due to its height, was still considered to be unacceptable. It has however now been agreed that the building will have a similar design but will be reduced to four-storeys, which represents a substantial improvement over the original submission. It is considered that the plot can accommodate a larger building, having regard to the particular location of the site, the higher level of buildings on Chapel Lane and the fairly substantial boundary screening. The building will be visible, but at four storeys, it is expected that the proposal will not be unduly out of keeping with the area. Further details will be provided in an update.

### **Trees / landscape**

The application is supported by an Arboricultural Impact Assessment (AIA) which has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction.

The footprint of the southern elevation facing onto the roundabout broadly follows the existing commercial build line rather than improving the less than desirable existing relationship.

Whilst the usage of the existing building in terms of a commercial entity has been acceptable over the preceding years, a change to residential establishes a requirement to design out problems of social proximity, light attenuation, and apprehension to occupiers of adjacent proposed apartments especially during windy conditions.

The inclusion of a hydrotherapy pool and plant room on the southern elevation of the ground floor in relation to the mature Beech T18, and the adjacent Yews negates the issues in terms of residential setting, but the relationship of the remaining apartments over all four floors is less than desirable mainly on the southern elevation but also the western aspect, especially when taking into consideration the individual balcony orientations of the respective apartments, some of which will be located very close to the distal tips of the adjacent trees, residents will be looking into a green wall. This is also reflected in the tree shadow constraints drawing. At the point of inspection on a relatively clear day in January light attenuation along the southern aspect was moderately poor, this will be further exasperated once the deciduous trees come into leaf. With the build footprint and form as originally submitted it is anticipated that in order to improve the situation for residents the Council will be left in an un-defendable position in terms of receiving applications for inappropriate or unreasonable pruning intervention, or the worst case scenario felling of trees on the southern boundary. The proposal also includes the removal of a protected Yew on the western side of the southern elevation of the building which is not acceptable.

A revised plan has been submitted which moves the building back away from the trees on the southern boundary by approximately 3.6m. This establishes a better relationship in terms of the large mature Beech (T18) and the Yew located to the west which must be retained.

The building still stands within the root protections area (RPA) of T18 as does the eastern corner in the RPA of T14. This raises concern in terms of how construction will be facilitated whilst adequately protecting the trees. Due to the above conflict, protective fencing cannot be erected in accordance with the BS and the respective RPAs. The level changes associated with T18 between the trees stem and the proposed build footprint also adds another dimension and problem. Other than reducing the respective footprints further, a detailed method statement in respect of how works will proceed in these areas without incurring direct or indirect damage will be required prior to the determination of the application, in order to demonstrate that the trees will be adequately protected.

The AIA identifies T18 as a B category tree, however, the arboricultural officer considers that this under values the specimen as it should be classified as an A category specimen. The identified tree protection is also considered to be inadequate even when taking into consideration the existing adjacent building and associated hard standing. Should it be implemented as depicted this will allow access through the trees RPA for both construction traffic and materials. This is reflective of the limited working space associated with this pinch point, and further reinforces the need to re-design this aspect of the project.

The introduction of a bat house into the scheme requires the removal of two trees in order to facilitate the construction. Whilst these stand within G1 of the 1993 TPO none are considered significant in terms of amenity value or screening of the site. Similarly, the trees identified for removal to facilitate the revised point of access are also accepted.



Subject to the receipt of an acceptable method statement to safeguard the trees during construction, and a revised plan show the retention of the Yew tree on the western side of the southern boundary, the proposal will have an acceptable impact upon the trees of amenity value, including those protected by TPO. Further details will be provided in an update.

In landscape terms, the development would retain a large number of the mature protected trees and boundary hedgerows which would provide an attractive wooded setting. The landscape proposals are generally appropriate and acceptable and include nine new semi-mature trees, ornamental shrub beds near to the building and in the car park, grassed areas with bulbs, woodland flora beneath mature trees and additional boundary shrubs and hedges. There may be some scope for further tree planting to mitigate for losses but this has to be balanced against the need for open recreation areas for residents. The scheme could be fully detailed and agreed at the conditions stage.

### **Ecology**

The application is supported by a protected species survey report. The nature conservation officer makes the following comments

Evidence of what is likely to be a maternity colony of a widespread bat species was recorded during the submitted survey. The roost is considered to be of substantial nature conservation value.

In the absence of mitigation the proposed development would pose the risk of killing or injuring any bats present and would result in the loss of the roost. The nature conservation officer advises that the loss of the roost would have a 'High' severity of impact on the local scale and a 'Moderate' impact on the species concerned at the regional scale.

To mitigate for the risk of killing or injuring bats during the construction phase the submitted report recommends to the timing and supervision of the works. The provision of a bat loft area is also proposed to compensate for the loss of the existing roost.

Whilst one bat roost has been identified on site there remains the possibility that the buildings may support roosts of additional bat species. The bat survey report identifies that dusk emergence / pre-dawn re-entry surveys are required to establish the presence/absence of other bat species. A number of trees have also been identified on site that have the potential to support roosting bats. It appears likely that a number of these trees may be lost as a result of the proposed development. The further bat surveys of the site must also therefore include any trees identified as having potential to support roosting bats that would be lost as a result of the proposed development.

The appropriate season for bat surveys is approaching, and therefore the additional surveys are imminent. However, in the event that the required surveys are not provided before the committee meeting it may be necessary to delegate the application back to the Planning and Enforcement Manager. Further details, and an assessment against the tests of the Habitats Regulations will be provided in an update.

Conditions are also recommended to safeguard nesting birds.

### **Residential Amenity**

Local Plan policy DC3 seeks to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

The closest relationship between the proposed building and neighbouring residential properties appears to be where the western elevation will face existing properties on Bedells Lane, which are three-storey. 42 metres will be retained between these buildings, which meets the recommended distance outlined in policy DC38 of the local plan.

Environmental Health advise that the cumulative impact of a number of developments in the area (regardless of their individual scale) has the potential to significantly increase traffic emissions / change the character of traffic in an area / increase HGV movements / and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions. Consequently, they recommend a condition requiring individual Travel Plans for the site with the aim of promoting alternative / low carbon transport options for staff, and patrons.

No further amenity issues are raised, and overall the proposal is considered to comply with policies Dc3 and DC38 of the local plan.

### **Highways**

The Head of Strategic Infrastructure has provided the following comments:

#### Site access

The main access to the site will be via a new priority junction with Alderley Road located just north of Cavendish Mews. The existing accesses are also proposed to be retained from Chapel Lane and the exit only access to Bedells Lane.

The design of the proposed access from Alderley Road is acceptable to serve the proposed level of development without causing any capacity problems, and the visibility provided at the junction is acceptable for the vehicle speeds using Alderley Road.

The access through the Health Centre is retained as is the access onto Bedells Lane which is an exit only. A condition will be required for the applicant to submit details of the measures to be installed that will ensure that this access is exit only.

#### Traffic generation

The existing lawful use of the site is office use, which needs to be taken into account when considering traffic impact of the proposal. The predicted traffic generation for the 65 units has been taken from the Trics database and is between 10-15 trips in the peak hours. The existing use of the site generates more traffic than the current proposal so there will be a net benefit in terms of traffic generation on the road network as a result of the development.

#### Parking

A final revised site plan is awaited to demonstrate the amount of parking that will be available to serve the development. This will be reported as an update.

### **Accessibility**

The site is located on the edge of Wilmslow town centre, within very easy walking distance to the shops and services within the town centre. The site is therefore considered to be in a very accessible and sustainable location.

### **Flood Risk**

The Flood Risk Manager raises no objections but notes that the site is in a sensitive area with known issues of surface water and Main River so measures will be required to mitigate this risk, particularly due to the 'more vulnerable' classification of the development.

The plans suggest that post-development surface water runoff rates will mimic the pre-development scenario. A condition is recommended to require the submission of detailed proposals for disposal of surface water.

## **SOCIAL SUSTAINABILITY**

### **Use class**

As originally submitted, there was some ambiguity over the use class of the proposed development. The applicants have clarified that they are seeking consent for a C2 use. This use class has the broad headline of residential institutions. Indeed traditional care homes would fall into the C2 use class.

The use class is relevant in that for a C3 residential scheme there are requirements for affordable housing provision, as well as other financial contributions, such as open space, education, etc. The same requirements do not apply so directly to C2 uses, although some provision for planning obligations may be required to mitigate for the impact of the development.

Appeal decisions suggest that such uses fall within either a C2 use class, or a sui-generis use. The applicant considers the proposal to be a C2 use, and it is accepted that Close Care units are generally C2 uses. The provision of care is a fundamental aspect of the proposal and is what distinguishes the development from a standard C3 use. A minimum level of care provision will be a requirement for all the apartments within the proposed development. It is this obligatory care provision that takes the proposal out of the C3 (dwellinghouses) use class in this case. It has now been confirmed by the applicant that each household will be provided with a package comprising not less than 1.5 hrs per week of care, wellbeing, domestic and support services.

An operational plan has been submitted, however it is considered that further detail is required, particularly around the provision of a minimum level of care, how care needs are assessed, and care packages. In the event the application is approved, it is recommended that an operational plan is secured via a s106 agreement.

### **Need for the development**

The Cheshire East Strategic Housing Market Assessment (SHMA) Update published in September 2013 identifies the increasing need for extra care housing in the Borough as the population ages. Paragraph 6.24 of the SHMA Update 2013 states:

*"The proportion of older people is expected to increase over the next few decades. Between 2010 and 2030, the number of households: aged Pensionable age to 74 is forecast to*

*increase by 13,300; aged 75-84 is forecast to increase by 14,000; aged 85 and over is forecast to increase by 11,200; and an overall increase of people of pensionable age and above of 38,500."*

This is supported by information within the Council's emerging Vulnerable and Older People's Housing Strategy which states:

*"There is significant need for increased extra care provision in Cheshire East. Utilising the prevalence rates in the Strategic Housing for Older People (SHOP) toolkit, we can determine that Cheshire East will have a shortfall of 1063 extra care places by 2030;"*

This indicates that there is an ageing population in Cheshire East, a fact that is also reinforced by the 2011 Census figures.

The 2011 Census identifies:

- The percentage of people aged 65 or over in England and Wales is 16.4%
- The percentage of people aged 65 and over in Cheshire East is 25.9% which is 37% higher than the average in England & Wales
- The percentage of persons in England & Wales who live in a Communal Establishment is 0.18%
- The percentage of people in Cheshire East who live in a Communal Establishment is 0.14% which is 23% lower than the average in England & Wales

These figures indicate that there is a higher demand for elderly accommodation in Cheshire East and a lower provision when compared to the rest of England & Wales which does suggest that the proposal will satisfy an unmet need.

### **Open space**

Again, due to the use class issues highlighted above, where the proposal sits in terms of its requirements for public open space (POS) is not straightforward. As a development that is essentially residential in nature, it will inevitably have infrastructure requirements similar to a typical housing scheme. The aim of providing POS facilities is to support active lifestyles and sustainable communities for all ages. As the minimum age resident in this development expected to be only 60, there is as much need to consider their needs in terms of access to decent and varied open space opportunities as for any other age bracket. In fact it could be considered more important to provide facilities close to home as mobility and confidence decreases. The benefits of exercise and social integration cannot be underestimated.

In the absence of on site provision, financial contributions will be required towards off site provision. The specific contribution cannot be calculated until the final revised plans have been received. This will be reported as an update.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development would make a limited contribution to this by potentially creating some jobs in construction, economic benefits to the construction industry supply chain, and increased business to local shops and services.

### **PLANNING BALANCE**

The site is identified as a Housing Allocation in the Macclesfield Borough Local Plan. The principle of elderly person's accommodation is therefore considered to be acceptable.

As the proposal is not classified as use class C3 (dwellinghouses) there is no affordable housing requirement. However, the development will provide suitable accommodation to enable an ageing population within Cheshire East to live full independent lives for as long as possible. It is considered that the proposal would make a valuable contribution towards meeting an identified housing need for elderly people within the Borough, as well as continuity in their care, which is a material consideration of significant weight. Contributions towards off site provision of open space will also be secured, which is a further benefit of the proposal.

Revised plans are awaited that are expected to overcome initial concerns regarding the scale and massing of the proposal, and will clarify the extent of car parking that will be available to serve the development. In addition a method statement will be submitted to outline the tree protection measures during construction. Finally additional bat surveys are awaited as the optimum time of year for surveys is approaching.

A number of economic benefits will also arise from the development including additional trade for local business and the creation of employment. Subject to the satisfactory receipt of this outstanding information, the proposal is a sustainable form of development, and a recommendation of approval is made subject to conditions and a s106 agreement. Final details of the recommendation will be provided as an update.

## **RECOMMENDATION**

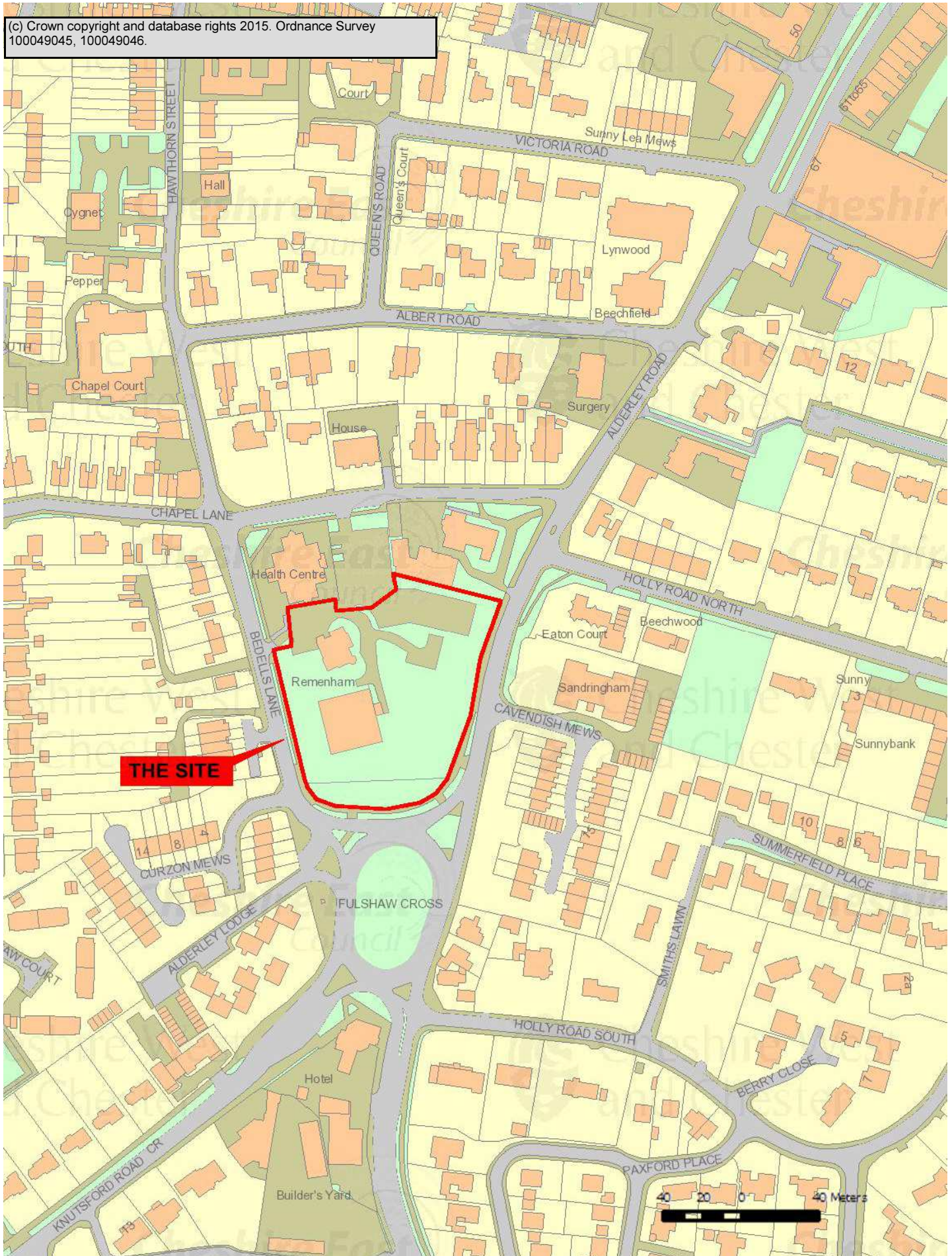
**The application is recommended for approval.**

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02LS - Submission of landscaping scheme
4. A04LS - Landscaping (implementation)
5. A12LS - Landscaping to include details of boundary treatment
6. A16LS - Submission of landscape/woodland management plan
7. A02EX - Submission of samples of building materials
8. Breeding birds survey to be submitted
9. Measures to ensure that Bedells Lane access is exit only to be submitted
10. Surface water drainage details to be submitted



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Application No: 15/0036M

Location: RODE HEATH WOOD, BACK LANE, EATON CW12 2NL

Proposal: Variation of condition 12 (caravan occupancy) on application 06/2254P (APPEAL DECISION APP/C0630/A/07/2033939) - Change of use to allow siting of 32 timber clad twin unit caravans, access work and landscaping

Applicant: Mrs Yvette Johnson

Expiry Date: 06-Apr-2015

### REASON FOR REPORT

The application is a major development requiring a Committee decision.

#### SUMMARY

The proposal seeks to reduce the close season on the holiday park from 6 weeks to 2 weeks.

When considering the removal of the closed season condition in 2014, the concern of the inspector was, *“Even with the other occupancy conditions in place, without the clear but short seasonal restriction, I have serious concerns over whether the Council would be able to enforce the distinction between holiday accommodation on a caravan site, which has been acknowledged to be sustainable development, and general residential accommodation in this location, which would not be.”*

The closed season is already a relatively short period of 6 weeks. Reducing it further is considered to compromise the ability of the Council to effectively monitor the holiday occupation of the lodges. A 2 week break is a very short period for the Council to assess a potential breach of the occupancy condition, particularly given the remote location, substantial screening, restricted access to the site via high security gates, and the potential for residents to carry out maintenance on their lodges during the closed period. Multiple visits may be required, which would be virtually impossible within a short 2 week window. The duration of the closed season needs to be of sufficient length to ensure that it is enforceable. A 6 week period is also not considered to be unreasonable for either owners or occupiers.

Inspectors have continually been satisfied that in this case the closed season condition as currently worded meets the tests for conditions and it is therefore recommended that the proposal to vary the condition should be refused.

In this case, having regard to all of the above details, it is considered that the 6 week “closed season” condition is necessary in addition to the holiday occupancy conditions. This combination of conditions is considered to provide the most effective and appropriate safeguard to ensuring that the caravans are not occupied as a main or sole place of residence.

#### RECOMMENDATION

**Refuse**



## **DETAILS OF PROPOSAL**

This application seeks to vary condition 12 on appeal decision APP/C0630/A/07/2033939. Condition 12 currently restricts occupancy of the caravans for a period of 6 weeks between 14 January - 1 March each year. The proposed variation seeks to reduce this “closed season” period to 2 weeks between 15 January - 31 January each year.

An accompanying application 15/0037M appears elsewhere on the agenda, which seeks the same variation on planning permission 14/0408M that relates to the extended part of the site.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a caravan site that is currently being developed within existing woodland. At present there are 14 occupied caravans on the site. A total of 55 have been approved across this and the adjacent site. The site is located within Countryside Beyond the Green Belt as identified in the Macclesfield Borough Local Plan.

## **RELEVANT HISTORY**

14/0408M - Change of use of land to site 23 timber-clad twin-unit caravans (resubmission of scheme allowed on Appeal under planning permission 09/3544M) – Approved 17.04.2014

13/2654M - Application to Remove Condition 3 of Previously Approved Application 09/3544M to Allow the Holiday Park to Operate All Year Round – Refused 18.09.2013, Appeal dismissed 25.03.2014

13/2611M - Removal of Condition 12 of Approved Application 06/2254P to allow siting of 32 timber clad twin unit caravans, access work and landscaping – Refused 18.09.2013, Appeal dismissed 25.03.2014

10/3803M – Remove condition 12 on planning permission 06/2254P (appeal reference APP/C0630/A/07/20339390) – Refused 24.12.2010

10/4083M – Variation of conditions 9, 10, 12 relating to 06/2254P (appeal decision APP/C0630/A/07/2033939). The purpose of this application is to ensure one of the units can be occupied full time by a manager including during the closed season – This received a resolution of approval by the Northern Planning Committee in January 2011, however the required s106 remains unsigned, and therefore a decision has not been issued.

09/3544M - Change of use of land to allow the siting of 23 timber clad twin unit caravans – Not determined, Appeal allowed 12.07.2010 (Costs awarded against the Council)

09/1509M – Change of use of land to allow the siting of 23 timber clad twin unit caravans - Refused 14.08.2009, Appeal allowed 12.07.2010 (Costs awarded against the Council)



08/2729P - Creation of temporary access (in location of existing field access) to allow delivery of static caravans, and erection of boundary fence and gates - Approved with conditions 26/03/09

08/2291P - Variation of conditions 5 (lighting), 7 (ecology) and 21 (drainage) on application 06/2254P (pre-commencement conditions) to allow works to commence on the internal road only, in accordance with the badger licence granted by Natural England - Withdrawn 18.11.2008

06/2254P - Change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping - Refused 06.11.2006, Appeal allowed 03.12.2007 (Costs awarded against the Council)

## **POLICIES**

### **National Policy**

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

Of particular relevance are paragraphs:

- 28. Supporting a prosperous rural economy
- 55. Housing in rural areas
- 206. Conditions

### **Development Plan**

RT13 - New Tourist Attractions

GC5 - Countryside Beyond the Green Belt

### **Other material considerations**

Cheshire East Local Plan Strategy – Submission Version (CELP)

National Planning Practice Guidance

## **CONSULTATIONS**

Environmental Health – No comments to make

Head of Strategic Infrastructure – No objections

Eaton Parish Council – Whilst we see no major impact on the village from the additional four weeks of occupation, the opportunity should be taken to ensure that the register of occupants main home addresses be examined on a regular basis to ensure that these are being used as "holiday" homes as stated in the application.

Nothing has been seen in relation to passing places or any of the other items that formed part of their previous application for the lifting of the conditions imposed. We did state in our previous response to year round occupancy that the original conditions of planning should be fully complied with prior to the granting of the extended opening period and we therefore make the same point again.

North Rode Parish Council – Strongly object on the following grounds:

- No evidence of any change in circumstances affecting the demand for holiday accommodation in the area to warrant the extension
- Concern that if the properties provide accommodation for 11½ months of the year they will become residential homes rather than to facilitate tourism as holiday homes. Most residential homes are occupied for 11½ month (or less) where the family goes away on holiday for two weeks.
- Under the change of condition the units would become residential, but not be contributing to the costs associated with residing in the area.
- Concern that the infrastructure of the village would become unsustainable on the single track roads through greater occupancy.

## **REPRESENTATIONS**

2 letters of representation have been received objecting to the proposal on the following grounds:

- Do not look like caravans
- Do not look like they can be removed from the site
- Occupants should be required to produce deeds for main property and utility bills
- Obvious intention to allow occupants to use as main residence
- Alteration will create a community larger than Eaton and North Rode
- Impact upon local traffic

## **APPRAISAL**

The key issues are:

- Whether condition 12 on appeal decision APP/C0630/A/07/2033939 is necessary and reasonable in its present form.

## **ENVIRONMENTAL SUSTAINABILITY**

The principle of the use of the site has already been accepted as a result of the earlier permissions. In terms of environmental impacts, the proposed variation is unlikely to raise any additional issues, unless the proposal is found to result in permanent residential accommodation, which would not be a sustainable form of development.

## **SOCIAL SUSTAINABILITY**

In terms of social aspects, the proposal would serve to increase the availability of the holiday lodges to owners.

## **ECONOMIC SUSTAINABILITY**

An extended occupancy period may provide some limited additional benefits to local businesses, through increased trade. The applicant maintains that the variation will also remove the competitive disadvantage they find themselves in when competing against other

parks which operate with a longer season. They state this has affected the rate of sales on the park.

## **PLANNING BALANCE**

### **Principle of Development**

The suitability of the site and the principle of the development have already been assessed by two Planning Inspectors against a similar policy framework to that outlined above, and both concluded that the site was appropriate for tourism purposes. In terms of the current application, it is necessary to examine whether there will be any significant harm to the objectives of relevant planning policy or other matters of public interest arising from the variation of the condition.

The existing permission for the change of use of land to allow the siting of 32 timber clad twin unit caravans, access and landscaping includes a set of conditions designed to prevent the caravans being occupied as a main place of residence. In addition to the condition that is the subject of this application, the appeal decision includes conditions:

- 9) *The caravans shall be occupied for holiday purposes only.*
- 10) *The caravans shall not be occupied as a person's sole or main place of residence.*
- 11) *The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.*

### **Impacts of closed season condition**

Paragraph 28 of the Framework requires local plans to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

The applicant has stated that the existing closed season period puts them at a commercial disadvantage, and has affected the rate of sales on the park. Within the supporting information it is stated that at least 3 sales were lost during 2014 due to the prospective purchasers being put off by the inflexibility of the holiday season compared to other parks. The current closed season prevents owners visiting the site for 6 weeks of the year, including during the February half-term.

However, at the time of the previous appeal, the applicant acknowledged that the sales of lodges had been slow largely due to the downturn in the economy. The rate of sales cannot therefore solely be due to the closed season.

### **Potential for permanent residential accommodation**

As with the previous applications for the removal of the closed season condition, the key concern with this application is again whether the variation of the condition would result in the use of the site for permanent residential accommodation. Due to its countryside location, there is a fundamental national and local policy objection to an unrestricted residential use of the site. The Lodges appear to provide a very high standard of accommodation, to the extent that they could lend themselves easily to use as permanent dwellings.

Within appeal decision letters in general, Inspectors do not provide specific reasons for each individual condition as the Council would when issuing a planning approval, rather they justify them in the body of their report/letter. When allowing the original development on this site in 2007 the Inspector noted, *"The Good Practice Guide includes a set of conditions designed to prevent holiday homes and caravans being occupied as a main or sole place of residence. These conditions together with a 'close season' are sufficient, in my view, to prevent the caravans being occupied as a main place of residence."*

The Inspector during the appeal in 2010 on the adjacent site reiterated this view and stated, *"I have also imposed a condition requiring a 'close season'. The previous Inspector considered such a condition to be necessary to establish the appropriate degree of restriction of use for the caravans in combination with the condition referred to above [holiday occupancy condition]. The 'close season' condition has not been formally challenged by the appellants as there has been no material change in circumstances in the interim. I also consider a similar condition is necessary in these cases."*

The condition that is the subject of this application currently prevents occupation of the caravans between 14<sup>th</sup> January and 1<sup>st</sup> March in any year. Such conditions are commonly referred to as seasonal occupancy conditions, as opposed to holiday occupancy conditions that restrict the use of the units to holiday purposes only.

Previously, and at the time of the last applications, advice on occupancy conditions was found in Circular 11/95 and the Good Practice Guide on Planning for Tourism. However, both these documents have now been replaced by the National Planning Practice Guidance (NPPG). Whilst the NPPG provides advice on the use of conditions, it does not specifically cover seasonal occupancy conditions.

The original Inspector considered that when taken together, all the stated conditions are sufficient to prevent the caravans being occupied as a main place of residence. The second Inspector considered a similar condition was also necessary in these cases. These decisions were taken in the policy context of the Good Practice Guide on Planning for Tourism. However, the Inspector's decision last year which was concerned specifically with the removal of the closed season condition was made after the Good Practice Guide had been replaced by the NPPG, i.e. in the current policy framework.

### **Previous appeal for removal of condition**

As noted in the planning history above, the applicants have previously sought to remove the closed season condition from the permissions. However, these applications were refused and dismissed at appeal.

The Inspector noted:

*"...it appeared to me at the site visit, that because of the remoteness of the site and the siting and screening of the units within the woodland away from the public realm, it would be difficult for the Council to monitor and be sure that the units were not being occupied as a main or sole residence and therefore as general residential accommodation. I also share the Council's concerns that the caravans themselves were of a high standard of lodge-type accommodation and are individually owned and could easily lend themselves to all-year round general residential use."*

The Inspector went on to state that he had:

*“...serious concerns over whether in practice the Council would be able to enforce the distinction between holiday accommodation on a caravan site, which has been acknowledged to be sustainable development, and general residential accommodation in this location, which would not be.”*

### **Other sites**

The applicant has also pointed to other sites that have had their closed season condition removed. As noted above an Inspector has examined the details of this site, and a second Inspector looked at similar details for the adjacent site and both came to the conclusion that a “close season” condition was necessary in this case, in addition to the holiday occupancy conditions listed in the Good Practice Guide. Finally, a third inspector has also looked at the circumstances of the case, specifically in terms of the closed season condition, and found that the condition is justified in this case.

### **Other material planning considerations**

The proposed variation of the condition is not considered to have any significantly greater impact upon the character and appearance of the countryside, highway safety, ecology, residential amenity, or trees compared to the previous permission.

With regard to comments received in representation relating to previous conditions not yet being complied with, this matter is the subject of ongoing discussions with the applicant.

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

When considering the removal of the closed season condition last year, the concern of the latest inspector was, *“Even with the other occupancy conditions in place, without the clear but short seasonal restriction, I have serious concerns over whether the Council would be able to enforce the distinction between holiday accommodation on a caravan site, which has been acknowledged to be sustainable development, and general residential accommodation in this location, which would not be.”*

The closed season is already a relatively short period of 6 weeks. Reducing it further is considered to compromise the ability of the Council to effectively monitor the holiday occupation of the lodges. A 2 week break is a very short period for the Council to assess a potential breach of the occupancy condition, particularly given the remote location, substantial screening, restricted access to the site via high security gates, and the potential for residents to carry out maintenance on their lodges during the closed period. Multiple visits may be required, which would be virtually impossible within a short 2 week window. The duration of the closed season needs to be of sufficient length to ensure that it is enforceable. A 6 week period is also not considered to be unreasonable for either owners or occupiers.

Inspectors have continually been satisfied that in this case the closed season condition meets all of the six tests for conditions now set out in paragraph 206 of the Framework as:

- i. Necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and

vi. reasonable in all other aspects

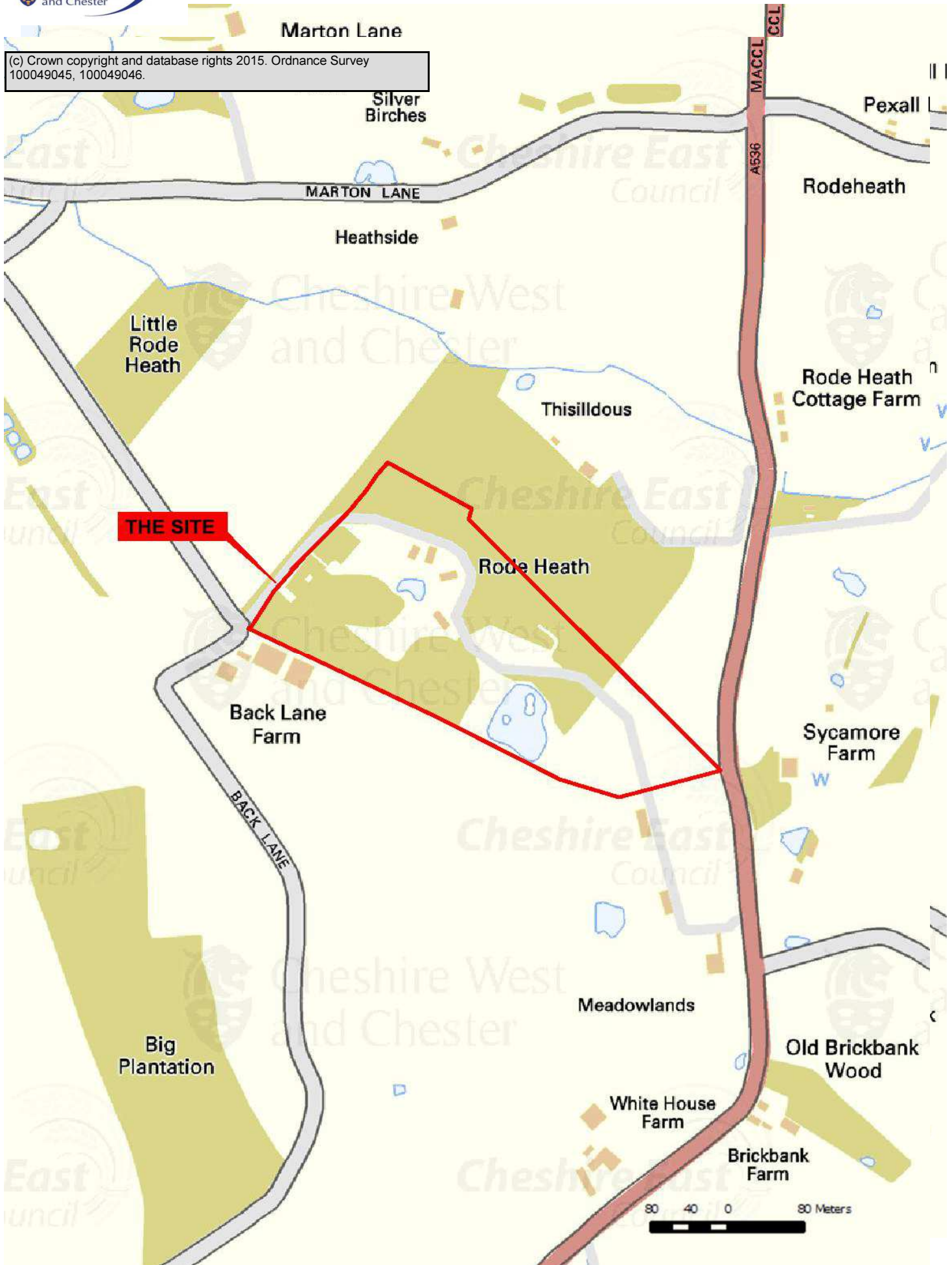
The condition as currently worded is considered to meet the above tests and it is therefore recommended that the proposal to vary the condition should be refused.

In this case, having regard to all of the above details, it is considered that the 6 week “closed season” condition is necessary in addition to the holiday occupancy conditions. This combination of conditions is considered to provide the most effective and appropriate safeguard to ensuring that the caravans are not occupied as a main or sole place of residence.

**Refuse for the following reason:**

1. The close season condition is required in conjunction with holiday occupancy conditions to prevent caravans being occupied as a main place of residence. In the absence of this condition the proposal would be contrary to policy GC5 of the Macclesfield Borough Local Plan 2004 and the National Planning Policy Framework.

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Application No: 15/0037M

Location: RODE HEATH WOOD, BACK LANE, EATON, CHESHIRE

Proposal: Variation of condition 3 (caravan occupancy) on approved 14/0408M - Change of use to allow the siting of 23 timber-clad twin-unit caravans (resubmission of scheme allowed on Appeal under planning permission 09/3544M)

Applicant: Mrs Yvette Johnson

Expiry Date: 06-Apr-2015

### REASON FOR REPORT

The application is a major development requiring a Committee decision

#### SUMMARY

The proposal seeks to reduce the close season on the holiday park from 6 weeks to 2 weeks.

When considering the removal of the closed season condition in 2014, the concern of the inspector was, *"Even with the other occupancy conditions in place, without the clear but short seasonal restriction, I have serious concerns over whether the Council would be able to enforce the distinction between holiday accommodation on a caravan site, which has been acknowledged to be sustainable development, and general residential accommodation in this location, which would not be."*

The closed season is already a relatively short period of 6 weeks. Reducing it further is considered to compromise the ability of the Council to effectively monitor the holiday occupation of the lodges. A 2 week break is a very short period for the Council to assess a potential breach of the occupancy condition, particularly given the remote location, substantial screening, restricted access to the site via high security gates, and the potential for residents to carry out maintenance on their lodges during the closed period. Multiple visits may be required, which would be virtually impossible within a short 2 week window. The duration of the closed season needs to be of sufficient length to ensure that it is enforceable. A 6 week period is also not considered to be unreasonable for either owners or occupiers.

Inspectors have continually been satisfied that in this case the closed season condition as currently worded meets the tests for conditions and it is therefore recommended that the proposal to vary the condition should be refused.

In this case, having regard to all of the above details, it is considered that the 6 week "closed season" condition is necessary in addition to the holiday occupancy conditions. This combination of conditions is considered to provide the most effective and appropriate safeguard to ensuring that the caravans are not occupied as a main or sole place of residence.

#### RECOMMENDATION

**Refuse**

## **DETAILS OF PROPOSAL**

This application seeks to vary condition 3 on permission 14/0408M. Condition 3 currently restricts occupancy of the caravans for a period of 6 weeks between 14 January - 1 March each year. The proposed variation seeks to reduce this “closed season” period to 2 weeks between 15 January - 31 January each year.

An accompanying application 15/0036M appears elsewhere on the agenda, which seeks the same variation on appeal reference APP/C0630/A/07/2033939 that relates to the part of the site currently being developed.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises an area of open land currently used for the grazing of animals. Planning permission 14/0408M granted consent for the siting of 23 timber clad twin unit caravans as an extension to the site of 32 currently under construction in the adjacent woodland. The site is located within Countryside Beyond the Green Belt as identified in the MBLP.

## **RELEVANT HISTORY**

14/0408M - Change of use of land to site 23 timber-clad twin-unit caravans (resubmission of scheme allowed on Appeal under planning permission 09/3544M) – Approved 17.04.2014

13/2654M - Application to Remove Condition 3 of Previously Approved Application 09/3544M to Allow the Holiday Park to Operate All Year Round – Refused 18.09.2013, Appeal dismissed 25.03.2014

13/2611M - Removal of Condition 12 of Approved Application 06/2254P to allow siting of 32 timber clad twin unit caravans, access work and landscaping – Refused 18.09.2013, Appeal dismissed 25.03.2014

10/3803M – Remove condition 12 on planning permission 06/2254P (appeal reference APP/C0630/A/07/2033939) – Refused 24.12.2010

10/4083M – Variation of conditions 9, 10, 12 relating to 06/2254P (appeal decision APP/C0630/A/07/2033939). The purpose of this application is to ensure one of the units can be occupied full time by a manager including during the closed season – This received a resolution of approval by the Northern Planning Committee in January 2011, however the required s106 remains unsigned, and therefore a decision has not been issued.

09/3544M - Change of use of land to allow the siting of 23 timber clad twin unit caravans – Not determined, Appeal allowed 12.07.2010 (Costs awarded against the Council)

09/1509M – Change of use of land to allow the siting of 23 timber clad twin unit caravans - Refused 14.08.2009, Appeal allowed 12.07.2010 (Costs awarded against the Council)

08/2729P - Creation of temporary access (in location of existing field access) to allow delivery of static caravans, and erection of boundary fence and gates - Approved with conditions 26/03/09

08/2291P - Variation of conditions 5 (lighting), 7 (ecology) and 21 (drainage) on application 06/2254P (pre-commencement conditions) to allow works to commence on the internal road only, in accordance with the badger licence granted by Natural England - Withdrawn 18.11.2008

06/2254P - Change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping - Refused 06.11.2006, Appeal allowed 03.12.2007 (Costs awarded against the Council)

## **POLICIES**

### **National Policy**

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

Of particular relevance are paragraphs:

- 28. Supporting a prosperous rural economy
- 55. Housing in rural areas
- 206. Conditions

### **Development Plan**

RT13 - New Tourist Attractions

GC5 - Countryside Beyond the Green Belt

### **Other material considerations**

Cheshire East Local Plan Strategy – Submission Version (CELP)

National Planning Practice Guidance

## **CONSULTATIONS**

Environmental Health – No comments to make

Head of Strategic Infrastructure – No objections

Eaton Parish Council – Whilst we see no major impact on the village from the additional four weeks of occupation, the opportunity should be taken to ensure that the register of occupants main home addresses be examined on a regular basis to ensure that these are being used as "holiday" homes as stated in the application.

Nothing has been seen in relation to passing places or any of the other items that formed part of their previous application for the lifting of the conditions imposed. We did state in our previous response to year round occupancy that the original conditions of planning should be fully complied with prior to the granting of the extended opening period and we therefore make the same point again.

North Rode Parish Council – Strongly object on the following grounds:

- No evidence of any change in circumstances affecting the demand for holiday accommodation in the area to warrant the extension
- Concern that if the properties provide accommodation for 11½ months of the year they will become residential homes rather than to facilitate tourism as holiday homes. Most residential homes are occupied for 11½ month (or less) where the family goes away on holiday for two weeks.
- Under the change of condition the units would become residential, but not be contributing to the costs associated with residing in the area.
- Concern that the infrastructure of the village would become unsustainable on the single track roads through greater occupancy.

## **REPRESENTATIONS**

2 letters of representation have been received objecting to the proposal on the following grounds:

- Do not look like caravans
- Do not look like they can be removed from the site
- Occupants should be required to produce deeds for main property and utility bills
- Obvious intention to allow occupants to use as main residence
- Alteration will create a community larger than Eaton and North Rode
- Impact upon local traffic

## **APPRAISAL**

The key issues are:

- Whether condition 3 on planning permission 14/0408M is necessary and reasonable in its present form.

## **ENVIRONMENTAL SUSTAINABILITY**

The principle of the use of the site has already been accepted as a result of the earlier permissions. In terms of environmental impacts, the proposed variation is unlikely to raise any additional issues, unless the proposal is found to result in permanent residential accommodation, which would not be a sustainable form of development.

## **SOCIAL SUSTAINABILITY**

In terms of social aspects, the proposal would serve to increase the availability of the holiday lodges to owners.

## **ECONOMIC SUSTAINABILITY**

An extended occupancy period may provide some limited additional benefits to local businesses, through increased trade. The applicant maintains that the variation will also remove the competitive disadvantage they find themselves in when competing against other parks which operate with a longer season. They state this has affected the rate of sales on the park.

## **PLANNING BALANCE**

### **Principle of Development**

The suitability of the site and the principle of the development have already been assessed by two Planning Inspectors against a similar policy framework to that outlined above, and both concluded that the site was appropriate for tourism purposes. In terms of the current application, it is necessary to examine whether there will be any significant harm to the objectives of relevant planning policy or other matters of public interest arising from the variation of the condition.

The existing permission for the change of use of land to allow the siting of 23 timber clad twin unit caravans includes a set of conditions designed to prevent the caravans being occupied as a main place of residence. In addition to the condition that is the subject of this application, the permission includes the following condition:

- 2) *The caravans shall be occupied for holiday purposes only. The caravans shall not be occupied as a person's sole or main place of residence; the owner/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.*

### **Impacts of closed season condition**

Paragraph 28 of the Framework requires local plans to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

The applicant has stated that the existing closed season period puts them at a commercial disadvantage, and has affected the rate of sales on the park. Within the supporting information it is stated that at least 3 sales were lost during 2014 due to the prospective purchasers being put off by the inflexibility of the holiday season compared to other parks. The current closed season prevents owners visiting the site for 6 weeks of the year, including during the February half-term.

However, at the time of the previous appeal, the applicant acknowledged that the sales of lodges had been slow largely due to the downturn in the economy. The rate of sales cannot therefore solely be due to the closed season.

### **Potential for permanent residential accommodation**

As with the previous applications for the removal of the closed season condition, the key concern with this application is again whether the variation of the condition would result in the use of the site for permanent residential accommodation. Due to its countryside location, there is a fundamental national and local policy objection to an unrestricted residential use of the site. The Lodges appear to provide a very high standard of accommodation, to the extent that they could lend themselves easily to use as permanent dwellings.

Within appeal decision letters in general, Inspectors do not provide specific reasons for each individual condition as the Council would when issuing a planning approval, rather they justify them in the body of their report/letter. When allowing the original development on this site in 2010 the Inspector noted, *"I have also imposed a condition requiring a 'close season'. The*

*previous Inspector considered such a condition to be necessary to establish the appropriate degree of restriction of use for the caravans in combination with the condition referred to above [holiday occupancy condition]. The 'close season' condition has not been formally challenged by the appellants as there has been no material change in circumstances in the interim. I also consider a similar condition is necessary in these cases."*

The Inspector during the appeal in 2007 on the adjacent site stated, *"The Good Practice Guide includes a set of conditions designed to prevent holiday homes and caravans being occupied as a main or sole place of residence. These conditions together with a 'close season' are sufficient, in my view, to prevent the caravans being occupied as a main place of residence."*

The condition that is the subject of this application currently prevents occupation of the caravans between 14<sup>th</sup> January and 1<sup>st</sup> March in any year. Such conditions are commonly referred to as seasonal occupancy conditions, as opposed to holiday occupancy conditions that restrict the use of the units to holiday purposes only.

Previously, and at the time of the last applications, advice on occupancy conditions was found in Circular 11/95 and the Good Practice Guide on Planning for Tourism. However, both these documents have now been replaced by the National Planning Practice Guidance (NPPG). Whilst the NPPG provides advice on the use of conditions, it does not specifically cover seasonal occupancy conditions.

The Inspector's reasoning for the close season condition when the development on this site was first allowed in 2010 refers to the Inspector's comments in the original appeal (on the adjacent site in 2008), which considered that such a condition was necessary to establish the appropriate degree of restriction of use for the caravans in combination with the holiday occupancy conditions. The original Inspector considered that when taken together, all the stated conditions are sufficient to prevent the caravans being occupied as a main place of residence. The second Inspector considered a similar condition was also necessary in these cases. These decisions were taken in the policy context of the Good Practice Guide on Planning for Tourism. However, the Inspector's decision last year which was concerned specifically with the removal of the closed season condition was made after the Good Practice Guide had been replaced by the NPPG, i.e. in the current policy framework.

### **Previous appeal for removal of condition**

As noted in the planning history above, the applicants have previously sought to remove the closed season condition from the permissions. However, these applications were refused and dismissed at appeal.

The Inspector noted:

*"...it appeared to me at the site visit, that because of the remoteness of the site and the siting and screening of the units within the woodland away from the public realm, it would be difficult for the Council to monitor and be sure that the units were not being occupied as a main or sole residence and therefore as general residential accommodation. I also share the Council's concerns that the caravans themselves were of a high standard of lodge-type accommodation and are individually owned and could easily lend themselves to all-year round general residential use."*

The Inspector went on to state that he had:

*“...serious concerns over whether in practice the Council would be able to enforce the distinction between holiday accommodation on a caravan site, which has been acknowledged to be sustainable development, and general residential accommodation in this location, which would not be.”*

### **Other sites**

The applicant has also pointed to other sites that have had their closed season condition removed. As noted above an Inspector has examined the details of this site, and a second Inspector looked at similar details for the adjacent site and both came to the conclusion that a “close season” condition was necessary in this case, in addition to the holiday occupancy conditions listed in the Good Practice Guide. Finally, a third inspector has also looked at the circumstances of the case, specifically in terms of the closed season condition, and found that the condition is justified in this case.

### **Other material planning considerations**

The proposed variation of the condition is not considered to have any significantly greater impact upon the character and appearance of the countryside, highway safety, ecology, residential amenity, or trees compared to the previous permission.

With regard to comments received in representation relating to previous conditions not yet being complied with, this matter is the subject of ongoing discussions with the applicant.

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

When considering the removal of the closed season condition last year, the concern of the latest inspector was, *“Even with the other occupancy conditions in place, without the clear but short seasonal restriction, I have serious concerns over whether the Council would be able to enforce the distinction between holiday accommodation on a caravan site, which has been acknowledged to be sustainable development, and general residential accommodation in this location, which would not be.”*

The closed season is already a relatively short period of 6 weeks. Reducing it further is considered to compromise the ability of the Council to effectively monitor the holiday occupation of the lodges. A 2 week break is a very short period for the Council to assess a potential breach of the occupancy condition, particularly given the remote location, substantial screening, restricted access to the site via high security gates, and the potential for residents to carry out maintenance on their lodges during the closed period. Multiple visits may be required, which would be virtually impossible within a short 2 week window. The duration of the closed season needs to be of sufficient length to ensure that it is enforceable. A 6 week period is also not considered to be unreasonable for either owners or occupiers.

Inspectors have continually been satisfied that in this case the closed season condition meets all of the six tests for conditions now set out in paragraph 206 of the Framework as:

- i. Necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and

vi. reasonable in all other aspects

The condition as currently worded is considered to meet the above tests and it is therefore recommended that the proposal to vary the condition should be refused.

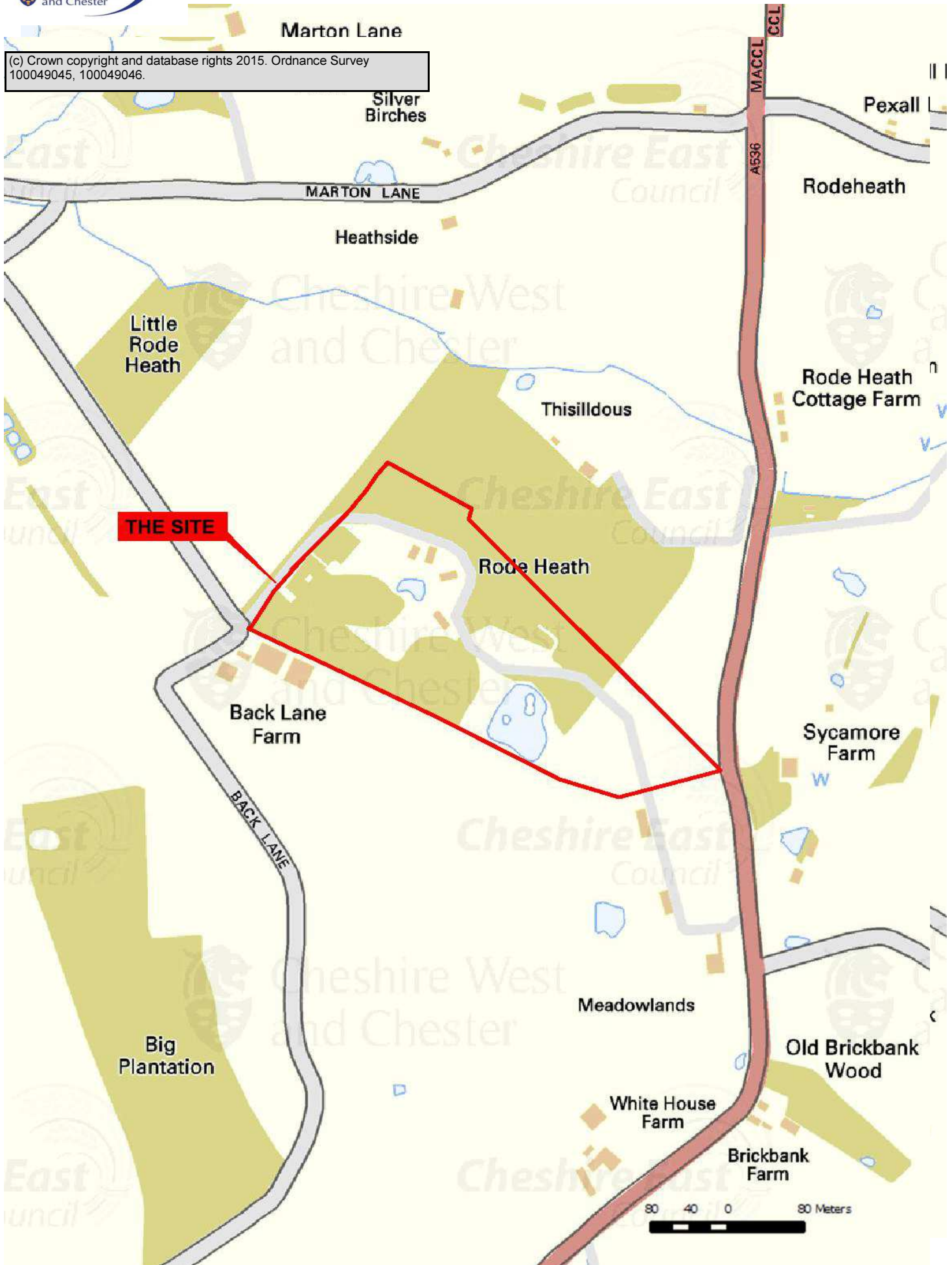
In this case, having regard to all of the above details, it is considered that the 6 week “closed season” condition is necessary in addition to the holiday occupancy conditions. This combination of conditions is considered to provide the most effective and appropriate safeguard to ensuring that the caravans are not occupied as a main or sole place of residence.

**Refuse for the following reason:**

1. The close season condition is required in conjunction with holiday occupancy conditions to prevent caravans being occupied as a main place of residence. In the absence of this condition the proposal would be contrary to policy GC5 of the Macclesfield Borough Local Plan 2004 and the National Planning Policy Framework.



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Application No: 15/0283M

Location: LODGE HILL, ALTRINCHAM ROAD, STYAL, SK9 4LH

Proposal: Proposed Erection of Hotel Comprising 35 Bedrooms and associated facilities including 37 Car Parking Spaces, Landscaped gardens, Driveway, Boundary Enhancement Measures and Gated Access

Applicant: Mr Lee Brown

Expiry Date: 27-Apr-2015

### REASON FOR REPORT

The application is a major development that requires a committee decision.

#### SUMMARY

The proposal is inappropriate development in the Green Belt. Additional harm would be caused to the Green Belt due to the adverse impact on openness. The proposal would result in a significant adverse impact on the amenity of nearby residential property as a result of noise and disturbance associated with the proposed use. Insufficient information has been submitted to demonstrate that the proposal would not result in an adverse impact on Great Crested Newts and on flooding.

Whilst it is acknowledged that there would be some economic benefits associated with the proposal, these together with the very special circumstances put forward are not considered to outweigh that harm identified.

Accordingly, the proposal is not considered to be a sustainable form of development and the application is recommended for refusal.

#### RECOMMENDATION

**Refuse**

### PROPOSAL

Full planning permission is being sought for a 35 bedroom hotel and associated facilities, including a restaurant and leisure suite. The hotel building is of a contemporary design, is flat roofed and comprises two rectangular elements, positioned at an angle to each other, with a glazed link and enclosed courtyard between. The eastern element is three storey, with the western element being three storey to the south and two storey to the north. A single storey restaurant is proposed to the west of the main hotel building. The three storey elements are

11.2m high, the two storey element is 8.3m high and the single storey element is 5m high. The building is to be constructed from a mixture of natural stone, glass and brick.

The existing vehicular access point off Altrincham Road is to be retained and altered slightly. 37 parking spaces are proposed, 11 for staff and 26 for guests.

## **SITE DESCRIPTION**

The application site measures 1.72 hectares and comprises an existing residential property and associated outbuildings. The dwelling is located to the north of the site, with vehicular access off Altrincham Road. The dwelling is a relatively modern, single storey flat roofed building (maximum height of 4.8m) constructed from brick. It is linked to the remnants of the original building that stood on the site, including an entrance arch containing the crest of the Greg family coat of arms. The site also contains a number of areas of hardstanding, with a large area located to the west of the dwelling. These areas are used for airport car parking in connection with the sites lawful use as a mixed use for residential purposes and commercial parking.

Two residential properties, The Stables and Styal House are located to the north of the site. These properties historically formed the servants quarters buildings to the original 15 bed mansion house which sat on the site.

The site is located within the Green Belt, within an Area of Special County Value (ASCV) and within Styal Conservation Area as identified in the Macclesfield Borough Local Plan. A public footpath is located to the east of the site.

## **RELEVANT HISTORY**

15/0028M – CONSERVATION AREA CONSENT – not considered to be required as demolition covered by this application. Applicant advised to withdraw.

10/1524M - CERTIFICATE OF LAWFULNESS FOR THE EXISTING HARDSTANDING – Positive certificate February 2011.

10/1509M - APPLICATION FOR A CERTIFICATE OF LAWFUL DEVELOPMENT HARDSTANDING (F & G) – Negative certificate February 2011.

09/0484M - PROPOSED RETENTION OF HARDSTANDING WITHIN AREAS D, E, F AND G – Refused August 2009. Appeal dismissed.

06/00495E – Enforcement Notice served relating to an unauthorised material change of use of land to a mixed use for residential purposes and commercial parking – January 2008. Notice appealed and varied.

06/3016P - ERECTION OF FENCING TO SOUTH & WEST BOUNDARY (RETROSPECTIVE) – Refused April 2007.

58557P - SINGLE STOREY DWELLING HOUSE TWO FLATS SWIMMING POOL AND TWO CAR GARAGES – Refused June 1989.

## **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.
- 17. Core planning principles
- 28. Supporting a prosperous rural economy
- 56-68. Requiring good design
- 79-92. Green Belt
- 109 – 125. Conserving and enhancing the natural environment
- 126-141. Conserving and enhancing the historic environment

### **Development Plan**

The Development Plan for this area is the 2004 Macclesfield Borough Local Plan, which allocates the site as Green Belt, an Area of Special County Value (ASCV) and a Conservation Area.

The relevant Saved Policies are:

- NE1 Landscape protection and enhancement
- NE11 Nature Conservation
- BE1 Design Guidance
- BE3 Conservation Areas
- BE4 Demolition in Conservation Areas
- GC1 New buildings in the Green Belt
- RT13 Tourism
- T2 Public Transport
- DC1 New build
- DC3 Amenity
- DC6 Circulation and Access
- DC38 Space Light and Privacy

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
- PG1 Overall Development Strategy
- PG2 Settlement hierarchy
- PG3 Green Belt
- PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
EG2 Rural Economy  
EG4 Tourism  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE7 The Historic Environment  
SE9 Energy Efficient Development  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO2 Enabling Business Growth Through Transport Infrastructure

## **CONSULTATIONS**

**Highways** – comments awaited.

**Environmental Health** – no objections subject to conditions.

**Manchester Airport** – no objections. Comments made in relation to the choice of landscaping so as to avoid the use of pine which attract rooks.

**National Trust (Styal)** – no objections.

**Cheshire East Visitor Economy Development Manager** – supportive of the proposal.

**United Utilities** - No objections.

## **TOWN/PARISH COUNCIL**

**Styal Parish Council** – object on grounds of inadequate parking for the proposed number of bedrooms, the number of staff given that the location has poor transport links and the size of restaurant and leisure facilities - and the likely impact that all this will have on Altrincham Road in terms of roadside parking which could not safely be accommodated around the entrance to the property.

The application has some strong merit in terms of the demand for such a hotel near to the airport, the employment benefit, and the benefit of the ceasing of airport parking.

Some strong views against it have been expressed in terms of it being inappropriate in green belt, in a conservation area, in terms of light pollution, and it not being in keeping with the locality and its surroundings.

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the local paper.

To date, 61 representations have been received in relation to the application, 26 in support and 35 objecting. The main points raised are summarised below:

### **Support**

- Benefit to businesses
- Removal of busy car park
- Reduction in traffic
- Employment opportunities
- Visual improvement
- Beautiful addition to the village
- Less impact on the Green Belt
- Improved landscaping and wildlife
- Facility for local residents
- Eco friendly

### **Object**

- Size, height and light of new building
- Noise pollution
- Design
- Insufficient parking
- Traffic
- Inappropriate in the Green Belt
- Adverse impact on Conservation Area
- Detrimental impact on neighbours
- Congestion
- Lack of public transport
- Airport parking for guests?
- Too big for Styal
- No need for it
- Not all of the existing parking spaces are utilised throughout the year
- Concern about it being a park and stay hotel
- Not appropriate in ASCV
- Smells
- Would set precedent
- Adverse impact of construction traffic
- Loss of privacy to neighbours
- Concern about proposed materials
- Impact on wildlife
- Increased carbon footprint
- Adverse impact on nearby properties
- Affect on cycleways and bridleways
- Query where air conditioning units would be located

- Contrary to the emerging plan

Additionally a petition in support of the proposal with 16 signatories has been submitted.

## **APPRAISAL**

The key issues are considered to be:

- Whether the proposal is acceptable in the Green Belt
- Impact upon the Conservation Area
- Impact upon character of the area, including on the ASCV
- Impact on the amenity of neighbouring properties
- Parking
- Impact upon nature conservation interests

## **ENVIRONMENTAL SUSTAINABILITY**

### **Green Belt**

#### Inappropriate Development

Local Plan policy GC1 and paragraph 89 of the NPPF state that the construction of new buildings within the Green Belt is inappropriate unless it is for one of the listed exceptions. The proposed development is not for one of the identified exceptions. Paragraph 89 of the NPPF also allows for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In this case, as stated above, the site contains a number of existing buildings, together with a number of areas of hardstanding, used in connection with the sites mixed use as a residential dwelling and for commercial parking. In order to assess whether the proposal constitutes inappropriate development it is therefore necessary to assess the relative impact of the proposal against the existing development on site including its lawful use for commercial parking.

Figures submitted with the application state that the total floor area of the proposed hotel is 4405 sq metres compared to a floor area of 855.6 sq metres for the existing dwelling and outbuildings. The maximum height of the proposed building is 11.2m, albeit with lower sections as outlined above, with the height of the existing dwelling being 4.8m. It is stated that the lawful areas of hardstanding on the site measure 4255 sq metres and can accommodate up to 393 vehicles at any one time.

It is acknowledged that the existing buildings and large areas of hardstanding on site have an impact on the openness of the Green Belt and involve conflict with Green Belt purposes, particularly when the areas of hardstanding are being used for parking.

With regard to Green Belt purposes, and specifically encroachment in the countryside, it is considered that any reduction in hardstanding would be offset by the increased footprint of the



proposed building. As such it is considered that the proposal would have no greater conflict with the purposes of including land in the Green Belt than the existing land use.

However, when compared with existing development on site, it is considered that the proposal would have a significantly greater impact on the openness of the Green Belt. The proposed hotel building is significantly larger and higher than existing buildings on the site and whilst some existing areas of hardstanding are to be removed, this is not considered to outweigh the additional impact resulting from the proposed building. The proposal is contrary to paragraph 89 of the NPPF and constitutes inappropriate development in the Green Belt.

Very special circumstances are therefore required to justify permitted the development. Very special circumstance will only exist if the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Substantial weight must be given to the harm to the Green Belt, both through inappropriateness and loss of openness. Any other harm resulting from the proposed development must be added to the substantial weight against the proposal before considering whether other considerations exist that clearly outweigh this harm.

#### Very Special Circumstances

The applicant considers that the proposal is not inappropriate development in the Green Belt. However, they state that if the Council does not accept this view they consider that there are very special circumstances which outweigh any harm to the Green Belt. These mainly revolve around the issues associated with the fall back position and are summarised below:

- Removal of an airport parking business and the potential to park up to 393 vehicles at the busiest time of the year
- Opportunity to introduce controls over the development on site through conditions
- Introduction of a high quality development including enhanced landscaping and boundary treatment resulting in enhancement of the Conservation Area and ASCV
- Removal of existing boundary treatment which detracts from its surroundings e.g. razor wire
- Creation of a scheme which has been designed to take account of the amenities of the residents of surrounding residential properties
- Creation of a scheme that removes the likelihood of domestic clutter
- Protection and enhancement of existing trees on site which are not dead or dying
- Preservation and opportunity to relocate the Greg Crest for the benefit of the community of Styal
- The opportunity for a hotel facility within walking distance of Quarry Bank Mill. There is no such facility at present.
- Employment opportunities arising from the proposed hotel for the benefit of local people who could walk or cycle to the site

These matters are considered below in the Planning Balance section of this report.

#### **Impact on the Conservation Area**

The site is located within Styal Conservation Area where policies seek to preserve or enhance the character or appearance of Conservation Areas (Local Plan Policy BE3). The proposal involves the demolition of existing buildings and structures on the site including historic buildings and structures previously associated with the original dwelling on the site. A Heritage, Design & Access Statement has been submitted with the application and concludes that the proposal would enhance the site.

There is no objection to demolition of the existing buildings on the site. The loss of those buildings would not affect the character or historic integrity of the Conservation Area, subject to the reclamation of the Greg Crest. It would also have been preferable for a scheme to retain the archway at the rear of the site, however the Conservation Officer has not raised an objection to its demolition.

The Council's Conservation Officer has been consulted on the application and is satisfied with the proposal in respect of impact on the Styal Conservation Area. The Conservation Officer considers that the principle of a new single building on this site could make a positive contribution and has no objection. However, it is considered that the scale and design of this proposal, and its position relative to adjoining property, is not reflective of the character of the Styal Conservation Area. It is considered that the proposal, at best, has a neutral impact on the character of the Conservation Area.

Should permission be granted for the proposal, a number of conditions regarding materials, windows and rooflights are proposed.

### **Visual impact**

A Landscape and Visual Assessment and a Landscape Design Strategy have been submitted with the application. The Council's Landscape Officer has been consulted on the proposal and has provided the following comments:

*The site is approximately 1.7 Ha and is located on the northern side of Altrincham Road in Style village. It's a sensitive location within the Green Belt, the Bollin Valley ASCV and the Styal Conservation Area.*

*There are mature tree and shrub belts around the eastern, western and southern site boundaries which generally provide good screening. The lawn area and the top of the bungalow are however visible from a stretch of Altrincham Road (about 50 metres in length), just west of the site entrance where there are large gaps between trees and few understorey shrubs. There's also a glimpsed view of the site and the bungalow through a gap in the boundary vegetation from public footpath Styal FP14 located about 160 metres to the east of the site.*

*The proposed hotel would have a much larger footprint than the existing buildings and the two storey elements would be higher than the bungalow with a height of about 11 metres. The hotel would also extend closer to Altrincham Road (55 metres at the closest point) and would be more prominent in views from the road than the existing bungalow. These views would be partially screened or filtered by a group of pine trees in the lawn.*

*The proposed landscape scheme would replace a large area of hardstanding with soft landscaping and would provide an attractive setting for the proposed hotel. The scheme also proposes additional planting around the site boundaries and if the application were approved a planting scheme could be agreed that would, when established, screen the proposed*

*development from Altrincham Road and also from public footpath FP16. A higher fence or wall plus screen planting could also be secured along the northern boundary to improve screening for Styal House.*

Noting the comments outlined above, it is considered that, notwithstanding the comments made in the Green Belt section of this report regarding openness, the visual impact of the proposal is acceptable subject to the imposition of appropriate conditions regarding landscaping, boundary treatments and a 10 year landscape management plan.

## **Residential Amenity**

Local Plan policies DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

Two residential properties are located to the rear of the site and have habitable windows facing towards it. The existing boundary between the site and these properties is marked by a combination of a 3m high brick wall, timber panelled fencing and planting. Commercial parking currently takes place on some areas of land immediately adjacent to the boundary with these residential properties. There is evidence that this has resulted in noise and disturbance being experienced by these properties.

The nearest point of the proposed hotel building to these properties would be 4m further away than the existing dwelling but would be significantly higher (8.4m high compared with 4m). Whilst there would be no windows in these elevations facing towards the properties to the rear, the ground floor would contain delivery doors and doors to a plant room and linen and stores and the staff entrance. Additionally staff parking areas are proposed to the rear of the site, though the proposed site layout has been amended slightly during the course of the application in an attempt to address neighbour concerns. This has resulted in 5 spaces that were located adjacent to the garden of The Old Stables being relocated elsewhere, albeit still towards the rear of the site.

A number of amenity concerns have been raised by the occupiers of the properties located to the rear including: noise and light pollution, disturbance from operation of the hotel/restaurant/spa facility, noise from staff arriving, leaving and parking, smells, plant rooms, service vehicles, overbearing, increased traffic flow and loss of privacy.

Whilst it is accepted that the current use of the site does result in some disturbance to the residents to the rear of the site, it is considered that the site and building layout proposed is likely to increase the amount of noise and disturbance to nearby residents. All of the service facilities are located to the rear of the building, within close proximity to these dwellings. Whilst there is some existing screening and additional proposed, it is not considered that this would mitigate the impact to an acceptable level. A hotel of the size proposed together with the other facilities proposed e.g. restaurant, leisure suite is likely to generate a significant amount of comings and goings, at various times of the day. The comments made in objection regarding the overbearing nature of the building are noted. However whilst the building will increase significantly in scale, given the position of the higher elements of the building relative to nearby property, it is not considered that it would be significantly overbearing.

To conclude on this issue, it is considered that the proposal would result in a significant adverse impact on the amenity of nearby residents by virtue of increased noise and disturbance. As such the proposal is contrary to Local Plan policy DC3 and guidance contained within the NPPF.

## **Trees**

An arboricultural assessment has been submitted with the application and the Council's forestry officer has been consulted and has provided the following comments:

*In terms of any impact upon the amenity and character of the Conservation Area only the loss of the mature Lime, a moderate category tree merits consideration. The tree is visible as a filtered view from the road, but visibility is restricted to fleeting views through the existing group of trees along Altrincham Road. The tree is not visible from any wider public vantage points and whilst it presents some contribution to the sylvan character of the Conservation Area, I consider that given the opportunities for restorative landscaping within the site, the tree and other low category losses can be adequately mitigated by suitable planting scheme that would form part of a larger more comprehensive landscape proposals.*

He concludes that there are no significant objections from an arboricultural perspective and recommends a number of conditions should permission be granted.

## **Ecology**

An extended Phase 1 Habitat Survey has been submitted with the application. The Council's Nature Conservation Officer has been consulted and has provided the following comments:

### Great Crested Newts

*The submitted habitat survey has only assessed a single pond occurring on the application site. There are however a number of ponds located outside the red line of the application but within 250m of the proposed development which have not been surveyed/assessed. I advise that the Council has insufficient information to assess the potential impacts of the proposed development upon great crested newts.*

*I recommend that that applicant provides a further more detailed great crested survey/assessment which includes all ponds within 250m of the proposed development.*

### Nesting Birds

*If planning consent is granted conditions would be required to safeguard nesting birds:*

### Pond

*A small ornamental pond would be lost as a result of the proposed development. The applicant is proposing to compensate for the loss of the pond through the provision of a wetland scape. I advise that the loss of the pond should instead be compensated for by the provision of an open water pond which provides similar habitat to that lost. I recommend that the submitted plans be amended to reflect this.*

At the present time, there is insufficient information to assess the impact of the proposal on Great Crested Newts, a European Protected Species. As such it has not been demonstrated that there would not be any adverse impact on protected species.

## **Highways**

Access to the site would be via the existing access off Altrincham Road, with the entrance gate moved further north to allow space for vehicles to pull off the highway before

approaching the access gate which would be controlled by an entry system. The existing driveway would be retained and provide access to the rear of the hotel for servicing and staff parking. 11 staff spaces are proposed. Guests of the hotel would follow a new driveway to a courtyard adjoining the entrance to the hotel where they would drop their vehicle off to be parked in the 26 space guest parking area located to the side of the proposed restaurant. It is stated that the number of car parking spaces has been kept to a minimum given the highly sustainable location of the site.

The Strategic Highways Manager (SHM) has been consulted on the application. However, no comments have been received to date. Any comments received from the SHM prior to committee will be provided in an update report.

### **Flood Risk**

As the application site area is greater than 1 hectare, the application should be supported by a Flood Risk Assessment. None has been submitted. Whilst there are existing large areas of hardstanding on site, in the absence of an FRA it has not been possible to demonstrate that there would not be an adverse impact on surface water run off associated with the proposal.

### **Contaminated land/Environmental Impacts**

The contaminated land officer notes that the existing use of the site for commercial parking means that it could be affected by any contamination present. Should permission be granted a condition requiring a phase 1 contaminated land survey is therefore recommended.

Additional conditions regarding pile foundations, dust control, floor floating, fixed plant and equipment, construction hours and air quality are also recommended by the Environmental Health department having regard to the nature of the proposal and the site location.

## **SOCIAL SUSTAINABILITY**

### **Open Space**

The Council's SPG on Planning Obligations generally requires Public Open Space and Recreation/Outdoor Sports Facilities on hotel developments with a floorspace of over 1000 sq metres. In the absence of on site facilities a contribution of £600 per bedroom is required for POS/ROS. In this case that equates to a financial contribution of £600 x 35 i.e. £21,000.

Comments on the application are being sought from the Council's Greenspace Officer. Any received prior to committee will be provided in an update report.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to enhance visitor accommodation facilities as well as bringing direct and indirect economic benefits to Styal and the surrounding area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **PLANNING BALANCE**

The proposal is an inappropriate form of development in the Green Belt, which reduces openness. Substantial weight should be given to this harm to the Green Belt. Additionally it is considered that the proposal would result in a significant adverse impact on the amenity of nearby residents due to noise and disturbance associated with the proposed use. Finally, insufficient information has been submitted to assess the potential impact upon Great Crested Newts and on flooding.

With regard to the applicant's suggested very special circumstances, whilst these are noted, it is not considered that either individually or cumulatively, they outweigh the harm identified. It is accepted that the proposal would bring economic benefits and would provide additional tourism accommodation. However, these benefits are not considered to outweigh the harm resulting from the proposal.

The proposal is therefore contrary to policies GC1 and DC3 of the Macclesfield Borough Local Plan and the National Planning Policy Framework. It has also not been possible to confirm whether the proposal complies with policy NE11 of the Local Plan or guidance in the NPPF relating to flooding.

## **RECOMMENDATION**

**The application is recommended for refusal for the following reasons:**

1. The proposal is an inappropriate form of development within the Green Belt which would also impact on openness. The development is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and would cause harm to the objectives of that policy. The development is similarly contrary to national policy guidance relating to development within the Green Belt. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.
2. The proposal would cause unacceptable levels of noise and disturbance to the detriment of the amenities of the occupiers of nearby residential property. The approval of the development would therefore be contrary to guidance contained within the NPPF and Macclesfield Borough Local Plan policy DC3, thereby causing harm to the objectives of those policies.
3. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on nature conservation interests. In particular, adequate survey(s) of the site for the existence of Great Crested Newts were not submitted. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with relevant national policy guidance and Development Plan policies relating to nature conservation.
4. Insufficient information has been submitted with the application relating to flooding and drainage in order to assess adequately the impact of the proposed development having regard to impact on surface water run off and flooding. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.

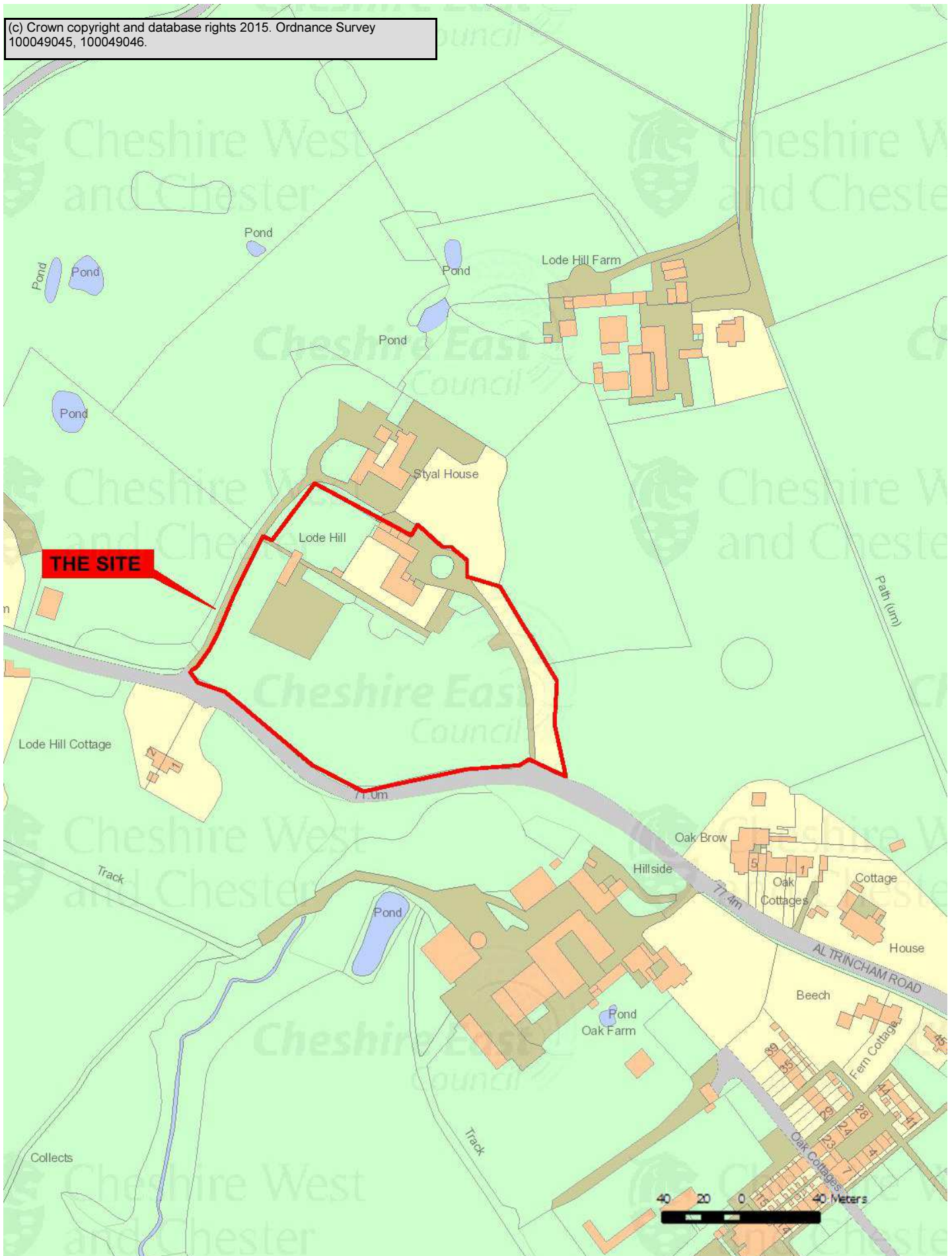
In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical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

#### Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Inappropriate development in the Green Belt and adverse impact on the openness of the Green Belt contrary to Local Plan policy GC1 and the NPPF
2. Significant adverse impact on the amenity of nearby residential property resulting from noise and disturbance contrary to Local Plan policy DC3 and the NPPF
3. Insufficient information regarding Great Crested Newts
4. Insufficient information regarding flooding

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Application No: 15/1057C

Location: 42, PRIMROSE CHASE, GOOSTREY, CREWE, CHESHIRE, CW4 8LJ

Proposal: First Floor Front Build over Existing Garage and Porch. Rear Single Storey Garden Room

Applicant: Mr & Mrs Kolker

Expiry Date: 28-Apr-2015

**REASON FOR REPORT:**

This application is required to be determined by Northern Planning Committee as the applicant is a Cheshire East Councillor.

**SUMMARY:**

No objections have been raised and the extension is not considered to be incongruous within its setting nor detrimental with regard to amenity for any surrounding properties. The proposed development is of an acceptable design and is therefore in accordance to Local Plan Policies and the NPPF.

The application site is within the Goostrey Settlement Zone Line and the scheme represents a sustainable form of development and the planning balance weighs in favour of supporting the development subject to conditions.

**SUMMARY RECOMMENDATION:**

**Approve with conditions**

**PROPOSAL:**

Planning permission is sought for a first floor front extension over the existing garage/porch and a single storey rear extension.

The front extension would be approximately 7 metres (m) in height to ridge, a maximum of 6.1 m in width and a maximum depth 3.7 m. The single storey rear extension would be 3.6 m to ridge in height, 5 m in width with a projection from the existing rear elevation of 3 m.

**SITE DESCRIPTION:**

The application site is a roughly rectangular shaped piece of land located to the south of Primrose Chase. The site comprises a detached, two storey dwelling and associated curtilage. The surrounding area is residential in character.

The site falls within the Goostrey Settlement Zone Line.

**RELEVANT HISTORY:**

None.

**NATIONAL & LOCAL POLICY**

**National Policy:**

The National Planning Policy Framework (2012)

**Development Plan:**

The Development Plan for this area is the Congleton Borough Local Plan First Review. The relevant policies are listed below:

PS5 – Villages in the Open Countryside and Inset in the Green Belt

GR1 – New Development

GR2 – Design

GR6 – Amenity and Health

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

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

MP.1 – Presumption in Favour of Sustainable Development

SD.1 - Sustainable Development in Cheshire East

SD.2 - Sustainable Development Principles

SE.1 - Design

**CONSULTATIONS:**

**Highways:** No comments received at the time of report preparation.

**Environmental Health:** No comments received at the time of report preparation.

**Jodrell Bank (Manchester University):** No comments received at the time of report preparation.

**Goostrey Parish Council:** No comments received at the time of report preparation.

**REPRESENTATIONS:**

None received to date.

## **APPRAISAL:**

### **Principle of Development**

Policy PS.5 (Villages in the Open Countryside and Inset in the Green Belt) of the Congleton Borough Local Plan First Review 2005 states that *“within the settlement lines of villages, development on land which is not otherwise allocated for a particular use will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with other policies of the Local Plan”*.

The proposal is for a front extension over the existing garage and a single storey rear extension which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties or the surrounding area.

#### **Amenity**

One of the main issues relating to this application is the impact that the extension would have on the amenity of the neighbouring properties, no. 40 and no. 44, Primrose Chase. The extension has been designed so as to not project any further from the existing front protruding building line.

The relationship with no. 44 will remain largely unchanged from the existing building relationship, albeit the single storey front projection will become two storey. However there are no new windows proposed on the side elevation facing no. 44. Whilst the bulk of the dwelling will increase at this point, and whilst there will be some additional impact on the rear elevation of the neighbouring property, this is not considered significantly adverse given the existing relative position of the two properties. No. 44 is set forward from no. 42 (the rear building line of no. 44 matches the front building line of no. 42) and it is not considered that the single storey rear extension would have any impact on the amenity of no. 44. It is not considered that the proposed extensions would harm the amenity of no. 44.

With regards to no. 40, Primrose Chase the relationship with no. 42 will remain largely unchanged from the existing building relationship. Four new windows are proposed on the side elevation facing no. 40 (two on the first floor and two on the ground floor). It is considered necessary to condition the first floor windows to be obscurely glazed to prevent any overlooking of the front elevation/garden of No.40. When considering the proposed front extension in relation to any potential overshadowing of principal windows and any potential overbearing effect on the neighbouring property, the proposed front extension complies with the 45 degree guideline that is used as a benchmark to assess the implications of such developments. The single storey rear extension is relatively modest in size and is set away from the boundary with no. 40 by some 5 metres and it is considered that the rear extension would not have any significant detrimental impact on the amenity of no. 40. It is not considered that the proposed extensions would harm the amenity of no. 40.

The proposed velux roof lights on the rear single storey extension are considered to be of an acceptable design and, due to the location, and will have a minimal impact on the amenity of any of the surrounding properties.

It is not considered that there would be any significant impact on the residential amenities of any other property in the area. The development would therefore be in compliance with Policy GR6 (Amenity and Health) of the adopted local plan.

### **Design**

The proposed front extension has been designed with a gable facing north towards Primrose Chase. The design and materials of the proposed front extension would match the existing dwelling and surrounding built form. The front extension roof height has been stepped down from the existing ridge height and is subordinate to the existing dwelling. The proposed new openings are in keeping with the existing window details.

The proposed rear extension would sit comfortably behind the existing dwelling. The design and materials of the rear extension would match the existing dwelling. The rear extension would not be visible from Primrose Chase and as such it is not considered that there would be any impact on the street scene.

The proposed velux style roof lights are considered to be acceptable in design terms.

Overall it is considered that the proposed development is acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings. The proposal is therefore considered to be in compliance with Policies GR1 (New Development) and GR2 (Design) of the adopted Local Plan.

### **Access and Parking**

The proposed extension would mean an increase from 3 bedrooms to 4 bedrooms. The integral garage is to be retained and whilst it will be reduced in size, it remains large enough to accommodate a car and there is enough room for at least two cars to park on the land in the Applicant's curtilage at the front of the property. The Cheshire East Local Plan Submission Version states that; for a 4 bedroom dwelling 3 parking spaces are required.

The proposed development is in accordance with the Cheshire East Local Plan Submission Version parking standards and it is not considered that the extension will have a detrimental impact on highway safety.

### **Planning Balance**

Taking account of Paragraph 14 of the NPPF there is a presumption in favour of sustainable development that accords with the development plan.

The proposal is within the Settlement Boundary for Goostrey, an established residential area and is in accordance with development plan policy. Therefore there is a presumption in favour of development. Accordingly the application is recommended for approval.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning & Enforcement Manager, 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.

Application for Householder

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A25GR - Obscure glazing requirement

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