

Northern Planning Committee

Updates

Date: Wednesday, 15th July, 2015
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

The information on the following pages was received following publication of the committee agenda.

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 - 10)

To approve the Minutes of the meeting held on 17 June 2015 as a correct record.

4. **Public Speaking**

Please contact Julie Zientek on 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies, requests for further information or 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. **15/0585M-Erection of residential development (75 UNITS) set in attractive landscaping with associated car parking, construction of a new roundabout access from Chester Road and landscape and ecological enhancements to the adjoining open space, Former TA Centre, Chester Road, Macclesfield for The House Maker (Macc) Limited (Pages 11 - 36)**

To consider the above application.

6. **15/0711M-Reserved Matters application for the erection of a two storey office building to accommodate B1 and ancillary D1 (clinical and medical uses) and providing 1190 sq m of floorspace (Outline approval 12/3786M), Macclesfield D G Hospital, Prestbury Road, Macclesfield for Mr Stuart Binks, KeyworkerHomes (Macclesfield) LtdTDP (Pages 37 - 42)**

To consider the above application.

7. **15/2544M-Demolition of two existing single storey buildings currently used as part of the primary school (nursery and early years teaching and school dining). Erection of a new single storey dining extension to the east side of the main school building. Erection of a new two storey extension Early Years Centre teaching and administration wing attached to the south of the main school building. Temporary mobile cabin building for school administration staff use during course of building contract, Parkroyal Community School, Lyon Street, Macclesfield for Caron Corden (Pages 43 - 52)**

To consider the above application.

8. **14/5316M-Construction of 18no. 1 & 2 bedroom apartments on the site of former council-owned depot, Former Depot at Junction of Green Street and Cuckstoolpit Hill, Macclesfield, Cheshire for Ms Jo Fallon (Pages 53 - 66)**

To consider the above application.

9. **15/0053C-Construction of 4 new houses, Big Stone Cattery, Goostey Lane, Cranage for Mr Robert Newton (Pages 67 - 78)**

To consider the above application.

10. **14/5159M-Two storey extension at rear to provide first floor rehearsal room with storage areas at ground floor, 85, Chapel Lane, Wilmslow for Wilmslow Green Room Theatre (Pages 79 - 86)**

To consider the above application.

11. **15/2069M-Proposed 4 bedroom house using existing access, Willowmead, Willowmead Drive, Prestbury for Gemma Schofield, Willowmead LLP** (Pages 87 - 100)

To consider the above application.

12. **14/5635M-Outline application for proposed demolition of Armitt Street Works and the erection of 10 No. terraced houses, Cheshire Windows and Glass, Armitt Street, Macclesfield for Mr D Harper** (Pages 101 - 114)

To consider the above application.

13. **14/2147M-Demolition of existing garages and erection of new three storey block of apartments and two storey houses, Garages and open land, Tenby Road, Macclesfield for Peaks and Plains** (Pages 115 - 132)

To consider the above application.

14. **14/2777M-Outline application for proposed erection of 10no. terraced houses, Land to the North of, Park Royal Drive, Macclesfield for Mr D Harper** (Pages 133 - 144)

To consider the above application.

15. **15/2265C-Relocation of existing kitchen and dining room facilities which will involve the following: demolition of existing canteen building; extension to provide new store for table storage (15sqm); external air handling units for new kitchen installation, reconfiguration of play area fencing in preschool area; reconfiguration of car parking layout and new exit ramps; new safety fencing to bank, Daven Primary School, New Street, Congleton for M Lord, Daven Primary School** (Pages 145 - 150)

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 17th June, 2015 at The Capesthorpe Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor G M Walton (Chairman)

Councillors C Andrew, E Brooks, T Fox, S Gardner, A Harewood, L Jeuda,
J Macrae and N Mannion

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr P Hooley (Planning and Enforcement Manager), Mr N Jones (Principal Development Officer), Mr A Ramshall (Senior Conservation Officer), Mr N Turpin (Principal Planning Officer), Mr P Wakefield (Principal Planning Officer) and Ms B Wilders (Principal Planning Officer)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Beanland, C Browne, S Gardiner, M Hardy, G Hayes and Mrs O Hunter.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application 15/0646M, Councillor Mrs T Fox declared that she had pre determined the application by virtue of the fact that she had been the Chairman of Handforth Parish Council Planning Committee when the application was originally discussed. She left the meeting prior to consideration of the application and only returned once a decision had been made.

Councillor J Macrae declared a pecuniary interest in respect of application 14/5471M by virtue of the fact that he was Chairman of Engine of the North who were connected to the applicants. He left the meeting prior to consideration of the application and only returned once a decision had been made.

In addition it was noted that a number of Members on the Committee had received correspondence in respect of some of the applications on the agenda.

3 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting held on 29 April 2015 be approved as a correct record and signed by the Chairman.

4 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

5 INTRODUCTION TO THE WORK OF THE COMMITTEE

RESOLVED

That the Terms of Reference of the Committee be noted.

6 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

Consideration was given to the above application.

(Councillor Mac Fox, representing Styal Parish Council, Elaine Michael, representing Styal Heritage Protection Group, Frank Hewitt, an objector and Susan Jones, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

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.

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.

7 14/5471M-DEMOLITION OF THE FORMER COUNCIL OFFICE BUILDINGS AND ASSOCIATED CAR PARKING AND ERECTION OF AN ASSISTED LIVING DEVELOPMENT (USE CLASS C2) COMPRISING 57 ASSISTED LIVING APARTMENTS INTEGRATED WITH COMMUNAL WELLBEING AND SUPPORT FACILITIES 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

Consideration was given to the above application.

(Councillor R Menlove, the neighbouring Ward Councillor and Guy Flintoft attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written and verbal update to the Committee, the application be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee for approval subject to the completion of a Section 111 Agreement securing the following Head of terms:-

- 81,750 for off-site provision of public open space for improvements, additions and enhancement of existing public open space facilities at Gravel Lane, Lindow Common, Carnival Fields, The Carrs and allotments within Wilmslow.
- Commuted sum for introduction of a TRO adjacent to the Bedells Lane exit of the site.
- Commuted sum for the upgrading of the zebra crossing on Bedells Lane.

And subject to 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, that Alderley Road is not used by non-residents / visitors, and a parking enforcement regime to be submitted
10. Foul and surface water drainage details to be submitted
11. Communal facilities not to be open to non-residents
12. Provision of car parking prior to occupation
13. Submission and compliance with operational plan
14. Development to be carried out in accordance with the submitted arboricultural details
15. Travel Plan to be submitted and implemented

16. Development to be carried out in accordance with the Mitigation and Enhancement Strategy in the submitted Ecological Assessment dated November 2014.
17. Submission of Environmental Management Plan
18. Submission of Remediation Strategy for contaminated land.
19. Details of refuse to be submitted
20. Submission of Construction Method Statement
21. Storage of mobility scooters

(Prior to consideration of the following item Councillor Mrs E Brooks left the meeting and did not return).

- 8 **14/3183M-FULL PLANNING PERMISSION FOR THE PARTIAL REDEVELOPMENT OF SITE COMPRISING - REGULARISATION OF CHANGES TO THE EXTERNAL APPEARANCE OF EXISTING OFFICES CONSTRUCTED UNDER PLANNING PERMISSION 12/1839M, NEW OFFICE EXTENSION AND GLAZED LINK, DEMOLITION OF EXISTING FORMER DWELLING BUILDING TO BE REPLACED WITH NEW OFFICE BUILDING AND STAFF CANTEEN/CUSTOMER HOSPITALITY SUITE, ERECTION OF FREESTANDING POD DISPLAY UNIT, CREATION OF ANCILLARY CAR PARKING AREA AND NEW SITE-WIDE LANDSCAPING AND TREE PLANTING, HORSESHOE FARM, HORSESHOE LANE, ALDERLEY EDGE, WILMSLOW, CHESHIRE FOR SELECT PROPERTY LTD**

Consideration was given to the above application.

(Neil Collins, the Architect attended the meeting and spoke in respect of the application. In addition a written statement was summarised by the Planning Officer on behalf of the Ward councillor C Browne).

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A01GR - Removal of permitted development rights
7. A14GR - Business hours (excluding Sundays)
8. A12GR - No external storage
9. No additional car parking
10. Foul and surface water drainage details to be submitted.
11. Development to be carried out in accordance with the bat mitigation recommendation made by the submitted Extended Phase 1 Habitat

Survey & Dusk Emergence Results report prepared by The Tyrer Partnership dated 4 June 2015.

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 adjourned for a short break).

9 15/0646M-CHANGE OF USE FROM EXISTING FERMAIN CENTRE (SUI GENERIS) TO A NEW FREE SCHOOL (USE CLASS D1), FERMAIN YOUTH CLUB, BESWICK STREET, MACCLESFIELD FOR EAST CHESHIRE YOUTH ACHIEVEMENT FREE SCHOOL

Consideration was given to the above application.

(Liz Burns, an objector and Nic Brindle representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accordance with approved plans
3. Hours of use - 7.30am – 10pm, Mon to Fri, 9.30 am to 6pm at weekends)

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 & 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.

10 15/1581M-DEMOLITION OF REDUNDANT NURSING HOME KNOWN AS "CYPRESS HOUSE" AND ERECTION OF 13NO. 2 BEDROOM HOUSES AND ASSOCIATED HIGHWAY AND LANDSCAPING WORKS,, CYPRESS HOUSE, SOUTH ACRE DRIVE, HANDFORTH, CHESHIRE FOR NICK GORNALL, EQUITY HOUSING GROUP

Consideration was given to the above application.

(Mr Hardy, an objector and Nick Gornall, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

As no play areas/public outdoor space is being provided within the development a commuted sum for off-site provision is required. At £3,000 per 2 bed family home this totals £39,000. The requirement for recreation outdoor space is waived as the proposal is for 100% affordable housing. The sum is required prior to commencement of development. It will be used to make additions/improvements to Arthur Boon play area and the amenity open space on the corner of Dean Drive & Manchester Road. The sum will be spent over a 15 year period.

And subject to the following conditions:-

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A02EX - Submission of samples of building materials notwithstanding detail on approved plan, materials to be submitted and agreed prior to commencement (aim to improve materials on Wilmslow Rd frontage)
4. A01HP - Provision of car parking prior to occupation
5. A02HA - Construction of access prior to occupation
6. A01TR - Tree retention
7. A02TR - Tree protection details
8. A03TR - Construction specification/method statement
9. A04TR - Tree pruning / felling specification
10. A06TR - Levels survey providing for tree retention
11. A02LS - Submission of landscaping scheme
12. A04LS - Landscaping (implementation)
13. A06NC - Protection for breeding birds
14. A23MC - Details of ground & finished floor levels to be submitted
15. A07GR - No windows to be inserted on specified elevations
16. A26GR - Obscure glazing requirement (specified windows)
17. A23GR - Details of pile Driving
18. Boundary treatment details to be implemented
19. Details of features for birds
20. Details of dust control
21. Noise mitigation measures to be implemented prior to occupation
22. Electric vehicle charging points to be provided in all homes
23. Contaminated land - Phase II investigation
24. Details of foul drainage
25. Details of surface water drainage
26. Provision for broadband to be provided in all homes

27. Noise control
28. Details of refuse to be submitted
29. Affordable housing to ensure development remains affordable
30. Submission of Construction Method Statement

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 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.

11 15/1128C-PROPOSED TWO STOREY REAR EXTENSION, 25, CHAPEL LANE, RODE HEATH, STOKE-ON-TRENT, CHESHIRE FOR GARY & MORAG STANLEY

Consideration was given to the above application.

(Councillor Mrs Rhoda Bailey, the Ward Councillor and Mrs Lightfoot, an objector attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. Obscure glazing to both en-suite bathrooms
5. Hours of construction restriction

In addition it was requested that an informative be included on the decision notice to draw the applicant's attention drawn to the requirements of the Party Wall Act.

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 & 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.

(Prior to consideration of the following application Councillor N Mannion left the meeting and did not return).

12 15/0334M-LISTED BUILDING CONSENT FOR ALTERATIONS, REFURBISHMENT, REPAIR WORK AND EXTENSION TO BUTTER MARKET AND FORMER BOROUGH POLICE STATION PARTS OF THE TOWN HALL, TOWN HALL, MARKET PLACE, MACCLESFIELD FOR MR TOM FLETCHER, CHESHIRE EAST COUNCIL

Consideration was given to the above application.

(A statement was summarised on behalf of Councillor Mrs J Jackson by the Planning Officer).

RESOLVED

That for the reasons set out in the report and in the verbal update to the Committee, the application be referred to the National Planning Casework Unit for approval subject to the following conditions:-

1. A07LB - Standard Time Limit
2. A04EX - Materials to match existing
3. A09EX - Rainwater goods
4. A21EX - Roof lights set flush
5. A04LB - Additional fixtures requiring approval
6. A05LB - Protection of features
7. Details of handrails and fenestration details to be submitted and approved.
8. Any further details of items to be refurbished (windows, doors and stonework) to be submitted.

It was also noted that an informative be included on the decision notice in respect of in respect of improvement of access.

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.

13 15/0335M-ALTERATIONS, REFURBISHMENT, REPAIR WORK AND EXTENSION TO BUTTER MARKET AND FORMER BOROUGH POLICE STATION PARTS OF THE TOWN HALL, TOWN HALL, MARKET PLACE, MACCLESFIELD FOR MR TOM FLETCHER, CHESHIRE EAST COUNCIL

Consideration was given to the above application.

(A statement was summarised on behalf of Councillor Mrs J Jackson by the Planning Officer).

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A04EX - Materials to match existing
3. A09EX - Rainwater goods
4. A21EX - Roof lights set flush
5. A scheme of odour control should be submitted with the application detailing the filtration and extraction system to control the discharge of odours and fumes arising from food handling; preparation and cooking.
6. Any further details of items to be refurbished (windows, doors and stonework) to be submitted

It was also noted that an informative be included on the decision notice in respect of in respect of improvement of access.

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 10.00 am and concluded at 1.55 pm

Councillor G M Walton (Chairman)

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Application No: 15/0585M

Location: Former TA Centre, Chester Road, Macclesfield, Cheshire

Proposal: Erection of a high quality residential development set in attractive landscaping with associated car parking, construction of a new roundabout access from Chester Road and landscape and ecological enhancements to the adjoining open space

Applicant: The House Maker (Macc) Limited

Expiry Date: 18-May-2015

REASON FOR REPORT:

The proposal is a major development requiring a Committee decision.

SUMMARY:

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

There is an environmental impact in the locality due to the development taking place on land which is partly designated as public open space. However, the majority of the site falls within a predominantly residential area. Planning permission was granted in 2008 for 87. no dwellings.

It is considered on balance, that the scheme for housing proposed contains sufficient mitigation and benefits to outweigh the harm of building on an area of privately owned open space. Mitigation has been proposed for the adjacent area of public open space. The development will also help to contribute to both local housing needs, and the Council's five year housing supply. It is also considered that bringing forward development on the site, will have a positive impact locally, as the existing pile of rubble from the original TA Centre building is somewhat of an eyesore.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing within an existing settlement where there is existing infrastructure and amenities. 20% of the houses would be affordable, and contributions would be made to public open space.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable development, where it can be demonstrated that the enhancement to the adjacent public open space, mitigate for the harm to the loss of the privately owned open space.

Local concerns of residents are noted, however, none of the impacts highlighted are considered to be severe under the NPPF test. In fact, the impact from the proposed residential scheme would be not substantially greater than that of the previously approved scheme. The inclusion of a roundabout on Chester Road, is considered to be a benefit to the movement of traffic in the local area.

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

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

RECOMMENDATION:

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

DETAILS OF PROPOSAL

Full Planning Approval is sought for the construction of a residential housing development comprising a total of 75 units, comprising 25 detached dwellings, 28 semi-detached, 4 terraced dwellings and 18 apartments in two apartment blocks. The application would also include 15 affordable dwellings.

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

It should be noted that the development also includes the addition of a new roundabout on Chester Road opposite Field Bank Road where there is currently a signalled junction.

SITE DESCRIPTION:

The application site is irregular in shape and extends to 3.52 hectares. The site is located approximately equidistant between Macclesfield Town Centre and Broken Cross Centre, so is well served by services, facilities and amenities. To the north and west is residential development. To the east is Macclesfield Fire Station and the south lies All Hallows Roman Catholic School.

The site is divided into loosely 3 parcels.

The former TA Centre – this is 1.12 hectares of brownfield land fronting onto Chester Road. This part of the site previously housed the former TA Centre buildings which have been demolished and the land cleared for development.

Private Open Land – this is 0.89 hectares of land located immediately south of the former TA Centre. This parcel is privately owned open land and has been separated off from the area of public open space by a fence, so is therefore not accessible to the public.

Public Open Space – this measures 1.512 hectares and is located to the west of the former TA Centre and the private open land. This public open space is accessible.

The site is subject to Tree Preservation Orders. The most significant group of which is situated around the site entrance and along the boundary between the former TA Centre land and the publicly accessible open space.

The existing vehicular access to the site is from Chester Road, to the east of the site, close to the fire station.

The former TA Centre has been vacant for a period of in excess of 10 years and is in clear need of redevelopment. The site is currently an eyesore. The site has an approved and extant planning permission for a housing scheme on part of the site (09/3213M). The previously granted developments have stalled and the 2012 scheme is not considered to meet the current housing demand due to a large number of apartments proposed. The applicant has secured the site from the previous developer (Brackenhurst Properties) and put forward a revised family housing scheme, which is considered to meet current market demand.

RELEVANT HISTORY:

- | | |
|----------|---|
| 09/3213M | Erection of a residential development with associated landscaping, access and car parking arrangements as well as landscape alterations to the wider area of the existing open space – approved 17.12.12 |
| 07/0430P | Erection of a continuing care retirement community (Class C2) comprising 49 no. care apartments within the main building, 38 no. care mews cottages and 27 no. care apartments within 3 storey buildings with formation of new access, car parking and associated works - approved 19.09.08 |
| 03/3063P | Outline planning application proposing a residential development comprising of 15 shared equity properties and 44 starter homes and construction of a landscaped cycleway / footway - refused 02.02.04 |
| 03/1591P | Outline planning application seeking planning permission for the construction of 59 dwellings and a landscaped cycleway and upgrading of the existing public open space – Refused 04.08.03 |
| 02/2282P | Outline planning application proposing the demolition of the disused TC Centre buildings and construction of a residential estate – withdrawn 05.12.02 |
| 01/0163P | Outline planning application proposing residential development - Refused 09.04.01 |

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs:

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

Development Plan:

The Development Plan for this area is the 2004 Macclesfield Local Plan, Approximately a third of the site is allocated as falling within a predominantly residential area. The remainder of the site is allocated as Existing Public Open Space, where policy RT1 applies.

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

Built Environment

BE1– Design Guidance

Development Control

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

Recreation and Tourism

- RT1 – Open Space
- RT5 – Minimum standards for open space provision

Transport

- T2 – Integrated Transport Policy

Environment

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

NE18 – Accessibility to areas of nature conservation interest

Housing

H1 – Phasing policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Housing

H13 – Protecting Residential Areas

Implementation

IMP1 – Development Sites

IMP2 – Transport Measures

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- MP1: Presumption in favour of sustainable development;
- PG6: Spatial Distribution of Development;
- SE1: Design;
- SE2: Efficient Use of Land;
- SE3: Biodiversity and geodiversity;
- SE4: The Landscape;
- SE5: Trees, Hedgerows and Woodland;
- SE6: Green Infrastructure;
- SE9: Energy Efficient Development;
- SE12: Pollution, Land contamination and land instability;
- SE13: Flood risk and water management;
- EG3: Existing employment sites;
- IN1: Infrastructure
- IN2: Developer Contributions:
- SC1: Leisure and Recreation;
- SC4: Residential Mix
- SC5: Affordable Homes
- SD1: Sustainable Development in Cheshire East;
- SD2: Sustainable Development Principles; and
- CO1: Travel Plans and Transport Assessments.

Supplementary Planning Documents:

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

Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Housing Market Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
North West Sustainability Checklist
SPG on Section 106 Agreements (Macclesfield Borough Council)

CONSULTATIONS (External to Planning)

HIGHWAYS:

The Strategic Highways Engineer raises no objections to the proposals.

Residential development has previously been approved for this site for slightly more units than in the current application. The proposed new roundabout will have capacity benefits over the traffic signal scheme and will reduce queues at the junction. The formal pedestrian crossing on Chester Road is to be retained or albeit repositioned, there are other uncontrolled crossing points on the other arms or the junction.

The internal road elements of the scheme are acceptable as is the level of car parking provision across the site.

PROW:

The Public Rights of Way Officer recognises that the proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council's statutory Rights of Way Improvement Plan and also in the Cheshire East Local Plan Strategy.

The proposed upgrade of the pedestrian crossing on Chester Road to a toucan crossing for the use of cyclists as well as pedestrians would increase the permeability of the site for these users. For users of the pedestrian/cyclist route to/from Westbury Drive, this would be helpful. However, this crossing would be on the wrong side of the proposed roundabout for users travelling between the proposed houses and the town centre. It should be noted therefore, that cyclists may seek to use the proposed pedestrian access onto Chester Road, so an assessment of this provision should be given in terms of design, to best practice shared use, and status.

The Transport Assessment contains proposals for a roundabout on the Chester Road. This proposal would need to take into account the existing footway cycle route to ensure its continuity.

Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.

ENVIRONMENTAL HEALTH:

No objection subject to conditions relating to hours of operation, dust control, floor floating, pile driving, contaminated land and to ensure that sufficient acoustic mitigation is put in place to ensure that occupants of the properties are not adversely affected by noise from Chester Road / Ambulance / Fire Station.

The proposed development has the potential to change traffic patterns and congestion in the area. The applicant has now submitted an Air Quality Impact Assessment and its contents are considered to be acceptable.

UNITED UTILITIES:

No objection subject to a condition relating to site drainage.

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

HOUSING:

The applicant has stated in their Planning Statement that the affordable units will be transferred to Peaks and Plains Housing Trust. The proposal includes 20% affordable housing which will include 9 x 2 bed apartments and 6 x 2 bed houses. The residential mix is acceptable and meets housing needs, they have also confirmed the 65% social rented and 35% intermediate tenure split. The location of the affordable units is not sufficient pepper-potting, whilst I recognise that apartments must be located together it would be my strong preference that the 2 bed houses are located in another part of the site to increase the pepper-potting.

PUBLIC RIGHTS OF WAY:

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

ENVIRONMENT AGENCY:

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

1. *Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
2. *Provision of compensatory flood storage.*

3. *Finished floor levels are set no lower than the 1% plus climate change plus 600mm freeboard, design river flood level.*

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

THE SCHOOL ORGANISATION AND CAPITAL STRATEGY MANAGER:

Comments are awaited.

GREENSPACES:

No comments have been received from the Green Spaces Officer.

ARCHAEOLOGIST:

The Development Control Archaeologist from the Cheshire Archaeology Planning Advisory Service comments that no features are currently recorded on the Cheshire Historic Environment record from within the site boundary. Following an examination of the historic mapping and aerial photographic evidence no points of interest have been identified. In these circumstances, and mindful of the disturbance caused by the construction of the former TA centre, it is advised that further archaeological work would be difficult to justify and no further mitigation is advised.

MACCLESFIELD CIVIC SOCIETY:

The Civic Society welcome the development of brownfield sites within the urban area as the locations are usually sustainable, have good access to services and can be served by public transport. This site meets such criteria.

The mix of housing is welcomed with a good range of choice and an element of affordable provision (subject to legal agreement).

Access from a new roundabout appears to be the optimum solution and the internal layout is relatively economical.

Open space provision forms part of the scheme and no doubt the planning authority will carefully assess any prospective ecological and flood risk impacts. Amenities of existing residents appear to be safeguarded. No doubt the planning authority will wish to carefully appraise the noise assessment which although it correctly identifies traffic as the major external source the Civic Society consider that the relationship of prospective occupiers' amenities to the nearby ambulance/fire station may not have given sufficient weight to the effect of "one-off" noise events, particularly during night-time periods.

REPRESENTATIONS

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

One objection has been received from a resident of Kershaw Grove in relation to replacing the traffic lights at the junction of Chester Road and Fieldbank with a roundabout instead of modifying the traffic lights for a fourth arm leading to the development. The proposed roundabout will only have one controlled crossing on Chester Road, to the west of Fieldbank.

The existing controlled crossing on Chester Road to the east of Fieldbank is not part of the plan and this is considered to be a serious oversight with regard to pedestrian safety. There is a bus stop on each side of Chester Road between Kershaw Grove and Fieldbank and the controlled crossing to the east of Fieldbank provides easy access to cross Chester Road. Without the controlled crossing to the east of Fieldbank, in future pedestrians needing to cross Chester Road from the bus stops will need to cross three roads, Fieldbank, Chester Road and the new development road instead of one single crossing.

The two previous planning applications both received approval for the continued use of the traffic lights with a fourth arm serving the new development. This option would significantly reduce costs and it would also maintain the current controlled traffic crossings on Chester Road to the east and west of Fieldbank.

The traffic lights at present provide regular breaks in the traffic, which during the busy periods, allow easier access into Chester Road from Kershaw Grove and also into Kershaw Grove from Chester Road, particularly when trying to cross the on-coming traffic from the Fieldbank direction.

A roundabout will not provide the same degree of accessibility to and from Kershaw Grove because the traffic flow during busy periods will be more or less constant.

A representation has been received on behalf of **All Hallows Catholic College**. In principle the school support the erection of a high quality residential development on the former TA site. However, the school is concerned about the loss of privacy and are keen to ensure that the school site is not overlooked or easily accessible – either during the construction phase or once the site is fully developed.

There is currently a boundary issue which the school are discussing with the developer, but the school seek reassurance that during the planning process appropriate screening measures are put in place. The school has discussed with the developer the possibility of covenants to prevent removal of fencing / prevention of access gates through fencing, and appropriate planting. The developer is assessing the schools proposals but until they have received formal response the school lodge this as a matter of concern.

A second issue is the maintenance plan for the public access site and how the landscaping and nature conservation issues will be dealt with long term and assurances are sought that the maintenance of the public area would last in perpetuity. Given the close proximity of the

school to this area and fact that it is used by students as a route to school, the school is concerned that over time, this may lead to a deterioration in this space and thus a risk of litter and other contamination potentially leading to noise and disruption should the area cease to be a well managed space.

A representation has been received on behalf of **Cheshire Fire and Rescue Service**. The applicants have already undertaken clearing work close to the boundary with Macclesfield Fire Station and have been informed that they encroached upon Cheshire Fire Authority land during their operations. The applicant also appears to have encroached upon the boundary of All Hallows Catholic College with whom the Fire Authority also shares a boundary. The Fire Authority has notified the applicant of the encroachment and has requested sight of a topographical survey and meeting to resolve the dispute.

VIEWS OF THE TOWN COUNCIL

No comments have been received from the newly formed Macclesfield Town Council.

APPLICANT'S SUPPORTING INFORMATION

The following detailed reports were submitted with the application:-

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

It should be noted that revised plans and supplementary information was submitted on 1st July 2015. The amendments are summarised as follows: -

- A revised site layout, which creates a larger stream buffer;
- Plot 69 has been moved back and plot 68 has a new house type. This new house type at plot 68 also improves the relationship with plots 50 and 51;
- Plot 70 has been moved back and plot 76 has a new house type. This new house type at plot 76 also improves the relationship with plots 66 and 65;
- Plot 71 has a new house type and plots 72 and 73 have been moved forwards;
- The garage at plot 53 has been moved forwards to improve the relationship with plot 55;
- A new house type at plot 21 has been provided and the houses at the following plots have been moved forwards to increase separation distances: 12-29;
- A Toucan Crossing has been included and a footpath has been provided to the rear of trees T17 and T18;
- Further ecological information has been provided.

OFFICER APPRAISAL

The key issues are:

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

Principle of the Development (Windfall Housing Sites):

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

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

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

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

The site is allocated for a good proportion of the site for residential use. The redevelopment of this area for housing is considered to be acceptable and this has been clearly confirmed by previous planning applications being granted consent for housing schemes. A portion of the site however, is allocated as public open space. Policy RT1, seeks to normally retain both existing and proposed areas of public open space and they should be protected from development. As such, there is a presumption that a portion of the site will be retained for open space purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

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

- The area of open space which is proposed to be lost.
- Removal of an unsightly pile of rubble and delivery of a housing development.
- The proposed scheme provides a good mix of housing types. 20% of which is offered to be affordable.
- Some on-site public open space would be provided.
- Provision of family-sized homes in Macclesfield.
- The site is in a highly sustainable location. The site has good access to the major road network and a bus service. Shops and schools are in walking distance.

Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential development on this site is acceptable in this location and that a case to retain the open space that is not publically accessible would not be sustainable, when combined with the significant landscape and ecological enhancements for the adjacent piece of public open space. This is looked at in more detail below.

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

Loss of Open Space

As stated above, an area of the site proposed for housing, is allocated under Local Plan Policy RT1 as 'existing open space', however, this land (highlighted as Parcel B) is privately owned and is not publically accessible. In this instance, there are a series of significant material considerations which override the conflict with policy RT1 and should be afforded weight in the determination of the application.

Loss of Parcel B (privately owned land and inaccessible to public use)

Parcel B is situated within Site 3MI of CEC's Open Space Assessment (March 2012). Site 3MI is categorised as falling within typology 'Type 2' (or "*natural and seminatural urban green spaces*").

The Open Space Assessment states that in Macclesfield there are ten good quality Type 2 sites (representing 69.9% of the total Type 2 area), three of average quality (17.2%) and two of poor quality (12.9%). The quality of each site is assessed using the CABI Green Flag Award criteria under the following 7 headings:

1. Welcoming – access, signage, pathways etc;
2. Healthy, safe and secure – physical and social safety;
3. Clean and well maintained – litter, graffiti, dog bins etc;
4. Sustainability, conservation and heritage – wildlife contribution, historic evidence etc;
5. Ancillary facilities – seating, club houses etc;
6. Community use; and
7. Sense of place.

Poor sites are classified as those of very poor quality needing considerable improvements; average sites are those needing some improvements; good sites are those of good quality but where improvements can be made; and excellent sites are those which fulfil all of the Green Flag criteria.

Following discussions with CEC's Open Space Policy Officer, it is understood that site 3MI scored an "average" quality. The Officer explained that there were a number of criteria that required improvements. Residential development on Parcel B would positively contribute through the implementation of a high quality landscape scheme to improve and enhance Parcel C; the publicly accessible open space.

A Landscape Consultant has considered the site's landscape quality and sensitivity to development. The Landscape Consultant concludes that whilst there are some landscape features that merit protection and enhancement (such as the stream corridor and line of mature trees along the western boundary), the majority of the open space at the site has no landscape features of intrinsic value. Overall, the landscape value of the site in its current condition is considered by the Landscape Consultant to be average to low quality.

In summary therefore, the qualitative standard of the open space at the site based on the Council's own assessment as well as the Landscape Consultants more recent assessment is average to poor quality. The redevelopment of Parcel B, which is privately owned and is inaccessible to the public, will enable significant landscape and ecological enhancements to be made to Parcel C, the publicly accessible open space, which will enhance its qualitative standard and is a clear benefit of the development.

Excessive Quantitative Supply of Open Space

Policy RT5 of the adopted Macclesfield Local Plan sets the minimum open space standards for the Borough. These are:

- 2.43 hectares of outdoor playing space per 1,000 population; and
- 0.8 hectares of amenity open space per 1,000 population.

Furthermore, policy SE6 of the Council's emerging Local Plan also sets a minimum open space standard based upon the Council's Green Space Strategy (January 2013).

The Council's Open Space Assessment demonstrates a total open space supply in Macclesfield of 243.98 hectares across all typologies. Macclesfield's population in 2011 was 51,739. Therefore, as per Policy SE6 of the emerging Local Plan, Macclesfield has 4.7 hectares of open space per 1,000 population. This is substantially above the requirements of both saved and emerging local planning policies.

The applicant's agent comments that the loss of 0.89 hectares of privately owned open land to which the public has no current access is not significant when considered against Macclesfield's supply of both this specific open space typology (natural and semi-natural urban green spaces / green infrastructure) and the overall total supply of open space in Macclesfield. Therefore, in addition to the average / poor quality of the open space, there is an argument that the Council has an excessive quantitative supply of this type of open space in Macclesfield having regard to 'saved' Local Plan policy RT5 and emerging policy SE6. This

supply factor in itself is not considered justification for building on land allocated as open space, but it is a factor in the overall balance.

Principle of the Development (Need for Affordable Housing):

This application includes 15 affordable units with 9 to be provided as rented and 6 to be provided as intermediate tenure. It is understood that the units would be transferred to Peaks and Plains Housing Trust who are a Registered Provider of Social Housing registered with the Homes and Communities Agency (HCA).

The site falls within the Macclesfield sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 180 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 103x 2bd, 116x 3bd general needs units and 80x 1bd older persons accommodation. The SHMA identified an over-supply of 1 bed and 4+ bed general needs units and 2 bed older persons accommodation. In addition to this information taken from Cheshire Homechoice shows there are currently 1066 applicants who have selected one of the Macclesfield lettings areas as their first choice. These applicants require 450x 1bd, 390x 2bd, 176x 3bd and 24x 4+bd. 26 applicants did not specify a bedroom requirement.

The Interim Planning Statement: Affordable Housing (IPS) and Policy SC5 in the emerging Local Plan states that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing. The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social or affordable rented and 35% intermediate tenure.

The Interim Planning Statement: Affordable Housing (IPS) and Policy SC5 in the emerging Local Plan states that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing. The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social or affordable rented and 35% intermediate tenure.

The proposal provides includes 9x 2 bed houses and 6 x 2 bed houses. The residential mix is acceptable and meets housing need. The tenure split should be provided in line with the IPS which equates to 9 rented and 6 intermediate tenure. Concern has been raised that the location of the affordable units is not sufficient pepper-potting. Whilst it is recognised that apartments must be located together it is the Housing Strategy and Needs Manager strong preference that the 2 bed houses are located in another part of the site to increase the

pepper-potting. Further pepper-potting has been considered by the applicant, however, it is difficult to include this at this late stage without further impacting on the viability of the development. It is considered, on balance, that the scheme put split of the housing proposed would be acceptable and the inclusion of 2 additional dwellings in a cluster would not cause demonstrable harm and therefore, would not constitute a reason for refusal of the application.

The affordable housing should be secured by way of a S106 agreement, which: -

- requires the transfer of any rented affordable units to a Registered Provider.
- provide details of when the affordable housing is required.
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted that includes full details of the affordable housing on site including location, type, size and tenure.
- requires the affordable units which will be transferred to a Registered Provider to be constructed to HCA Design and Quality Standards (2007) or the latest standards the HCA are applying to their grant funding programme.

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

Housing Land Supply

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

ENVIRONMENTAL SUSTAINABILITY

Requiring good design and character and appearance of the area:

The main public view would be from Chester Road and the footpath which runs from Chester Road to Westbury Drive and Brooklands Avenue. The site would also be visible to residents opposite the development on Fieldbank Drive. The apartments would have a small communal garden area. The dwellings are proposed to be constructed in brick with tiles on the roof. The materials can be conditioned, should planning permission be granted. The dwellings would be two storey and the apartment block would be three storey. The design of dwellings is considered to be appropriate to the local area.

Highways access, parking, servicing and highway safety:

Traffic Impact

Although there is a previous consent for 87 units, the applicant has considered the traffic impact implications of the 75 units on the site using current background traffic flows and then adding the predicted traffic generation from the site including growth. The proposed new roundabout is predicted to work well with capacity and would operate much better than a signalised junction.

The formal pedestrian crossing will be retained on Chester Road and there are crossing points provided on each of the other arms of the junction. The roundabout design has been subject to a safety audit and no major design safety concerns were raised in audit report.

Accessibility

The accessibility to the site is reasonably good. There are a number of pedestrian access points to the site and there are a range of facilities in walking distance from the site. The pedestrian crossing facility on Chester Road will be upgraded to a 'Toucan' crossing to include usability for cyclists. There are also bus services that operate along the A537 that can be accessed easily from the site. Overall, the site accessibility is considered reasonably good.

Internal layout and Parking

The parking provision across the site is 200% for all the housing units with the apartment buildings having 150%. This level of parking is considered an acceptable level of provision. The internal layout is a standard highway road design that has been designed to adoptable standards. There are no highways reasons not to accept the design put forward.

Highways Conditions

It is considered that conditions should be attached which require the submission of a construction management plan, a residential travel plan and cycle parking for each unit. It should also be noted that the new roundabout and pedestrian crossing will be delivered via a S278 Agreement, to be fully funded by the applicant.

PROW

There is an existing shared use footway/cycleway through this site linking Chester Road with Westbury Drive and Brooklands Avenue, signposted as the Flowerpot Greenway.

The proposed upgrade of the pedestrian crossing on Chester Road to a toucan crossing for the use of cyclists as well as pedestrians would increase the permeability of the site for these users. For users of the pedestrian/cyclist route to/from Westbury Drive, this would be helpful. However, this crossing would be on the wrong side of the proposed roundabout for users travelling between the proposed houses and the town centre. It should be noted therefore, that cyclists may seek to use the proposed pedestrian access onto Chester Road, so an assessment of this provision should be given in terms of design, to best practice shared use, and status.

The Transport Assessment contains proposals for a roundabout on the Chester Road. This proposal would need to take into account the existing footway cycle route to ensure its continuity.

The PROW Officer requested improvements to the junction of the A536/B5088 Oxford Road know as the Flowerpot junction. This junction does not currently have cyclist facilities in the form of Advanced Stop Lines. It is considered that this junction is too far away from the development to justify improvements based on the number of properties proposed.

Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted, to match the existing greenway signage.

Residential Amenity:

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

The site is located opposite properties on the opposite side of Chester Road on Fieldbank Drive. It is considered that the relationship with the properties on Fieldbank Drive would be acceptable. The distance between the front of the proposed properties and the front of the properties on Fieldbank Drive would be approximately 26m. Overall, it is considered that the

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

With regard to the inward levels of amenity provided to the occupiers of the proposed new dwellings. It is considered that with the this broadly satisfies the amenity standards of the local plan. The original proposals had some substandard relationships, however, the revisions secured are now considered to be provide acceptable internal relationships.

ARBORICULTURAL IMPLICATIONS:

An Arboricultural Implication Assessment has been submitted to accompany the application. The assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 (Trees in relation to design, demolition and construction).

Initially, there were impacts on the trees adjacent to the proposed roundabout. The revisions secured now retain three out of the four trees forming either side of the access. The one highlighted for removal was accepted to be lost under application 09/3213M. All engineering and construction works associated with the main body of the development respects the RPA of the mature trees which form the large copse associated with the POS.

Conditions will be required which would include reference to the submitted Arboricultural Impact Assessment, associated documents, and construction method statements for the engineering aspect relating to the point of access where works are proposed within RPA's.

ECOLOGICAL IMPLICATIONS:

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

Habitats Present on Site

Marshy grassland

Part of the application site proposed for the construction of housing supports Marshy Grassland habitats. This habitat supports a sufficient number of 'indicator species' to be considered as for designation as a Local Wildlife Site under the current selection criteria.

The Nature Conservation Officer advises that the marshy grassland habitat within the part of the site proposed for housing has recently been subject to disturbance with much vegetation being lost. It is also possible that attempts have also been made to re-sow this area with an agricultural type grass seed mix but this has not be confirmed.

Despite the recent disturbance the marshy grassland within the part of the application site proposed for housing it still supports the required number of 'indicator species'. The removal of competing vegetation as a result of the recent disturbance is likely to have enhanced this part of the site. A further more detailed habitat survey to 'National Vegetation Community' standards would be required during the peak summer period to allow a full assessment of the marshy grasslands nature conservation value to be made.

The proposed development would result in the loss of almost half of the priority marshy grassland habitat currently present on the application site.

The existing stream is retained as part of the proposed development, and it is noted that an attempt has been made to enlarge this band of habitat and retention of the stream banks. The Nature Conservation Officer advises that much of the marshy grassland habitat associated with the stream banks in the vicinity of the proposed houses is likely to be lost or at least significantly modified as a result of disturbance during the construction phase and changes to the sites hydrology resulting from the proposed houses.

The applicant is proposing to compensate for the loss marshy grassland through the enhancement of the remaining habitats on site. The compensatory measures proposed include the introduction of a variable mowing regime and the introduction of plug plants into the retained marshy grassland areas. The submitted ecological impact assessment also recommends the creation of a suitable substrate for the creation of wildflower grassland through the inversion of the existing soil profile. There is however no mention of this technique in the submitted landscape management plan and further information has been requested.

The Nature Conservation Officer advises that the results of soil inversion and plug planting are unpredictable and the creation and maintenance of higher quality habitats would depend upon on-going monitoring and a responsive management regime.

Whilst a management plan has been submitted with the application the Nature Conservation Officer advises that if planning consent is granted a condition should be attached requiring the submission of a detailed specification for the enhancement and on going management of the grassland habitats on site, which is to include the use of soil inversion techniques together with a detailed habitat management plan relating specifically to the enhanced marshy grasslands, wildflower meadow enhanced neutral grassland habitats. A condition should also be attached for the submission of an ecological monitoring plan which should be designed to inform the on-going management of the grassland habitats. The management of the grassland habitats must be in perpetuity.

The areas of grassland adjacent to the paths and in the amenity area that would be mown short these areas are proposed to be fertilised, which would be to the detriment of adjacent wildflower grassland. The Nature Conservation Officer advises that the use of fertilisers must be avoided and the submitted management plans must be amended to reflect this.

Tree planting is also proposed within the retained marshy grassland area and along the stream, which would be detrimental to the existing and newly created marshy grassland habitat. The submitted plans should be amended to reflect this.

Further details have been submitted following the comments made above and the additional information is being considered by the Nature Conservation Officer. An update on the above will be provided prior to the committee meeting.

Badgers

There is a well recorded history of badgers being active in this broad locality. The submitted survey recorded two badger setts just outside the boundary of the application site. The latest

survey undertaken in March 2015 has not recorded any active use of these two setts and the setts may now be disused.

As the status of badgers on a site can change within a short period of time, The Nature Conservation Officer advises that if planning consent is granted a condition should be attached requiring an updated badger survey to be undertaken and a report submitted to the LPA prior to the commencement of development. The submitted report should include mitigation and compensation proposals for any adverse impacts identified.

Bats

Tree (T15) a mature Sycamore is proposed for removal this survey has been subject to a bat survey which did not identify any bat roosting potential.

The proposed development will result in the loss of suitable foraging habitat for bats around the on site trees, grassland and marsh habitat. This impact could potentially be compensated for through the enhanced of the retained habitats/open space, but the effectiveness of this would depend upon the remaining habitats being enhanced and managed appropriately. Previous bats surveys undertaken on the site a number of years ago did not however suggest that the site supported a particularly notable level of bat activity.

Great Crested Newt

Based upon the available evidence, this species is unlikely to be present or affected by the proposed development.

Nesting Birds

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

ENVIRONMENTAL HEALTH:

Whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition should also be attached in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned. There should be no burning of materials on site during demolition / construction.

The site is located adjacent to the busy Chester Road, Macclesfield and also the fire and ambulance station. As such there is potential for residential amenity of future occupants to be adversely affected by virtue of noise.

The applicant has submitted an acoustic report in support of the scheme. The conclusions of the report are accepted. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from Chester Road / Ambulance / Fire station.

Initially, insufficient information was submitted with the application relating to the potential impact on local air quality. The proposed development is considered significant in that it is likely to change traffic patterns and congestion in the area. A report has been submitted and following its review by the Environmental Health Officer, its contents have been accepted.

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

LAND CONTAMINATION:

The application area has a history of agricultural and territorial army use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The report submitted, recommends that an intrusive investigation be carried out.

The Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require an additional Phase II investigation to be carried out and any subsequent remediation required.

DRAINAGE MATTERS:

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

ECONOMIC SUSTAINABILITY

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

Developer Contributions:

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

The POS requirement at a rate of 40sqm per dwelling will be 3 000sqm of play and amenity open space.

A commuted sum for offsite ROS provision would also normally be required.

Following the submission and analysis of a Viability Report, it is considered that it would be unviable to provide S106 contributions towards POS and ROS in addition to the 20% provision of affordable housing. A contribution of £50 000 has been proposed. Further comments on this will be provided following receipt of comments from the Greenspaces officer.

Responses to issues raised by third parties:

The comments provided by consultees, the Macclesfield Civic Society and residents in relation to infrastructure issues, highways issues, and built environment issues are noted and covered under the headings above. The matters raised by the Fire Department and neighbouring school are largely civil matters and it is understood that the applicant has written to these parties in order to allay their concerns.

Heads of Terms for a Legal Agreement:

- **20% Affordable Housing** (i.e. 15 units as proposed);
- Provision of **£50 000.00** towards Public Open Space.

Community Infrastructure Levy (CIL) Regulations

LEVY (CIL) REGULATIONS

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

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

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

The commuted sum in lieu of public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 75 dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

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

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

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

During the application process, negotiations have taken place between officers and the developer, which has resulted in the submission of a revised layout plan which has improved space separation distances and the amount of land around the stream buffer. The Housing Strategy and Needs Manager supports the proposals and the mix of affordable housing.

It is acknowledged that planning permission has been granted for a scheme for more dwellings on a smaller parcel of land and that this proposal makes use of privately owned open space. However, it is considered that the enhancements proposed to the adjacent open space and other benefits of the scheme result in the delivery of a scheme for housing would fall in line with policies contained within the NPPF. The principle of developing land which is allocated for open space is normally not encouraged, however, in this instance, it is considered that the package of measures/mitigation proposed outweigh the harm and the development will help to contribute to both local housing needs, and the Council's five year housing supply. It is also considered that this housing proposal will be deliverable and have a more positive impact on the local area than the existing pile of rubble from the demolished TA Centre building.

The proposal is considered to represent sustainable development. The positive benefits of the proposal are considered to outweigh any adverse impacts that have been identified. In accordance with paragraph 14 of the Framework, planning permission should be granted subject to conditions and the completion of a s106 legal agreement.

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

Application for Full Planning

RECOMMENDATION:

1. A01GR - Removal of permitted development rights
2. A01HP - Provision of car parking
3. A01LS - Landscaping - submission of details
4. A02EX - Submission of samples of building materials
5. A02FP - Commencement of developmen
6. A02LS - Submission of landscaping scheme
7. A03AP - Development in accord with revised plans (unnumbered)
8. A04LS - Landscaping (implementation)
9. A04NC - Details of drainage
10. A06HP - Use of garage / carport
11. A06NC - Protection for breeding birds
12. A07HP - Drainage and surfacing of hardstanding areas
13. A12LS - Landscaping to include details of boundary treatment
14. A15HA - Construction of highways - submission of details
15. A17LS - Submission of landscape management plan
16. A17MC - Decontamination of land
17. A21HA - Submission of details of turning facility
18. A22GR - Protection from noise during construction (hours of construction)
19. A23GR - Pile Driving
20. A23MC - Details of ground levels to be submitted
21. A30HA - Protection of highway from mud and debris
22. A32HA - Submission of construction method statement



Received
11 FEB 2015
High Foot Centre

TWENTY 10
DESIGN AND PLANNING

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Application No: 15/0711M

Location: MACCLESFIELD D G HOSPITAL, PRESTBURY ROAD,
MACCLESFIELD, CHESHIRE, SK10 3BL

Proposal: Reserved Matters application for the erection of a two storey office building to accommodate B1 and ancillary D1 (clinical and medical uses) and providing 1190 sq m of floorspace (Outline approval 12/3786M)

Applicant: Mr Stuart Binks, KeyworkerHomes (Macclesfield) LtdTDP

Expiry Date: 15-May-2015

REASON FOR REPORT

The proposal is a major development requiring a Committee decision.

SUMMARY

The principle, layout and access to the proposed office have previously been accepted with the approval of the outline application 12/3786M. The proposed scale, appearance and landscaping is considered to be acceptable and consistent with the parameters agreed at the outline stage. The proposed building would have an acceptable relationship with nearby buildings, would not have any adverse impact on the setting of nearby listed buildings or on the amenity of nearby residents.

RECOMMENDATION

Approve subject to conditions

PROPOSAL

This proposal seeks reserved matters approval for the appearance, landscaping and scale of an office building that formed part of an outline permission on the site.

The application follows the granting of outline planning permission (12/3786M) for the erection of an office building for B1 and D1 uses (maximum of three storeys), and 34 dwellings. The outline permission granted the approval of access and layout. Appearance, landscaping and scale were reserved for subsequent approval.

SITE DESCRIPTION

The application site comprises land within the Macclesfield Hospital site, located to the north of the Henbury building (curtilage listed) and to the north/west of the Ingersley building (curtilage listed). The site was previously occupied by the education and training building which was recently demolished following the granting of listed building consent (12/3784M). A decked car park is located to the rear (west) of the site with the residential clock tower conversion located to the east.

RELEVANT HISTORY

The Macclesfield Hospital site has an extensive history, the most relevant applications to this proposal are outlined below:

12/3786M - the erection of an office building for B1 and D1 uses (maximum of three storeys), and 34 dwellings (outline) – approved subject to a S106 agreement – Nov 2014.

12/3779M - Change of use of Ingersley and Henbury buildings to form 36 apartments together with associated car parking and development (full planning) – approved December 2014.

12/3784M - Change of use of the Ingersley and Henbury buildings to form 36 apartments. Works to curtilage buildings within the overall grounds of the Grade II Listed Clocktower building, including alterations associated with the residential conversion of the Ingersley and Henbury buildings, together with the demolition of the Education and Training building and the Pavillion building (Listed Building Consent) – approved April 2013.

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

18-22 Building a strong, competitive economy

56-68. Requiring good design

126-141 Conserving and enhancing the historic environment

Development Plan

The Development Plan for this area is the 2004 Macclesfield Borough Local Plan.

The relevant Saved Policies are:

NE11 Nature Conservation

BE1 Design Guidance

BE16 Setting of listed buildings

H13 Protecting Residential Areas

C2 Macclesfield Hospital

T2 Public Transport

DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC38 Space, Light and Privacy

Cheshire East Local Plan Strategy – Submission Version (CELP)

As the examination of this plan has now been suspended, its policies carry limited weight. 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
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
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

CONSULTATIONS

Highways – no objections.

Environmental Health – comments awaited.

United Utilities – comments awaited.

Manchester Airport – no safeguarding objections.

CEC Flood Risk Manager – no objections but note the existence of a culverted watercourse on the site.

REPRESENTATIONS

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

Two representations have been received from residents of the adjacent Clock Tower development raising the following concerns:

- Hours of construction should be restricted to 8-6 with no working on Sundays and Bank Holidays
- Construction needs to be managed so that materials don't spill out beyond the construction site and to ensure that roads and footpaths are not blocked
- No power driving machinery should be used
- Noise pollution

It is worth noting that the representations appear to relate to previous/ongoing issues with construction on the site and not to the proposed development.

APPRAISAL

The principle of the proposed office building together with its layout and access has previously been accepted with the approval of the outline application 12/3786M. The current application relates only to the proposed scale, appearance and landscaping as the reserved matters to be approved for this scheme.

Scale

The proposed office building is two storey, having a ridge height of 11.5m and an eaves height of 7.5m. It has a footprint of 625 sq metres and a floorspace of 1250 sq metres. The scale of the building proposed is less than that considered and approved under application 12/3786M. At outline stage it was anticipated that a three storey office building would be erected with a floorspace of 1858 sq metres, a ridge height of 15.55m and an eaves height of 11.35m. As such no objections are raised to the scale of development proposed.

Appearance

The proposed office building is T shaped in plan form and has a pitched roof. It is to be constructed from a combination of natural gritstone, dark grey composite cladding, curtain wall glazing and red facing brick. The roof would be clay tiles. This is reflective of materials used elsewhere within the site. The appearance of the building is considered to be acceptable given its location within the site, adjacent to a decked parking area and within close proximity to another modern office building. It is not considered that there would be any adverse impact on the setting of nearby listed buildings. No objections have been raised by the Council's Conservation Officer.

Landscaping

A landscape scheme has been submitted with the application and this is considered to be generally acceptable by the Council's landscape officer. As originally submitted, it was noted that the landscape plan was not consistent with the proposed site plan and site edged red. Revised plans have now been received. The landscape officer recommends a number of landscape conditions to be attached to any consent granted. The applicant is looking to address landscape conditions at this stage, and any update on this matter will be reported to members.

Highways

No objections are raised by the Strategic Infrastructure Manager who notes that as originally submitted there was a slight change to the proposed layout but that it is similar to the outline scheme. However notwithstanding this he considers that the scheme remains acceptable. He also notes that there is cycle parking indicated, and requests that a condition be attached to ensure that cycle parking is provided.

As stated above, during the course of the application revised plans have been received that are consistent with the layout and parking approved at outline stage.

Other considerations

Comments raised in representation have been considered. The original outline consent contained an hours of construction condition limiting works to 8-6 Monday to Friday, 9-2 on Saturday and no working on Sundays and Bank Holidays. Additionally there is a condition controlling the use of piling. As such, it is considered that the concerns raised were considered at the outline stage and are not a matter to be considered at this stage.

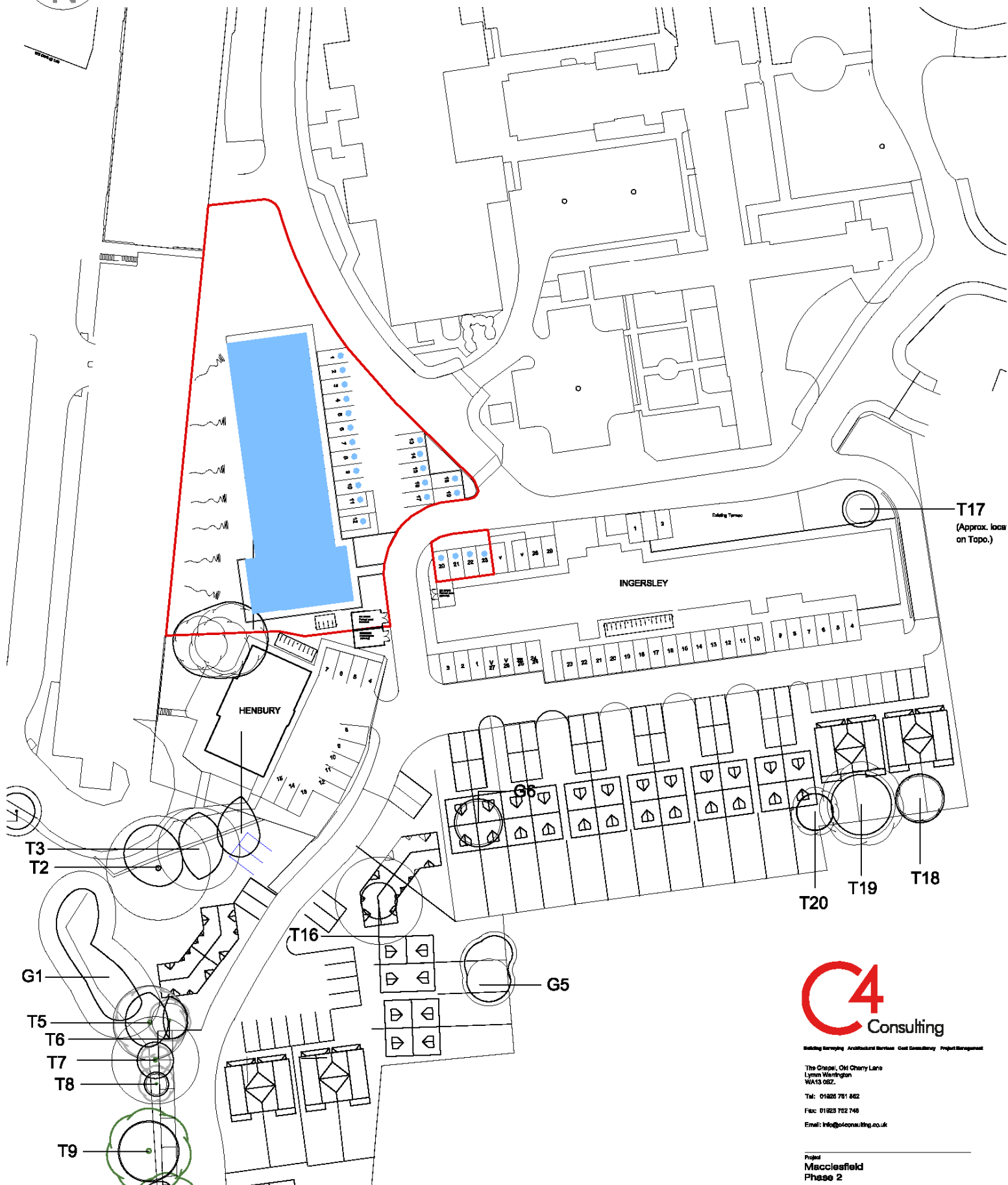
CONCLUSIONS AND REASON(S) FOR THE DECISION

The principle, layout and access of the proposed office building has previously been accepted with the approval of the outline application 12/3786M. For the reasons outlined above, the proposed scale, appearance and landscaping of the proposed office building is considered to be acceptable.

Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

- | | |
|----------|---|
| 1. A05RM | - Time limit following approval of reserved matters |
| 2. A02RM | - To comply with outline permission |
| 3. A01AP | - Development in accord with approved plans |
| 4. A04LS | - Landscaping (implementation) |
| 5. A06EX | - Materials as application |



T17
(Approx. loc on Topo.)



Building Surveying Architectural Services Cost Consultancy Project Management

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WA13 0SZ

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Project
**Macclesfield
Phase 2**

Drawing Title
Office Demise Plan

Scale	Date
1:200@ A1	17.12.14
Drawn by SO	Checked by TV

Job No.	Drawing No.	Rev.
12-001	D-004	F

Application No: 15/2544M

Location: PARKROYAL COMMUNITY SCHOOL, LYON STREET,
MACCLESFIELD, CHESHIRE, SK11 6QX

Proposal: Demolition of two existing single storey buildings currently used as part of the primary school (nursery and early years teaching and school dining). Erection of a new single storey dining extension to the east side of the main school building. Erection of a new two storey extension Early Years Centre teaching and administration wing attached to the south of the main school building. Temporary mobile cabin building for school administration staff use during course of building contract

Applicant: Caron Corden

Expiry Date: 04-Sep-2015

REASON FOR REPORT:

The proposal is a major development requiring a Committee decision.

SUMMARY:

The NPPF advises that planning should give great weight to the need to expand or alter schools. It also requires that existing open space, including playing fields shall not be built upon unless certain criteria are met. In addition, the NPPF states that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The acceptability of the proposal with regards to sustainability is dependent on the scheme meeting these requirements.

A good case based on education need for expansion of the school has been put forward by the school, however, it is noted that this is based on improving the facilities for the existing number of pupils and staff and is not based on increasing the pupil or staff numbers..

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

The scheme therefore represents a sustainable form of development.

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

RECOMMENDATION:

Approval is recommended subject to conditions..

DETAILS OF PROPOSAL

Full Planning Approval is sought for the following: -

- erection of a two storey extension to facilitate an Early Years Provision (Pre-School, Reception) with associated external play areas;
- relocation of the Admin and Staff quarter to the new two storey extension;
- New defined front entrance which clarifies and improves access and circulation around the schools grounds;
- repositioning and improving the kitchen facilities to the existing building;
- dedicated new single storey dining extension off the existing ground floor main hall

SITE DESCRIPTION:

The site is located within the centre of Macclesfield, and is close by to services, facilities and amenities. The site is largely surrounded by residential terraced properties. To the east lies Lyon Street, to the north lies Athey Street and to the west lies Peter Street West. Access is largely provided off Bond Street, via Whiston Street and Lyon Street. The site measures approximately 0.075 hectares.

RELEVANT HISTORY:

None relevant to this application.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance to this application are paragraphs; 17 (Core planning principles), 56-68 (Good design), 72-74 (School and Playing Field development).

Development Plan:

The Development Plan for this area is the 2004 Macclesfield Local Plan. The site is allocated within a Predominantly Residential Area.

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

Built Environment

BE1– Design Guidance

Development Control

DC1 – New Build

DC3 – Amenity

DC5 – Natural Surveillance

DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC37 – Landscaping
DC63 – Contaminated Land

Transport

T2 – Integrated Transport Policy

Environment

NE11 – Protection and enhancement of nature conservation interests
NE17 – Nature Conservation in Major Developments
NE18 – Accessibility to areas of nature conservation interest

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- MP1: Presumption in favour of sustainable development;
- PG6: Spatial Distribution of Development;
- SE1: Design;
- SE2: Efficient Use of Land;
- SE3: Biodiversity and geodiversity;
- SE5: Trees, Hedgerows and Woodland;
- SD1: Sustainable Development in Cheshire East;
- SD2: Sustainable Development Principles; and
- CO1: Travel Plans.

Supplementary Planning Documents:

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

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

CONSULTATIONS (External to Planning)

HIGHWAYS:

The Strategic Highways Engineer raises no objections to the proposals.

ENVIRONMENTAL HEALTH:

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

ENVIRONMENT AGENCY:

Make no comments on this application

SPORT ENGLAND:

Sport England does not wish to comment on this particular application.

REPRESENTATIONS

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

Objections have been received from 5 residential properties in the vicinity of the site. The full objections can be read in the application file online. Comments are summarised below.

- 1) The proximity of the car park entrance opposite private housing
- 2) Lyon Street is so narrow that, sensibly and inevitably, restricted parking would have to be applied in order for traffic to safely enter/exit the proposed car park and cater for the extra traffic it would generate. This would have a serious, detrimental effect upon already long-suffering residents.
- 3) To further restrict parking would exacerbate local parking issues
- 4) Little or no attention has been paid to the views of those who live in the immediate vicinity of the proposed development

There are sensible, viable and far less disruptive alternatives that could and should be considered **before** any planning application is granted. For example:-

- 1) Maintain the current entrance to the site at the junction of Whiston and Lyon Streets.
- 2) Make Lyon Street a one way street - entry via Athey Street, exit via Whiston Street
- 3) Make Whiston Street a one way street - entry via Lyon Street, exit only via Bond Street (Scout's exit thus maintained)
- 4) Strictly enforce current parking restrictions

- the proposal to add double yellow lines to Whiston Street; this again, would have a detrimental impact on the limited space already available for residents parking and access to our homes.
- The building of the development and the delivery of materials is also another point to which no consideration has been made. The street is simply not wide enough to accommodate lorries/builder merchants vans to deliver materials for the build.

The representations also take issue with the description of the housing area around the school, stating that it has caused offence and is untrue.

VIEWS OF THE TOWN COUNCIL

No comments have been received from the newly formed Macclesfield Town Council.

APPLICANT'S SUPPORTING INFORMATION

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- School Travel Plan;

OFFICER APPRAISAL

The key issues are:

- Principle of the Development (Windfall Housing Sites);
- Design, Layout and Visual impact;
- Impact upon neighbouring amenity; and
- The impact in highway safety.

SUSTAINABILITY

This application shall consider the sustainability of the proposed development in the context of the application for the demolition of two existing single storey buildings currently used as part of the primary school, erection of a new single storey dining extension to the east side of the main school building, erection of a new two storey extension Early Years Centre teaching and administration wing attached to the south of the main school building to provide teaching and learning facilities at Park Royal Community School.

In this instance, consideration of the need for the development, the loss of the some playground, design, and amenity are the principle considerations.

Paragraph 72 of the NPPF states that;

'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

The applicant has advised that it is oversubscribed, has a two-form entry school and there is a desperate need for outmoded freestanding buildings to be removed at the boundaries of the present school campus in order to create a unified Early Years Centre (2-5yr olds). This would be achieved by integrating the Pre-School Nursery and Early Years classrooms into one new build, which in turn fully and securely links into the main school building.

More specifically,

- New two-storey extension to the south of the site is to comprise of: Early Years provision, Reception, Admin and Staff quarter. This collaboration has minimised the consumption of external site area, allowing the new build footprint to be compressed to the benefit of external play areas.
- Two-storey design has been subdivided so Early Years provision is situated on the ground floor to maintain direct access to external teaching space.
- Early Years provision will hold a single story mass that is encapsulated in the two-storey element of the extension. This mass will house a pitched roof, which leads up to the staff quarter and first floor link.
- Roof profile at main entrance contains the two-storey element of the new extension, signifying a new statement entrance that seeks to provide identity to the existing school building by using its scale.
- New single storey dining quarter to be attached and aligned with the existing building to the east, considering the scale and mass of the current building.
- The new extensions are orientated in line with best practice guidance for teaching spaces in terms of responding to environmental conditions and follow the school and streets existing main axis.
- Early Years building presents secure elevation to the public east and is open and transparent to the play areas to the north, south and west.
- Dining Hall extension opens out onto the playground to the east of the site using transparent materials to create an internal/external environment.
- Development inspired by the images and collages produced by pupils at the workshop event, with a textured collage approach making use of peaks and folds to create a lively rhythm from simple, layered extrusions.
- The colour and texture of the different cladding materials and use of curtain walling gives clues to the use and helps aids orientation

As a result of this justification, it is considered that there is a 'need' for this facility.

Paragraph 74 of the NPPF states that;

'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

The proposals clearly involve building on an area of the existing playground. However, when taken as a whole, the proposals include the rationalisation of the nursery and school buildings, which taken as a whole result in the impact on the playground being minimal. Sport England has been consulted on the proposals and does not object. It is also noted that the proposals incorporate improvements to the safety aspects on safeguarding the children.

Design

Paragraph 56 of the NPPF advises that;

'The Government attached great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

Paragraph 63 of the NPPF advises that;

'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'

Paragraph 64 of the NPPF advises that;

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

The application proposals are made up of two main sections. The first being a single storey dining extension, off the main school hall. This element is seen within the context of its school setting and would not have any detrimental impact upon the character and appearance of the wider area.

The two storey Early Years/Reception/Staff block is more contemporary designwise, however, in this locality, it is considered that the design is of a good standard and should fit in with the surrounding buildings.

As such, in conjunction with the needs of the school, there would be no significant conflict with the provisions of Local Plan policies BE1 (Design) and DC1 (New Build)).

Amenity

Paragraph 17 of the NPPF states that planning should; *'always seek to secure... a good standard of amenity for all existing and future occupants of land and buildings.'*

The proposed two storey block (and associated playground) is sited to the north of the properties on West Bond Street. It is considered that there would be sufficient space between the properties on West Bond Street and the proposed block and there would be a sufficient level of screening on the boundary to the proposal.

The only windows at second floor level would serve the Maths Intervention and Play Therapy rooms. These rooms would overlook the rear gardens on the properties on West Bond Street, however, it is considered that these properties are sufficient distance away and there would not be a substantial loss of privacy.

With regards to environmental disturbance, the Council's Environmental Protection Team have raised no objections.

As such, the proposal is considered to adhere with Policy DC3 of the Local Plan.

Highway Safety

The Strategic Highways Manager has advised that as there would be no increase in the number of staff or pupils at the school he raises no objections.

It is proposed to demolish a number of the school buildings and replace with new construction, there is also temporary accommodation proposed. As part of the scheme a new 21 space car park is proposed with the access moved from its current position on Lyon Street further north along Lyon Street.

The main pedestrian/pupil entrance is located to rear of the proposed new car park.

The Strategic Highways Engineer regards to traffic impact, there are no changes proposed to existing staff numbers and no major increases in pupils involved with this application. As with all schools the morning and afternoon drop off periods involve considerable on-street parking and this is the case with Parkroyal School, the redevelopment will not materially increase the problems over and above the existing situation. There are no highway concerns regarding moving the access to the car park and the design submitted is acceptable. There are no waiting restrictions proposed either on Lyon Street or on Whiston Street as part of this application.

In summary, the redevelopment proposals provide an improved layout of the site but do not materially change the highway impact that the school currently has on the local road network. There are no objections raised on this application.

Planning Balance

The NPPF encourages the alteration or expansion of schools where a need has been identified and allows for the loss of playing fields where the site is surplus to requirements.

The application proposals involve the rationalisation of existing nursery, dining and school accommodation and has an acceptable impact on the playground area. As such, it is not considered that the development has a detrimental impact upon the play provision for the school. As such, the principle of the development is accepted.

The school have identified a need for the extensions and have funding in place from the Education Funding Agency.

The comments of the neighbours are noted and have been addressed in the report above. It is not considered that any adverse impacts are sufficiently harmful or demonstrable to justify withholding planning permission.

The proposed scheme provides an appropriate design that subject to conditions, would not have a detrimental impact upon neighbouring amenity or highway safety.

The scheme therefore represents a sustainable form of development providing needed teaching facilities of a sufficient quality of design without impacting the usable playing fields, neighbouring amenity or highway safety.

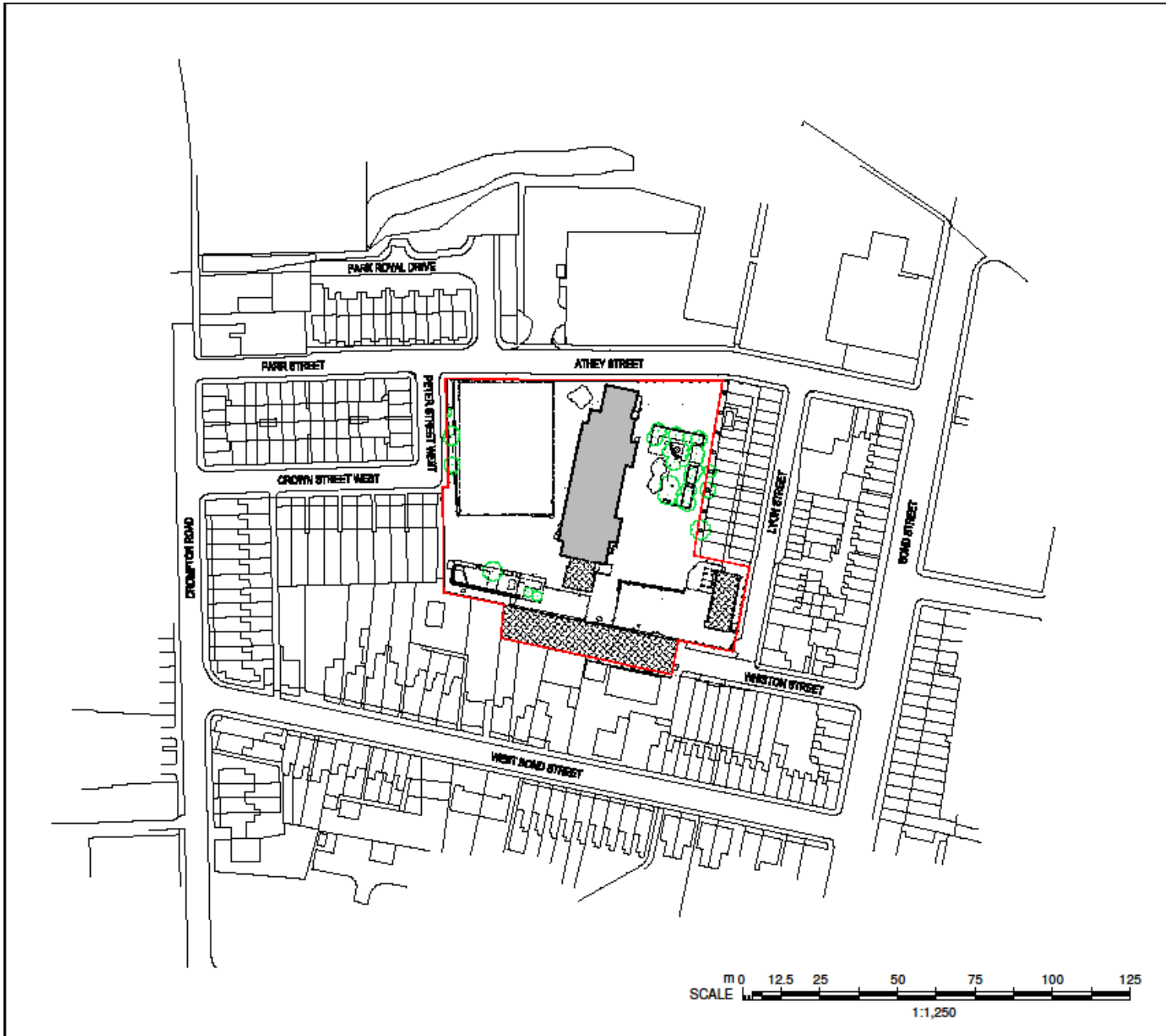
The benefits of granting planning permission outweigh any adverse impacts. The development is in general accordance with development plan policy and national guidance. The application is therefore recommended for approval.

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 Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A02FP - Commencement of development
3. A05EX - Details of materials to be submitted
4. Construction Management Plan to be submitted and agreed prior to commencement to detail HGV movements, contractors compound and staff car park.



Application No: 14/5316M

Location: Former Depot at Junction of Green Street and Cuckstoolpit Hill, Macclesfield, Cheshire

Proposal: Construction of 18no. 1 & 2 bedroom apartments on the site of former council-owned depot.

Applicant: Ms Jo Fallon

Expiry Date: 13-Feb-2015

Date Report Prepared: 1st July 2015

SUMMARY

The proposed development would provide affordable housing located in a sustainable location, on brownfield land. This should be given substantial weight when weighing up the planning balance. The proposals would be of an acceptable design. They would preserve the character and appearance of the conservation area, the setting of Listed Buildings, and would not have an adverse impact upon the highway network, neighbouring amenity, or nature conservation.

The proposed development complies with the relevant development plan policies and is considered to be sustainable in the social, environmental and economic sense. The application is therefore recommended for approval.

RECOMMENDATION

APPROVE SUBJECT TO CONDITIONS

REASON FOR REPORT

The application is for 17 no apartments and would therefore constitute a major development.

As such, the application is to be determined by the Northern Planning Committee.

Revised plans have been submitted and all relevant parties have been re-consulted. The last date for comments on the plans is 13th July 2015 and so an update to committee will be provided after this date regarding any comments not referred to in this report.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a formal Council depot comprising 1 and 2 storey vacant buildings and associated hardstanding. The site rises up in gradient from Buxton Road to the North and an area of public open space lies adjacent to the site. The site is bounded by an attractive historic stone wall. The site lies some 14m away at its closest point from Buxton Road Conservation Area, and a number of Grade 2 Listed Buildings. The site lies within a Mixed Use Area as defined by the Macclesfield Borough Local Plan.

The site is close by to several listed buildings, Fence House Grade II, Fence House Almshouses Grade II, 88-92 Buxton Road grade II (all sharing group value), 66 Buxton Road a locally listed building and the edge of Buxton Road Conservation Area, an area of green space also bounds the site, providing a sense of relief and openness. Predominately the area contains 2 perhaps 2.5 storey buildings, all domestic in their scale, and where they are larger they are sited at a distance from the site. The area contains brick, half-timber framed detailing, local stone and also render properties too. Terraces are quite common, interspersed with detached and larger warehouse buildings.

DETAILS OF PROPOSAL

Revised plans have been submitted during the application process. The proposals are for the demolition of the existing Council depot buildings and the erection of 13 x 1 bed and 4 x 2 bed apartments on the site. Access would be taken from Cuckstoolpit Hill Street. The buildings would comprise 3no 2 storey blocks. Associated parking for 20no vehicles is proposed along with a bin store, and associated hard and soft landscaping. No cycle spaces are currently proposed which would be required, however this can be secured via condition.

This application follows formal pre application advice.

Planning History

None relevant.

POLICIES

Macclesfield Borough Local Plan – Saved Policies

BE1- Design Guidance
BE2 (Preservation of Historic Fabric)
DC1- New Build
DC3- Amenity
DC6- Circulation and Access
DC8- Landscaping
DC41- Infill Housing
H1- Phasing Policy
H2- Environmental Quality in Housing Developments
H3- Making the Best Use of Land
H5- Windfall Housing
H8- Provision of Affordable Housing
H9- Affordable Housing

H13- Protecting Residential Areas
NE11- Nature Conservation
E11- Mixed Use Areas
MTC12- Mixed Use Areas
BE16- Setting of Listed Buildings

Cheshire East Local Plan Strategy 2014 – Submission Version

MP1- Presumption in Favour of Sustainable Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE4 - The Landscape
CO1- Sustainable Travel and Transport
CO4- Travel Plans and Transport Assessments

The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are to be applied.

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

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

Other Material Considerations

Ministerial Statement – Planning for Growth
National Planning Policy Framework
Planning Practice Guidance
Cheshire East Council Interim Planning Statement on Affordable Housing
(February 2011)

CONSULTATIONS (External to Planning)

Strategic Highways and Transportation Manager- No objection.

VIEWS OF THE TOWN COUNCIL

N/A.

OTHER REPRESENTATIONS

3 no objections have been received on the following planning related grounds:

- Overlooking of 12 Canal Street
- Access could be dangerous
- Part of the historic boundary wall should not be removed
- Insufficient parking
- Land drainage issues

1 no letter in support of the application has been received.

Macclesfield Civic Society do not formally object to the development, however thought that a townscape appraisal should be required as they are concerned that the development could be over dominant, out of scale and visually intrusive.

APPLICANT'S SUPPORTING INFORMATION

Planning/ Design and Access Statement

OFFICER APPRAISAL

The key issues are:

- Housing Land Supply
- Impact upon character of the area,
- Impact upon character of the conservation area
- Impact upon the setting of listed buildings
- Amenity of neighbouring property
- Highway safety
- Public Open Space provision via an s106 agreement

Principle of the Development (Windfall Housing Sites)

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

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

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

It is considered that this development on this site would make effective reuse of the land with a high density scheme that would make a contribution to the Council's 5 year land supply.

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

Housing

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

The site falls within the Macclesfield sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 180 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 103x 2bd, 116x 3bd general needs units and 80x 1bd older persons accommodation. The SHMA identified an over-supply of 1 bed and 4+ bed general needs units and 2 bed older persons accommodation. In addition to this information taken from Cheshire Homechoice shows there are currently 1066 applicants who have selected one of the Macclesfield lettings areas as their first choice. These applicants require

450x 1bd, 390x 2bd, 176x 3bd and 24x 4+bd. 26 applicants did not specify a bedroom requirement.

Whilst the SHMA does identify an over-supply of 1 bed units, information from Cheshire Homechoice and intelligence informs us that there is need for 1 bed units. It is preferable that 2 bed units are delivered as houses rather than 2 bed apartments.

Strategic Housing has been in discussions with the applicant about the proposals for the site and has raised concerns over 2 bed apartments to meet housing need. I have advised that Strategic Housing would not support a scheme dominated by 2 bed units and would like to see a scheme favoured for 1 bed units, and in any event no more than 50:50 split between 1 and 2 bed apartments. The revised plans submitted show that the application is for an affordable housing scheme of 17 apartments, comprising 13x 1bd and 4x 2bd apartments all for affordable rent.

Overall, it is clear that there is a significant shortage of affordable housing within Macclesfield. This development would help to satisfy a strong demand for affordable 1 and 2 bed apartments within the town and contribute to the Council's 5 year housing supply.

Design/ Character and Appearance/ Impact on the Conservation Area and Setting of Listed Buildings

The Conservation Officer notes that this is a much improved scheme from the original submission. They do have concerns regarding the development in terms of the height of plot 4, and the need for high quality materials that would improve the overall appearance of the development and help it preserve the character and appearance of the nearby conservation area. The loss of part of the stone wall is regrettable however parts of it would remain and overall this is not a major concern.

It is noted that the surrounding area consists of dwellings and other buildings of a range of architectural vernacular and quality. The existing industrial buildings on site and associated paraphernalia are not of any aesthetic quality. The revised development is considered to be of a vernacular, scale, density and overall design which would be in keeping with the character and appearance of the immediate surroundings. It would also not have an adverse impact on the character and appearance of the nearby Buxton Road conservation area or Listed Buildings, nor be unduly dominant in scale when viewed from various places within the town.

The objection is noted regarding the partial loss of the stone wall. Whilst this is regrettable, it is not a designated heritage asset and overall the economic, environmental and social benefits of the development are considered to outweigh the environmental harm of losing a section of the wall.

Overall the development would accord with all design policies, would not harm the historic setting of the nearby listed buildings and would preserve the character and appearance of Buxton Road conservation area, subject to conditions including the use of appropriate materials in the development.

Amenity

Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 states that housing should normally meet certain guidelines of space between buildings in order to ensure that a commensurate amount of space, light and privacy remains between buildings.

In this case, the 2 storey would be circa 14.8m away from the residential property no 8 on Green Street opposite and 13.9m from the existing office building. This is substandard in relation to the distance guidelines listed under policy DC38. However, it is noted that many other dwellings in the locality have a similar relationship on the street. Furthermore, the benefit of the site going into residential use (compared to a depot site) is considered to have a generally beneficial impact on the amenity of properties within the vicinity of the site.

In this case the development is considered to allow for a commensurate degree of space, light and privacy to the residential property and also the office building, which is a less sensitive use.

The objection from 12 Canal Street is noted, however the revised proposal would be over 40m away from the windows to habitable rooms on the front elevation, which would accord with policy DC38.

A commensurate degree of space, light and privacy would exist between all of the proposed buildings in accordance with policy DC38.

Overall, the development would not have an adverse impact on any neighbouring property and is deemed to accord with local plan policy DC3 and DC38 and national guidance.

Highways

The objections have been considered regarding highway safety and parking. However, 20 no spaces for 13 x 1 bed and 4 x 2 bed apartments is considered to be sufficient in this sustainable town centre location. The Strategic Infrastructure Manager raises no objections. The new access would be moved further down onto Cookstoolpit Hill but this would not result in an adverse impact on highway safety. Cycle spaces will also be provided within the development.

Overall the proposed development is considered to accord with local plan policy DC6, subject to relevant conditions. These conditions will be provided in an update report to be presented at committee.

Sustainability

The site is considered to lie within a sustainable location, circa 380m away from the town centre with all of the associated facilities, shops and services, circa 92m away from the train station and 30m away from a frequent bus service on Buxton Road. As such, the development is considered to lie within a sustainable location in accordance with the requirements of the NPPF.

Flood Risk

The Flood Risk Officer raises no objection, subject to a condition relating to the requirements for details of the proposals for the disposal of surface water.

Archaeology

The Archaeology Officer raises no objection. They state:

The development affects an area c 150m beyond the eastern limits of Macclesfield's Area of Archaeological potential, as defined in the Local Plan of the former Macclesfield Borough Council.

It is, therefore, outside the primary area of interest within the town but I have checked the Cheshire Historic Environment Record and note that a builder's yard is depicted on the 19th-century maps of the area (CHER 2608/92/0). However, this appears to have been open space and no particular features of interest are shown. In these circumstances, archaeological work would be difficult to justify and no further mitigation is advised.

Nature Conservation

The Nature Conservation Officer raises no objections to the proposed development. The development would not have an adverse impact on protected species and would accord with policy NE11.

Environmental Health

The Environmental Health Officer raises no objections to the proposed development, subject to conditions regarding contaminated land, hours of construction, piling and dust control.

Landscaping

The Landscape Officer raises no objection to the development, subject to the submission of a suitable hard and soft landscaping scheme, which can be secured via condition.

Drainage

The objection regarding drainage has been considered.

However United Utilities (UU) has been consulted and has replied confirming that they have no records of flooding incidents relating to their assets. It has been confirmed that foul water can be discharged off-site at a convenient location and surface water can be discharged into the 675mm diameter pipe within Green Street at a rate not exceeding 25l/s.

The Flood Risk Officer raises no objection, subject to the submission of details of the proposed discharge of surface water.

Open Space

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

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

The Greenspace Officer has not commented on the development at the current time. An update report will therefore be required to be presented at committee regarding the requirements for public open space provision.

Community Infrastructure Levy (CIL) Regulations

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

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

The commuted sum in lieu of Public Open Space is necessary, fair and reasonable, as the proposed development will provide 17no dwellings, the occupiers of which will use local facilities as there is not a particularly large amount of open space on site, as such, there is a need to upgrade / enhance existing facilities in the town. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

HEADS OF TERMS

This will be set out in the update report to committee including requirements for affordable housing and contributions to public open space

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal accords with the three strands of sustainable development – economic, environmental and social.

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

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

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

The proposal is, on the whole, compliant with the relevant Development Plan policies set out in the report. It is considered that the benefits of the proposal are not outweighed by potential adverse impacts. The proposed development would secure much needed affordable housing within a sustainable location close to Macclesfield Town Centre. The development would be in keeping with the character and appearance of the locality, would preserve the character and appearance of Buxton Road Conservation Area and would not have an adverse impact upon the setting of the nearby listed buildings. The development would not have an adverse impact upon neighbouring amenity or the highway network. Therefore this application is recommended for approval.

RECOMMENDATION

The application is recommended for approval.

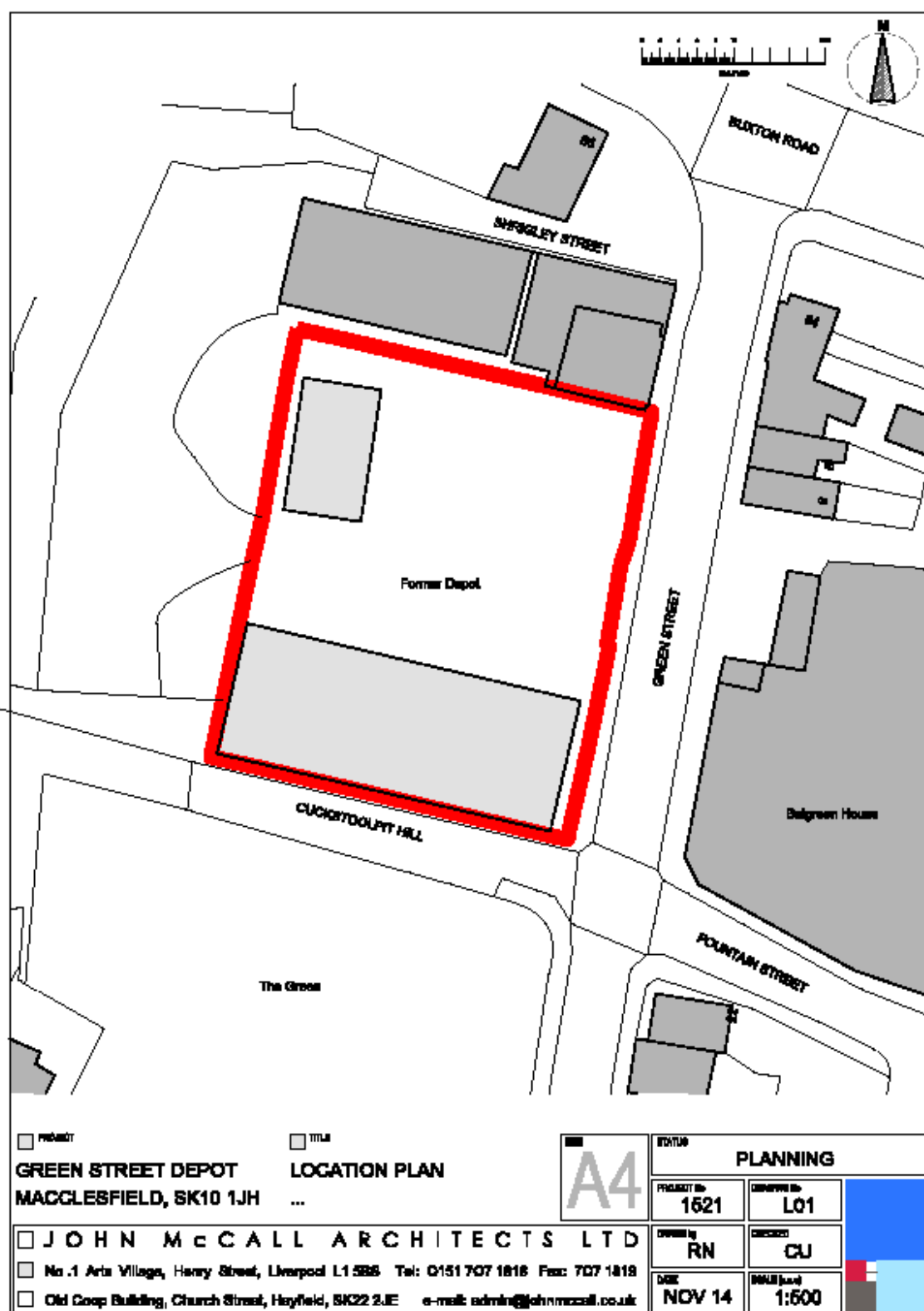
In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

- | | |
|-------------|---|
| 1. A01LS | - Landscaping - submission of details |
| 2. A02LS | - Submission of landscaping scheme |
| 3. A03AP | - Development in accord with revised plans (unnumbered) |
| 4. A03FP | - Commencement of development (3 years) |
| 5. A05EX | - Details of materials to be submitted |
| 6. A07GR | - No windows to be inserted |
| 7. A12LS | - Landscaping to include details of boundary treatment |
| 8. A25GR | - Obscure glazing requirement |
| 9. A30HA | - Protection of highway from mud and debris |
| 10. A32HA | - Submission of construction method statement |
| 11. Piling | |
| 12. Parking | |

- 13. Dust Control
- 14. Hours of Construction
- 15. Development in accordance with noise impact assessment
- 16. Contaminated Land
- 17. Drainage
- 18. No Gates
- 19. Levels
- 20. Cycle Storage



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Application No: 15/0053C

Location: BIG STONE CATTERY, GOOSTREY LANE, CRANAGE, CHESHIRE, CW4 8HE

Proposal: Construction of 4 new houses

Applicant: Mr Robert Newton

Expiry Date: 04-Mar-2015

SUMMARY

The application site lies entirely within the Open Countryside as defined by the Congleton Borough Local Plan First Review.

Within such locations, there is a presumption against development, unless the development falls within one of a number of acceptable categories. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites and that where this is the case, housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to make an assessment as to whether the proposal constitutes sustainable development in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social, environmental).

In this case, the site is adjacent to existing housing and the proposal would bring positive social and economic benefits such as the delivery of additional housing and a boost to the local economy. In addition the site is considered to be located in a relatively sustainable location.

These benefits need to be balanced against any environmental impacts including the loss of the Open Countryside.

In this case it is considered that the proposed dwellings are well contained visually and are unlikely to appear as encroaching into the open countryside.

On this basis, it is considered that the proposal represents a sustainable form of development and paragraph 14 is engaged. The adverse impacts of the development are significantly and demonstrably outweighed by the benefits. Accordingly the application is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions.

PROPOSAL

Full planning permission is sought for the erection of 4 detached dwellings on land at Big Stone Cattery. Access to the dwellings is from the existing access serving the cattery which is located off Goostrey Lane.

SITE DESCRIPTION

The application site forms part of the grounds to Big Stone Cattery which is located on the corner of Knutsford Road and Goostrey Lane in Cranage. The site is bound to the north by the access road to Big Stone Gardens and to the south and east by the gardens of adjacent dwellings. The application site is approximately 0.3 ha in size wrapping around the dwelling at Big Stone Cattery. Access to the site is gained off Goostrey Lane. The site is located within the open countryside.

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, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 – Isolated new houses in the countryside and 56-68 - Requiring good design

Planning Practice Guidance

Development Plan

The Development Plan for this area is the Congleton Borough Local Plan First Review.

The relevant Saved Policies are:

PS8: Open countryside
GR1: New development
GR2: Design
GR5: Landscape

GR6: Amenity and Health
GR7: Pollution
GR9: Access and parking
H1: Provision of new housing development
H2: Housing supply
H5: Residential development in villages
H6: Residential development in the open countryside.

The saved Local Plan policies (except those concerned with housing land supply) 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:

PG5 - Open Countryside, SC4 - Residential Mix, SC5 - Affordable Homes, SC6 - Rural Exceptions Housing for Local Needs, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE4 - The Landscape, and SE5 - Trees, Hedgerows and Woodland

Supplementary Planning Documents:

Interim statement on the provision of affordable housing requirements

CONSULTATIONS

Strategic Infrastructure Manager – No objections subject to the closure of the access onto the A50 and an informative to require the developer to enter into a S184 agreement for the access closure.

Nature Conservation – No ecological issues associated with this site

Environmental Protection – No objections subject to conditions with regards to details of any piling for foundations, a dust control scheme, contaminated land, implementation of acoustic insulation scheme and an informative with regards to hours of construction.

United Utilities - No objections, subject to the prior submission of a foul and surface water drainage plan.

Jodrell Bank – no objections subject to electromagnetic screening measures.

Cranage Parish Council: Object to the proposal on highway safety grounds. They comment that the junction has a reputation of many accidents, with near fatalities in 2013 and 2014. The houses would result in more pressure to a dangerous junction. The Parish Council request that a roundabout be installed to alleviate the situation. The exit is far too close to the junction. The houses would cause more movements at peak times.

REPRESENTATIONS

1 representation has been received. The reasons for concern can be summarised as follows:

Impact upon highway safety and the proximity of the access to the junction given the history of road traffic accidents. The additional traffic generated would create additional problems and the entrance to the site appears undersized for refuse vehicles.

Lack of screening between the development and Big Stone House during the development and post completion.

APPRAISAL

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Sustainability

Principle of Development

Cranage is a dispersed settlement that does not have the benefit of a defined settlement boundary and as such, the site is by definition within the open countryside. Policy PS8 of the Congleton Borough Local Plan sets out the broad types of development that are likely to be acceptable and Policy H6 adds further detail by detailing the specific circumstances in which new residential development will be permitted, namely;

1. Accommodation for an agricultural or forestry worker
2. Replacement dwellings
3. Conversions of rural buildings
4. Change of use or redevelopment of an employment site
5. Limited development within the infill boundary line of specified settlements;
6. Affordable housing 'exceptions sites'

The proposal would not fall into the above categories and as such the development would be contrary to Policy H6 and PS8 of the Local Plan.

Housing Land Supply

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence.

However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, open countryside policies may be considered out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing.

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

Sustainability

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

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

The application site is located within a small group of dwellings running along Goostrey Lane and Knutsford Road and visually, the site does not have the appearance of being visually isolated.

Sustainability was considered by the Inspector in considering an appeal for a new dwelling on land at Briarwood, Goostrey Lane, Cranage (13/4501C refers). This site bounds the application site to the south-east.

The Decision Letter contains relevant information in terms of the sustainability of this area. The Inspector noted that Cranage is very dispersed in nature and has a limited range of facilities. However, a wider range of facilities, including a primary school, train station and limited range of shops are found within Goostrey which is approximately 1.5km from the site. The Inspector commented that while the road linking the site to Goostrey had no pavements, it was not unduly narrow and it was relatively lightly trafficked. The lack of pavements was not in this case considered to be a deterrent to walking or cycling. A greater range of facilities can also be found in Holmes Chapel which is approximately 3km away. A limited bus service exists close to the site which means that facilities can be accessed by means other than the private car. The Inspector found the development at Briarwood to be a sustainable form of development.

It is considered that on balance there are enough facilities within proximity of this site to support this limited housing development. However locational sustainability is only one factor to be weighed in the planning balance. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

Environmental role

Landscape Impact

The site is situated in open countryside and forms the grounds to the Big Stone Cattery. To the north there is an access drive to a recently constructed affordable housing development at Big Stone Gardens. To the west lie the long rear gardens of dwellings located on Goostrey Lane.

To the south lies the existing house at Big Stone Cattery with Access House and then beyond this, the gardens of the houses on Goostrey Lane. To the immediate east lies the A50 Knutsford Road.

The site is mainly laid to lawn with trees and hedging primarily around the boundaries. There are some cattery buildings and associated structures within the grounds. The site is well screened from the adjacent A50 and from a wider landscape value it is well contained by existing housing and infrastructure. Visually, it is considered that the development of this site would not have the effect of eroding the open countryside because it is well contained. The impact upon the wider landscape is unlikely to be significant having regard to Policy GR5.

Trees and Hedgerows

An arboricultural survey report has been submitted with the application. This identifies the trees to be removed to facilitate the development. The majority of the trees around the boundary of the site will be retained. The survey has been reviewed by the Council's Forestry Officer who has noted that the majority of trees for removal are of low quality. A condition is suggested to require adherence to the tree works specification and the protection measures in the method statement.

Design

The local area is mixed in character with houses of different designs and sizes, including bungalows, semi-detached and detached dwellings. The proposed dwellings are detached, providing 4 bedrooms and each is of a different design and constructed of brick, render and clay tiles. The houses are sited so that three dwellings are located parallel to Knutsford Road, set behind the existing planting.

It is considered that the design of the dwellings is acceptable and that the proposal is unlikely to have a significant impact upon the streetscene having regard to Policy GR1 and 2.

Access

Access will be taken off Goostrey Lane and the houses will be served by an internal access road. Concerns have been raised over the adequacy of the access and the impact upon the local highway network, particularly the junction with Knutsford Road. The Council's Head of Strategic Infrastructure has reviewed the proposal and has commented that the access, internal layout and parking are considered acceptable. The site is in a relatively sustainable location with a range of facilities being within cycle distance and there are some unmarked bus stops on the A50 adjacent to the site. The amount of traffic generated from the proposal would not be expected to have a material impact upon the wider highway. Given the limited scale of this development is unlikely that any residual impacts upon the local highway network would be severe and as such it is considered that the development accords with guidance within the NPPF and Policies GR1 and GR9.

Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

United Utilities have also been consulted and advise that they have no objections subject to the prior submission of a foul and surface water drainage plan.

As such, subject to these conditions, it is considered that the proposed development would adhere with Policy GR1 of the Local Plan.

Conclusion

The proposed development would not create any significant landscape, tree or hedgerow issues, access, design flooding or drainage concerns subject to conditions.

As such, it is considered that the proposed development can be considered to be environmentally sustainable having regard to the three dimensions of the NPPF.

Economic Role

It is accepted that the construction of a housing development of this size would contribute in the short term to local economic activity for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. Notwithstanding this, it would not otherwise contribute to economic dimension of sustainable development.

Social Role

Residential Amenity

Policy GR6 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance.

The closest neighbouring properties to the application site include the applicant's property, Access House, to the south of the site, and the properties on Goostrey Lane.

In terms of the relationship between the applicant's house and the proposed dwellings, Access House is a single storey dwelling which has its front elevation facing west. The closest dwelling to the existing house is House No.1 which is set further to the west than the existing dwelling with the corner of the house being about 10m from the nearest corner of the bungalow. The gable end will be visible from the bungalow. It is considered the staggered nature of the proposal and its position to the north of the existing dwelling will ensure that no unacceptable loss of privacy or amenity will result. House No.3 is about 20m away from the side elevation of the dwelling and there will not be any significant loss of privacy to any existing ground floor windows within the bungalow. It is noted that concerns have been raised over the lack of any boundary at present between the development site and Access House and it is considered that this can be addressed through appropriately worded conditions.

Elsewhere, houses on Goostrey Lane have the benefit of good sized gardens, with the rear elevations of Houses 3 & 4 being around 28/30m away from the rear elevations of these dwellings.

In terms of the amenity of the future occupiers of the proposed dwellings, while the gardens are modest, they are considered to have sufficient space would be available for each dwelling to have sufficient outdoor private amenity to perform normal tasks such as; hang out washing, sit outside etc. However in the interests of ensuring that sufficient space is retained in the future, it is recommended that permitted development rights are removed for extensions and outbuildings.

With regards to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; a restriction over the hours of piling, the prior submission of a piling method statement, the prior submission of a dust mitigation scheme, a phase I contaminated land condition and the implementation of the acoustic insulation scheme. Informatives regarding hours of construction and contaminated land are also sought.

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

Affordable housing

No provision is made for affordable housing on the application site. The Council's Interim Planning Statement on Affordable Housing sets the threshold for negotiations on affordable housing in settlements of less than 3000 population to 30% on schemes of 3 dwellings or more. Since the adoption of this guidance, National Planning Practice Guidance has been updated. The NPPG details that affordable housing should not be sought on sites of 10 units or less and which have a combined floorspace of less than 1000sq metres. Following national guidance no on site affordable housing provision, or contribution in lieu, is required.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review Alteration. Cranage does not have the benefit of a defined settlement boundary within this plan.

Within such locations, there is a presumption against new residential development unless it falls into specific categories, none of which are relevant in this instance. The proposal therefore constitutes a "departure" from the development plan.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would deliver additional housing and help to sustain the local community and provide a boost to the local economy. In addition the site is relatively sustainably located.

Balanced against these benefits is the limited loss of open countryside.

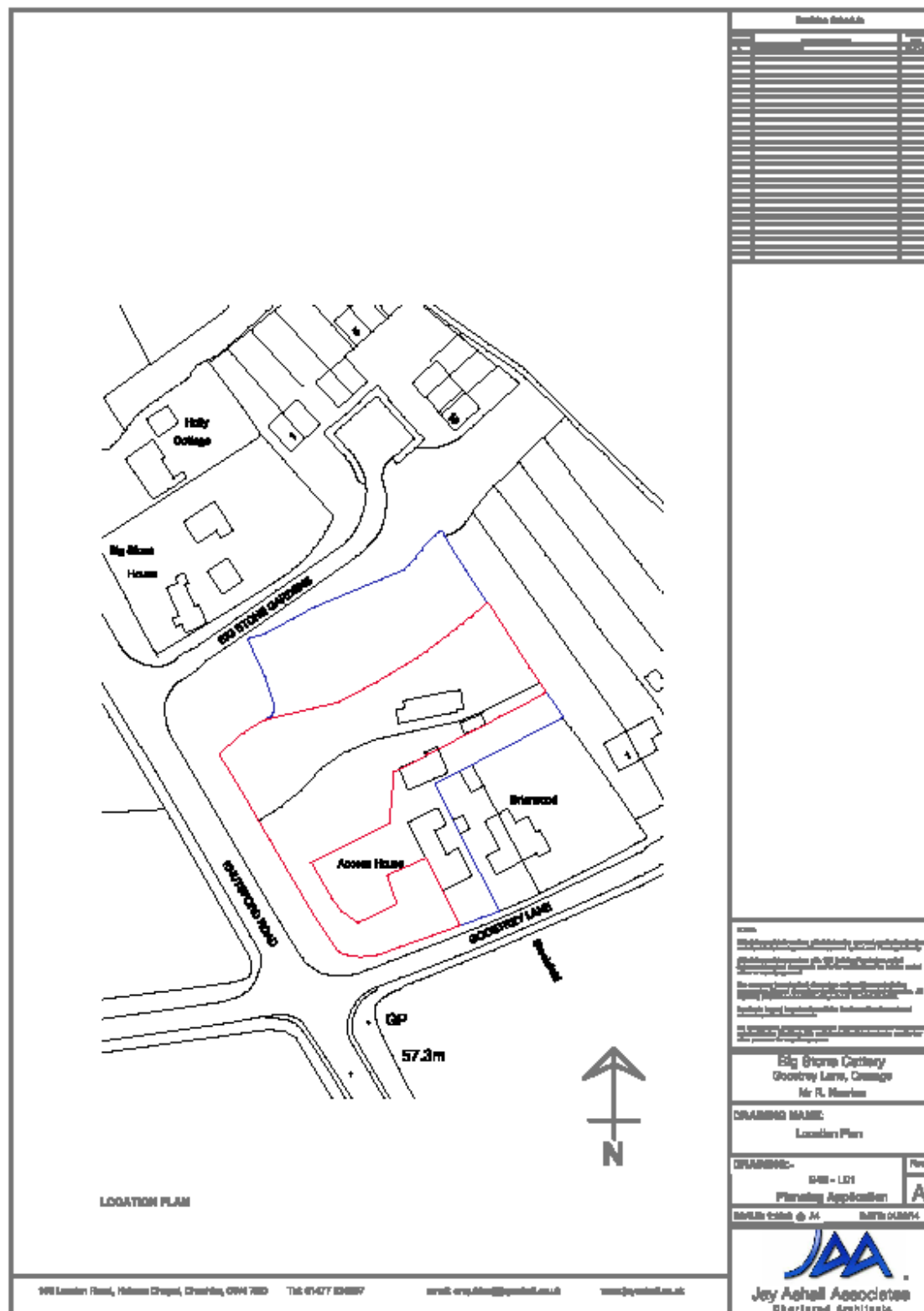
The application is acceptable in terms of highway safety and impact. The impact on residential amenity of the occupiers of the adjoining properties is within acceptable limits and complaint with policy.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

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

RECOMMENDATION - Approve subject to the following conditions

1. Time Limit
2. Development in accordance with approved plans
3. Prior submission of facing and roofing material details
4. Prior submission of surfacing material details
5. Prior submission of a foul and surface water drainage scheme
6. Hours of Piling and prior submission of a piling method statement
7. Prior submission of a dust mitigation scheme
8. Implementation of acoustic insulation scheme
9. Prior submission of land contamination report (Phase I)
10. Prior submission of boundary treatment details
11. Submission of landscaping scheme and implementation
12. Development to proceed in accordance with tree works specification and tree protection measures
13. Electromagnetic screening measures for Jodrell Bank
14. Scheme for the provision of high speed broadband
15. Withdrawal of permitted development rights for extensions and outbuildings



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Application No: 14/5159M

Location: 85, CHAPEL LANE, WILMSLOW, SK9 5JH

Proposal: Two storey extension at rear to provide first floor rehearsal room with storage areas at ground floor

Applicant: Wilmslow Green Room Theatre

Expiry Date: 07-Jan-2015

Date Report Prepared: 01 July 2015

SUMMARY RECOMMENDATION

Refuse planning permission due to the adverse impact on the residential amenity of the occupiers of adjoining properties.

MAIN ISSUES:

- Scale, siting and design; and
- Amenity to neighbouring occupiers.

REASON FOR REPORT

This application has been called in to the Northern Planning Committee by Councillor Gary Barton. The application has been called in as this is a community asset in one of the secondary centres of Wilmslow. Wilmslow Town Council has indicated its support for the application because of the popularity of the Green Room as a community asset.

DESCRIPTION OF SITE AND CONTEXT

85, CHAPEL LANE, WILMSLOW, SK9 5JH has been running as a popular local armature dramatic theatre for many years. The theatre has 5 major productions per year lasting one week each, with an audience of approx. 70 people. The first production commences late September and the last in mid May. The ancillary activities include making costumes and properties, rehearsals, set construction, play readings, youth group, management meetings and social events.

The existing floor space of the armature dramatic theatre is 473 square meters. 47 square metres is to be demolished (the prefabricated store). 210 square metres of floor space is proposed resulting in a 163 square metre increase in floor space.

The site is 0.057 hectares including the frontage building along with the main theatre building. The building is an 'L' shaped building and currently extends approx. 43 meters in length and

26meters wide. The prefabricated scenery store to the rear will be demolished to accommodate the proposal. The store measures approx. 4.7m high by 7m long. The store is comprised of pebble dashed sides, a timber rear elevation and corrugated roof.

The site is situated in the predominantly residential area of Wilmslow in an existing shopping area as defined in the Macclesfield Borough Council Local Plan. Chapel Lane is comprised of a mixture of residential and commercial properties.

There is currently no on site parking spaces and there are no spaces proposed.

DETAILS OF PROPOSAL

Planning approval is sought for a two storey extension and single storey side extension at rear to provide first floor rehearsal room with storage areas at ground floor. The proposed two storey extension measures approx. 6.6meters high and 8.7meters long. The proposed single storey extension is approx. 3.4meters high and 16.9 meters long. The proposed ground floor will measure approx. 10.6 meters wide. The proposed elevation on the south boundary will run alongside the boundary line of number 7 South Oak Lane, the proposed north elevations will be approx. 2.1 meters from the boundary line and the east elevation will again run along the rear boundary line.

Performances are Monday – Friday 7-11pm and Saturday 7-11.45pm. Rehearsals/meeting are Monday to Friday 7-11pm, 10am-3pm Saturday and 12-11pm Sunday and bank holidays. Set construction is Monday – Friday 10am – 8pm, Saturday 10am – 3pm and Sunday and bank holidays 10am – 8pm.

The prefabricated store to the rear will be demolished to accommodate the proposal.

Relevant Planning History

There have been a number of applications related to the site stemming back to the late 1970s.

13/3342M First floor extension for rehearsal room (resubmission of 13/0860M) which was refused 01/10/13.

13/0860M First floor extension (rehearsal room). Refused 07/05/13. Dismissed at appeal 11/12/13

01/1092P, for a single-storey link extension between 85-87 Chapel Ln. Approved 26.06.2001.

98/0229P Canopy roof extension and internal and external alterations to theatre. Approved with conditions 02/04/98

81815P Scenery and props store. Approved with conditions 26/07/95

79901P Two storey side extension to theatre. Approved 11/01/95

77502P Single storey extension to theatre. Approved 29/06/94

42135P Conversion and extension of 85 and 87 Chapel Lane to form theatre and extension of 89 Chapel Lane. Approved 21/11/85

19280P Ground floor storeroom. Approved with condition 01/08/79

CONSULTATIONS

Environmental Health – The only concern in terms of noise control / noise containment was the openable roof windows to the proposed rehearsal room. It was discussed that the windows should be kept closed during rehearsals in order to avoid noise escape which may affect residents of nearby properties. As a consequence of keeping windows in a closed position, an alternative form of ventilation and cooling system would therefore be required to be installed within the rehearsal room – particularly in the warmer weather months - for internal comfort. If approved an air conditioning system would need to be installed to overcome the concerns. No objections were made from Environmental Health, subject to conditions and informatives related to: hours of noise generative activities during demolition and construction, hours of use and dust control.

Theatres Trust – Supports the application. The existing facilities limit the way the volunteers run theatre operates as a highly valued community and cultural facility.

Full consultee responses can be viewed on file.

PARISH/TOWN COUNCIL

Wilmslow Town Council raised no objections but requests we note the residents concerns.

REPRESENTATIONS

Thirty one letters of representation have been received in support of the application and seven letters of objection. A summary of the representations can be located below. The full representation letters can be viewed on file. It has been noted that the letters of objection are mainly from immediate neighbours and a large percentage of the letters of support are from members of the Armature Dramatic Theatre.

Support

- Enhances Wilmslow life and the community spirit with quality entertainment for the people of Wilmslow and the area enabling a social meeting place
- Result in a larger and more varied range of entertainment/productions
- Great asset for the local and wider community
- Would not impact upon the living conditions and general day to day activities of local people
- Current lack of space to rehearse resulting in it being difficult to operate
- Brick building planned is far more aesthetically acceptable than the concrete slab, metal and plastic roofed shed
- Messy waste land removed
- Provide improved flexibility
- Enabling easier and potentially increased hire facilities

- Workshop and storage space is in need of repair and improvement
- Any increased use of the premises will in general be outside peak traffic times in Chapel Lane
- Provides young community groups and the assistance in the development of younger persons
- No overshadowing or loss of outlook
- Increased footprint is only slight at ground floor level and the roof height not as significant as might be
- Adds value to the town of Wilmslow
- Only dedicated theatre in the area serving our community
- Businesses on Chapel Lane rely on the amount of passing trade
- Improvements for people with disabilities

Object

- Out of character with the surrounding area
- Gross overdevelopment in a mainly residential area
- Noise issues
- No off-the-road car parking facilities
- Loss of privacy
- Loss of amenities
- Light pollution
- The development impacts to the detriment of several surrounding properties
- Significant increase in footfall
- Incorrect location
- Local roads are heavily congested with heavy road traffic, narrow footpaths and parking that is always a problem
- The proposal will extend into gardens and green space
- Rehearsals to take place until 23.00 on weekdays and Sundays this will disturb neighbours
- The height of the new extension will take light from adjoining properties.
- No disabled access to the rehearsal space
- Overdeveloped - fourth extension to the Green Room facility in the last few decades
- Increased number of nights they will operate
- The 6 retail outlets that open until 9pm or later will not have anywhere for their customers to park
- Loss of view
- Loss of sunlight, overshadowing, general loss of light
- Visual impact

POLICIES

Macclesfield Borough Local Plan - saved policies

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC2 (Design quality for extensions and alterations)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Highways Safety)
DC38 (Space light and privacy)
H13 (Protecting residential areas)
S4-17 (Local Shopping Centres)

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

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

Other Material Considerations

National Planning Policy Framework
National Planning Practice Guidance
Cheshire East Local Plan Strategy – Submission Version

OFFICER APPRAISAL

Planning approval is sought for a two storey extension and single storey side extension at rear to provide first floor rehearsal room with storage areas at ground floor.

The key issues relate to; 1) impact on neighbour amenity; 2) design/impact on the character and appearance of the area; 3) highways safety

Amenity

Policies DC3 and DC38 seek to protect the residential amenity of nearby properties having regard to space, light and privacy. The last two planning applications for this site have been refused (one dismissed at appeal), due to impact on neighbouring residential properties. The current proposal is in a different location than the previously refused applications, however the current proposal is considered to result in an overbearing affect and overdevelopment of the site. The site has been widely extended in the past, as the proposal is to reach and run along the east and south boundary line this will become overly dominant to its neighbours.

The current store to the rear of the theatre is approx. 4.7 meters high and the proposed extension is to be 6.6meters high, resulting in an approx. 1.9 meter increase (this is after revised plans were accepted reducing the overall height). This increase in height (and extension in length) will have a negative impact number 77 Chapel Lane who's first floor terrace will be approx. 12m from the proposed two storey extension resulting in the proposal being contrary to policies DC3 and DC38.

The new 8.7meter in length extension at 6.6m high will have a negative impact on the surrounding properties, specifically 5 and 7 South Oak Lane and 77, 79 and 81 Chapel Lane. The proposed extension will run parallel with number 7 South Oak Lanes boundary resulting in an overbearing effect.

Objections have been received on grounds of noise impact and disturbance. Taking into account the comments from the Environmental Health Officer, it is considered that a refusal on these grounds alone would not be justified. Conditions would be recommended to limit and control noise impact. These include an air conditioned system to ensure windows could be kept closed during rehearsals. The wording of such conditions would need careful consideration to ensure enforceability, in the of planning permission being granted.

Design/impact on the character and appearance of the area

The site is situated in the predominantly residential area of Wilmslow in an existing shopping area as defined in the Macclesfield Borough Council Local Plan. Chapel Lane is comprised of a mixture of residential and commercial properties. The theatre is currently in keeping with the area and therefore in accordance with policies BE1, DC1 and DC2.

Highways Safety

There are currently no on site parking spaces and there are no spaces proposed. The theatre at present seats approximately 70 people and the audience capacity is not changing. It is deemed there will not be a substantial increase in cars due to the extensions and therefore highways standards are acceptable.

Other Matters

Numerous letters of support have been received. It is evident that the proposal will enhance a valued community asset, and that carries some weight in favour of granting planning permission. However, the extension should not be allowed at the expense of a significant impact on the living conditions of the occupiers of adjoining property. It is not considered that the factors raised in support of the development carry sufficient weight to justify granting planning permission contrary to Development Plan policies which seek to protect residential amenity.

Issues regarding tidying up the site should carry very little weight in favour of granting planning permission.

CONCLUSIONS AND REASON(S) FOR THE DECISION

To conclude, whilst the letters of support have been carefully considered, the proposed development is deemed not to be in accordance with all relevant policies in the development plan and therefore recommended for refusal. The proposed is considered to be acceptable in terms of design and impact on the area and the social and cultural benefits are noted, as well as the site being in a sustainable location. With regards to neighbouring amenity the proposal

is considered to have a significant impact on numbers 5 and 7 south Oak Lane and 77, 79 and 81 Chapel Lane. As such the application is recommended for refusal.

Application for Full Planning

RECOMMENDATION: Refuse

- 1. The approval of the development proposed would be contrary to the provisions of the Development Control chapter of the Macclesfield Borough Local Plan, in particular policies DC3 and DC38 and would thereby cause harm to the objectives of those policies by virtue of the proposed being overbearing and overdevelopment of the land. The proposed would also be contrary to one of the core principles of the NPPF (securing a good standard of amenity for occupnats of buildings), which is a material consideration in the determination of the application.**



The Green Room Theatre
85 Chapel Lane
Wilmslow
Cheshire
SK9 5JH

OS Mastermap
19 February 2013, ID: MDP-00000087
www.malcolmhughes.co.uk

1:1250 scale print at A4, Centre: 363762 E 380566 N

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MALCOLM HUGHES
LAND SURVEYORS
Chartered Land Surveyors



Tel: 0161 926 0650

Application No: 15/2069M

Location: Willowmead, Willowmead Drive, Prestbury, Cheshire, SK10 4BU

Proposal: Proposed 4 bedroom house using existing access.

Applicant: Gemma Schofield, Willowmead LLP

Expiry Date: 30-Jun-2015

Date Report Prepared: 30 June 2015

SUMMARY RECOMMENDATION**Approve subject to conditions****MAIN ISSUES**

Impact on:

- Principle of Development;
- Housing;
- Siting, Scale and Design on the Character and Appearance of the Area;
- Neighbouring Amenity;
- Highways;
- Trees;
- Nature Conservation; and
- Environmental Health

REASON FOR REPORT

This application has been called in at the request of Cllr Paul Findlow on the 21st May due to concerns raised in respect to the proposed:

- 1) Siting, scale and design which is appropriate for the size of the proposed curtilage;
- 2) The access is not 'existing' and was used informally by the previous occupier;
- 3) The height of the fencing is excessive;
- 4) Drainage and flooding issues;
- 5) Construction of the lowest floor will necessitate the removal of soil causing damage to protected trees and root systems;
- 6) Adverse impact on amenity to neighbouring properties through a loss of privacy and natural sunlight;

- 7) Distances recorded could be misleading as there is local concern that the poor experience in the building of "Willowmead" itself will be repeated, when a 2 story house became a 3 storey one.

DESCRIPTION OF SITE AND CONTEXT

The application site is located within the curtilage of Willowmead, a large detached dwelling sited within a predominantly residential area of Prestbury.

The area to which this application relates is positioned to the southern portion of the existing curtilage, accessed via Willowmead Drive and adjacent to Thorne Close which follows along the southern boundary and accesses three dwellings, one of which, No.1 Thorne Close, lies to the south east of the proposed dwelling. The side garden of No.2 Northmead is located to the rear (eastern) boundary whilst Willowmead lies immediately north. The detached dwellings of Broadhaven and Stonehaven lie beyond Willowmead Drive to the western aspect with the topography of the land sloping down towards the east.

The plot is characterised by the dwelling of Willowmead which lies within an accommodating landscaped curtilage with grouped Tree Preservation Orders and 2 metre high timber boarded fencing to the boundaries.

The immediate area is recognised by the suburban character and conventional appearance of the surrounding built form which utilises alternating materials (predominantly brick) and traditional pitched/hipped roofscapes with detached bungalows to the west, dormer bungalows along Thorne Close to the southern aspect and two storey properties located along Northmead to the east. This respects the topography of the land and the resulting differentiation in levels to individual plots.

DETAILS OF PROPOSAL

The proposal seeks the construction of a three storey detached 4 bedroomed dwelling located to the south of Willowmead. The property would appear two storey as viewed from Willowmead Drive with excavation work undertaken to the rear elevation to provide a part-subterranean lower ground floor. The materials are Cheshire brick to the walling with Furness Ember Brick Blend to the upper cornicing under a main slate hipped roof with gable projection to the principle elevation and integral garage. Access is provided via an existing gate opening to Willowmead Drive.

The development follows informal pre-application advice regarding tree issues and design specifications which were of concern in the previous planning applications.

RELEVANT HISTORY

06/3199P – Approved 7th March 2007

Replacement dwelling incorporating attached triple garage and alterations to existing access.

07/3070P – Approved 15th April 2008

Replacement dwelling incorporating attached triple garage and alterations to existing access.
Amendment to 06/3199P

14/4767M – Withdrawn 19th December 2014
Proposed 5 bedroom house using existing access

15/0532M – Withdrawn 2nd April 2015
Proposed 4 bedroom house using existing access

POLICIES

Local Plan Policy

BE1	– Design Guidance
NE11	– Nature Conservation
H5	– Windfall Housing
H13	– Protecting Residential Areas
DC1	– New Build
DC3	– Amenity
DC6	– Circulation and Access
DC8	– Landscaping
DC9	– Tree Protection
DC38	– Space, Light and Privacy
DC46	– Demolition

Cheshire East Local Plan Strategy

The following draft policy are material considerations

MP1 – Presumption in Favour of Sustainable Development
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SE1 – Design

National Planning Policy Guidance

National Planning Policy Framework

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

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

Other Material Planning Considerations

National Planning Policy Guidance (NPPG)

CONSULTATIONS (External to Planning)

Forestry and Arboriculture: No objection subject to conditions requiring information on a no dig hard surface construction for the driveway, a scheme for the protection of the trees and a tree pruning/felling specification.

Highways: No objections subject to the submission of visibility splay plan prior to the commencement of works.

Environmental Health: No objection subject to conditions requesting details of pile foundations, dust control, floor floating, a limit to the hours of construction and an informative for the awareness of potential contaminated land issues.

VIEWS OF THE PARISH / TOWN COUNCIL

Prestbury Parish Council: objects to this application as an overdevelopment, which also offends the amenity of neighbouring residents and is an inappropriate overdevelopment in an attractive residential area. This application contravenes the Village Design Statement in respect of the character of this area. The views from its windows offend the 45 degree line of sight rule from existing windows on Thorne Close.

All of our objections to the previous similar application are still relevant, with the exception of the facing material.

OTHER REPRESENTATION

Prestbury Amenity Society: Strongly objective as this is an overdevelopment of the site with a building out of character with the area and existing house which looks cheap and tacky. The new drive way is a potential traffic hazard onto Willowmead road. The planned dwelling upsets the balance of the area.

Ten representations have been received in relation to the application, the main points of which are summarised below:

Siting, scale and design

- Represents overdevelopment with it being shoe-horned into the plot;
- Out of keeping with the character of the area;
- Contrary to the Village Design Statement;
- Accommodation is compact and small compared to Willowmead;
- Would appear as one continuous block of development as viewed from Northmead;
- The height of the proposed structure is not specified but would still appear as one structure combined with Willowmead;

- The two properties would dominate the area from an elevated permission thereby looking down on the prevailing homes in Thorne Close and Northmead;

Amenity to neighbouring occupiers

- Adverse impact on the amenities of neighbouring properties through the proposal contravening the 45 degree angle taken from 1 Thorne Close and resulting in a loss of privacy and overbearing effect;
- Concern in regards to the potential erection of a 4 meter high fence to the eastern boundary which would be unneighbourly and costly;
- Side bedroom window of No.2 Northmead would look directly at the rear of the proposed dwelling;
- Direct loss of amenity through overlooking into habitable room windows of Stoneleigh;

Trees

- Concerns in regard to unlawful felling and potential impact of development upon the health of existing trees;
- Social proximity of the new dwelling to existing trees would impact upon the amenity of the occupants - does the design comply with natural light requirements?;

Miscellaneous

- Drainage issues throughout and after the construction process;
- Planning permission would not be conceivable if the plots were in separate ownership;
- Questioning motives of the applicant;
- No authorised access to the proposed development;
- Damage to the road during construction;
- Legalities of constructing fencing along Thorne Close;

Full copies of the representations received are available to view on the Council's website.

APPLICANT'S SUPPORTING INFORMATION

Planning Statement

OFFICER APPRAISAL

KEY ISSUES

Principle of Development

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

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted. Policy H5 within the

Local Plan seeks to direct residential development to sustainable locations – this policy accords with guidance within the NPPF and therefore carries full weight.

The site constitutes a sustainable location as it is located within the settlement boundary and by virtue of its proximity to shops and services within Prestbury and nearby settlements. Therefore, permission should only be withheld where any adverse impacts would significantly and demonstrably outweigh the benefits as noted above.

Housing

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Although the construction of one additional dwelling is unlikely to significantly impact upon deliverable supply the proposal still represents an opportunity to build within a sustainable location and therefore represents a material consideration in the determination of this planning application.

Siting, Scale and Design on the Character and Appearance of the Area

Local Plan Policies BE1 and DC1 seek to promote high standards of design, with the overall vernacular, scale, density, height, mass, spacing and materials of new development being sympathetic to the character of the locality, surrounding buildings and site itself.

The objections received have been carefully considered.

The proposal seeks the construction of a detached dwelling located within the southern portion of Willowmead's curtilage.

Further to reviewing the characteristics of the site it is appreciated that the position and size of the Willowmead corresponded with the original openness of the curtilage. However, this does not denote the undesirability of additional development in this location and despite the proposal being located to the southern portion of the site the Case Officer does not consider the proposals to represent overdevelopment.

It is acknowledged that Willowmead and the properties adjacent to this occupy sizeable curtilages however the main pattern of development to the surrounding area is characterised by tightly knit properties with noticeably smaller curtilages as indicated within the Prestbury Village Design Statement (2007). In addition to this consideration is given to the heavily screened nature of the application site and set down position from public vantage points – a feature which corresponds directly in the construction of Thorne Close and other properties along Willowmead. This would suggest that the form of the proposed development is unlikely to sit uncomfortably within the streetscene or demonstrably impact upon the character and appearance of the Willowmead Drive to any discernible degree.

As viewed from Northmead the proposal would appear more prominent on the streetscene due to the elevated position of the plot and a reduction in natural screening to the boundaries. However, the development would be seen at a minimum distance of over 40 meters and given the reduced height compared to Willowmead and comparative height to No.1 Thorne Close the development would not overly dominate the streetscape or significantly alter the character of the surrounding built form. In respect to the concerns raised which highlight the sites likely reduction in openness this has been moderated by the condensed scaling of the proposed development and alterations to the design to help reduce massing as viewed from Northmead. Furthermore an appropriately worded condition for additional landscaping could also help to filter the massing of development from the eastern aspect.

As indicated under para.60 of the NPPF *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'*

Further to discussion with the agent the proposed materials, design and fenestration detailing was amended to present a more traditional appearance and integrate more sympathetically with the general architectural features of the surrounding built form. Consequently the form of the dwelling would not be too dissimilar to other properties and would therefore reinforce the local distinctiveness within the locality.

It is now considered that the proposed development negates the concerns raised in the previously withdrawn applications which considered the principle to be acceptable providing the siting, scale and design was amended.

Neighbouring Amenity

Policies H13, DC3 and DC38 of the Local Plan seek to ensure the amenities of neighbouring occupiers are not adversely affected in the determination of planning applications.

There has been contention from adjoining properties as to the suitability of constructing a dwelling in this location and the impact of development upon the amenities of the occupiers.

In this respect it is considered appropriate to individually assess each of the affected parties below.

Stoneleigh, No.59 Willowmead Drive

The occupier makes reference to the proximity of the development to the habitable room windows of No.59 facing onto Willowmead Drive and the potential for overlooking and a loss of privacy.

Further to reviewing the submitted plans it is approximated that the proposed dwelling would be sited around 40 meters from the principal elevation of No.59 which accords with the guidance contained within policy DC38 of the Local Plan (recommends a minimum spacing of 21 meters). The proposal therefore exceeds the recommendations of DC38 and is therefore considered to be acceptable. The level of overlooking would also be negated through existing boundary treatments, mature trees and the elevated position of No.59 to the application site.

No.2 Northmead

Concern has been raised regarding the erection of a 2.1 meter timber fence on the boundary with No.2 Northmead and whether this is in addition to the existing 2.1 meter high Cheshire brick wall. It is confirmed that this is typographical error and a 2.1 meter timber fence will not be constructed on top of the brick walling. However it is reminded that a 2 meter high fence can be constructed on a boundary without the need for planning permission.

In respect to the potential impact of development upon the bedroom window to the side of No.2 the separation distance coupled with existing boundary treatments is sufficient to negate any perceived impact of overlooking or overbearing effect.

No.1 Thorne Close

The representations made by the occupants of the adjacent property have been taken into full consideration and further to undertaking a site visit it is considered that although the development would be visible from habitable room windows of No.1 the proposal is unlikely to adversely affect the amenities of the occupier to warrant a reason for refusal.

In reaching this decision consideration has been given to the 45 degree angle taken from the mid-point of the nearest ground floor habitable room window of No.1. In following the line the proposal would intrude upon the 45 degree angle but this is at a distance of around 20 meters with interruption by a 1.5 meter high fence and an established protected treeline. Thus sufficient space, light and privacy remains to comply with policy.

Although it is appreciated that the proposal would just intrude upon a 45 degree angle taken from the ground floor window to the principal elevation attention must be made to the distances involved which the guidance does not reference as being infinite. Other material considerations such as scale and massing, in addition to the degree of natural screening to the boundaries have been considered with the proposal having a negligible overbearing impact or loss of privacy.

In respect to taking the 45 degree angle from smaller ground floor windows to the side elevation of No.1, these are smaller secondary windows for the lounge and dining room (lounge to the front and dining room leading to conservatory to the rear) and therefore carry little weight in the determination of this application.

Furthermore, due to the orientation of the proposal and the neighbouring property in relation to the sun's path, there is not considered to be any adverse impact in terms of loss of sunlight. The adequate spacing ensures no undue impact on levels of daylight.

It is important to note that the erection of a boundary fence to 2 meters in height does not require planning permission and therefore an additional height of 100mm is unlikely to represent a material increase to significantly impact upon amenities of No1 beyond what can be constructed under the General Permitted Development Order (2015).

No.2 Thorne Close

Given the distances involved and level of screening from an established treeline it is not considered that the proposed development would have an adverse impact upon the amenities of No.2.

Willowmead

In facilitating the construction of the proposed dwelling to allow for improved spacing between properties a small section of Willowmead is due for demolition. Nevertheless the spacing is sufficient to allow for the proposal to sit comfortably within the plot without significantly impacting upon the amenities of Willowmead. Additionally there are no principal habitable room windows facing the proposed development to cause a loss of light or overbearing effect.

Overall a commensurate degree of space, light and privacy would remain to all neighbouring properties subject to conditions and the development accords with Local Plan policies DC3 and DC38.

Highways

The Strategic Highways Manager raises no objections to the formation of an entrance into the proposed development providing a visibility splay condition is attached an informative to enter into and sign a Section 184 Agreement under the highways Act 1980 and provide a new vehicular access over the adopted footpath/verge in accordance with Cheshire East Council specification.

The Strategic Highways Manager also notes that there is enough room to park three cars off street which meets with Cheshire East minimum parking standards for a four bed roomed dwelling.

No highway objections are raised and therefore the scheme would comply with policy DC6 of the Local Plan.

Trees/ Landscaping

Concern has been raised by neighbouring occupiers as to the impact of development upon the further loss and potential risk to the root protection areas of existing trees.

In this respect a report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The Council's Tree Officer considers that given the build footprint being re-positioned and aligned outside the RPA's of all the trees located on the site the construction of development is acceptable. The Officer acknowledges that a single tree (T4) requires removal to facilitate the development however the tree presents a chlorotic appearance of low vigour and vitality, hence the reason for its omission in the 2006 TPO which extends across the site.

Additionally by moving the build footprint over to the north east this has established additional space between the trees and the proposed house. The Officer comments that *'the only area highlighted as requiring pruning relates to T3 and providing a clearance for the garage. These works are considered acceptable. The internal layout of the property has in the main sited secondary usage rooms (hall utility play en-suite & bedrooms) on the southern and easterly elevations, with the living room on the lower ground floor with only bi-folding doors facing east and the lounge on the ground floor also facing the same way into the openness of the plot. The garage faces directly onto the trees to the west. An amount of limited pruning is also proposed but these accords with current best practice.'*

The issues appertaining to access onto the site for both construction and residential purposes still remain with the whole of the access extending through the RPA of a number of the protected trees. It is suggested that this can be overcome with the use of geotextile based no dig construction.

However, the Officer does go on to say that *'this was an issue in relation to the previous application, the soils on site are of a clay texture, the problem of achieving adequate soil air levels below any hard surface on this site must be considered as clay acts as a very low lateral diffusion rate for water and air, see Roberts et al (2006) Tree Roots and the Built Environment page 29. It may be the only way forward would be to bridge over the RPAs using precast sections of concrete. This is especially applicable given the excavation required on site to facilitate the lower ground floor and the need to utilise large machinery.'*

The removal of both T6 & 7 to facilitate the required visibility splay is not contested with neither tree included within the TPO served in 2006 and are not worthy of formal protection.

It is therefore considered that subject to conditions the development would accord with policy DC8.

Nature Conservation

The Nature Conservation Officer raises no objection to the partial demolition of the property or construction of an additional dwelling on the site given its location within a domestic curtilage which would not have any adverse impact on protected species. The proposal is in accordance with Local Plan policy NE11.

Environmental Health

The Environmental Health Officer raises no objection to the development subject to conditions attached for pile foundations, dust control, floor floating, a limit to the hours of construction and an informative for the awareness of potential contaminated land issues.

United Utilities

United Utilities do not object to the development, subject to informatives being attached relating to drainage.

CONCLUSION AND REASONS FOR DECISION

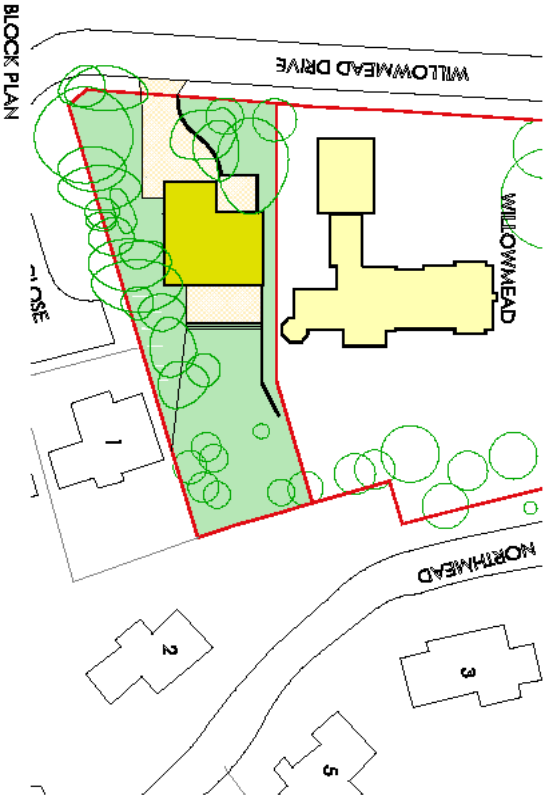
To conclude, whilst the objections have been carefully considered, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application. Therefore a recommendation of approval is made, subject to conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

- | | |
|----------|---|
| 1. A03FP | - Commencement of development (3 years) |
| 2. A01AP | - Development in accord with approved plans |
| 3. A06EX | - Materials as application |
| 4. A01LS | - Landscaping - submission of details |
| 5. A04LS | - Landscaping (implementation) |

- 6. A02TR - Tree protection
- 7. A04TR - Tree pruning / felling specification
- 8. A15LS - Submission of additional landscape details
- 9. A04NC - Details of drainage
- 10. A23MC - Details of ground levels to be submitted
- 11. A01GR - Removal of permitted development rights
- 12. A06GR - No windows to be inserted
- 13. A26GR - Obscure glazing requirement
- 14. A06HP - Use of garage / carport
- 15. A03HA - Vehicular visibility at access (dimensions)
- 16. Contaminated Land
- 17. Nppf
- 18. Pile Foundations
- 19. Dust Control
- 20. Floor Floating
- 21. Construction Hours



BLOCK PLAN



LOCATION PLAN

PROPOSED 5 BEDROOM DWELLING
WILLOWMEAD HOUSE

1:1250



Willowmead LLP
12613 PL-02

Project Name		Project Number	
12613 PL-02		12613 PL-02	
Project Location		Project Status	
12613 PL-02		12613 PL-02	
Project Date		Project Date	
12613 PL-02		12613 PL-02	

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Application No: 14/5635M

Location: CHESHIRE WINDOWS AND GLASS, ARMITT STREET,
MACCLESFIELD, CHESHIRE, SK11 6SD

Proposal: Outline application for proposed demolition of Armitt Street Works and the erection of 10 No. terraced houses.

Applicant: D Harper

Expiry Date: 05-Mar-2015

REASON FOR REPORT:

The proposal is a major development requiring a Committee decision.

SUMMARY

At the Northern Planning Committee meeting on 4th March 2015, the Committee resolved to grant outline planning permission for 10 terraced dwellings. This consent was subject to a Section 106 Agreement, which would have secured contributions towards offsite provision in lieu of on site open space, at a rate of £3000 per dwelling, and a commuted sum for offsite provision in lieu of on site, at a rate of £1000 per dwelling. The additions, enhancement and improvements for both would have been for facilities at South Park.

On 28th November 2014, National Planning Policy was changed with regards to Section 106 planning obligations, which resulted for sites of 10 units or less, and which have a maximum combined gross floorspace of 1000 square metres, affordable housing and tariff style contributions not to be sought. The way in which this guidance is applied has been further confirmed since this application was considered by members.

A report went before Cabinet on 21st April 2015, which stated that when a conflict exists between the Councils Interim Statement on the Provision of Affordable Housing and the National Planning Practice Guidance, the determination of applications should be in accordance with the NPPG and not require the provision of affordable housing on sites of 10-units or less. It is considered that a similar stance should be afforded to tariff style contributions.

The Northern Committee concluded previously (on 4th March 2015) that the proposed outline application for a new residential development in a residential area close to Macclesfield town centre does fall within a sustainable location and it should be possible to design a development, which respects the character and appearance of the area and complies with the Development Control policies of the Macclesfield Borough Local Plan.

There has been no change to the site planning situation, or other relevant planning policies, which would lead to a different conclusion being reached. Accordingly, the proposal is considered to be a sustainable form of development and the application is recommended for approval, without the requirement for a Section 106 Agreement.

RECOMMENDATION

Approve subject to conditions

PROPOSAL:

The application seeks outline planning permission for the demolition of the existing light industrial buildings on the site and the construction of up to 10 dwellings. Approval of the means of access is being sought at this stage.

The majority of this report reflects the content of the report which went before Members in March, however, the Housing Land Supply section has been updated, so too has the section on Highways (reflecting the contents of the update report provided to Members prior to the March 4th Committee meeting) and Open Space section.

The full report is included for completeness, but the key issue since the application was determined by committee is the removal of the open space contributions. To ensure consistency, members are advised not to revisit matters that have already been considered acceptable and where there has been no change in policy or site circumstances.

SITE DESCRIPTION:

The application site measures 1 100 sq. m and comprises a series of single and two storey workshop buildings. The land on the Hatton Street side of the site and area backing on to the properties on Brown Street are at a lower level. The site is surrounded by two and three storey terraced properties.

The site lies within the settlement boundary of Macclesfield and is within a short walking distance of the town centre boundary.

RELEVANT HISTORY:

29357P Demolition of existing obsolete manufacturing building & re-development with a 2 storey building for manufacturing – Approved
28-Apr-1982

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

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

Development Plan:

The Development Plan for this area is the 2004 Macclesfield Local Plan, which allocates the whole site, as within a predominantly residential area.

The relevant Saved Policies are: -

- NE11 Relating to nature conservation
- BE1 Design Guidance
- H2 Environmental Quality in Housing Developments
- H13 Protecting Residential Areas
- DC1 and DC5 Design
- DC3 Residential Amenity
- DC6 Circulation and Access
- DC8 Landscaping
- DC35, DC36, DC37, DC38 and DC41 relating to the layout of residential development
- 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)

As the examination of this plan has now been suspended, its policies carry limited weight. 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
- PG6 Spatial Distribution of Development
- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles
- IN1 Infrastructure
- IN2 Developer contributions
- SC4 Residential Mix
- SE1 Design
- SE2 Efficient use of land
- SE3 Biodiversity and geodiversity
- SE4 The Landscape
- 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

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist

CONSULTATIONS:

Highways: Raises no objections to the proposals..

United Utilities - No objections to the proposed development provided that conditions are attached relating to foul water drainage and a surface water drainage scheme

Environmental Health - No objections subject to conditions relating to pile foundations, construction management plan, dust control and contaminated land.

Macclesfield Civic Society - The redevelopment for residential purposes appears appropriate in this case though the Civic Society do have concerns about the erosion of small scale commercial sites within the town as this reduces opportunities for new employment growth within the urban area. The Civic Society's concern in this case is that the provision of parking within the site entirely replaces any prospect of external amenity space for the terraced units in marked contrast to the pattern of development in the locality.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

4 letters have been received objecting on the following grounds:

- Lack of parking provision locally.
- Although there are some 3 storey houses in the area, they are predominantly 2 storey. The few 3 storey houses are traditional Weavers' Cottages and a modern 3 storey new build as proposed will look totally out of character.
- There is a considerable ground height difference between the dwellings on Armitt Street and the section of dwellings in Hatton Street. A 3 storey building to the rear of the writers house, albeit diagonally, will tower over their property, blocking out sunlight and making their ground floor very dark, particularly in winter. The existing 2 storey houses at the back of the writers property on Armitt Street already dominate the writers home and deprive the writer of sunlight downstairs for nearly 3 months of the year.
- Concern is raised over the choice of access. Currently the vehicle access to the plot, as the address indicates, is via Armitt Street, which is a much quieter street than Hatton Street. The writer fails to see why the new access should be on Hatton Street. It is very busy at certain times of day and used as a short cut between Bond Street and Brown Street for Park Lane. Armitt Street would be a much safer option for pedestrians as well as vehicles.

APPRAISAL:

The key issues are:

- Impact upon character of the area
- Amenity of neighbouring property
- Highway safety
- Impact upon nature conservation interests

Principle of the Development (Windfall Housing Sites):

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

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

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

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

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

Housing Land Supply

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that

the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

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

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development

ENVIRONMENTAL SUSTAINABILITY

Visual impact

It is considered that the provision of up to 10 dwellings on the site is considered to be an acceptable density in the context of the existing residential development in the surrounding area. The indicative layout is also considered to be a broadly acceptable way of providing this number of dwellings. The character of the area consists of two and three storey dwellings and it should be feasible to provide a scheme at reserved matters stage which compliments the existing character of the area. However, care will be required in order to provide a balanced street scene, and the provision of three storey dwellings opposite existing three storey dwellings would enclose Hatton Street and Armitt Street too much. This would be to the detriment of the area and as such there would be some conflict with policies BE1 and DC1 of the Local Plan. It is therefore proposed to attach a condition to partially restrict three storey development on the site.

Residential Amenity

Local Plan policies H13, DC3, DC38 and DC41 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 H13 seeks to retain existing high standards of amenity. Policy DC41 seeks to prevent the overlooking of existing private gardens in a housing redevelopment. Policy DC38 sets out the standards for space, light and privacy in new housing development.

The site is located within a well established residential area and can be classified as an infill development. The site is bounded on all sides by existing residential properties.

The indicative layout shows that the proposed dwellings fall below the distance guidelines set out in policy DC38 of the local plan to the properties on Hatton Street and Armitt Street (approximately 11m between the existing properties and proposed). However, within the pattern of development in this part of Macclesfield, which is made up of tight terraced properties and Weavers Cottages, it is commonplace for the space between dwellings to be

similar to that proposed on the indicative plans. Consideration has been given to the effect of placing three storey properties opposite existing three storey dwellings and the resultant impact that this would have in terms of providing an overbearing relationship with neighbouring properties.

The distance between 2-6 Hatton Street and the side elevation of the nearest property would need to be between 14m and 16.5m to comply with Local Plan Policy DC38, depending on whether the proposed dwelling is two, or three storeys in height. Given this application is for outline permission only, with all matters apart from access reserved, it is considered that it would be appropriate to attach a condition, which would ensure that existing three storey houses are not faced with three storey dwellings to ensure that amenity is protected as far as possible given the character of the local area and relationships. It is then considered that there would be sufficient flexibility within the site layout to manipulate the levels accordingly and to ensure adequate standards of space, light and privacy are commensurate with that in the local area and therefore, provide a development which would accord with the Local Plan policy.

Trees

There are no significant trees associated with the site which are considered worthy of formal protection. Those located both within the site edged red or a material consideration off site are all considered to be of low amenity value (Category C) or presenting an unacceptable relationship with existing buildings.

A suitable landscape scheme should be seen as a net gain compared to the contribution the existing trees make to the present street scene.

Ecology

The Nature Conservation Officer has commented on the application and does not anticipate there being any significant ecological issues associated with the proposed development.

Accessibility

There are primary schools within walking distance, and shops are available in the town centre, which is also within easy walking distance and would provide for day to day needs. The nearest bus stop is approximately 100 metres from the application site on Park Lane with Macclesfield Town centre approximately 150m from the site. The closest healthcare provision is on Sunderland Street in the Town Centre.

Highways

The Strategic Highways Manager (SHM) had not commented on the application at the time of the agenda report being published in March, however, an update report was circulated prior to the Committee meeting which stated the following: -

“A consultation response has been received from the Strategic Highways Manager.

This is an outline application with only access to be determined at this stage although internal layout details have been provided and also indicative details for the car parking provision.

This site is an existing industrial site that is located in a predominately residential area and is close to the town centre and local services. As this site has an industrial use there is an

existing traffic generation associated with it and when compared to the 10 unit residential scheme, the additional trip movements do not have a significant traffic impact.

There is a main access onto Hatton Street and also access to 2 car parking spaces off Armitt Street, both these access locations can provide the necessary visibility splays and as regards to access, which is the subject of this application there are no objections.

There is a 150% provision of car parking on the site and given the accessible location, the Strategic Highways Manager accepts this level of provision on the site, although this matter is not being determined at this stage.

In summary there are no objections to the proposed access points subject to conditions."

The update report went on to note that,

"The comments from the Strategic Highways Manager are noted, and it considered appropriate to add a condition with regards to visibility splays to ensure that the access to the site is safe."

Contaminated land

The contaminated land officer notes that the application area has a history of industrial use and therefore the land may be contaminated. This site is currently a commercial works therefore there is the potential for contamination of the site and the wider environment to have occurred. The report submitted with the application recommends site investigation works and given that the proposal is for new residential properties which are a sensitive end use and could be affected by any contamination present, a condition requiring a Phase II contaminated land survey is recommended.

SOCIAL SUSTAINABILITY

Open Space

When the application went before the Northern Planning Committee on 4th March 2015 the following comments were made: -

"Policy DC40 of the Local Plan and SPG on Planning Obligations requires 40sqm of public open space per family dwelling. The indicative proposal which has been submitted to accompany the application includes some small garden areas to the rear of the properties, however, given that this is an outline application, the full extent of on site open space provision is not clear.

This level of open space will need to be provided, and it is likely that most, if not all will need to be provided off site. As a result financial contributions will be required in lieu of on site provision at a rate of £3,000 per family dwelling.

In addition contributions towards off site provision of outdoor sport and recreation facilities in the local area will be required at a rate of £1,000 per family dwelling.

It is expected that the Greenspaces Officer will provide further comments on this, which will be provided in an update report.

At the Northern Committee meeting on 4th March 2015, Members approved the development subject to conditions and a Section 106 Agreement which secured the above.

However, it is not considered now that it is now appropriate to require these contributions. This is due to the introduction of further National Planning Policy Guidance on 28th November 2014. The main implications relevant to this application being that for sites of 10 units or less, and have a maximum floorspace of 1 000 square metres, affordable housing and tariff style contributions should not be sought. The purpose for these changes is to lower the construction cost and increase housing supply. The aim being to encourage development on smaller brownfield sites and boost small and medium sized developments.

Cheshire East Council have sought to ensure the delivery of brownfield sites as a priority, through both our existing Development Plan and the emerging Local Plan Strategy.

For Cheshire East Council, the development plan currently consists of the saved policies within the adopted Local Plans for the former local authorities. The Supplementary Planning Guidance for Section 106 Agreements in Macclesfield is part of the Development Plan. This guidance sets the thresholds for the previously sought contributions towards public open space and recreation open space. The implications of the changes to National Planning Policy Guidance therefore impact on future planning decisions on windfall sites of less than 10 units.

The Supplementary Planning Guidance on Section 106 Agreements is a material planning consideration, along with Local Plan Strategy (Submission Version – March 2014), and national planning guidance. National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) provide the national policy framework and guidance for consideration of applications. These all must be considered, as a material consideration, when each planning application is assessed. If the Council was to disregard current national planning guidance and make a decision contrary to that guidance it is at risk of unreasonable behaviour.

The Report to Cabinet on 21st April 2015, highlighted the fact that Cheshire East cannot ‘opt out’ of Government policy without associated risks. Cheshire East should continue to consider applications in accordance with all appropriate policies, national guidance, and on their relative merits, in accordance with planning law and Members are guided that in instances like this, where a conflict exists between the Supplementary Planning Guidance on S106 Agreements and the National Planning Policy Guidance, it would be unreasonable to require contributions towards public open space or outdoor open space.

ECONOMIC SUSTAINABILITY

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

RESPONSE TO OBJECTIONS

The comments received from neighbours with regard to parking provision and access will be responded to fully once comments have been received from the Strategic Highways Manager. The other comments received in representations relating to the character of the area and amenity have been addressed above,

The comments of the Macclesfield Civic Society are noted, however, it is a sad fact that quite often the maintenance costs of carrying out repairs to buildings such as these are outweighed by the business which can often be operated from such small scale facilities, which are surrounded by neighbouring properties which present limitations in terms of environmental restrictions and access issues. Many of these facilities unfortunately belong to a bygone era and are no longer sustainable for modern business purposes. The site falls within a predominantly residential area where there is a presumption in favour of providing residential development, subject to its compliance with other local plan policies.

The Civic Society's concern in relation to the provision of parking to the rear of the terraced units at the expense of external amenity space is unfortunately one of the compromises, which has to be made to make a redevelopment of this nature viable, whilst not adding to the parking concerns which have been raised by some of the nearby residents. The pattern of residential development in the vicinity of this site is one where parking provision is distinctly lacking. If no parking were advocated on this site, it is likely that there would be a greater number of objections to the development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

PLANNING BALANCE

Members have already determined the development proposal to be acceptable, the key question is whether the s106 agreement requirement for open space contributions should be removed?

Following national guidance, the Council has no firm basis for insisting on the open space contribution in this case.

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The proposal is an appropriate form of development in a sustainable location in close proximity to Macclesfield Town Centre, where it has been demonstrated that it should be possible to deliver a development on this brownfield site of 10 dwellings, which meets relevant policy requirements.

The indicative layout and scale of the development would make efficient use of this previously developed site and provide a residential scheme that would contribute to the housing needs of the area. Although the appearance, landscaping, layout and scale would be a reserved matter, the indicative details submitted would have an acceptable impact on the character of the area and it is considered that it would be possible to comply with the distance standards between properties contained within the Local Plan.

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

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

The proposal is, on the whole, compliant with the relevant Development Plan policies set out in the report. It is considered that the benefits of the proposal are not outweighed by potential adverse impacts and that planning permission should be granted, subject to conditions.

RECOMMENDATION

The application is recommended for approval.

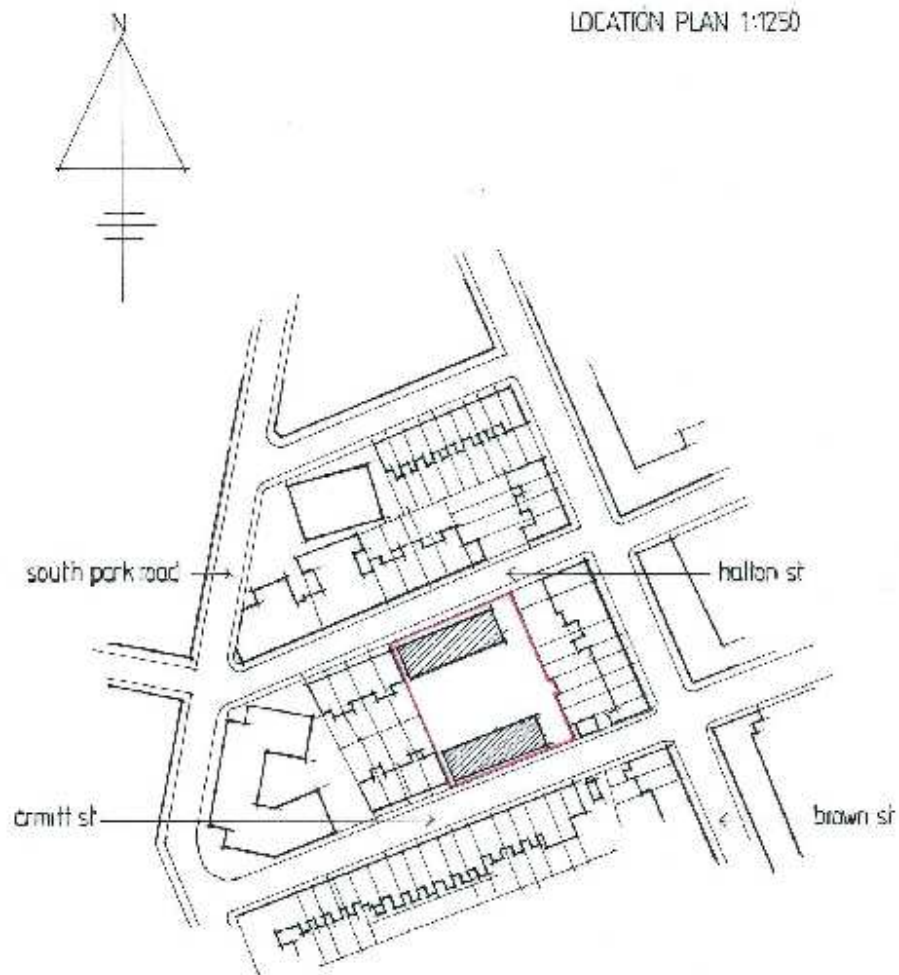
In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical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

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01OP - Submission of reserved matters
3. A06OP - Commencement of development
4. A10OP - Details to be submitted - restriction on 2 storey opposite existing 3 storey dwellings on Hatton Street and Armitt Street.
5. A02EX - Submission of samples of building materials
6. A22GR - Protection from noise during construction (hours of construction)
7. A01GR - Removal of permitted development rights
8. A08OP - Ground levels to be submitted with reserved matters application
9. A32HA - Submission of construction method statement
10. A19MC - Refuse storage facilities to be approved
11. Foul drainage / surface water drainage
12. Piling - contractor to be members of the Considerate Construction Scheme

- 13. Hours of construction/noise generative works
- 14. Contaminated land
- 15. A scheme to minimise dust emissions
- 16. Units to be up to a maximum of 10
- 17. Visibility Splays



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Application No: 14/2147M

Location: Garages and open land , TENBY ROAD, MACCLESFIELD

Proposal: Demolition of existing garages and erection of new three storey block of apartments and two storey houses

Applicant: Peaks and Plains

Expiry Date: 13-Aug-2014

REASON FOR REPORT:

The proposal is a major development requiring a Committee decision.

SUMMARY

At the Northern Planning Committee meeting 26th November 2014, the Committee resolved to grant full planning permission for the demolition of existing garages and erection of a new two storey block of apartments and open land. This consent was subject to a Section 106 Agreement, which would have secured a commuted sum payment of £24 000 for Public Open Space, in lieu of onsite provision.

On 28th November 2014, National Planning Policy was changed with regards to Section 106 planning obligations, which resulted for sites of 10 units or less, and which have a maximum combined gross floorspace of 1000 square metres, affordable housing and tariff style contributions not to be sought.

A report went before Cabinet on 21st April 2015, which stated that when a conflict exists between the Council Interim Statement on the Provision of Affordable Housing and the National Planning Practice Guidance the determination of applications should be in accordance with the NPPG and not require the provision of affordable housing on sites of 10-units or less. It is considered that a similar stance should be afforded to tariff style contributions.

The Northern Committee concluded previously, (on 26th November 2014) that the proposed full application for a new residential development in a residential area, does fall within a sustainable location and the design was considered to be acceptable, as too was the impact on the amenity of neighbouring property. It was considered that the proposal complied with the Development Control policies of the Macclesfield Borough Local Plan.

There has been no change to the site planning situation, or other relevant planning policies, which would lead to a different conclusion being reached. Accordingly, the proposal is considered to be a sustainable form of development and the application is recommended for approval, without the requirement for a Section 106 Agreement.

RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution such applications are required to be considered by Committee. Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

The majority of this report reflects the content of the report which went before Members in November 2014, however, the Housing Land Supply section has been updated, so too has the Developer Contributions section.

The full report is included for completeness, but the key issue since the application was determined by committee is the removal of the open space contributions. To ensure consistency, members are advised not to revisit matters that have already been considered acceptable and where there has been no change in policy or site circumstances.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of 2 no. blocks of garages and a car park area to the rear of properties on Wentworth Avenue, Tenby Road and Chilham Place. In addition, the proposals include areas of open space and a block of garages on Wilton Crescent. The site is located within a post war Local Authority built housing estate.

The site area is 0.424 hectares.

The garages are owned by Peaks and Plains Housing Trust. Approximately 19 out of the 44 no. of garages are currently occupied.

The site falls within a Predominantly Residential Area as outlined in the Macclesfield Borough Local Plan 2004.

The area around where the new residential block would be sited is bound to the north by mature trees Beach hedge and to the east and south by closed board timber fences

Access to the site is taken from Wilton Crescent. Current access to the site is from Tenby Road. The area comprises of rows of two storey terraced properties which are relatively uniform in character.

The rear gardens of properties fronting Tenby Road, Wentworth Avenue and Chilham Place and Beeston Terrace adjoin the application site.

DETAILS OF PROPOSAL

Full Planning Approval is sought for the construction of a residential housing development comprising a total of 10 units in one apartment block. The application is made by Peaks and Plains Housing Trust for development comprising 100% affordable housing for rent.

The proposal includes 4 no 1 bed and 6 no 2 bed apartments within a 2 storey block. A new access road would also be provided from Wilton Crescent giving pedestrian and vehicular access to the dwellings.

All properties would be provided with off street parking spaces (21 no. in the vicinity of the new apartment block) and the apartments would be surrounded by a shared amenity space. In addition, parking would be provided (7 no.) for other residents of the estate on Wilton Crescent.

It should be noted that originally, the proposal was to develop 2 houses and 11 flats dwellings on the site. The 2 dwellings would have fallen on an open space area. Following consultation with neighbours and discussions with Officers the scheme now consists of 10 flats.

Funding for the scheme will be secured via the Home and Communities Agency with full support from Cheshire East Housing Strategy Department. The mix of housing is in accordance with housing needs. All dwellings will be let for affordable rent.

RELEVANT HISTORY

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

POLICIES

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

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

Local Plan Policy:

The site is located within a predominantly residential area on the Macclesfield Borough Local Plan.

Therefore, the relevant Macclesfield Local Plan Saved Policies are considered to be: -

- NE11 Nature Conservation;

- BE1 Design Guidance;
- RT1 Open Space;
- H2 Environmental Quality in Housing Developments;
- H5 Windfall Housing Sites;
- T2 Provision of public transport;
- DC1 New Build;
- DC3 Amenity;
- DC6 Circulation and Access;
- DC8 Landscaping;
- DC9 Tree Protection;
- DC35 Materials and Finishes; DC36 Road layouts and Circulation;
- DC37 Landscaping; and
- DC38 Space, Light and Privacy.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

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

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

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

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

Other Material Considerations:

National Policy:

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development. Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Supplementary Planning Documents:

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

- SPG on Section 106 Agreements (Macclesfield Borough Council)
- Interim Planning Statement: Affordable Housing (Feb 2011)
- Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
- North West Sustainability Checklist

CONSULTATIONS (External to Planning)

HIGHWAYS:

The Strategic Highways Engineer raises no objections to the design of the new access, detailed internal layout of the site and the parking provided accords with the standards. Given that a number of garages are not used for parking of vehicles, the loss of the garages is unlikely to cause a material on-street parking problem. No objections are raised subject to satisfactory arrangements being made for refuse collection.

ENVIRONMENTAL HEALTH:

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

UNITED UTILITIES:

No objection subject to a condition relating to site drainage.

HOUSING:

Supports the Scheme as there is an urgent demand for Affordable Housing in Macclesfield.

REPRESENTATIONS

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

A petition with approximately 60 signatures from local residents was received from local residents. The petition notes that whilst the signatories of the petition are not objecting to the application from Peaks and Plains Housing in principle, the writer would like members of the planning committee to take into account the following objections when considering the application, and reduce the number of new properties and especially the height of the buildings to a maximum of two stories. The objections are made on the grounds of: -

- 1) Loss of privacy
- 2) Over-development
- 3) Loss of parking/inadequate parking
- 4) Loss of amenity
- 5) Unsympathetic to the local area.

In addition, 6 letters of representation were received from residents with the following comments: -

By getting rid of this garage area and several others in the surrounding area the housing trust are showing a complete lack of sympathy and consideration with local residents feelings.

The development will be totally out of character as there are no three storey buildings in the area.

Too many units on such a small site.

The existing houses will be overlooked and this will be an invasion of privacy.

Getting rid of the garages will force more cars to be parked on the already over crowded roads as there is a lack of parking spaces already.

This development is going to have a detrimental effect to the local area with the large amount of traffic and parking that it will create.

Access to one of the residents back garden.

The area is in need of regeneration, members of the planning committee should consider reducing the height and number of the proposed development, also to be sympathetic and consider the planting of new trees which may help with privacy and overlooking, and finally and above all request a solution to the parking problem and not add to it!!

Macclesfield Civic Society commented that the proposal seeks to make more intensive use of previously developed land within an established residential area in accordance with both national and local policies.

The design appears consistent with the character of the locality. The space between buildings (particularly with the 3 storey blocks) needs careful evaluation to ensure that existing and proposed residents achieve a reasonable standard of amenity and overlooking is avoided.

The above comments were received prior to the receipt of revised plans, which reduces the apartment scheme to two storeys in height. The two semi-detached dwellings have been removed from the scheme and 23 parking spaces have not been provided.

Further neighbour notification letters have been sent to neighbours and the last date for comments expires on 14th November 2014. No further comments had been received at the time of report preparation.

APPLICANT'S SUPPORTING INFORMATION

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Arboricultural Report
- Ecology Survey and Report;
- PPS3 Housing Self Assessment Checklist.

OFFICER APPRAISAL

Principle of the Development (Windfall Housing Sites):

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

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

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

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

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

Principle of the Development (Need for Affordable Housing):

This application is for 10 Affordable Rented units made up of 4 no. 1 bed apartments and 6 no. 2 bed apartments. The applicant is Peaks and Plains Housing Trust who are a Registered Provider of Social Housing registered with the Homes and Communities Agency (HCA). They have also secured funding with the HCA to support delivery of this scheme.

The site falls within the Macclesfield Sub-Area for the purposes of the Strategic Housing Market Assessment (SHMA 2013). This identifies a net annual requirement of 180 units for the period 2013/14 to 2017/18. In addition to this, information taken from Cheshire Homechoice, shows there are currently 1,183 applicants who have selected one of the Macclesfield lettings areas as their first choice. These applicants require 693x 1bd, 372x 2bd, 100x 3bd and 18 x 4+ bd units.

The mix of types of dwelling proposed for the affordable homes would meet the identified need for the Macclesfield. It is considered appropriate that the affordable housing can be secured by an appropriately worded condition, due to the fact that the application has been submitted by a Registered Social Landlord and would provide 100% affordable dwellings.

Housing Land Supply

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

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

Developer Contributions:

The Weston Estate is an established area of dense housing of approximately 5,100 population to the west / south-west of Macclesfield. The Weston Estate has long been identified as having major deficiencies in the provision of POS, with little or no opportunity to expand provision with new POS and where opportunities to improve existing facilities are limited due to their size, capacity, location and proximity.

The Open Space assessment of 2012 identified that residents in this area of Macclesfield have a poor standard of accessibility to open spaces and are at a distance of more than 1km from a park, have no access to natural and semi natural open spaces, have more limited access to green corridors compared to residents in the east, required an increased provision of amenity green space and that there is a shortage of play facilities within this area and Macclesfield generally and issues of quality. It went on to recommend securing appropriate sites to address the shortage in play in the south-west area generally where there is often only one facility serving wide area and upgrades to poor quality sites

The two pieces of open space identified within the application are included within the councils Open Space Assessment and provide some relief in an area of otherwise dense housing. The Open Space Officer is pleased to see from the amended plans that the applicant has responded to previous comments and concerns about the loss of any existing POS as a result of the development. Furthermore, that there is an opportunity to improve the retained POS as a result of the development.

The application site currently contains 2,325sqm of POS, using the applicants own figures. The application proposes the retention of 2,219sqm of POS. Therefore there is a small loss of POS.

In the main Agenda report to the Northern Planning Committee on 26th November 2014, reference was made to the application for 10 apartments generating the requirement for additional POS provision of 40sqm per family dwelling. In the absence of this additional POS to cater for the new demand being provided on site, a commuted sum of £24,000 was required for offsite provision. Being 100% affordable the requirement for ROS provision was waived, as is the council practice.

At the Northern Committee meeting on 26th November 2014, Members approved the development subject to conditions and a Section 106 Agreement which secured the above.

However, it is not considered now that it is now appropriate to require these contributions. This is due to the introduction of further National Planning Policy Guidance on 28th November 2014. The main implications relevant to this application being that for sites of 10 units or less, and have a maximum floorspace of 1 000 square metres, affordable housing and tariff style contributions should not be sought. The purpose for these changes is to lower the construction cost and increase housing supply. The Government believes that this will encourage development on smaller brownfield sites and boost small and medium sized developments.

Cheshire East Council have sought to ensure the delivery of brownfield sites as a priority, through both our existing Development Plan and the emerging Local Plan Strategy. Where applications for development on such sites are received a full and thorough test of site viability is undertaken at an early stage to ensure that proposals are in accordance with planning law.

Planning law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004).

For Cheshire East Council, the development plan currently consists of the saved policies within the adopted Local Plans for the former local authorities. The Supplementary Planning Guidance for Section 106 Agreements in Macclesfield is part of the Development Plan. This guidance sets the thresholds for the previously sought contributions towards public open space. The implications of the changes to National Planning Policy Guidance therefore impact on future planning decisions on windfall sites of less than 10 units.

The Supplementary Planning Guidance on Section 106 Agreement is a material planning consideration, along with Local Plan Strategy (Submission Version – March 2014), and national planning guidance. National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) provide the national policy framework and guidance for consideration of applications. These all must be considered, as a material consideration, when each planning application is assessed. If the Council was to disregard current national planning guidance and make a decision contrary to that guidance it is at risk of unreasonable behaviour.

The Report to Cabinet on 21st April 2015, highlighted the fact that Cheshire East cannot ‘opt out’ of Government policy without associated risks. Cheshire East should continue to consider applications in accordance with all appropriate policies, national guidance, and on their relative merits, in accordance with planning law and Members are guided that in instances like this where there a conflict exists between the Supplementary Planning Guidance on S106 Agreements and the National Planning Policy Guidance, it would be unreasonable to require contributions towards public open space or outdoor open space.

A detailed design is required for the retained open spaces and will need to address the following points: -

1. The footpath shown leading directly into a car parking space is not acceptable and needs amending. Pedestrians should have clear and defined access points with good visibility and where conflict with cars is avoided. This is a particularly poor element of the scheme submitted
2. Car parking bays within the open spaces are a potential source of conflict and risk and where possible should always be avoided. Could the three shown on Tenby Road open space be moved to the opposite side into the verge on the access road?
3. Ensuring good views in and across the open spaces, especially around traffic areas is crucial
4. Retention of existing tree stock, tree works as required and additional tree and hedge planting

5. Quality enclosures around the two main open spaces with clear gateways and access points to ensure safety of users
6. Hard surfaced all weather footpaths, minimum, width of 1.8m
7. A small Local Area for Play on the Tenby open space, focused on social / interactive play

The above points have been forwarded on to the applicants agent to see if the changes can be worked in to the scheme. It is considered that if a plan is not provided prior to the committee meeting, then the above can be appropriately conditioned.

Requiring good design and character and appearance of the area:

The application proposes an apartment block which would be enclosed by residential properties on three sides and not prominent from public vantage points. The main public view would be from Wilton Crescent. The apartments would have a communal garden. The dwellings are two storey constructed predominantly in brick and tile. Render is proposed in two areas on the front elevation.

Whilst a number of objections have been raised to the number of dwellings and height of the development, this was prior to the submission of revised plans, which have reduced the number of dwellings and height to two storeys. It is considered that the proposal would improve the character of the area given the state of the current site. It should also be noted that the demolition of the unsightly garages on Wilton Crescent also forms part of the proposal and this will create 7 no. parking spaces for all residents to use, in addition to providing a greater area of public open space, thus providing both a visual and functional benefit to the local area.

Highways access, parking, servicing and highway safety:

A new access to the development will be created onto Wilton Crescent.

With regard to the internal layout of the site there no highway design issues although details of bin storage and collection is required. The amount of parking provided for the proposed number of units accords with standards.

The issue regarding the loss of the garages needs to be considered and whether this loss would result in inappropriate on-street parking occurring on the local road infrastructure. The applicant has stated that the vast majority of the garages are not used for the parking of vehicles and more for storage purposes. In these circumstances, the loss of the garages is unlikely to cause a material on-street parking problem.

Over the two sites there is a total of 44 garages with 19 being occupied and 25 void. To accompany the consultation event (prior to submission of the planning application) all customers who rent garages at either Tenby Road, or Wilton Crescent were sent information about the proposed development and a survey relating to their use of the garages. Over the two sites the response rate was 48% (9 users). The main use of the garages (7 users) was car storage followed by item storage (2 customers). On average garage tenant's live approximately 0.3 miles from the garage that they rent. It is also noted that the width of the

opening to a garage is 2115mm and the overall width internally is at greatest 2.44m. This would have been ample space when these garages were first built (probably around the late 1970's of early 1980's), however car widths have increased significantly since then. A typical new car is far wider than its 1980's/1990's counterpart, coming in at over 2m wide, which leaves less very little space each side to get into the garage and about 160mm to open the car door at each side once inside the garage.

Therefore, as there are no highway concerns regarding the design of the new access and that sufficient parking is being provided for the proposed new residential units, the Strategic Highways Manager raises no objections subject to satisfactory arrangements being made for refuse collection.

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

Residential Amenity:

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

The site is located within a well established residential area and can be classified as an infill development. The site is bounded on three sides by existing residential properties.

The front elevation of the apartment block would front the rear of properties on Tenby Road and the distance between the properties would be approximately 23m. The rear elevation would face the rear elevation of properties on Chilham Place and this distance would be 21m. The side elevation to the east would face the rear of properties on Wentworth Avenue and this distance would be approximately 34m. The side elevation facing west would face the rear of the properties on Beeston Terrace and this distance would be approximately 22m. These distances are in excess of the minimum separation standards in the Local Plan.

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

Other material planning considerations:

ARBORICULTURAL IMPLICATIONS:

The application is supported by an Arboricultural Report and Arboricultural Impact Assessment. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design,

demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Master Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees.

The Arboricultural Officer is therefore of the view that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The trees and shrubs identified for removal are all considered to be low value specimen, which only contribute moderately to the amenity of the area and the wider landscape in terms of their collective presence.

In terms of those trees being retained the linear group identified as G35 stand directly to the rear of the existing garage block, and to the south of an existing residential block. Whilst the garages are scheduled to be removed the impact on the adjacent dwellings in terms of social proximity and light is considered to be less than desirable, precluding their consideration for formal protection. It is anticipated that selective removal or at least some targeted pruning will be required in the short to medium term.

In visual prominence terms the Copper Beech T21 is considered to be a high value tree within the street scene, but structurally the significant included fork union it presents suggests retention cannot be considered beyond the short to medium term.

The removal of garages and hardstanding to form a larger area of open space on the western site would provide reasonable mitigation for the loss of open space on the eastern site if the hard and soft landscape works are to a satisfactory standard.

Responsibility for the future management of the open spaces needs to be agreed to ensure they become attractive, well maintained areas and that the recreation and amenity benefits for the local residents are maximised.

The retained trees can be protected in accordance with current best practice BS5837:2012; and a method statement will be required to accompany the removal of any hard standing and the garages from within the identified RPA's. These issues can be dealt with by condition.

ECOLOGICAL IMPLICATIONS:

The Council's Ecologist has confirmed that there are unlikely to be any significant ecological issues associated with the proposed development. A condition is suggested to safeguard breeding birds during construction and to ensure some additional provision is made for breeding birds following completion of the development.

ENVIRONMENTAL HEALTH:

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

LAND CONTAMINATION:

This site is currently used for garages and vehicle parking and therefore there is the potential for contamination of the site and the wider environment to have occurred. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present on the site. The Site Investigation report submitted in support of the application recommended that a further investigation is required. As stated above, the Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require an additional site investigation survey and any subsequent remediation required.

DRAINAGE MATTERS:

The site is not at risk of flooding as it is within Flood Risk Zone 1. A water supply can be provided and a separate metered supply to each unit will be required. The culverted watercourse that crosses the site is not a United Utilities Asset and contact should be made with the riparian owner who is responsible for the watercourse. United Utilities have raised no objection to the application subject to an informative being attached to secure that foul and surface water details are covered (by virtue of the Building Regulations).

Responses to issues raised by third parties:

The comments provided by consultees and neighbours in relation to infrastructure issues, highways issues, environmental issues, neighbouring amenity, housing need and affordable housing, design and built environment issues and loss of employment land are noted. These issues are addressed with this report and it is not considered that any of the above potential impacts would be significant or would demonstrably outweigh the benefits of the proposed development.

Revised plans have been received in response to the residents concerns by reducing the height of the building to two stories, decreasing the number of units proposed and the provision of more parking. Any further representations on the revised plans will be reported to committee in an update.

One of the residents queries whether they would be able to get access to their back garden if the development were to go ahead. This is not a material planning issue and if the writer has a private right of way over the application site, then this would be a civil matter.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The committee has already resolved to grant planning permission subject to the completion of a s106 agreement and conditions. The key question for members is the whether the previous requirement for open space contributions can now be removed?

Following current national guidance, the contribution for open space cannot be insisted upon and therefore the requirement for the s106 agreement falls away.

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

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

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

The proposal is, on the whole, compliant with the relevant Development Plan policies set out in the report. Revisions to the original proposal have responded to concerns of local residents. It is considered that the benefits of the proposal are not outweighed by potential adverse impacts and that planning permission should be granted, subject to conditions.

RECOMMENDATION

The application is recommended for approval.

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

RECOMMENDATION: Approve subject to following conditions

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



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Application No: 14/2777M

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

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

Applicant: Mr D Harper

Expiry Date: 03-Sep-2014

Date Report Prepared: 2nd July 2015

SUMMARY

At the Northern Planning Committee meeting on 6th August 2014, the Committee resolved to grant outline planning permission for 10 terraced dwellings. This consent was subject to a Section 106 Agreement, which would have secured contributions towards offsite provision in lieu of on site open space, at a rate of £3000 per dwelling, and a commuted sum for offsite provision in lieu of on site, at a rate of £1000 per dwelling. The additions, enhancement and improvements for both would have been for facilities at Christchurch, West Park, Shaw Street, West Park and South Park.

On 28th November 2014, National Planning Policy was changed with regards to Section 106 planning obligations, which resulted for sites of 10 units or less, and which have a maximum combined gross floorspace of 1000 square metres, affordable housing and tariff style contributions not to be sought.

A report went before Cabinet on 21st April 2015, which stated that when a conflict exists between the Councils Interim Statement on the Provision of Affordable Housing and the National Planning Practice Guidance, the determination of applications should be in accordance with the NPPG and not require the provision of affordable housing on sites of 10-units or less. It is considered that a similar stance should be afforded to tariff style contributions.

The Northern Committee concluded previously (on 6th August 2014) that the proposed outline application for a new residential development in a residential area close to Macclesfield town centre does fall within a sustainable location and it should be possible to design a development, which respects the character and appearance of the area and complies with the Development Control policies of the Macclesfield Borough Local Plan.

There has been no change to the site planning situation, or other relevant planning policies, which would lead to a different conclusion being reached. Accordingly, the proposal is considered to be a sustainable form of development and the application is recommended for approval, without the requirement for a Section 106 Agreement.

RECOMMENDATION

Approve

DESCRIPTION OF SITE AND CONTEXT

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

The site lies within a predominantly residential area as defined in the Macclesfield Borough Local Plan, relatively close to Macclesfield town centre. Land to the west and east of the site lies within a mixed use area as defined by the Local Plan and consists of a variety of uses including light industrial businesses, offices, a primary school, a public house and a van hire business. The rear gardens and rear elevations of a row of terraced properties fronting Parr Street are situated opposite the site.

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

DETAILS OF PROPOSAL

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

The majority of this report reflects the content of the report which went before Members in March, however, the Housing Land Supply section has been updated, so to has the section on Highways (reflecting the contents of the update report provided to Members prior to the August 6th Committee meeting) and Open Space section.

The full report is included for completeness, but the key issue since the application was determined by committee is the removal of the open space contributions. To ensure consistency, members are advised not to revisit matters that have already been considered acceptable and where there has been no change in policy or site circumstances.

RELEVANT HISTORY

5/59401P

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
APPROVED

04/12/89

5/69253PB

RESERVED MATTERS APPLICATION FOR THE CONSTRUCTION OF 12NO TWO
STOREY HOUSES

APPROVED

18/12/91

POLICIES

Local Plan Policy

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

Other Material Considerations

Cheshire East Local Plan Strategy Submission Version March 2014

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

MP1- (Presumption in Favour of Sustainable Development)
SD1- (Sustainable Development in Cheshire East)
SD2- (Sustainable Development Principles)
SC4- (Residential Mix)
SE1- (Design)
SE5- (Trees, Hedgerow and Woodland)
SE12- (Pollution, Land Contamination and Land Instability)
CO1- (Sustainable Travel and Transport)

National Planning Policy Framework

The National Planning Policy Framework reinforces the system of statutory development plans. When considering the weight to be attached to development plan policies, paragraphs

214 and 215 enable 'full weight' to be given to Development Plan policies adopted under the 2004 Act. The Macclesfield Local Plan policies, although saved in accordance with the 2004 Act are not adopted under it. Consequently, following the guidance in paragraph 215, "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)*".

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

CONSULTATIONS (External to Planning)

The Strategic Highways and Transportation Manager

No objections.

VIEWS OF THE PARISH / TOWN COUNCIL

N/A.

OTHER REPRESENTATIONS

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

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

APPLICANT'S SUPPORTING INFORMATION

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

OFFICER APPRAISAL

Principle of Development / Policy

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

Housing Land Supply

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

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

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

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

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development.

Access/ Highway safety

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

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

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

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

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

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

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

Design

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

Amenity

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

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

Forestry and Landscaping

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

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

Open Space

When the application went before the Northern Planning Committee on 6th August 2014 the following comments were made: -

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

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

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

At the Northern Committee meeting on 4th March 2015, Members approved the development subject to conditions and a Section 106 Agreement which secured the above.

However, it is not considered now that it is now appropriate to require these contributions. This is due to the introduction of further National Planning Policy Guidance on 28th November 2014. The main implications relevant to this application being that for sites of 10 units or less, and have a maximum floorspace of 1000 square metres, affordable housing and tariff style contributions should not be sought. The purpose for these changes is to lower the construction cost and increase housing supply. The Government believes that this will encourage development on smaller brownfield sites and boost small and medium sized developments.

Cheshire East Council have sought to ensure the delivery of brownfield sites as a priority, through both our existing Development Plan and the emerging Local Plan Strategy.

For Cheshire East Council, the development plan currently consists of the saved policies within the adopted Local Plans for the former local authorities. The Supplementary Planning Guidance for Section 106 Agreements in Macclesfield is part of the Development Plan. This guidance sets the thresholds for the previously sought contributions towards public open space and recreation open space. The implications of the changes to National Planning Policy Guidance therefore impact on future planning decisions on windfall sites of less than 10 units.

The Supplementary Planning Guidance on Section 106 Agreements is a material planning consideration, along with Local Plan Strategy (Submission Version – March 2014), and national planning guidance. National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) provide the national policy framework and guidance for consideration of applications. These all must be considered, as a material consideration, when each planning application is assessed. If the Council was to disregard current national planning guidance it would be at risk of acting unreasonably.

The Report to Cabinet on 21st April 2015, highlighted the fact that Cheshire East cannot 'opt out' of Government policy without associated risks. Cheshire East should continue to consider applications in accordance with all appropriate policies, national guidance, and on their relative merits, in accordance with planning law and Members are guided that in instances like this, where a conflict exists between the Supplementary Planning Guidance on S106 Agreements and the National Planning Policy Guidance, it would be unreasonable to require contributions towards public open space or outdoor open space.

Ecology

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

Environmental Health (Contaminated Land)

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

Environmental Health (Public Protection and Health)

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

Sustainability

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

Affordable Housing

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

United Utilities

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

The key issue before members is the removal of the requirement of the s106 agreement to provide contribution in lieu of on-site public open space.

In accordance with national guidance, the scheme should be approved without securing tariff style contributions.

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The proposal is an appropriate form of development in a sustainable location in close proximity to Macclesfield Town Centre, where it has been demonstrated that it should be possible to deliver a development on this brownfield site of 10 dwellings, which meets relevant policy requirements.

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

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

RECOMMENDATION

The application is recommended for approval.

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

RECOMMENDATION: Approve subject to the following conditions

1. A06OP Commencement of development
2. A03OP Time limit for submission of reserved matters
3. A01OP scale - Submission of reserved matters- appearance, landscaping, layout,
4. A01AP - Development in accord with approved plans
5. A05EX - Details of materials to be submitted
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A07GR - No windows to be inserted
9. A06TR - Levels survey
10. A05TR - Arboricultural method statement
11. A04TR - Tree pruning / felling specification
12. A02TR - Tree protection
13. A01TR - Tree retention
14. A07TR - Service / drainage layout
15. A11EX - Details to be approved-Bin Stores
16. A30HA - Protection of highway from mud and debris
17. A32HA - Submission of construction method statement
18. A04NC - Details of drainage
19. A12LS - Landscaping to include details of boundary treatment
20. Informative
21. Contaminated Land
22. Dust Control
23. Piling Method Statement
24. Piling

25. No Gates

26. Ground Levels

27. Hours of Construction

28. Turning Facility

29. Parking to be surfaced and marked out

30. Public Sewer

31. Planting around public sewers

32. Cycle Storage

33. Structural Information

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Application No: 15/2265C

Location: Daven Primary School, NEW STREET, CONGLETON, CHESHIRE, CW12 3AH

Proposal: Relocation of existing kitchen and dining room facilities which will involve the following: demolition of existing canteen building; extension to provide new store for table storage (15sqm); external air handling units for new kitchen installation, reconfiguration of play area fencing in preschool area; reconfiguration of car parking layout and new exit ramps; new safety fencing to bank.

Applicant: M Lord, Daven Primary School,

Expiry Date: 04-Aug-2015

SUMMARY

The principle of the development is acceptable as it relates to an existing school within the settlement zone line of Congleton.

The proposed development would not give rise to loss of playing areas or issues relating to design, parking, neighbouring amenity or trees or landscaping.

The proposed development complies with the relevant development plan policies and is considered to be sustainable in the social, environmental and economic sense. The application is therefore recommended for approval.

APPROVE subject to conditions

REASON for REFERRAL

This application has been referred to the Northern Planning Committee as Cheshire East Borough Council owns the land.

PROPOSAL:

This application seeks to relocate the existing kitchen and dining room facilities at Daven County Primary School, New Street, Congleton. The proposal will involve the demolition of the existing canteen building; extension to provide a new store for table storage (15sqm); external air handling units for new kitchen installation, reconfiguration of play area fencing in preschool area; reconfiguration of car parking layout and new exit ramps; and new safety fencing to bank.

SITE DESCRIPTION:

This application relates to a traditional Edwardian style primary school, which is positioned on the south-eastern side of New Street, Congleton. The surrounding development is predominantly residential. The school is single storey and built of Cheshire brick and small plain roof tiles. The site falls within Congleton Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY:

09/0756W - CONSTRUCTION OF SINGLE STOREY TOILET BLOCK TO DAVEN PRIMARY SCHOOL, PARKING AREA WITH LIGHTING FOR CHILDREN'S CENTRE AND CHANGE OF USE FROM CLASSROOM TO OFFICE FOR CHILDREN'S CENTRE SERVICES IN THE CONGLETON AREA - Approved 23-Jun-2009

08/1666/ADV - Free standing pole-mounted sign (1no.) – Retrospective – Allowed at appeal 27-Apr-2009

2890/3 - PROPOSED NURSERY TOILET FACILITIES – Approved 04-Feb-1976

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 17 and 28

Development Plan:

The Development Plan for this area is the Congleton Borough Council First Review 2005.

PS4	'Towns'
GR1	'New Development'
GR2	'Design'
GR6	'Amenity & Health'
GR9	'Accessibility, Servicing & Parking Provision'
RC2	'Protected Area of Open Space'
RC11	'Indoor Recreation & Community Uses'

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SE1	'Design'
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Other Considerations:

Planning Practice Guidance (PPG)

CONSULTATIONS:

Head of Strategic Infrastructure (Highways): No objection

VIEWS OF THE CONGLETON TOWN COUNCIL:

No objection.

REPRESENTATIONS:

None received at the time of report writing

APPRAISAL:

Principle of Development

The application site is located within the settlement zone line for Congleton. Local Plan Policy PS4 states that within such locations there is a presumption in favour of development provided that it is in keeping with the scale and character of the town and does not conflict with other Local Plan Policies.

As a school, the application site is also designated as an area of protected open space under Local Plan policy RC2 (Protected Areas of Open Space). However, the policy does allow for the development or extension of existing buildings associated with the use of the site.

The proposed development would be small scale in relation to the school complex and would not be sited on land forming part of a playing pitch. The proposed development would lie on existing areas of hard standing and parcels of land that are not used for play. As such, the proposal would not result in a loss of useable play space and would not impact on the integrity of open space provision at the site. Consequently, there would be no conflict with policy RC2 (Protected Areas of Open Space).

Character and Appearance

The proposal would result in the removal of an existing single storey detached building, which is in a poor state of repair and presently houses kitchen and dining facilities. In order to replace the kitchen and dining facilities, it is proposed to reconfigure the internal layout within the main school building and to extend off the existing hall.

The proposed extension would be single storey, flat roofed and small scale. It would provide storage off the existing hall for tables and chairs. Owing to its location within the existing school complex, the extension would be visible from public vantage points. Further, its design would be in keeping with the general style of the hall that it would attach to and the facing materials would match existing.

With respect to the other works, the proposed ramp accesses and air handling units would be well screened by the existing school buildings and the proposed amendments to the parking layout and

fences would be read within the context of existing parking area. It is not considered that the proposal would have a negative impact on the character and appearance of the school building or the locality and existing trees would be retained and respected.

Impact on Residential Amenity

Residential properties border the school boundaries to the northeast, the southwest and the west. The proposed extension to the school hall would maintain a distance in excess of 60 metres with the nearest residential property. Given the single storey nature of the proposals and the separation distances involved, there would be no material harm in terms of loss of light, visual intrusion or direct overlooking.

The remaining works within the grounds of the school (including extraction units) would also achieve good separation and accordingly, the residential amenity afforded to neighbouring properties would not be unduly harmed by these aspects of the proposals.

Highways

The proposed development includes the reconfiguration of the existing car park but will not result in the loss of any parking spaces. Additionally, the proposals are expected to result in one additional employee, but it is understood that pupil numbers will remain unchanged as a result of the development proposals. The scheme is considered to be acceptable in terms of its impacts on parking and highways.

PLANNING BALANCE:

The principle of the development is acceptable as it relates to an existing school within the settlement zone line of Congleton. The proposed development would not give rise to loss of playing areas or issues relating to design, parking, neighbouring amenity or trees or landscaping. The proposed development would therefore be in compliance with the relevant development plan policies and is considered to be sustainable in the social, environmental and economic sense. The application is therefore 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 Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Standard Time Limit (3 years)
2. Development to be carried out in accordance with approved plans

3. Development to be carried out in accordance with submitted details
4. Prior to their installation, submission of details of acoustic enclosure of fans / compressors for external air handling units

[illegible]

WORKSHEET NUMBER: