

Northern Planning Committee

Agenda

Date: Wednesday, 4th November, 2015
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

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

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

To approve the Minutes of the meeting held on 7th October 2015 as a correct record.

4. Public Speaking

Please Contact: Gaynor Hawthornthwaite 01270 686467
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

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
- Objectors
- Supporters
- Applicants

5. **15/1683M - Land Opposite, Lowerhouse Mill, Albert Road, Bollington: Development of 38 new houses including 11 affordable houses, landscaping, landscape buffer zone, flood mitigation and ground works, roads, associated highways and infrastructure for Johnson Mulk, Prospect GB (Pages 13 - 38)**

To consider the above application.

6. **15/3070C - Land at Siemens House, Varey Road, Congleton, Cheshire CW12 1PH: Application for reserved matters approval (access, layout, scale, appearance and landscaping) for the erection of 75No. dwellings and creation of public open space on application 14/2049C for Miller Homes (Pages 39 - 52)**

To consider the above application.

7. **15/1553M - 29 Chelford Road, Macclesfield SK10 3LG: Proposed demolition of house & outbuildings and the erection of a terrace of 7 three storey houses for B Jepson (Pages 53 - 62)**

To consider the above application.

8. **15/2861M - 17 Fletsand Road, Wilmslow, Cheshire SK9 2AD: Demolish existing property. Construct replacement dwelling with integral garaging and associated works for Mr and Mrs Sihan (Pages 63 - 70)**

To consider the above application.

9. **15/2056M - 2 Union Street, Macclesfield SK11 6QG: Conversion of first floor office space to residential. Construction of additional two floors of residential accommodation for Mr Christian Lynn (Pages 71 - 82)**

To consider the above application.

10. **15/4086M - 22, 24, 26 and 36 Castle Street, 25, 25B and 25C Castle Street Mall, Macclesfield, Cheshire: Variation of conditions 3, 4 and 8, Discharge of conditions 6 and 7 on approved 13/3082M - Internal and external alterations to the original former Cheshire Building Society (no. 36 Castle Street) together with the demolition of the majority of the subsequent extensions to the building and the change of use of the ground floor from offices (Class B1(a)) to 2 no. flexible use units (Classes B1(a), A1, A2, A3 and/or A4). Demolition of retail units at no.'s 22, 24 & 26 Castle Street and no.'s 25, 25B & 25C Castle Street Mall (forming part of the Grosvenor Shopping Centre) to facilitate the redevelopment of a two storey building (plus roof top plant area) to adjoin the redeveloped former Cheshire Building Society and provide 4 no. retail (Class A1) units, erection of replacement canopy above Castle Street Mall, formation of 5 no. car parking spaces, external alterations and associated works for Mr John Sullivan (Pages 83 - 90)**

To consider the above application.

11. **15/4227N - Upper Lightwood Green Farm, Lightwood Green Avenue, Audlem, Crewe, Cheshire CW3 0EN: New detached agricultural building for housing cattle for Mr S Bailey, S N Bailey & Partners (Pages 91 - 98)**

To consider the above application.

12. **15/4487T - Application to fell and remove a single cherry tree from the rear of 106 Buxton Road, Macclesfield SK10 1JS (Pages 99 - 102)**

To consider and determine a notification of intent to fell a single Cherry tree at 106 Buxton Road, Macclesfield SK10 1JS which is protected by its location within the Buxton Road Conservation Area.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 7th October, 2015 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor G M Walton (Chairman)
Councillor C Browne (Vice-Chairman)

Councillors C Andrew, E Brooks, B Burkhill (Substitute), S Edgar (Substitute),
M Hardy, A Harewood, G Hayes, L Jeuda, N Mannion and L Smetham
(Substitute)

OFFICERS

Emma Fairhurst (Design and Conservation Officer)
Peter Hooley (Planning and Enforcement Manager)
Neil Jones (Principal Development Officer – Highways)
Justin Price-Jones (Planning Solicitor)
John Williamson (Senior Planning Officer)
Gaynor Hawthornthwaite (Democratic Services Officer)

45 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T Fox, S Gardiner,
S Gardner, O Hunter and J Macrae.

46 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 15/3488M, Councillor E Brooks
declared that one of the public speakers on this item is known to her.

In respect of application numbers 15/3133M and 15/3134M, Councillor C
Browne declared that he had discussed these with the Parish Council and
had called-in the applications, which were in his Ward. As he considered
that he had pre-determined the applications, he would, therefore, speak as
the Ward member and then withdraw from the meeting and take no part in
the discussions or voting on these items.

With regard to application number 15/3488M Councillor C Browne
declared that one of the public speakers on this item is known to him.

In respect of application number 15/2274M, Councillor L Smetham
declared that she considered that she had pre-determined the application

and would, therefore, speak as the Ward member and then withdraw from the meeting and take no part in the discussion or voting on this item.

47 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting held on 9th September 2015 be approved as a correct record and signed by the Chairman.

48 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

49 15/3133M - CHORLEY OLD HALL, CHORLEY HALL CLOSE, ALDERLEY EDGE, WILMSLOW, CHESHIRE SK9 7TG: PART SINGLE STOREY AND PART TWO STOREY EXTENSION; EXTERNAL AND INTERNAL ALTERATIONS; NEW LANDSCAPING FOR MR AND MRS J JOHNSON

The Committee considered a report and the verbal additional comments received from Historic England.

(Councillor C Browne (Ward Member), Mr R Gascoigne (agent) and Mr D Walker (on behalf of the Applicant) attended the meeting and spoke in respect of the application).

As stated in his declaration, Councillor C Browne left the meeting and then returned after applications 15/3133M and 15/3134M had been considered.

RESOLVED

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

1. A03FP – Commencement of development (3 years)
2. A01AP – Development in accord with approved plans
3. A02LB – Methodstatement
4. A02TR – Tree protection
5. Works in accordance with Scheduled Monument Consent
6. Materials as submitted – to include full specification of materials

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.

50 **15/3134M - CHORLEY OLD HALL, CHORLEY HALL CLOSE, ALDERLEY EDGE, WILMSLOW, CHESHIRE SK9 7TG: LISTED BUILDING CONSENT FOR PART SINGLE STOREY AND PART TWO STOREY EXTENSION; EXTERNAL AND INTERNAL ALTERATIONS; NEW LANDSCAPING FOR MR AND MRS J JOHNSON**

The Committee considered a report and additional comments received from Historic England.

(Mr D Walker (on behalf of the Applicant) attended the meeting and spoke in respect of the application).

RESOLVED

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

1. A02LB – Method Statement
2. A07LB – Standard Time Limit
3. A01AP – Development in accord with approved plans
4. Materials as submitted – to include full specification of materials

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.

51 **15/2274M - LAND OFF SCHOOL LANE, MARTON: OUTLINE APPLICATION FOR UP TO 27 NO. DWELLINGS WITH DETAILS OF ACCESS. ALL OTHER DETAILS RESERVED FOR HOLLINS STRATEGIC LAND LLP**

The Committee considered a report and written update regarding the above planning application.

(Councillor L Smetham (Ward Member), Councillor L Nixon (on behalf of Marton Parish Council) and Mr M Symons (agent) attended the meeting and spoke in respect of the application).

As stated in her declaration, Councillor L Smetham left the meeting and then returned after application 15/2274M had been considered.

RESOLVED

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

The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy GC5 (Countryside beyond the Green Belt) of the Macclesfield Borough Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy– Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance. The development is locational unsustainable due to the lack of public transport links, facilities and infrastructure contrary to policy DC16 of the Macclesfield Borough Local Plan and policies SD1, SD2 and PG2 of the emerging Cheshire East Local Plan Strategy– Submission Version and guidance in the National Planning Policy Framework.

(The meeting adjourned for a short break)

52 15/3488M - ROYAL LONDON HOUSE, ALDERLEY ROAD, WILMSLOW, CHESHIRE SK9 1PF: FORMATION AND LAYING OUT OF PERMANENT CAR PARK FOR MR N KILSHAW, ROYAL LONDON GROUP

(Mr S Kinsey (objector) and Mr R Moffat (Agent) attended the meeting and spoke in respect of the application).

The Committee considered a report regarding the above planning application.

RESOLVED

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A13GR - Lighting hours – no lighting outside hours of 6.00 am to 7.00 pm
4. A04LS - Landscaping (implementation)
5. Flood
6. Hours
7. Air

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

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

(Following consideration of this application, Councillor Hardy left the meeting and did not return)

(The meeting was adjourned from 1.35 pm until 2.15 pm for lunch)

53 15/1612C - FIR TREE FARM, SWETTENHAM HEATH LANE, SWETTENHAM CW12 2LW: PROVISION OF EQUESTRIAN FACILITIES, INCLUDING 24 STABLES, INDOOR AND OUTDOOR RIDING ARENAS, HORSE WALKER AND 5NO. PADDOCKS FOR MR & MRS STEVE & JEAN DAVENPORT

(Mr R Davenport (supporter) and Ms J Davenport (Applicant) attended the meeting and spoke in respect of the application).

The Committee considered a report and written update regarding the above planning application.

RESOLVED

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

1. Access and parking to be provided prior to first use
2. Standard 3 year time limit
3. Development in accordance with submitted plans
4. Development to be carried out in accordance with submitted landscaping scheme except non-native planting to be replaced with native planting
5. Implementation of landscaping
6. Survey for breeding birds and protection during breeding season
7. Details of piling to be submitted and approved
8. Details of floor floating to be submitted and approved
9. Materials to be submitted and approved
10. Boundary treatment details to be submitted and approved
11. Details of external lighting strategy to be submitted and agreed

12. Development to be carried out in accordance with submitted Phase One Habitat Survey
13. Electromagnetic screening measures to be incorporated into materials of building
14. Site not to be used as a livery or for any equestrian events, competitions, shows.
15. Details of CCTV and office area, for managing the facility within building, to be submitted.

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

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Southern 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.

54 14/5316M - FORMER DEPOT AT JUNCTION OF GREEN STREET AND CUCKSTOOLPIT HILL, MACCLESFIELD, CHESHIRE: CONSTRUCTION OF 8 X 1NO BEDROOM APARTMENTS AND 7 X 2NO BEDROOM HOUSES ON THE SITE OF FORMER COUNCIL-OWNED DEPOT. (REVISED SCHEME) FOR MS JO FALLON

The Committee considered a report regarding the above planning application.

RESOLVED

That for the reasons set out in the report the application be APPROVED subject to the 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. A04LS - Landscaping (implementation)
6. A05EX - Details of materials to be submitted
7. A07GR - No windows to be inserted
8. A12LS - Landscaping to include details of boundary treatment
9. A25GR - Obscure glazing requirement
10. A30HA - Protection of highway from mud and debris

11. A32HA - Submission of construction method statement
12. Piling
13. Parking
14. Dust Control
15. Hours of Construction
16. Development in accordance with noise impact assessment
17. Contaminated Land
18. Drainage
19. No Gates
20. Levels
21. Affordable Housing
22. Informative
23. Visibility Splay
24. Bin Storage
25. Provision of cycle parking and storage

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.

55 15/2819M - FORMER MASSIE DYEWORKS, LONEY STREET, MACCLESFIELD, CHESHIRE SK11 8ER: OUTLINE APPLICATION FOR DEMOLITION OF THE EXISTING BUILDINGS AND THE ERECTION OF 5 TOWN HOUSES AND 6 APARTMENTS (RESUBMISSION OF APPLICATION NUMBER 12/1394M APPROVED ON 19 JULY 2012) FOR MR I MASSIE

The Committee considered a report and written update regarding the above planning application.

RESOLVED

That for the reasons set out in the report and the written update, the application be APPROVED subject to the completion of a Section 106 legal agreement to include the following total commuted sum of:

- £29, 000 to be paid to the Council to make additions, improvements and enhancements at South Park (including allotments), Macclesfield.

Broken down this equates to:-

£24,000 in lieu of Public Open Space requirement based on family dwellings and 6 apartments, and

£5,000 in lieu Open Space based upon 5 family dwellings (1 bed apartments exempt)

And the following conditions:

1. A060P - Commencement of development
2. A01OP - Submission of reserved matters
3. A02CA - Demolition as precursor of redevelopment
4. A02EX - Submission of samples of building materials
5. A03OP - Time limit for submission of reserved matters
6. A04HP - Provision of cycle parking and storage
7. A05HA - Pedestrian visibility at access (dimensions)
8. A01HP - Provision of car parking
9. A07HA - No gates - new access
10. A07HP - Drainage and surfacing of hardstanding areas
11. A08OP - Ground levels to be submitted with reserved matters application
12. A10HP - Driveway surfacing - single access drive
13. A12LS - Landscaping to include details of boundary treatment
14. A12OP - Full details approved as part of outline consent
15. A17MC - Decontamination of land/ Environment Agency
16. A19MC - Refuse storage facilities to be approved
17. A26HA - Prevention of surface water flowing onto highways
18. A29HA - Door and window openings - highways / footways
19. A30HA - Protection of highway from mud and debris
20. A32HA - Submission of construction method statement
21. Turning facility
22. floor floating
23. Sound Insulation to be added
24. Hours of Construction
25. Pile Driving
26. Archeology
27. Re instatement of kerb along Peter Street
28. External Appearance

29. Surface water drainage

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 and Regulation, 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.

56 **15/3472M - 180A WILMSLOW ROAD, HANDFORTH SK9 3LF: CONVERSION TO CREATE 12 NO. APARTMENTS, THE ERECTION OF A TWO STOREY REAR EXTENSION, REPAIRS AND REBUILDING PART OF THE CHAPEL, CHANGE OF USE OF PART OF ADJACENT DOMESTIC GARDEN TO CAR PARK, REPLACEMENT WINDOWS AND DOORS ALONG WITH THE REMOVAL OF LISTED TREES FOLLOWING THE WITHDRAWAL OF PREVIOUS PLANNING APPLICATION 15/1865M FOR MR A HARRISON**

(Mr A Harrison (applicant) attended the meeting and spoke in respect of the application).

The Committee considered a report and written update regarding the above planning application.

RESOLVED

That for the reasons set out in the report and the written update, the application be APPROVED subject to the completion of a Section 106 legal agreement to include the following total commuted sum of:

- £10,000 for off-site provision of Public Open Space
- £1,500 for Recreation Outdoor Sport

And the following conditions:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - Details to be submitted
5. A04LS - Landscaping - Approved details to be implemented
6. A06NC - Protection of breeding birds
7. A10EX - Rainwater goods - material and colour to be specified
8. A12EX - Fenestration to be set behind reveals as specified
9. A18EX - Specification of window design / style - fabricated in timber & painted or opaque stained
10. A21EX - Roof lights set flush

11. A22EX - The windows shall be installed in accordance with the details submitted (1386/D/001 Rev A)
12. A23EX - Roof ridges - to be finished as specified
13. A08HA - Gates to be set back from footway/carriageway
14. Car parking spaces and bicycle parking to be provided prior to first occupation
15. Works to be carried out in total accordance with the submitted acoustic report
16. Scheme to be submitted for electric vehicle charging points.

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

57 15/3473M - 180A WILMSLOW ROAD, HANDFORTH SK9 3LF: LISTED BUILDING CONSENT FOR CONVERSION TO CREATE 12 NO. APARTMENTS, THE ERECTION OF A TWO STOREY REAR EXTENSION, REPAIRS AND REBUILDING PART OF THE CHAPEL, CHANGE OF USE OF PART OF ADJACENT DOMESTIC GARDEN TO CAR PARK, REPLACEMENT WINDOWS AND DOORS ALONG WITH THE REMOVAL OF LISTED TREES FOLLOWING THE WITHDRAWAL OF PREVIOUS PLANNING APPLICATION 15/1865M FOR MR A HARRISON

The Committee considered a report and written update regarding the above planning application.

RESOLVED

That for the reasons set out in the report the application be APPROVED subject to the following conditions and outstanding consultations:

1. A07LB - Standard Time Limit
2. A03FP - Commencement of development (3 years)
3. A02EX - Submission of samples of building materials
4. A10EX - Rainwater goods - material and colour to be specified
5. A12EX - Fenestration to be set behind reveals as specified
6. A18EX - Specification of window design / style - fabricated in timber & painted or opaque stained

7. A21EX - Roof lights set flush
8. A22EX - The windows shall be installed in accordance with the details submitted (1386/D/001 Rev A)
9. A23EX - Roof ridges - to be finished as specified
10. Works to be carried out in total accordance with the submitted acoustic report

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

**58 15/2056M - 2 UNION STREET, MACCLESFIELD SK11 6QG:
CONVERSION OF FIRST FLOOR OFFICE SPACE TO RESIDENTIAL.
CONSTRUCTION OF ADDITIONAL TWO FLOORS OF RESIDENTIAL
ACCOMMODATION FOR MR CHRISTIAN LYNN**

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

The meeting commenced at 10.00 am and concluded at 3.15 pm

Councillor G M Walton (Chairman)

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Application No: 15/1683M

Location: LAND OPPOSITE, Lowerhouse Mill, ALBERT ROAD, BOLLINGTON

Proposal: Development of 38 new houses including 11 affordable houses, landscaping, landscape buffer zone, flood mitigation and ground works, roads, associated highways and infrastructure.

Applicant: Johnson Mulk, Prospect GB

Expiry Date: 10-Jul-2015

SUMMARY:

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

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

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

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

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release, where it cannot be demonstrated that there is a need for the site to be safeguarded for employment purposes. Local concerns of residents are noted, particularly in respect of highway matters, but the impact is not considered to be severe under the NPPF test. In fact, the impact from a residential scheme would be less than that of a commercial one.

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

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

DETAILS OF PROPOSAL

Full Planning Approval is sought for the construction of a residential housing development comprising a total of 32 units, comprising 19 detached dwellings, and 13 semi-detached dwellings. The application would also include 10 affordable dwellings.

All properties would be provided with off street parking spaces. The detached and semi detached properties would all have private gardens.

It should be noted that initially the scheme was submitted for 38 units, however, revised plans were submitted, which see the number of dwellings reduced from 38 to 32, an improved location of the area of formally equipped play (which would measure 633 sq. m), so as to link in with the area secured under application 14/3844M on the land opposite, and increased space separation distances between the dwellings.

SITE DESCRIPTION:

The application site consists of predominantly flat agricultural grassland surrounded by mature hedgerows. The central section of the site is, in part, characterised by elongated & rectangular mounds of top soil, scraped from the rest of the site several years ago.

To the south, it is bounded by industrial buildings, which form Slater Harrison. The road to the west of the site terminates at the Council's Household Waste Recycling Centre. To the north of the site is the River Dean, with open countryside beyond it.

The site area is 3.13 hectares.

Access to the site is taken from Albert Road.

It should be noted that residential development has been granted (subject to the completion of a S106 Agreement) on the land opposite (application 14/3844M) for 33 dwellings in January 2015. The closest residential properties to the application site lie on Woodlea Drive and are two storey detached properties.

RELEVANT HISTORY:

- | | |
|----------|---|
| 09/3836M | Erection of 3 no detached industrial buildings divided into 16 no. small units with associated parking and landscaping (renewal of 06/2355p) – Approved 3 rd February 2010 |
| 06/2355P | Erection of 3no detached industrial buildings divided into 16no small units with associated parking and landscaping – Approved 27 th November 2006 |
| 05/0270P | Renewal of application 99/2296P for industrial development (B2 usage) – Approved 29 th March 2005 |
| 99/2296P | Industrial development (B2 usage) revised scheme – Refused 10 th January 2000 – Appeal Allowed 21 st July 2000 |

99/0695P Industrial development (B2 usage) – Withdrawn 16th June 1999

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs:

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

Development Plan:

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

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

Built Environment

- BE1– Design Guidance
- BE2 – Historic Fabric

Development Control

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

Employment

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

Transport

T2 – Integrated Transport Policy

Environment

NE11 – Protection and enhancement of nature conservation interests

NE17 – Nature Conservation in Major Developments

Housing

H1 – Phasing policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Housing

H13 – Protecting Residential Areas

Recreation and Tourism

RT5 – Open Space

Implementation

IMP1 – Development Sites

IMP2 – Transport Measures

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

Supplementary Planning Documents:

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Housing Market Assessment (SHMA)

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

North West Sustainability Checklist

SPG on Section 106 Agreements (Macclesfield Borough Council)

CONSULTATIONS (External to Planning)

HIGHWAYS:

The Strategic Highways Engineer raises no objections to the proposals.

There is one point of access to the site. The technical designs of the access points are acceptable and visibility has been provided at the junction. The parking provision for the residential units within the site meets current standards.

ENVIRONMENTAL HEALTH:

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

A noise impact assessment has been carried out to gauge the impact between the commercial/industrial uses. The EHO had concerns of the proximity of the houses and gardens to odour sources and recommends bunding (with a fence on top of a mound) to the southern boundary.

This site is within 250m of a known landfill site or area of ground that has the potential to create ground gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A gas risk assessment has been undertaken and the results provided. Although the report shows that there are not significant quantities of gas present on the application site, further gas risk assessment is required as currently the monitoring is insufficient. The Contaminated Land Officer should be contacted prior to scoping out the Phase II site investigation works. The gas monitoring boreholes currently on site are very shallow (1m in depth), therefore in order to provide a thorough assessment of the site, further deeper boreholes are required. Further monitoring rounds are also required, in line with best practice guidance. A robust soil sampling strategy is also required, as so far no information has been provided in this regard. As such, and in accordance with the NPPF, the Contaminated Land Officer recommends that a condition can be attached to ensure that a Phase II investigation is submitted for approval and any recommended remediation is carried out on site.

UNITED UTILITIES:

No objection subject to a condition relating to the submission of a scheme for the disposal of foul and surface waters for the entire site.

HOUSING:

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

The Housing Strategy and Needs Manager commented on the proposal for 38 units and comments are awaited on the revised plans.

PUBLIC RIGHTS OF WAY:

The Public Rights of Way Officer raises no objections to the proposed development. The Public Right of Way Officer advises that the site lies adjacent to public footpath No. 47 Bollington. It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations

ENVIRONMENT AGENCY (EA):

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

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

1. *Limiting the surface water run-off generated by the development to the existing (greenfield) rate of 5.0 litres/second.*
2. *Provision of compensatory flood storage.*
3. *Finished floor levels to be set at a minimum height of 0.6m above the agreed 100year climate change flood level.*

While the outline design of a compensatory flood storage scheme has been sufficiently explained within the FRA and the principle established, it is considered necessary for additional detail design information to be provided for approval. Because of the fundamental nature of the compensatory works to the development scheme as a whole it is considered necessary for this information to be submitted and approved at the earliest opportunity, prior to development commencement. Failure to do so may lead to unacceptable increases to flood risk elsewhere. The EA requests that the following condition is therefore attached:

The development hereby permitted shall not be commenced until such time as a detailed design for compensatory flood storage scheme has been submitted to, and approved in writing by, the local planning authority.

The EA have reviewed the Preliminary Risk Assessment with respect to potential risks to controlled waters from land contamination. The site is situated in a sensitive location with respect to controlled waters. The report provided indicates that the site has potentially been subject to significant previous contaminative land, which may be potential sources of

contamination to Controlled Waters in the vicinity of the site. An off-site historic landfill has been identified adjacent to the northern site boundary in close proximity to the site and industrial use has been identified adjacent to the southern site boundary. Planning permission should only be granted with a condition which requires a scheme of foul and surface water to be submitted to prevent pollution of the water environment and controlled waters.

THE SCHOOL ORGANISATION AND CAPITAL STRATEGY MANAGER:

This development will generate 7 primary and 6 secondary aged pupils.

The primary schools within a 2 mile radius of the site are forecast to have a shortfall of 25 places by 2019, and therefore a contribution will be required for those pupils generated by this development. $7 \times 11919 \times 0.91 = \text{£}75,924$.

There is forecast to be 130 surplus places in the local secondary schools and therefore, no sum is required for Secondary school places.

GREENSPACES:

The Green Spaces Officer initially raised concerns with the location of formal equipped play area, however, the revised plan shows this to be in a far more favourable location now.

A commuted sum for offsite Recreation Open Space provision will be required. The amount for 32 family units would be £32,000. Further comments are awaited from the Green Spaces Officer to the revised scheme.

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.

Approximately 7 letters of objection have been received from local households. The objections are summarised as follows: -

Access/traffic

Housing traffic demand is very different to employment demand and will contribute massively to peak traffic levels. Peak times are the biggest issue with Albert Road and must not be increased further or gridlock will occur. Not a good state of affairs when the unmanned fire station is located on the road and the firemen need to get to the fire station before the engine can leave.

The access to the site can only be described as potentially dangerous with traffic congestion at various and frequent times of the day both on Albert Road and Moss Brow. The safety of school children, parents, runners, walkers and cyclists, not to mention, the maximum possible access for the fire station in any emergency situation needs taking into account.

The parking on Albert road on the bend near the Mill adjacent no 11 Ridley Road is causing increased difficulty in safely pulling out of Ridley Road and an increased traffic flow would make this problem worse.

Flood risk

This land floods regularly. Last time the river flooded, it flooded it removed all evidence of the Sandmartins, which nested in the banks. It is crucial that the Sandmartins be allowed to return to this long established site even if the wildlife officer could find no evidence of the nests, which had been washed away in the floods. They have nested here every year since records began.

Are the properties in the flood plain, as they are clearly only meters away from the source of the flood plain, ie the stream? After a heavy nights rain, the stream had risen to within 6 inches of the bridge, (a rise of approximately 24 inches,) so what we wonder after three days heavy rain residents are sure this matter is under consideration and the implications it may have on existing flood plain levels and to unsuspecting purchasers of new houses on what neighbours earlier property searches suggests is a flood plain.

There is in several places along the stream banks evidence of flood debris well above the bridge height.

The area is a precious habitat that supports badgers, water voles, bats, barn owls, kingfishers and sand martins. Changes to the river made elsewhere in Bollington have already affected detrimentally the nesting sites for sand martins so further changes that put this and other species at risk must not be made.

Loss of employment land

The applicant claims that the site has not been developed and as such should be removed from employment land. The situation is that in an economic downturn employment land will not be developed but will be saved for the future. Also, with development of several key employment sites within Bollington (Kay Metzeler and the canal side timber site) it is debatable if there is enough employment land in Bollington.

The new draft Cheshire East Plan makes particular reference to the importance of employment land and states that 27 hectares are needed to keep pace with growth in the economy. This beautiful green field was previously designated as employment land and should be retained as such if it is to be developed at all. At least then its new use will remain in keeping with the location's industrial heritage.

In keeping

It appears that the style and layout of the proposed development is not in keeping with that of what is a settled and harmonious area.

Other matters raised

This site should be reviewed as part of the imminent Neighbourhood Plan and any decision should await this review.

These house are being built adjacent to the refuse/recycling tip. One resident is sure that any future residents will complain of noise, smell, and traffic at the weekend

The area under consideration is quite a unique flood plain been of some fertile grassland, wooded and natural river formation, and all the bugs, birds etc. that live there, and of course the amount of daily visits to the net work of footpaths that grace this area, used and enjoyed by numerous dog walkers, naturists, walkers and visitors alike. One proposal is to preserve this area in perpetuity for the people of Bollington, and visitors, as a park in similar fashion to the Bollin Valley.

One resident puts forward that the prevailing economic demand and conditions of the time of the original planning no longer exist.

It is generally agreed that Lowerhouse is an area of architectural and historic significance (Greg Mill, workers cottages, school and library etc.) and notwithstanding the development in question, it is only a matter of time before it is elevated to conservation status (to be included in the local plan). To put up a modern housing estate in this location will be an insult to the concept of this status. This point is especially pertinent now that the importance of Bollington's industrial Heritage has been confirmed by Cheshire East Council.

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

Any conditions applied to the other side of the road should be applied including those included by the planning inspector when the appeal occurred.

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

VIEWS OF THE TOWN COUNCIL

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

1. Potential flooding and compounded drainage issues for surface and foul water.

The Town council's view is that this land should be left to fulfil its important purpose as a flood plain and at the very least no permission be given until the issue of effective mitigation measures have been fully resolved on the application site and the adjacent site.

2. Traffic flows.

It is simplistic to use the argument that the 38 new houses on the proposed site will generate less traffic than the employment approved in the 1970's but not implemented. Since this application was granted we have seen very large increases in car ownership. Bollington has also seen vastly increased use of cars not least on school runs.

It is the Town Council's and the local community's view that no permission should be granted for this proposed development until there has been a full analysis of traffic impact taking into account the impact of the 34 homes approved under 14/3844M.

The Council and the community are also concerned that the proposed development threatens the long term sustainability of Bollington's Recycling Centre which is a major resource for the Bollington Community and its surrounding residents. The proximity to the Household Waste Site could give rise to pressure from the new residents to close the site.

3. Loss of Employment Land

The land is currently designated for employment purposes and is a logical continuation of the employment opportunities provided by Lowerhouse Mill and the adjacent units. It has been stated many times by the Town Council to Cheshire East that employment land in Bollington is being replaced by housing. The latest supplementary work for Cheshire East's Local Plan resubmission has identified an increased need for employment land of 27 hectares and the continued loss of such land in Bollington undermines Bollington's position as a sustainable working community. It should also be noted that National Planning Policy recommends that in flood prone areas development for employment is preferred rather than housing.

In terms of the history of this site and the apparent lack of demand for employment, the Town Council's view is that such marketing has not been active enough, particularly over the last 5 years. Bollington Town Council has evidence of local companies being unable to find suitable sites in Bollington to relocate or expand into and are left with no choice but to move outside Bollington. Bollington's only business park is the Bailey Business Park. This is relatively small and fully occupied. We are currently in the process of visiting all our 360 local businesses as part of our Neighbourhood Plan process to understand their needs for growth and the above message is coming through, for example from our local Joinery business, our brewery and our tyre depot all of which have already, or may in future be forced to relocate.

4. Vital Heritage Issues

Lowerhouse is the repository of the legacy of the Greg family centred on the work of Samuel Greg between 1832 and 1847 and subsequently by his brother Robert and younger Greg family members who donated Bollington the recreation ground and the Greg Fountain, scene of the first Well Dressing Bollington in 2005. Lowerhouse Mill currently stands out in the landscape in this area.

An estate of modern houses backing up against the Mill, which is a listed building, will severely diminish the buildings stature and position in the Neighbourhood.

Many people will know that the Civic Society for a number of years has advocated a Conservation Area at Lowerhouse to protect the important Greg legacy in architecture and history.

Cheshire East have commissioned Arup to provide a report which is designed to assess issues such as the Green Belt and cultural heritage and legacy in Cheshire East. That report recognises the need to re-invigorate the importance of heritage and legacy in Cheshire East and specifically recognises the importance of Bollington's industrial heritage in that context.

The Town Council objects to this application on the grounds that it will demean and diminish the impact of that heritage in Bollington.

5. Bollington is in the midst of creating a Neighbourhood plan.

Cheshire East Council has approved Bollington's Neighbourhood Plan declaration and is supporting us with consultancy time from Cheshire Community Action and expert planning advice. Bollington Town Council has a group of 42 committed community volunteers, a steering group and five active sub groups and are well into the process of consulting everyone 16 years and over in Bollington regarding their views on how Bollington should develop over the next 15 years. This includes where development should take place and what that should be.

Bollington Town Council understand that Bollington cannot stand still but in accordance with the ethos of neighbourhood planning Bollington Town Council feel that developments such as that proposed should be part of the Neighbourhood Plan process. Bollington's plan process will be robust, professional and inclusive of the views of all parties including developers.

Bollington understands Cheshire East's housing growth needs and Bollington will continue to play its part. However, Bollington already have over 200 homes being built or in the pipeline all of which have been built on former employment sites. Bollington Town Council feels that very soon Bollington will be looking at employment growth and the best land for employment will have gone.

The Town Council recommends that Cheshire East refuses or defers this application until Bollingtons Neighbourhood Plan can provide proper evidence of employment need, housing affordability and our land allocation process within the Plan can balance these needs with the needs for open space, protecting Bollington's heritage and Bollington's future as a sustainable town rather than a dormitory of Macclesfield.

APPLICANT'S SUPPORTING INFORMATION

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Extended Phase 1 Habitat Survey Report;
- Transport Assessment;
- Planning Statement;
- Geotechnical, Contaminated, Ecology, Flood Risk Desk Top Report
- Noise Assessment;
- TPO Report

OFFICER APPRAISAL

The key issues are:

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

Principle of the Development

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

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

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

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

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

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

- Replacement of a potentially unneighbourly use to nearby residents, including those on the land opposite which has recently been considered acceptable for residential development.

- HGV's associated with the allocated use would be removed from the highway.
- The site is vacant and is unlikely to come forward for employment development.
- The proposed scheme provides a good mix of housing types 30% of which is offered to be affordable.
- Some on-site public open space would be provided.
- Provision of family-sized homes in Bollington.
- The site is in a relatively sustainable location. The site has good access to the major road network (Wellington Road) and a bus service. Shops and schools are in walking distance.

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

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

Loss of Employment land

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

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

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

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

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

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

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

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

This equates to there being approx 30 years worth of supply of employment land in the immediate areas of Macclesfield, Tytherington and Bollington based on historic take-up rates from 1996 and although the latest review of the Cheshire East Local Plan Submission Version states that more employment land is required in Cheshire East as a whole, this needs to be of the right type, and in good accessible locations.

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

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.

The above policy context must also be weighed in the planning balance taking account of the sustainability objectives as detailed below.

Bollington is one of thirteen Local Service Centres identified in the emerging CELP. 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.

SOCIAL SUSTAINABILITY

Affordable Housing

This application includes 10 affordable units, which should equate to 6 to be provided as rented and 4 to be provided as intermediate tenure.

The site falls within the Adlington, Prestbury and Bollington sub-area for the purposes of the SHMA update 2013. This showed a net requirement for 15 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 1x 1bd, 11x 2bd and 1x 4+bd general needs units and 2x 1bd older persons accommodation. In addition to this, information taken from Cheshire Homechoice shows there are currently 86 applicants, these applicants require 40x 1bd, 26x 2bd and 16x 3bd units.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or than 0.4 hectare in size. The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development. The IPS also requires that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings).

Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level

3 of the Code for Sustainable Homes (2007) or whatever standards the HCA are applying to their grant funding programme at the time.

Comments are awaited from the Housing Strategy and Needs Manager and these will follow in an update report.

Open Space

Public Open Space (POS)

The POS requirement at a rate of 40sqm per dwelling will be 1,280sqm of play and amenity open space.

It is noted from the application that it is proposed to provide this on site as part of the development. Although formal comments are awaited from the Greenspaces Officer, it is understood that the architect has liaised with the Greenspaces Officer and the proposals are generally acceptable. A detailed design scheme for the POS will be required. As will a S106 agreement.

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

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

Recreation Open Space (ROS)

A commuted sum for offsite ROS provision will be required. The amount for 32 family units would be £32,000. A more accurate commuted sum figure can be calculated once further comments have been received from the Green Spaces Officer.

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

ENVIRONMENTAL SUSTAINABILITY

Requiring good design and character and appearance of the area:

The main public view would be from Albert Road from car borne residents who would be visiting the Council's Household Waste Recycling Centre, or residents/visitors to the recently approved site opposite and on foot by people accessing the local footpath network. The site would also be visible at long range view from residents on Woodlea Drive, however, this will not be the case once the recent permission on the land to the rear of Woodlea Drive is implemented for residential development.

The dwellings are proposed to be constructed in reconstituted stone with grey roof tiles and white upvc windows. It would be preferable for high quality materials to be used such as natural stone and slates, or possible man made slates on the roof. The materials can be conditioned, should planning permission be granted. The dwellings would be two-storey. The design of dwellings is considered to be appropriate to the local area.

Highways access, parking, servicing and highway safety:

There is one point of access to the site which would serve the 32 dwellings. The technical designs of the access points are acceptable and visibility has been provided to a satisfactory standard. The parking provision for the residential units within the site meets current standards.

Albert Road joins the B5090 Wellington Road and is a straight road of reasonable standard, it does also serve two primary schools that causes considerable on-street parking at school times in both the morning and afternoon. There are other existing industrial premises served from Albert Road. It is also noted that consent has been granted for the 34 dwellings at Lowerhouses close to the proposal site without highway objection. The Strategic Highways Manager notes the comments on highway/traffic matters from local residents referring to traffic delays on Albert Road. There is also complaint regarding the nature of the road and its ability to carry two-way traffic and also a lack of footways.

In regard to the traffic implications of the development, a development of 32 units is not considered a major development in highway terms and is likely to generate some 22 two way trips in the peak hours along Albert Road and Moss Brow. It has to borne in mind that the industrial consent for the site would have produced a similar level of traffic on the road network but also have included an element of HGV's. All of the development trips to and from the site would not use Albert Road, a proportion of trips will be via Moss Brow.

The access road, which concludes at the Council's Household Waste Recycling Centre measures 5.5m for the short section which would be accessed by traffic generated by the proposed development. This is suitable to cater for two-way traffic, as identified by "Manual for streets". The private drive in the NE corner will need a bin collection between the last property and the "adoptable" road to minimise walk distances for residents and refuse operatives.

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

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

be distributed on two routes and also only a percentage of development traffic will travel during the peak school time, the Strategic Highways Manager cannot therefore recommend that there is a highway reason to refuse this application especially when industrial development has previously been approved on the site.

Residential Amenity

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

The site is located adjacent to the River Dean and fields. The main relationship with existing buildings is that at Slater Harrison. The revised plans have turned these dwellings around, so that the side gables face the industrial buildings and this relationship is acceptable.

With regard to the inward levels of amenity provided to the occupiers of the proposed new dwellings. It is considered that this broadly satisfies the amenity standards of the local plan. However, the distance between plots 15 and 16 and plots 6 and 7 and plots 21 and 24 are substandard. The applicants' agent has been asked to address this and subject to an alteration here, it is considered that the internal relationships would be acceptable.

Arboricultural Implications

The application was initially supported by an Arboricultural Method Statement but not an Arboricultural Implication Assessment. The Arboricultural Method Statement indicates which trees are proposed to be retained and removed. Trees T2, T3 and T4 would be retained and T5 would be felled. The proposed losses are considered to be acceptable.

An updated tree survey and implication assessment was submitted in response to initial comments received from the Arboricultural Officer, these provide more detailed information relating to the protection of trees. The access arrangements are now considered acceptable with regards to the impact on trees.

An assessment of the hedge status with regard to the Hedgerow Regulations is still required and these details should be provided in an update report.

Ecological Implications

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

Grassland habitats

The majority of grassland habitats on site are of limited nature conservation value. There are however two areas of grassland located near to the River Dane which are more diverse and worthy of retention as part of the proposed development. The submitted landscape plan refers to river margins being planted up. In order to safeguard the existing nature conservation value of the river corridor, the Nature Conservation Officer has advised that the

landscape proposals should state that the river margins would be safeguarded and managed appropriately. An area of 2758 sq m has been defined for amenity and species rich grassland to be maintained and managed adjacent to the River Dean

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

Roosting bats and trees

A single tree has been identified on site that has significant potential to support roosting bats. It appears that this tree would be retained as part of the proposed development, consequently the proposed development is unlikely to affect roosting bats.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the proposed site entrance. Replacement compensatory hedgerow planting should be provided as part of the proposed development. This could potentially be provided around the flood alleviation area. It is considered that this replacement planting can be secured under a landscape condition.

Badgers

As with other previous surveys undertaken on this site evidence of badger activity was present on site, but there is no evidence of a sett being present. As the status of badgers on a site can change within a short timescale if planning consent is granted a condition should be attached requiring a further badger survey to be undertaken and submitted to the LPA prior to the commencement of the development.

River Bollin Corridor

The submitted plans include an 8m buffer adjacent to the River Bollin to allow the EA to undertake maintenance works. In order to safeguard the nature conservation of the river it must be ensured that this area is retained as semi-natural habitat free from any development.

If planning consent is granted the Nature Conservation Officer advises that two conditions would be required to safeguard the river corridor, firstly that the 8m buffer is retained as semi natural habitat and secondly that proposals are submitted for the safeguarding of this corridor during the construction phase.

Barn owls and Common Toad

The habitats associated with the river corridor have been identified as offering high quality foraging habitat for barn owls. Common Toad, a priority species, has also been recorded on site. The Nature Conservation Officer advises that the retention of the river corridor habitats described above, and the proposals within the submitted ecological report for the provision of two amphibian hibernacula, would assist in mitigating the potential impact of the development upon both barn owls and common toad.

Himalayan Balsam

This non-native invasive species has been recorded on the application site. If planning consent is granted, the Nature Conservation Officer advises that a condition should be attached requiring the submission of proposals for the eradication of this species.

Breeding birds

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

Conditions

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

- Retention of 8m buffer zone of semi-natural habitat adjacent to the river Bollin
- Submission of proposals for the safeguarding of the river and associated 8m buffer during construction phase
- Submission of proposals for the eradication of Himalayan balsam from the application site
- Pre-commencement badger survey
- Submission of proposals for the provision of two amphibian hibernacula

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 is also suggested in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

Due to the proximity of the proposed residential development to industrial buildings at Slater Harrison on the southern aspect of the site a noise impact assessment was requested to gauge any impact from the commercial/industrial uses. It is recommended that a fence on top of a bund will address any issues.

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

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new

vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

Land Contamination

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

Drainage Matters

A water supply can be provided and a separate metered supply to each unit will be required. United Utilities suggest that conditions are attached to ensure that no development is commenced until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.

Flood Risk

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

The submitted Flood Risk Assessment (FRA) demonstrates that compensatory flood storage will be provided, to mitigate for the flood plain taken by the proposed development such that river flooding will not be increased elsewhere. The proposed buildings are to be set with finished floor levels to be at a minimum height of 0.6m above the agreed 100year climate change flood level.

While the outline design of a compensatory flood storage scheme has been sufficiently explained within the FRA and the principle established, it is considered necessary for additional detail design information to be provided for approval. Because of the fundamental nature of the compensatory works to the development scheme as a whole it is considered necessary for this information to be submitted and approved at the earliest opportunity, prior to development commencement. Failure to do so may lead to unacceptable increases to flood risk elsewhere.

ECONOMIC SUSTAINABILITY

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

Responses to issues raised by third parties:

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

It should be noted that application 06/2021P was refused on the grounds of insufficient information being provided in order to assess the impact of the proposed development (at that time 12 no. industrial and storage units) having regard to the risk of flooding from the development. It is considered that the FRA submitted complies with the NPPF and the statutory body responsible for flood risk, the Environment Agency, has raised no objections. It is therefore considered that a refusal on the grounds of flooding could not be justified. In addition, it should be noted that the flood mitigation for the residential development on the opposite side of the road has been agreed with the EA and Cheshire East's Flood Risk Team. The site has been considered for Conservation Area status previously and it was not considered appropriate for designation.

Bollington is in the early formative stages of the Neighbourhood Planning process. There is clearly local interest in this and informal meetings have been held. Whilst the Neighbourhood Plan could potentially reallocate the site for an alternative use, perhaps redraw the settlement boundary and reintroduce open countryside policy/local green space allocation, it could not return the site to Green Belt as that is outside the remit of the Neighbourhood Plan process. The Neighbourhood Plan has not yet been drafted and therefore, is some time away from examination and therefore can offer no demonstrable intent that has been tested in any way through the formal consultation process.

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

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

Heads of Terms for a Legal Agreement:

- **30% Affordable Housing** (i.e. 10 units as proposed);
- A contribution of **£75,924** is required towards primary education;
- Provision of **£32,000.00** towards Public Open Space.

Community Infrastructure Levy (CIL) Regulations

LEVY (CIL) REGULATIONS

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

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

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

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 32 dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

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

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

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

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

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

During the application process, negotiations have taken place between officers and the developer, which has resulted in the submission of a revised layout plan, which has improved space separation distances and the amount of public open space on site. Comments are awaited from The Housing Strategy and Needs Manager and Greenspaces officer.

It is acknowledged that local residents have repeatedly sought to resist development on this site. Appeals on this site and the land opposite have been rejected and employment development has been allowed. It is considered that a scheme for housing would fall in line with policies contained within the NPPF. The principle of developing land which is allocated for employment purposes has been established elsewhere and recently on the land opposite (for 33 dwellings) and will help to contribute to both local housing needs, and the Council's five year housing supply. It is also considered that housing on the application site will also have a more positive impact on the local area than industrial development.

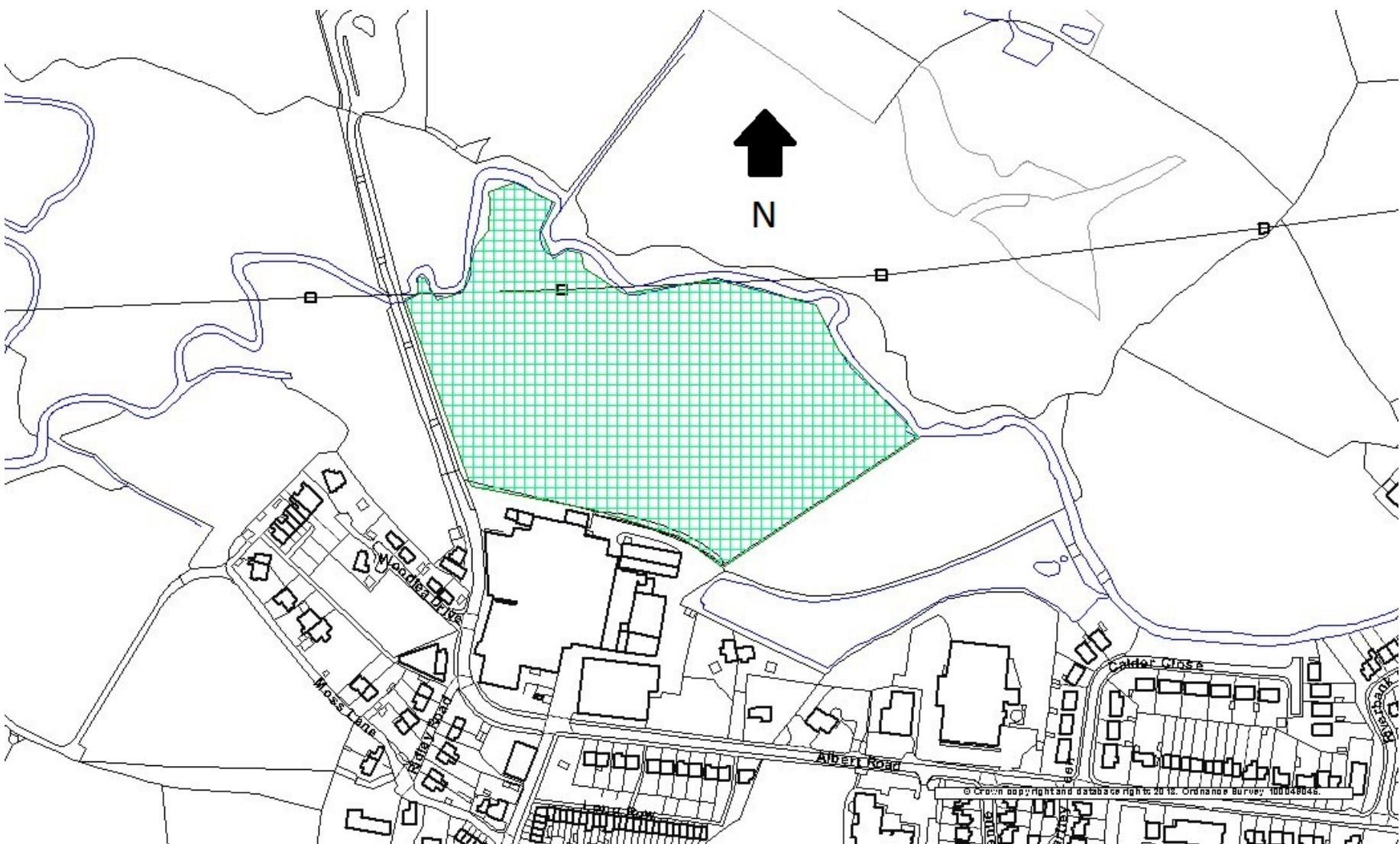
In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Northern Planning Committee, to correct any technical 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 a Section 106 Agreement and the following conditions

1. A03FP_1 - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01GR - Removal of permitted development rights
4. A02HA - Construction of access
5. A01LS_1 - Landscaping - submission of details
6. A04LS_1 - Landscaping (implementation)
7. A06NC - Protection for breeding birds
8. A16LS - Submission of landscape management plan
9. A23MC - Details of ground levels to be submitted
10. Nesting bird mitigation measures
11. Boundary Treatment
12. Noise mound / fence details to be submitted
13. Construction Hours of Operation
14. Should any contamination be found, a remediation strategy shall be submitted to the EA

15. Features for roosting bats to be incorporated into housing
16. Method statement for the safeguarding of the river corridor and associated habitats during the construction process.
17. Submission of 10 year habitat management plan including proposals for the eradication of Himalayan Balsam
18. Submission of updated badger survey prior to commencement of development.
19. Pile foundations
20. Electric Vehicle Infrastructure
21. Dust control
22. Contaminated Land
23. In accordance with Flood Risk Assessment
24. Finished floor levels of habitable dwellings shall be set 600 mm above the modelled 1 in 100 annual probability (plus a 30% allowance for climate change) flood level.
25. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted
26. A scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events
27. Detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods to be submitted
28. Environment Agency
29. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing public sewerage systems.



Application No: 15/3070C

Location: Land at SIEMENS HOUSE, VAREY ROAD, CONGLETON, CHESHIRE, CW12 1PH

Proposal: Application for reserved matters approval (access, layout, scale, appearance and landscaping) for the erection of 75No. dwellings and creation of public open space on application 14/2049C

Applicant: Miller Homes

Expiry Date: 05-Oct-2015

SUMMARY:

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, appropriate landscaping and sufficient open space is provided.

The scheme therefore represents a sustainable form of development providing sufficient quality of design, landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, traffic generation or highway safety.

RECOMMENDATION:

Approve subject to conditions

REASON FOR REPORT

The proposal is a major development requiring a Committee decision.

PROPOSAL

This proposal seeks reserved matters approval for the access, appearance, landscaping, layout and scale of the residential part of the development.

The application follows the outline planning permission (14/2049C), which granted consent for the demolition of the existing industrial building and redevelopment to provide residential development (up to 75 dwellings), new access, open space and reconfigured car park. All matters were reserved for subsequent approval.

SITE DESCRIPTION

The application site comprises a large area of undeveloped open land, an existing industrial building in the south east corner of the site and a car park serving the existing Siemens business opposite the application site. The site is located to the south of the junction of the A34 and A356 (Macclesfield Road). The site is bordered to the east by the River Dane, beyond which are residential properties in Havanna Street and open space. To the north there is a further area of open land, beyond which lies Eaton Bank Academy and its associated playing fields. To the south is the highway Eaton Bank, and the existing Siemens facility and industrial buildings along Varey Road. There are residential properties to the west of the site on Jackson Road, and the roads leading from this.

The site is located within the settlement zone with the majority of the site (the area of open land) identified as an employment allocation in the Congleton Borough Local Plan 2005. The Havannah Wood Local Wildlife site is located to the north west of the application site and the River Dane LWS is located to the east.

RELEVANT HISTORY

14/2049C - Demolition of existing industrial building and redevelopment to provide residential development (up to 75 dwellings), new access, open space and reconfigured car park – Approved 02.07.2015

NATIONAL & LOCAL POLICY

Congleton Borough Local Plan First Review 2005

DP1 (Employment allocation)
DP9 (Transport Assessments)
GR1 (New Development)
GR2 (Design)
GR3 (Residential Development)
GR4 (Landscaping)
GR5 (Landscaping)
GR6 (Amenity and Health)
GR7 (Amenity and Health)
GR8 (Amenity and Health - pollution impact)
GR9 (Accessibility, servicing and provision of parking)
GR10 (Accessibility for proposals with significant travel needs)
GR14 (Cycling Measures)
GR15 (Pedestrian Measures)
GR17 (Car parking)
GR18 (Traffic Generation)
GR19 (Infrastructure provision)
GR20 (Utilities infrastructure provision)

GR21 (Flood Prevention)
GR 22 (Open Space Provision)
NR1 (Trees and Woodland)
NR2 (Statutory Sites)
NR3 (Habitats)
NR4 (Non-statutory sites)
NR5 (Creation of habitats)
H1 (Provision of new housing development)
H6 (Residential development in the open countryside)
H13 (Affordable Housing and Low Cost Housing)

Other Material Considerations

National Planning Policy Framework (The Framework)

Other Material Considerations

National Planning Policy Framework (The Framework)

Interim Planning Statement: Affordable Housing

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

Cheshire East Local Plan Strategy – Submission Version

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

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO4 Travel plans and transport assessments

DP1 Employment Sites

CONSULTATIONS

Highways – No objections subject to condition relating to visibility

Environmental Health – No objections subject to conditions relating to noise mitigation, pile driving, and Environmental Management Plan (EMP covered by outline permission)

Strategic Housing Manager – No objections

Public Rights of Way - The development does not appear to affect a public right of way

Ansa – No objections subject to appropriate provision of open space

United Utilities – No objections subject to drainage condition (covered by outline permission)

Natural England – No objections

Congleton Town Council – No objection, but make the following comments:

- Contributions towards the delivery of the Congleton Link Road.
- Contributions towards complimentary highway measures on the existing highway network.
- Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre.
- The provision of a network of open spaces for nature conservation and recreation.
- The timely provision of physical and social infrastructure to support development at this location.
- The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.
- To enable construction of the proposed new footpath along the full length of the road, as proposed by the developer will require the purchase of additional land. Cheshire East to ensure that appropriate conditions are in place to ensure safety of pedestrians until such time as the aforementioned land has been purchased and the footpath built at the developers cost.

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Congleton Chronicle. The last date for comments is 1 October 2015.

At the time of writing one letter of representations had been received objecting to the proposal on the following grounds:

- Misrepresentation of site as it is located on Eaton Bank, not Varey Road.
- Access proposals lack detail
- Ecological impact
- Where is open space?

APPRAISAL

Principle of Development

The principal of residential development has already been accepted following the approval of the outline application (14/2049C). Further to the comments from the Town Council, all necessary planning obligations were secured at the outline stage, and cannot now be revisited.

ENVIRONMENTAL SUSTAINABILITY

Design / Character

The local area is characterised by a variety of house types – bungalows, terraced, semi-detached and detached – of varied styles and materials, and therefore, the area does not provide a strong design lead for new development. The proposal seeks to construct two-storey detached, semi-detached and terraced dwellings predominantly in brick, but with some render. The appearance of the properties is fairly standard and is perfectly acceptable in the context of the local area.

The proposal also provides a mix of house types and sizes to help support the creation of mixed balanced and inclusive communities. The development includes 1, 2, 3, 4 and 5 bedroom properties.

In terms of the layout, this is functional, and given the overall scale of the proposal it has inherent legibility. Corner plots avoid blank gables creating some visual interest to each public facing elevation, and the larger stretches of frontage parking will be broken up with landscaping to reduce the dominance of parked cars.

Trees / landscape

There are a number of trees on the site which are mainly limited to the boundaries along the riverbank, which form part of the SBI and will be retained, none of which are formally protected. The Forestry Officer noted at the outline stage that the inclusion of the majority of the existing tree cover within a green landscape infrastructure is a very suitable way of integrating the development into the landscape. The proposed reserved matters do not raise any significant arboricultural implications, subject to the proposal being carried out in accordance with the submitted tree protection plan. Reference is also made on the Tree Protection drawing to pre-development tree work and pruning, the details of which, can also be secured by condition.

The existing hedgerow will be retained to the front of the site along Eaton Bank to retain the hedge lined character of the road, in accordance with condition 8 of the outline permission. A landscape buffer will also be provided on the higher land to the west of the site on the boundary to the Havannah Wood Local Wildlife Area, including a “Macaferri” wall which will be planted and will help to provide a less abrupt boundary to the wildlife site.

There will be some changes to the land levels to accommodate the Macaferri wall, and the buffer to the western boundary, however, in general the proposal works with the existing levels that do fall by over 10 metres from the western boundary to the eastern boundary across the site. It is considered that these alterations will be seen within the context of the wider development and will be accommodated without any significant landscape impact.

Ecology

A number of conditions attached to the outline permission related to ecological matters to be considered as part of the reserved matters:

Condition 11 – Hedgehogs

This condition required the reserved matters application to include proposals for the incorporation of gaps in garden and boundary fences to facilitate the movement of hedgehogs. Details of gaps in fences have been provided, which make appropriate provision for hedgehogs and satisfy the requirements of the condition.

Condition 25 – Local Wildlife Site

This condition seeks to avoid any properties backing onto the adjacent Local Wildlife sites to avoid any potential impacts on the habitats for which the Local wildlife sites were designated.

The layout has been appropriately designed in respect of the River Dane Local Wildlife Site located to the east of the proposed housing. In terms of the relationship with the Havannah Wood Local Wildlife site to the west, this shows the formation of a buffer zone (in excess of 3 metres) between the new dwellings and the wildlife site. The buffer zone includes a Macaferri wall of up to 3 metres in height to facilitate the change in levels. Consequently, the dwellings do not back directly onto the local wildlife site, and their rear gardens are considerably lower than the level of the wildlife site. It is therefore considered that this relationship means the dwellings do not back onto the wildlife site, and the nature conservation office advises that the potential adverse impacts associated with the occupational phase of the development on the local wildlife site will not be significant.

Condition 13 - Features for nesting birds and roosting bats

This condition requires the future reserved matters application to include features for nesting birds and roosting bats. This information has been submitted and is considered to be acceptable.

Residential Amenity

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The nearest neighbouring residential properties to the application site are over 50 metres away and as such all meet the distances above. Within the site, there are some separation distances that fall marginally below the identified standards. However, any shortfall is minimal and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission.

Noise

The site is located opposite the Eaton Bank Industrial Estate and as such there has been concern at the outline application stage and during the reserved matters regarding noise from the industrial estate adversely affecting the living conditions of future occupants.

The potential effect on an existing business of a new residential development being located close to it should be carefully considered as the existing noise levels from the business may be regarded as unacceptable by the new residents and subject to enforcement action. In the

case of an established business, the policy set out in the third bullet point of paragraph 123 of the Framework should be followed:

- Existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

It should also be noted that the Council's Environmental Health department has previously received two tonal industrial / commercial noise complaints from residents located a greater distance from the proposed application site to the industrial estate.

The submitted noise assessment that accompanies the reserved matters states that no industrial noise was audible during these noise assessment periods. As a result, it was not possible for the acoustic consultant to complete a BS4142 assessment, and instead focussed on road traffic noise.

The consultant's suggestion that there was no audible industrial noise is in contradiction to the subjective noise impact assessments carried out by officers from Environmental Health, and those surveys submitted by the applicant as part of the outline application.

Environmental Health do not accept that road traffic will be a significant factor with regards to the noise climate. It is considered that the 24 hour industrial uses immediately opposite the proposed development are the dominant noise source in the area.

The following noise mitigation measures were agreed during the above outline planning application process:

- 12 dB reduction in noise levels is possible with an acoustic fence 2m in height.

With the installation of a 2m high acoustic fence the future residents of the proposed dwellings would lose the line of sight to the noise source located on Varey Road and would therefore, be provided with a level of noise attenuation that allows a high level of amenity to be achieved within the proposed external amenity areas.

This detail overcame Environmental Health's concerns regarding industrial noise impact affecting the proposed external amenity areas of the noise sensitive residential properties at this location, and they were satisfied that internal noise levels shall achieve BS8223 : 2014.

The latest acoustic report recommends mitigation for road traffic noise only, and includes:

Closed Windows

The report indicates that standard double glazing will be sufficient for habitable rooms for all dwellings across the development site.

Open Windows

The report states that internal target noise levels will be exceeded for all habitable rooms within identified plots if windows are opened. Alternative ventilation to opening windows for dwellings which have a line of sight to Eaton Bank is also outlined. Through-frame window mounted trickle ventilator is recommended to be incorporated into the glazing unit of identified habitable rooms with line of sight to Eaton Bank so that fresh air can enter the room without

having to open windows. In addition the trickle ventilator should be combined with a Mechanical Extract Ventilation (MEV) or Passive Ventilation system which extracts air from the habitable rooms.

A final recommendation of the acoustic consultant is that wherever possible habitable rooms should be located away from the noise source with less noise sensitive rooms facing the noise source

Noisy industrial uses are sited within industrial estates, because they rely heavily on separation distances to reduce noise impacts on noise sensitive development, thereby reducing the impact on residential amenity. The introduction of noise sensitive receptors at this location may negatively impact industrial/commercial noise sources especially those that operate during the night-time period. The National Planning Practice Guidance – Noise, Paragraph: 006 advises, the potential effect on an existing business of a new residential development being located close to it should be carefully considered as the existing noise levels from the business may be regarded as unacceptable by the new residents and subject to enforcement action.

Environmental Health will accept the noise mitigation scheme as outlined in the addendum noise impact assessment report by REC, dated July 2015 Ref: 91012r0, submitted as part of the application. However, in addition to this they also recommend the provision of a 2 metre high acoustic fence along the boundary of the residential gardens adjacent to Varey Road.

The reasons for the mitigation being:

- offering better noise protection to future noise sensitive residential receptors: outdoor private amenity areas and ground floor habitable rooms.
- Continuance of existing business operations without unreasonable restrictions resulting from the introduction of noise sensitive receptors at this location.

Appropriate conditions are therefore recommended to cover these matters, and to ensure the future occupants of the proposed dwellings are not adversely affected by industrial noise.

Highways

The Head of Strategic Infrastructure has commented on the application and has noted that the layout is a typical standard road layout that does accord with the technical standards for adoption. The level of car parking provided for each of the units meets the CEC standards and is acceptable. The layout is functional and it is considered that it does not warrant an objection and as such no highway issues are raised.

A condition is recommended to ensure appropriate visibility splays are provided at the access.

SOCIAL SUSTAINABILITY

Affordable Housing

There is a net requirement for 58 affordable homes per annum within the Congleton sub-area identified in the SHMA update 2013. The s106 agreement on the outline permission requires an Affordable Housing Scheme to be submitted, which details the location and mix of the affordable housing. The applicant has submitted a statement, which details how the affordable housing will be delivered.

The proposed residential mix is 2x 1bed, 8x 2bed and 5x 3bed for rent and 5x2bed and 3x 3bed for intermediate. The SHMA identified an oversupply of 2 bed however there is need shown from Cheshire Homechoice for 2 bed accommodation as well as a high need for 1 bed units from both the SHMA and Cheshire Homechoice. The applicants have amended their initial proposal to include some 1 bed units in order to meet some of this need.

The location of the affordable housing is considered to constitute sufficient pepper-potting through the site. The Strategic Housing Manager raises no objections to the proposed affordable provision.

Open Space

Paragraph 73 of the Framework places an emphasis on the need to provide high quality open spaces and opportunities for sport and recreation as they can make an important contribution to the health and well-being of communities.

Policy GR22 of the Local Plan and SPG1: Provision of Public Open Space in New Residential Development requires the provision of Public Open Space. Policy GR22 requires that this public open space is of *'an extent, quality, design and location in accordance with the Borough Council's currently adopted standards and having regard to existing levels of provision'*. SPG1 states that *'the requirement for public open space will normally apply to all developments of 7 or more dwellings'*. The Interim Policy Guidance on Public Open Space Provision provides details in relation to the level and types of provision which will be required for the development.

Amenity Greenspace (AGS)

Having regard to the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, the proposed new dwellings will not require any further AGS.

75 new dwellings would normally generate the need for 2,500sqm of AGS. The developer has stated that 29,000sqm of open space is being provided, given the presence of the local wildlife site within the application site. The nature conservation officer is satisfied that public access to the River Dane Local Wildlife Site will not be detrimental to its ecological value, subject to appropriate management of the land.

Children and Young Persons Provision

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, the proposed development will generate a need for an additional children's play facility.

The Congleton Borough Council Interim Policy Note 2008 / SPG on open space requires the provision of a NEAP facility (8 items of play equipment) on developments of 75 family dwellings or more, and the provision of a LEAP (5 items of play equipment) of developments of less than 75 dwellings. Whilst the proposal relates to 75 dwellings in total, only 73 can be classified as family dwellings (2 or more beds).

Ansa have confirmed that there is a significant deficiency in the area; therefore a LEAP (Locally Equipped Area for Play) style play area would be required.

The LEAP facility must contain at least 5 items of equipment and should incorporate DDA inclusive equipment and safer surfacing. The final layout and choice of play equipment should be first agreed with the Council, and the construction should be to EN standards. Full plans showing the design must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. This can be dealt with by condition.

All open space facilities will be managed and maintained by a management company.

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 the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

PLANNING BALANCE

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, appropriate landscaping and sufficient open space is provided.

The scheme therefore, represents a sustainable form of development providing sufficient quality of design, landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, traffic generation or highway safety.

The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

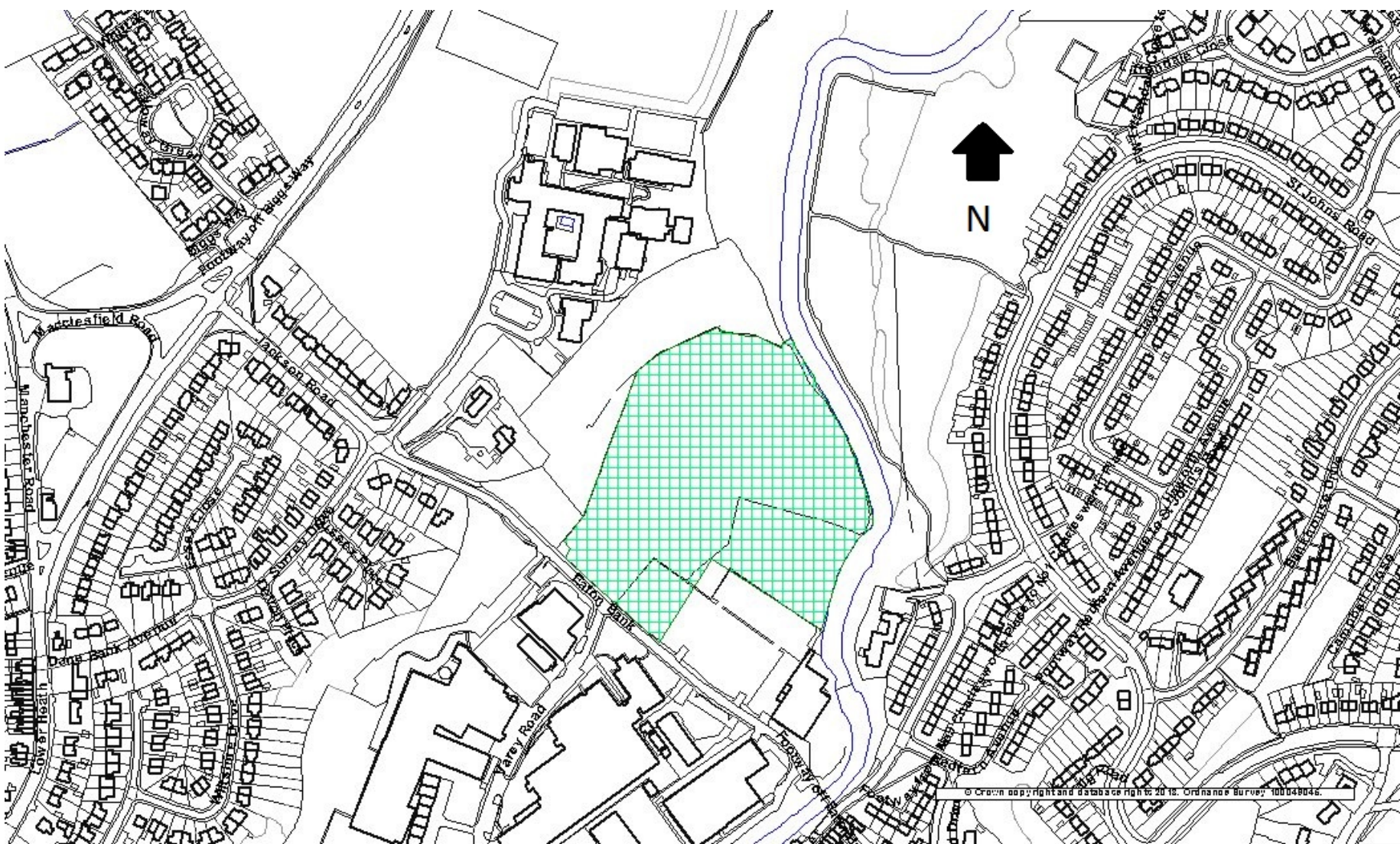
Approve subject to conditions

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

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S111 of the Local Government Act 1972.

RECOMMENDATION: Approve subject to following conditions

1. A02RM - To comply with outline permission
2. A05RM - Time limit following approval of reserved matters
3. A01AP - Development in accord with approved plans
4. A02EX - Submission of samples of building materials
5. A25GR - Obscure glazing requirement
6. A23GR - Details of any required pile driving to be submitted
7. A04TR - Tree pruning / felling specification
8. Noise mitigation scheme to be implemented
9. 2m high acoustic fence shall be provided to the boundary of the residential gardens adjacent to Varey Road
10. Development shall be carried out in complete accordance with the submitted Tree Protection Plan
11. Visibility splays of 2.4m x 59m in both directions no obstructions above 0.6m in height
12. Detailed proposals for design and planting of Macaferri wall to be submitted.
13. Details of layout and equipment for the LEAP, and management details for all open space areas to be submitted



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Application No: 15/1553M

Location: 29, CHELFORD ROAD, MACCLESFIELD, SK10 3LG

Proposal: Proposed demolition of house & outbuildings and the erection of a terrace of 7 three storey houses.

Applicant: B Jepson

Expiry Date: 08-Jun-2015

SUMMARY

This application is for the demolition of the existing dwelling and outbuildings and the erection of a two and half storey building containing 7no. three bedroom, townhouse style dwellings.

The Council cannot currently demonstrate a 5 year housing land supply. The development would provide 7no. new houses, which would make a beneficial contribution to meeting an acknowledged shortfall within the Borough.

It is considered that there are no significant adverse impacts relating to design, impact on the area, residential amenity, highways safety, ecology or environmental health. The proposal accords with the Development Plan and is deemed to be a sustainable form of development.

The application is therefore recommended for approval subject to conditions, informatives and Heads of Terms for POS and ROS (details to be confirmed), secured via a s106 Agreement.

RECOMMENDATION: Approve, subject to conditions and a s106 Agreement for Open Space.

REASON FOR REPORT

This application has been called in to committee at the request of Cllr. Louise Brown on the 30th April due to concerns raised in respect to whether it is overdevelopment of the site and also Highway safety concerns. The site is close to the junction of Whirley Road with Chelford Road (which is at a sharp angle) and Whirley Road narrows towards the junction. Cllr. Brown has since left the authority; however the call-in was maintained by the existing councillor, Cllr. Martin Hardy.

DESCRIPTION OF SITE AND CONTEXT

The site is officially located on Chelford Road; however it is positioned adjacent to the junction between Whirley Road and Chelford Road, with the main frontage of the site onto Whirley Road. The site measures approximately 0.15 hectares and is currently occupied by a detached two storey dwelling with outbuildings.

To the rear of the site there are relatively new apartment blocks on the former Henbury High School site with a new residential block of 5no. town houses on the adjacent site to the east at number 27 Chelford Road.

The roadside boundary is made up of a 2m high wall with trees and planting.

The area has a mixture of house types including detached, semi-detached, apartments and terraced properties. Broken Cross is located approximately 170m away, and is an existing local shopping centre.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing dwelling and outbuildings and the erection of a two and half storey building containing 7no. three bedroom townhouse style dwellings. The building would be two storey with the third floor located within the roofspace with front dormer windows. The height would be similar to the surrounding properties. Each unit would comprise an entrance hall, open-plan kitchen/living/dining area on the ground floor, two bedrooms and a bathroom at first floor, with the master bedroom at second floor. Each dwelling would have a private garden to the rear. The elevations would be faced in a mixture of brick and render.

Vehicular access would be from a new access point positioned further to the west than the existing access, away from the junction, to a parking area which would include provision for 14no. cars.

RELEVANT HISTORY

None

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 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Landscaping)
DC9 (Tree Protection)
DC38 (Guidelines for space, light and privacy for housing development)
DC40 (Children's Play Provision and Amenity Space)

DC41 (Infill Housing Development or Redevelopment)
NE11 (Nature Conservation)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing Sites)
H13 (Protecting residential areas)

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

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

National Policy:

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

Of particular relevance are paragraphs 1, 4, 5, 6, 7, and 10.

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)
SD1 (Sustainable Development in Cheshire East)
SD2 (Sustainable Development Principles)
SE1 (Design)

CONSULTATIONS (External to Planning)

Highways: no objections subject to condition

Forestry: no objections

Nature Conservation: no objections subject to conditions

Environmental Health: no objections subject to conditions

United Utilities: no objections subject to conditions

VIEWS OF THE PARISH / TOWN COUNCIL

N/A

OTHER REPRESENTATIONS

Representations from 28no. different properties have been received for the original submission. A summary of these can be viewed below:

- Highway safety issues due to increased traffic close to a busy, dangerous junction.
- The existing farmhouse is a beautiful, historic building and it would be a shame to demolish it.
- Traffic/noise etc. from building will impact on people's lives.
- Loss of privacy and light to flats at the rear.
- The new building next door is unattractive and would not want another one like that in the area.
- A lot of other new properties in the area have not sold, not a need for them.
- Parking in the area is already an issue and this development would make the situation worse, no visitor parking in the scheme.
- Out of keeping with the area, too dense.
- The building would be much taller than the surrounding properties.

A comment has also been received from the Macclesfield Civic Society raising concerns regarding the size of the proposed building in relation to the plot size and suggests that the scheme should be reduced.

Following re-consultation of the amended plans only one objection was received raising concerns about the impact of the development on highway safety in the area.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a Planning Statement, Tree Survey, Design and Access Statement and a Bat Report. Details of these can be viewed on the electronic file.

OFFICER APPRAISAL

Key Issues

- Design and impact on the character and appearance of the area, including the street-scene
- Impact on the amenity of neighbouring properties
- Highways safety
- Landscaping & nature conservation

ENVIRONMENTAL SUSTAINABILITY

Principle of Development

The site lies within a Predominantly Residential Area of the adopted Macclesfield Borough Local Plan where residential uses are acceptable in principle.

The site is considered to be in a suitable and sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. The scheme achieves much needed housing within a built up area.

Design

The properties within the area are varied – detached, semi-detached and terraced – of differing styles and sizes, along with the recently developed block of dwellings, at the adjacent site at number 27 Chelford Road. It is considered that the immediate area around the site does not have a particularly distinctive character, or appearance.

The plot is currently occupied by a two storey dwelling with various outbuildings to the rear. The size of the plot and the size and nature of immediate neighbouring properties is such that a larger building than the one that exists on the site could be accommodated comfortably within it.

The design of the proposal reflects some of the features found in a number of the properties along Chelford Road, e.g. render and relatively simple designs with little in the way of features.

The street-scene plan illustrates the proposed roof height is in scale with the property to the east at number 27, which, in turn, is comparable to the existing height. The use of render and small gable detailing to the front elevation has been incorporated to break up the frontage of the building. It is considered that the overall design of the proposal, in respect of style, size, scale and bulk, is in keeping with the properties within the area and, as such, the proposal is sympathetic to the street-scene.

Along with the new townhouse style properties on the adjacent site, there is also a row of terraced properties close by at the junction of Whirley Road and Chelford Road and bearing in mind the design as outlined above, it is considered that the proposed building would not harm the character or appearance of the area.

The two and a half storey townhouse style would be an appropriate addition within the setting, particularly considering the adjacent development.

Amenity

The new dwellings to the east at number 27 Chelford Road do not contain any windows facing the application site. To the west there are no dwellings and the dwellings to the front at 35 – 39 Chelford Road are positioned approximately 28m away from the front of the dwelling which would accord with policy DC38 of the Local Plan for three storey properties.

To the rear, the apartments in Jasmine Park are positioned over 25m away, which would be in accordance with policy DC38 for two storey properties.

It is considered that the impact on the amenity of the neighbouring properties is acceptable and would accord with policies DC3 and DC38 of the Local Plan.

Highways

There is currently a single dwelling on the site and it is proposed to demolish this site and erect 7 new dwellings. The units proposed are 7no. 3 bed units, the car parking provision is 17no. spaces which equates to 2 spaces per unit which accords with the Council's parking standards.

Whirley Road provides access to residential areas and connects with other local roads; it has a significant level of existing traffic using the road. Whirley Road meets Chelford Road at a sharp angle, but it does still meet requirements for visibility at the junction. The safety of the junction has been considered and there has been no recorded Personal Injury Accidents (PIA's) in the last five years.

There is one main access to the site proposed and this is on the frontage of the site and is a standard priority junction access with adequate visibility provided. Refuse collection would take place from Whirley Road, there is a communal bin store provided close to the access point.

As there are 7no. dwellings proposed in total, the level of traffic generation will be very low indeed and given that there is already a significant traffic flow on Whirley Road, the impact of the additional generation cannot be considered severe. Additionally, although the junction with Chelford Road is non standard, there the safety record of the junction is good.

The concerns raised regarding the impact of this development have been considered, however, it is not considered that a highway reason for refusal of the application can be supported.

Trees

The property road frontage is subject of a 1951 Tree Preservation Order, which originally supported a linear group of 18 trees. None of these appear to have been retained from the species listed in the first schedule. It is also doubtful that the Holly Purple Leaf Plum and Yew which form the present road frontage were planted as replacements.

The application is not supported by any suitable arboricultural impact assessment, only a Tree Plan, which depicts the crown spread and trunk diameter of the Holly and Yew.

The site plan depicts the loss of both the Holly and Purple Leaf Plum, whilst retaining the Yew situated within the south east corner of the site immediately adjacent to the existing access. The tree has been poorly pruned historically to maintain vehicular access.

None of the mature tree aspect associated with the site is considered worthy of formal protection despite their position within the street scene. In terms of categorisation and current best practice in respect of BS5837:2012 all are considered to be low value category C specimens.

The protected trees associated with the recent new development to the east are not affected by the proposals as presented.

The amended plans submitted ensure that more landscaping to the front of the property is introduced. Arboricultural conditions are not required, standard landscape conditions should be included if approved.

Ecology

The application is supported by an acceptable bat survey report.

The Council's Nature Conservation Officer advises that there are unlikely to be any significant protected species issues associated with the proposed development. Conditions are suggested for any approval.

Greenspace

As noted above, formal comments are awaited from the Open Space Officer. However, it is anticipated that some additional commuted sums will be required for Public Open Space and Recreation Outdoor Space, due to the increased number of units and bedrooms. This would accord with policy DC40 of the Local Plan.

Heads of Terms

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

- a commuted sum off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities in Macclesfield; and
- a commuted sum for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) for improvements, additions and enhancements of existing facilities in Macclesfield.

The level of commuted sum will be confirmed in update to committee.

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 Agreement satisfy the following:

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

The commuted sum in lieu of public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development is to provide 7 no. dwellings, the occupiers of which will use local outdoor space facilities, as there is no open space provision on site. As such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

PLANNING BALANCE, CONCLUSIONS AND REASON(S) FOR THE DECISION

The comments from the neighbours have been taken into consideration. The site comprises previously developed land in a sustainable location, with access to a range of local services

and facilities nearby, including good public transport links. It is considered that there are no significant adverse impacts relating to design, impact on the area, residential amenity, highways safety, ecology, or environmental health. The proposal accords with the Development Plan and is deemed to be a sustainable form of development. As such, in accordance with para 14 of the NPPF, the proposal should be approved without delay. Therefore, subject to the receipt of outstanding consultation comments, a recommendation of approval is made subject to conditions, informatives and Heads of Terms for POS and ROS (details to be confirmed), secured via a s106 Agreement.

RECOMMENDATION Approve subject to s106 Agreement

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.

1. A02LS - Submission of landscaping scheme
2. A04LS - Landscaping (implementation)
3. A03FP - Complies with development plan
4. A01AP - Development in accord with approved plans
5. A02EX - Submission of samples of building materials
6. A01GR - Removal of permitted development rights
7. A22GR - Protection from noise during construction (hours of construction)
8. A03HA - Vehicular visibility at access (dimensions)
9. A06HP - Use of garage / carport
10. Foul Water Drainage
11. Surface Water Drainage
12. Electric Vehicle Charging Sockets
13. Phase 1 Investigation Required
14. Contam land
15. Breeding birds
16. Dust control
17. Contaminated Land
18. Pile foundations



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Application No: 15/2861M

Location: 17, FLETSAND ROAD, WILMSLOW, CHESHIRE, SK9 2AD

Proposal: Demolish existing property. Construct replacement dwelling with integral garaging and associated works.

Applicant: Mr & Mrs Sihan

Expiry Date: 21-Aug-2015

SUMMARY

This application is for the demolition of the existing dwelling and the erection of a replacement dwelling.

It is considered that the proposed development is acceptable in design terms and has an acceptable impact on the character and appearance of the Low Density Housing Area and an acceptable relationship with the street-scene; has a limited and acceptable degree of impact on the amenities of neighbouring properties and raises no significant forestry, landscaping or ecological issues.

RECOMMENDATION: Approve, subject to conditions

REASON FOR REPORT

This application has been called in to committee at the request of Cllr Rod Menlove on the 10th July due to concerns raised in respect of *'changing the character of this established residential area'*.

DESCRIPTION OF SITE AND CONTEXT

The application site is located in a residential area which contains a range of house types but is defined by large detached properties set in sizeable grounds. Like the application site, there have been a number of other schemes involving larger replacement dwellings.

The site is surrounded by residential properties on all sides. The site is located within a Predominantly Residential Area and Low Density Housing Area as defined in the Local Plan and there are Protected Trees within/around the site. The Low Density Housing Area designation covers Fletsand Road, Torkington Road, Sherbrook Rise and some of the properties along Macclesfield Road.

The site measures approx. 37m wide at the road frontage with an approx. depth of 50m. The plot widths in the area vary from around 17m to 45m, though most are within the range of 25m to 30m. The ridge heights of dwellings in the area range from around 7.5 to 10.5m. The ratio of building to plot ranges from around 15% to 30%. The distances between the properties and the side boundaries range from approx. 3m to 40m, with a distance of 3m being considered to be the acceptable minimum.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing dwelling and the erection of a replacement two storey dwelling with integral triple garage.

RELEVANT HISTORY

None

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 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Landscaping)
DC9 (Tree Protection)
DC38 (Guidelines for space, light and privacy for housing development)
NE11 (Nature Conservation)
H13 (Protecting residential areas)

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

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)

National Policy:

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

Of particular relevance are paragraphs 1, 4, 5, 6, 7, and 10.

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)

SD1 (Sustainable Development in Cheshire East)
SD2 (Sustainable Development Principles)
SE1 (Design)

CONSULTATIONS (External to Planning)

Forestry: awaiting final comments

Nature Conservation: no objections subject to conditions

Environmental Health: no objections subject to conditions

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council: *‘whilst not directly recommending refusal Wilmslow Town Council’s Planning Committee felt that these proposals are bordering on being an overdevelopment of the site and requested that the Planning Officer takes these concerns into consideration’.*

OTHER REPRESENTATIONS

Representations from 11no. different properties have been received. A summary of these can be viewed below:

- Over development of the site, contrary to policy H12 of the Local Plan relating to low density housing.
- Impact on neighbour’s amenity.
- Also contrary to policies H13, BE1 and DC1 of the Local Plan.
- Concerns over the impact on the protected trees.
- Out of character.
- Loss of privacy to number 15, adjacent to the site.
- The character of the area is being eroded due to all the development along Fletsand Road.
- Loss of privacy to the property at the rear, number 20 Torkington Road.

APPLICANT’S SUPPORTING INFORMATION

The applicant has submitted a Tree Survey, Design and Access Statement and an Ecological Appraisal. Details of these can be viewed on the electronic file.

During the course of the application the applicant submitted a response to the representations received by the council. In summary, the response stated the following:

- The proposal would take up only 26% of the site, as opposed to number 20 Torkington Road – 40%, 20 Fletsand Road – 43%.
- The ridge height is comparable to the adjoining properties and lower than 20 and 22 opposite.
- The proposals would fit into the context of the area with very large houses a key feature of the area.

OFFICER APPRAISAL

Key Issues

- Design and impact on the character and appearance of the area, including the street-scene
- Impact on the amenity of neighbouring properties
- Landscaping, protected trees & nature conservation

Principle of Development

The principle of the proposed is acceptable, subject to adhering to relevant Development Plan policies.

Design/impact on the character of the street scene and impact on the low density housing area

The proposed property would be two storey in height with accommodation within the roofspace and would contain 5no. bedrooms. The property would contain front and rear gables with relatively large glazed openings at first floor on both the front and rear elevations. The front of the property has been set back slightly further from the road than the existing dwelling in order to overcome any potential conflicts with the protected trees to the front. This enables a significant setback from the road of over 14m which, along with the extensive screening to the front provided by the protected trees, would prevent the proposal from being prominent in the street scene.

Both plots have sufficient turning areas. The plot width is approximately 37m with the proposed width of the property 23m. The ridge height would be approximately 9.8m. The ratio of building to plot is approximately 28%. The distance between the proposed dwelling and the boundary to number 15 is approximately 3.7m at the closest point with the distance to the dwelling at number 15 approximately 20m from the proposed side elevation with an outbuilding to number 15 between the two dwellings. The distance to the boundary with number 19 is approximately 4.7m at the front reducing to approximately 2.5m at the rear due to the angled boundary. The distance between the proposed dwelling and the dwelling at number 19 is over 20m. The inspector for a recent appeal in 2012 (APP/R0660/A/13/2193023) on a nearby site noted that a distance of 3m to the boundary would *'be sufficient to maintain a sense of spaciousness commensurate with the space to the side of other properties in the area'* and *'the building to plot ratio therefore would ... rise to around 30'* which was not found to be excessive or to compromise the principles of the Low Housing Density Area.

Concerns over the compliance of the proposal with policy H12 have been raised by neighbours. The building to plot ratio would increase, however the area to the front of the property would remain as a parking area and the space to the rear as a garden. The site is located within a Low Density Housing Area and a single replacement dwelling would retain the existing density levels.

Overall, it is considered that the design is acceptable and that the proposal has an acceptable impact on the character and appearance of the area and an acceptable relationship with the

street-scene. The proposed accords with relevant policies that relate to design/impact on the area, i.e. BE1, DC1, H12 and H13.

Amenity

Various representations have been received expressing concern over the impact on neighbouring residential amenity. Policies of relevance are H12, H13, DC3 and DC38 and include elements to protect the residential amenities of the occupiers of neighbouring properties.

Policy DC38 provides guidance on distances that should normally be achieved between buildings in respect of space, light and privacy. For two-storey properties the desired distance between front to front of dwellings is 21m and back to back of dwellings is 25m. It is considered that in respect of the Low Density Housing Area these distance standards at least should normally apply.

The distance between the neighbours to the front and rear of the property more than exceed these distances with the dwellings to the side positioned approximately 20m from the proposed dwellings. The side elevation of the proposed dwelling facing number 15 contains windows at first floor and in the loft. Number 15 contains a swimming pool to the side of the property, close to the boundary with the application site. Due to the potential overlooking of number 15 from windows on the side elevations of the proposal at first and second floor it is suggested that an obscure glazing condition be attached to the side windows facing number 15.

The orientation of the proposed dwelling and distance from number 19 on the opposite side, together with the boundary screening means that an obscure glazing condition is not considered to be necessary on the side windows facing number 19. There are no side windows to habitable rooms on the side elevation of number 19 facing onto the application site.

Subject to conditions it is considered that the impact on the amenity of the neighbouring properties is acceptable and would accord with policies DC3 and DC38 of the Local Plan.

Forestry/landscaping/ecological issues

The Arboricultural Officer initially requested further information from the agent in the form of an amended site layout in order to allow for mitigation of the protected tree. A Tree Report and amended site plan was submitted on 21 October 2015. Comments are awaited from the Forestry Officer and will be added as an update when received.

Although details of landscaping and boundary treatment have not been submitted, should the application be approved such details can be required via conditions. Hence, it is considered that there are no landscaping issues that would prevent the application being approved.

As noted above, the Nature Conservation Officer is satisfied that the proposed development does not raise any ecological issues.

Bearing these factors in mind, subject to confirmation from the Arboricultural Officer that there are no tree issues, it is considered that the proposed does not create any significant landscaping or ecological issues and accords with policies H12 (point 5 - existing tree and ground cover of amenity value should be retained), DC8, DC9, NE11, H12 and H13.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Representations have been taken into consideration. However, in assessing the detail of the application it is considered that the proposed development is acceptable in design terms and has an acceptable impact on the character and appearance of the Low Density Housing Area and an acceptable relationship with the street-scene; has a limited and acceptable degree of impact on the amenities of neighbouring properties and raises no significant forestry, landscaping or ecological issues.

Bearing all the above points in mind, it is considered that the proposed accords with all relevant Development Plan policies and as such it is recommended the application be approved, subject to relevant conditions.

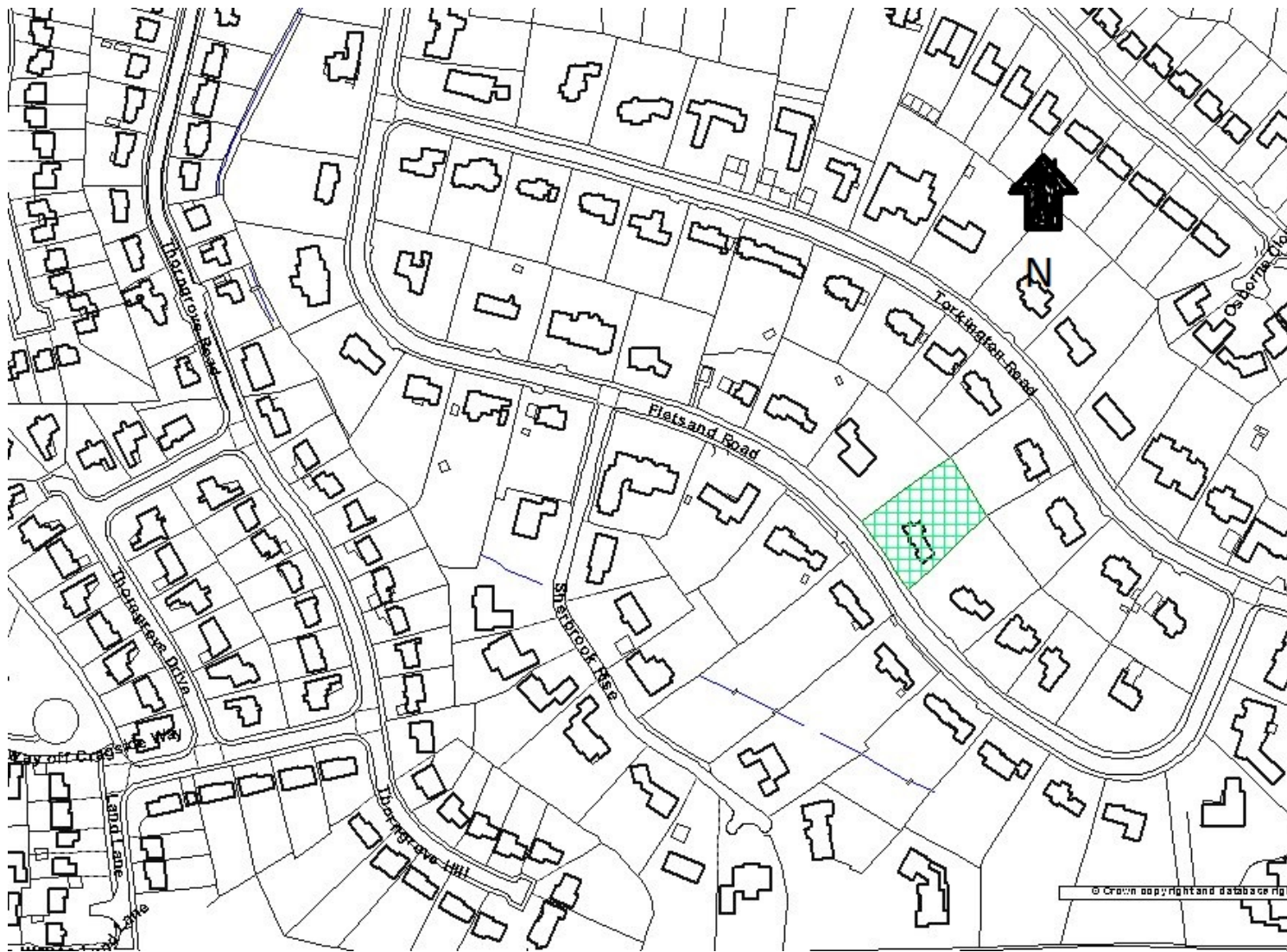
RECOMMENDATION Approve subject to conditions

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A04LS - Landscaping (implementation)
5. A01LS - Landscaping - submission of details
6. A02TR - Tree protection
7. A01GR - Removal of permitted development rights
8. A25GR - Obscure glazing requirement
9. Arboricultural works in accordance with Arboricultural Statement



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Application No: 15/2056M

Location: 2, UNION STREET, MACCLESFIELD, SK11 6QG

Proposal: Conversion of first floor office space to residential. Construction of additional two floors of residential accommodation.

Applicant: Mr Christian Lynn

Expiry Date: 04-Aug-2015

SUMMARY:

The proposed development seeks the addition of two storeys to the existing building and the addition of 14 apartments. The existing A1 use (currently Topps Tiles) would remain on the ground floor. As the proposal falls within the settlement boundary of Macclesfield, this form of development is acceptable in principle. It is not considered that the proposal will have a detrimental impact on residential amenity, or highway safety. Following the receipt of revised plans, it is now considered that the design, scale and massing of the proposal are acceptable.

RECOMMENDATION:

Minded to Approve (Subject to submission of a satisfactory air quality assessment and possible Section 106 Agreement in lieu of open space)

REASON FOR REPORT

The application is for 14 residential units and is therefore, classed as a major application.

DETAILS OF PROPOSAL

The application seeks Full Planning Permission for conversion of the existing first floor office space to residential and construction of an additional one floor of residential accommodation.

DESCRIPTION OF SITE & CONTEXT

The application relates to a two storey detached building constructed out of facing brick, under a corrugated metal roof. The building is simple and utilitarian in appearance. Currently, the ground floor is occupied by Topps Tiles and the first floor is vacant. The building is located in a Mixed Use Area and there is a plethora of other commercial/retail uses in the locality, which are interspaced with residential properties. The site currently has a large car park at the

front which will be maintained for Topps Tiles and located to the rear is a smaller car park, which can accommodate 15no. Vehicles, with access off Elizabeth Street. The application site is located wholly within the Macclesfield settlement boundary.

RELEVANT HISTORY

37617P – Industrial Building – Approved – 12th July 1984

44922P – New Development to Form Electrical Warehouse and Storage – Approved – 18th June 1986

46329P – Illuminated Shop Sign – Refused – 28th August 1986

46796P – Illuminated Shop Sign – Approved – 13th November 1986

98/1618P – Non-Illuminated Fascia Sign – Approved – 9th October 1998

NATIONAL & LOCAL POLICY

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This is repeated in the NPPF (para 2).

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

National Policy/Guidance

National Planning Policy Framework (NPPF)

The NPPF states that

The purpose of the planning system is to contribute to the achievement of sustainable development. (para 6)

And, at the heart of the NPPF

...is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. (para 14)

For decision-taking this means

...approving development proposals that accord with the development plan without delay...and

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

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

Sustainable development includes economic, social and environmental roles (para 7)

Para 47 of the NPPF states that Local Planning Authorities should “...boost significantly the supply of housing...” Furthermore,

Para 49 of the NPPF states that

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

Additional sections of the NPPF of particular relevance to the appraisal and determination of the application are:-

- Part 1 - Building a strong, competitive economy
- Part 3 - Supporting a prosperous rural economy
- Part 4 - Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Part 7 - Requiring good design
- Part 8 - Promoting healthy communities
- Part 10 - Meeting the challenge of climate change, flooding and coastal change
- Part 11 - Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

The NPPG came into force on 6th March 2014, replacing a range of National Planning Policy Guidance Notes and complimenting the NPPF.

Local Policy - Development Plan

Macclesfield Borough Local Plan – saved policies (MBLP)

Since publication of the NPPF the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The saved Local Plan policies considered to be most relevant are outlined below:

- NE11 (Nature conservation)
- BE1 (Design guidance)
- H1 (Housing phasing)
- H2 (Environmental quality in housing developments)
- H5 (Windfall housing sites)
- H13 (Protecting residential areas)
- T1 (Integrated transport)
- T2 (Support provision of public transport)
- DC1 (High quality design for new build)

- DC2 (Extensions and alterations)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Circulation and access)
- DC8 (Landscaping)
- DC38 (Space, light & privacy)
- DC63 (Contaminated land)
- E11 (Mixed use areas)
- MTC7 (Redevelopment areas – west of Churchill Way)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- SP1 (Supporting economic prosperity by creating conditions for business growth)
- SP2 (Creating sustainable communities)
- SP3 (protecting and enhancing environmental quality)
- SP4 (Reduce the need to travel, manage car use, promote more sustainable modes of transport).
- IMP1 (Presumption in favour of sustainable development)
- PG6 (Spatial distribution of development)
- SD1 (Sustainable development in Cheshire East)
- SD2 (Sustainable development principles)
- IN1 (Infrastructure)
- IN2 (Developer contributions)
- SC3 (Health & well-being)
- SC4 (Residential mix)
- SE 1 (Design)
- SE2 (Efficient use of land)
- SE3 (Biodiversity and geodiversity)
- SE4 (Landscape)
- SE5 (Trees, hedgerows and woodland)
- SE7 (Historic environment)
- SE12 (Pollution, and contamination and land instability)
- SE 13 (Flood Risk and water management)
- C01 (Sustainable travel & transport)

Other Material considerations:

Interim Planning Statement: Affordable Housing - February 2011

Strategic Market Housing Assessment (SHMA) - Up-date September 2013

Strategic Housing Land Availability Assessment (SHLAA) - January 2013

CONSULTATIONS

Housing: Objected originally, as the proposals included no detail of affordable housing, however the proposals have now been reduced to 14 units, which is below the threshold where there is a requirement for affordable housing.

Archaeology: No objections

Environmental Health: No objections, subject to the imposition of conditions relating to dust control, floor floating, days/hours of construction, noise mitigation scheme and waste provision.

Air Quality: Submit an Air Quality Impact Assessment, or provide details relating to Mechanical Ventilation Recovery and Heat Recovery.

Contaminated Land: No objections

Highways: No comments have been received at the time of writing this report.

Greenspace: No comments have been received at the time of writing this report.

Macclesfield Civic Society: Support the creation of new residential accommodation in and adjacent to the town centre subject to achievement of good design and reasonable standards of amenity for existing and prospective occupiers. The building is in a prominent position when viewed from Churchill Way but, as stated, is somewhat bland and uninteresting. The proposed design would make a more positive contribution to the area subject to the LPA being satisfied regarding bulk, mass and scale. The Society does not consider that the proposed building would be over dominant given the character of adjacent development. The provision with regard to parking for occupiers and noise attenuation measures appear satisfactory though no doubt this will be assessed in due course.

REPRESENTATIONS

No letters of representation received

VIEWS OF PARISH/TOWN COUNCIL

No comments received

APPLICANT'S SUPPORTING INFORMATION

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

- Design & Access Statement;
- Noise Survey

OFFICER APPRAISAL

Key Issues

- Principle of the development
- Design/impact on the area
- Impact on neighbouring residential amenity
- Highways safety
- Ecological, Arboriculture and Landscape issues
- Environmental Health matters (noise, air quality, and contaminated land)
- Housing land supply
- Sustainability
- Planning balance

ENVIRONMENTAL SUSTAINABILITY

Principle of the development

The site is in Macclesfield Town Centre (as identified in the Local Plan). As such the principle of change of use of the first floor to C3 residential use is acceptable. The relevant policies MTC7 and E11 both allow for C3 use and so the change of use would be appropriate in principle. The provision of sustainable town centre accommodation should be encouraged.

Design/impact on the area and the street-scene

Guidance advocated within NPPF supports a mix of housing within areas. Policy BE1 (Design Guidance) is broadly in accordance with this guidance but places greater emphasis on the impact to the street scene and encouraging development, which respects the character, pattern and form of development within the area.

As a matter of fact, the NPPF states *'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'* (paragraph 64).

However, the NPPF clearly states that *'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'* (paragraph 60).

The proposed development consists of converting the existing first floor into residential accommodation and erecting an additional storey. The proposed development will retain the existing commercial/retail uses at ground floor level.

It is noted that the majority of properties within the immediate locality are two storeys high, which are punctuated at sporadic intervals with three storey high buildings. The site is located immediately adjacent to a roundabout and is viewed as one travels down the adjoining Churchill Way. It is considered that the scale, bulk and massing of the proposal would now appear acceptable as a more conventional design solution is now proposed that accords with the local context. Overall, it is considered that the design of the proposed development now complies with policies DC1, DC2 of the Local Plan and advice enunciated within the NPPF.

Highways

According to the submitted plans there are 15no. car parking spaces. There is sufficient space for vehicles to maneuver, so that they can access/egress the site in a forward gear. The proposal is for 15no. apartments and as such the amount of car parking equates to 100%. Furthermore, guidance within the NPPF notes that developers should not be required to provide more car parking than they, or potential occupiers might want, nor to provide off-street car parking when there is no need, particularly in urban areas where public transport is available, or there is a demand for car-free housing. It is considered that the application site represents a sustainable edge of centre location, where services are readily accessible by walking, cycling or public transport. The property is situated close to Macclesfield Town Centre and close to both bus and train links. The development proposed is in a sustainable location. Furthermore, the town centre and the railway station are in close proximity to the site.

Drainage

The application forms state that foul sewerage will be disposed of via the mains sewer, and that it is proposed that the development will be connected to the mains sewer, which will be via the existing conditions.

Impact on Residential Amenity

The physical effect of the development upon the amenity of adjacent properties and the future occupiers of the proposed dwelling by reason of overshadowing, overlooking, visual intrusion, and odour or in any other way is a key consideration.

The closest residential property to the site is located on Elizabeth Street, which is located approximately 28m away at its closest point, which would broadly comply with policy DC38 of the Local Plan. As such it is considered that the impact of the proposal on the amenity of surrounding properties would be acceptable. The proposed development accords with policies H13, DC3 and DC38 of the Local Plan.

Environmental health matters (noise, air quality, and contaminated land)

The Environmental Protection Team note the noise impact assessment report submitted with the application (Dynamic Response, dated March 2015). The report recommends that a noise mitigation scheme is designed into the conversion / construction, including the provision of effective glazing, and ventilation scheme to the apartments and acoustic fencing to the roof top garden. The scheme is designed to ensure that the future occupants of the proposed flats are provided with an adequate level of protection from traffic noise on Churchill Way and Union Street. Colleagues in Environmental Health have been consulted and recommend that the noise mitigation measures, which are recommended in the report, are implemented prior to the use of the development / first occupation. The noise mitigation measures should be maintained throughout the use of the development and this will be conditioned accordingly, in the event that planning permission is approved.

Air Quality

The development is located in close proximity to Churchill Way which is a relatively busy road through the centre of Macclesfield. Due to this, an Air Quality Assessment is required and the applicant has commissioned a survey. The application is recommended as minded to approve subject to satisfactory details being submitted.

Greenspace

As noted above, formal comments are awaited from the Open Space Officer. However, it is anticipated that some commuted sum may be required for Public Open Space and Recreation Outdoor Space due to the number of units and bedrooms but any request would be reported. The proposal accords with policy DC40 of the Local Plan.

ECONOMIC SUSTAINABILITY

The development will provide economic benefits in respect of a) employment during the construction phase, b) use of local services by employees during the construction phase and c) future incumbents of the apartments will contribute to the local economy as a result of using the services and facilities in the area.

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 Agreement satisfy the following:

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

The commuted sum in lieu of public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development is to provide 14no. dwellings, the occupiers of which will use local outdoor space facilities, as there is no open space provision on site. As such, there may be a need to upgrade/enhance existing facilities and thus 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 proposed.

PLANNING BALANCE, CONCLUSION & RECOMMENDATION

The proposed development would be sited within the settlement boundary of Macclesfield, and is acceptable in principle subject to satisfactory submitted information on air quality. It is considered that the proposal would have a positive impact on this area of the town centre and complies with the Macclesfield Borough Local Plan and advice advocated within the National Planning Policy Framework.

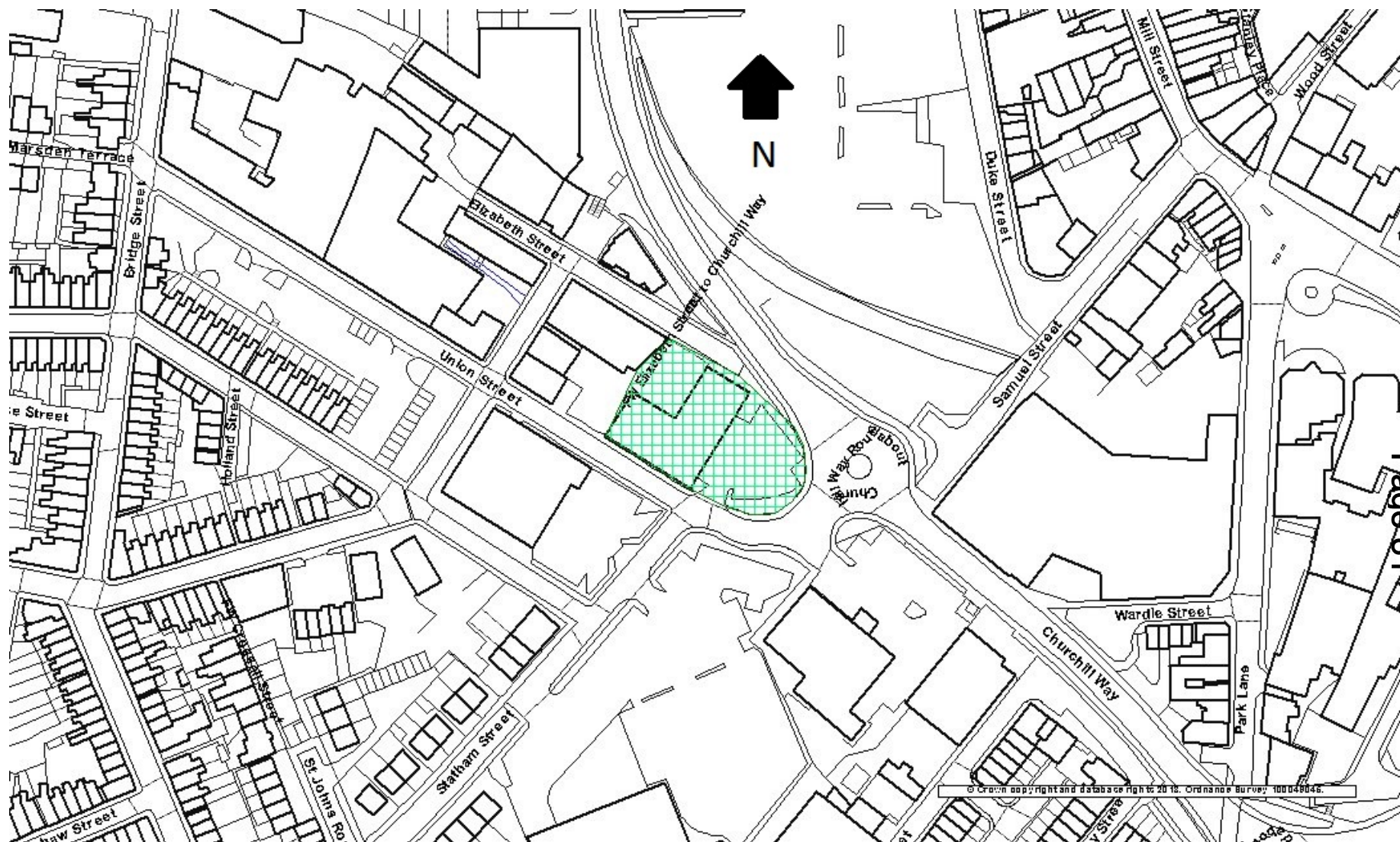
RECOMMENDATION Minded to Approve

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. A22GR - Protection from noise during construction (hours of construction)
5. NPPF
6. Noise
7. Bin
8. Floor Floating
9. Dust



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Application No: 15/4086M

Location: 22, 24, 26 & 36 CASTLE STREET, 25, 25B & 25C CASTLE STREET MALL, MACCLESFIELD, CHESHIRE.

Proposal: Variation of conditions 3, 4 and 8, Discharge of conditions 6 and 7 on approved 13/3082M - Internal and external alterations to the original former Cheshire Building Society (no. 36 Castle Street) together with the demolition of the majority of the subsequent extensions to the building and the change of use of the ground floor from offices (Class B1(a)) to 2 no. flexible use units (Classes B1(a), A1, A2, A3 and/or A4). Demolition of retail units at no.'s 22, 24 & 26 Castle Street and no.'s 25, 25B & 25C Castle Street Mall (forming part of the Grosvenor Shopping Centre) to facilitate the redevelopment of a two storey building (plus roof top plant area) to adjoin the redeveloped former Cheshire Building Society and provide 4 no. retail (Class A1) units, erection of replacement canopy above Castle Street Mall, formation of 5 no. car parking spaces, external alterations and associated works.

Applicant: Mr John Sullivan

Expiry Date: 08-Dec-2015

SUMMARY

The proposed alterations to the plans are considered to be a series of minor material amendments. The development is considered not to be substantially different to the approved scheme. The proposed changes are considered to be acceptable and in line with relevant local and national planning policies.

RECOMMENDATION

Approve, subject to conditions

REASON FOR REPORT

The application site measures approximately 2982 sq. m. The types of application to be determined by the Northern Planning Committee, in accordance with the scheme of delegation, includes small scale major development such as: *“retail or commercial/industrial or other floorspace of between 1,000 - 9,999 square metres or between 1ha – 2 ha”*.

SITE DESCRIPTION

The application site measures approximately 2982 sq. m. It comprises a three to four storey B1 office building (former Cheshire Building Society premises) located at the junction of Churchill Way and Castle Street in Macclesfield Town Centre and a two storey section of the

Grosvenor Centre in the south west corner which lies adjacent to the former Cheshire Building Society premises.

The section of the Grosvenor Centre included within the site boundary comprises five ground floor retail units with storage and servicing above, plus a projecting canopy above and the entrance into the Grosvenor Centre taken from Castle Street. At the time of the previous submission all of the retail units were occupied. Now, the large unit previously occupied by Argos is vacant as is the smaller unit previously occupied by Johnsons dry cleaners.

The entire site lies within the designated Primary Shopping Area, an area of archaeological potential and adjacent to the High Street Conservation Area. The building formerly occupied by Cheshire Building Society is also a locally listed building.

RELEVANT HISTORY

The former Cheshire Building Society premises were constructed circa 1927 and the Grosvenor Centre was constructed latterly around 1970. There have been numerous historic applications relating to the site, however, the following applications are relevant:

- 13/3082M Internal and external alterations to the original former Cheshire Building Society (no. 36 Castle Street) together with the demolition of the majority of the subsequent extensions to the building and the change of use of the ground floor from offices (Class B1(a)) to 2 no. flexible use units (Classes B1(a), A1, A2, A3 and/or A4). Demolition of retail units at no.'s 22, 24 & 26 Castle Street and no.'s 25, 25B & 25C Castle Street Mall (forming part of the Grosvenor Shopping Centre) to facilitate the redevelopment of a two storey building (plus roof top plant area) to adjoin the redeveloped former Cheshire Building Society and provide 4 no. retail (Class A1) units, erection of replacement canopy above Castle Street Mall, formation of 5 no. car parking spaces, external alterations and associated works. A/C 07-Aug-2014
- 12/2073M Change of Use of Ground and First Floors of no. 36 Castle Street from Office (Class B1) to Retail (Class A1), Internal Subdivision and Alterations Together with the Demolition of Retail Units nos 22, 24 and 26 Castle Street and nos 25, 25B, 25C Castle Street Mall to Facilitate the Development of a Two Storey Building to Adjoin no.36 Castle Street for the Provision of Three Retail Units (Ground and First Floor) with Offices Above (Second Floor), External Alterations and Associated Works. Approved with conditions 23-Aug-2012
- 12/4532M Removal of Condition 5 (Servicing Plan), 6 (Films/Transfers) and 7(Renewable Energy Measures) on Planning Application 12/2073M - Change of Use of Ground and First Floors of no. 36 Castle Street from Office (Class B1) to Retail (Class A1), Internal Subdivision and Alterations Together with the Demolition of Retail Units nos 22, 24 and 26 Castle Street and nos 25, 25B, 25C Castle Street Mall to Facilitate the Development of a Two Storey Building to Adjoin no.36 Castle Street for the Provision of Three Retail Units (Ground and First Floor) with Offices Above (Second Floor), External Alterations and Associated Works. Approved with conditions 22-Feb-2013

POLICY

Macclesfield Borough Local Plan, saved policies

BE1 (Design Guidance)
BE2 (Preservation of Historic Fabric)
BE20 (Locally Important Buildings)
DC1 (New Build)
DC2 (Design Quality of Extensions and Alterations)
DC3 (Protection of the Amenities of Neighbouring Properties)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Trees)
DC38 (Spacing Standards)
NE11 (Nature Conservation)
S1 (Town Centre Shopping Development)
S2 (New Shopping Development)
PDC3 (Secondary Shopping Area)

Other Material Considerations

Ministerial Statement – Planning for Growth
National Planning Policy Framework
National Planning Practice Guidance
Locally Listed Buildings SPD
Poynton Town Strategy
SPD for Poynton
Planning Obligation SPG
CE Local Plan Strategy – Submission Version (May 2014)

CONSULTATIONS

Conservation Officer: the changes required on 15/4086M are acceptable for this building

VIEWS OF THE PARISH/TOWN COUNCIL

Macclesfield Town Council:

- i. That in relation to Condition 3, this should be upheld for the preservation of historic significance and that any amendments require detailed plans to be submitted for consideration.
- ii. That in relation to condition 4, this should be upheld (not amended) for the preservation of historic significance.
- iii. That in relation to condition 8, this should be upheld (not amended) for the preservation of historic significance.

REPRESENTATIONS

A press advert was placed in the local newspaper with a deadline for comments of 15th October 2015. No comments have been received to date.

APPRAISAL

The key questions are essentially 1) whether or not the proposed changes are considered to be minor material changes, such that the scale and nature of the proposed development is not substantially different to the approved application 13/3082M; and 2) whether the proposed changes have any material impact that would result in a different decision being reached to that previously reached.

Bearing the above in mind, given the size, scale and nature of the proposed amendments it is considered that the proposed is a minor material amendment and that the resultant development is not substantially different to the approved scheme.

As the proposal includes a series of minor material amendment it is considered that there is no additional, significant, impact over and above the approved scheme, in respect of the issues previously considered (i.e. heritage assets, highways safety, neighbour amenity, character and appearance of the area, arboricultural/landscape and ecological issues) or any other matters. In respect of these issues the proposed changes are compliant with the relevant Local Plan policies and national guidance.

PRINCIPLE OF DEVELOPMENT

It is permissible, under section 73 of the Town and Country Planning Act 1990, for an application to be made to the LPA to vary the plans condition of a planning permission, where the aim is to make a 'minor material amendment' to the approved plans.

A 'minor material amendment' is one whose scale and nature results in a development which is not substantially different from the one which has been approved.

The principle of the development has already been accepted. Any changes in national policy/guidance or other material considerations since approval of the original application need to be taken into account.

It is noted that there have not been any significant policy/guidance changes or other significant material considerations since the determination of application 13/3082M.

PROPOSAL

The application seeks primarily to vary condition 3 (approved plans) on approved application 13/3082M, which gave approval for: *"Internal and external alterations to the original former Cheshire Building Society (no. 36 Castle Street) together with the demolition of the majority of the subsequent extensions to the building and the change of use of the ground floor from offices (Class B1(a)) to 2 no. flexible use units (Classes B1(a), A1, A2, A3 and/or A4). Demolition of retail units at no.'s 22, 24 & 26 Castle Street and no.'s 25, 25B & 25C Castle Street Mall (forming part of the Grosvenor Shopping Centre) to facilitate the redevelopment of a two storey building (plus roof top plant area) to adjoin the redeveloped former Cheshire Building Society and provide 4 no. retail (Class A1) units, erection of replacement canopy above Castle Street Mall, formation of 5 no. car parking spaces, external alterations and associated works"*.

Information submitted with the application sets out the detailed amendments. In summary the proposed alterations to the approved details include:

- The inclusion of an internal substation with new doors to access the substation;
- Scale of planter revised (enlarged) and the omission of 3 no. parking bays off Churchill Way;
- Building infill added;
- Existing building cut back;
- Elevation setting out and shop front alterations;
- Glass canopy on the Castle Street entrance scaled back;
- Escape door revised;
- Service deck amended;
- Plant area, staircase hatch and walkway added;
- Stair added;
- Existing retained building floors amended;
- Roof construction revised;
- Opaque infill to windows;
- Parapet level amended and fall arrest added; and
- Measured survey information added.

The applicants' agent is therefore requesting the substitution of the plans on application 13/3082M for those submitted with the current application. These plans are as a result of detailed discussions with the future occupiers of the units and their operational requirements.

In terms of condition no. 4 & 8, the applicant's agent is requesting variation of the wording of these two conditions, in respect of the timing of the works.

VARIATION AND REMOVAL OF CONDITIONS

In terms of condition no. 4 & 8, the applicant's agent is requesting variation of the wording of these two conditions, in respect of the timing of the works.

Condition 4 as approved under application 13/3082M reads:

"Prior to the commencement of development detailed cross sectional drawings of the windows to a scale of 1:20 shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans".

The suggested wording put forward by the agent to vary the condition was:

"Prior to construction, detailed cross sectional drawings of the windows to a scale of 1:20 shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans."

The "prior to construction" suggested by the agent is considered to be too ambiguous. As such, the suggested wording for Members to consider is:

Prior to first implementation of any of the new windows hereby approved, detailed cross sectional drawings of the windows to a scale of 1:20 shall be submitted to and agreed in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans

Condition 8 as approved under application 13/3082M reads:

"Prior to commencement of development, details of finish and construction materials for rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details."

The suggested wording put forward to vary the condition was:

"Prior to construction, drainage details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details."

Similarly, the "prior to construction" suggested by the agent is again considered to be too ambiguous. As such, the suggested wording for Members to consider is:

Prior to first installation of any new drainage, drainage details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Information has been submitted in terms of the discharge of condition no. 6 & 7. If Members are satisfied that this information fulfills the requirements of these conditions, they can be omitted from any new Decision Notice.

Condition no. 6 on approval 13/3082M reads:

"Prior to commencement of development, details of finish and construction materials for rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details".

The agents supporting statement notes that "due to the construction and design of the building, both existing and proposed, there will be no visible rainwater goods. The design of the replacement building is such that parapet walls extend slightly above the roof edge to hide the roof, as shown on the submitted drawings. As the gutters are formed at the junction, but behind the parapets, they cannot be seen unless you are on the roof. The downpipes are located internally within the building and thus are also not visible".

Condition no. 7 on approval 13/3082M reads:

"Prior to the commencement of any internal alterations details of a photographic record of the internal subdivisions of the building shall be submitted to the Local Planning Authority".

A Photographic Record accompanies the application, which includes in excess of 300 photos photographs of the interior of the building, annotated floorplans accompany the photographs. This is considered to be a comprehensive record of the internal subdivisions of the building. Accordingly, this objective of this condition has been met.

Other Matters

In response to the points raised by Macclesfield Town Council, firstly the applicant is seeking a series of minor alterations to a previously approved consent. The amendments are considered acceptable both in terms of the impact on the locally listed building and in terms of prevailing policy.

In terms of the comments made about condition Nos 4 & 8, the application is seeking a minor variation to the wording of the conditions, to require the submission of the details necessary under the conditions to pre-construction, rather than pre-commencement. For the avoidance of doubt, the application does not seek to remove the requirements of the conditions.

SUMMARY

In summary, given the nature and scale of the proposed amendments it is considered that they are minor material amendments do not substantially alter the development from that approved. It is considered that there is no justifiable/sustainable reason why a different decision to that already arrived at on application 13/3082M should be reached. Hence, it is recommended the application to vary conditions 3, 4 and 8 and to discharge conditions 6 and 7 should be approved, subject to conditions.

Application for Variation of Condition nos: 3, 4 and 8 and the discharge of condition no's 6 & 7.

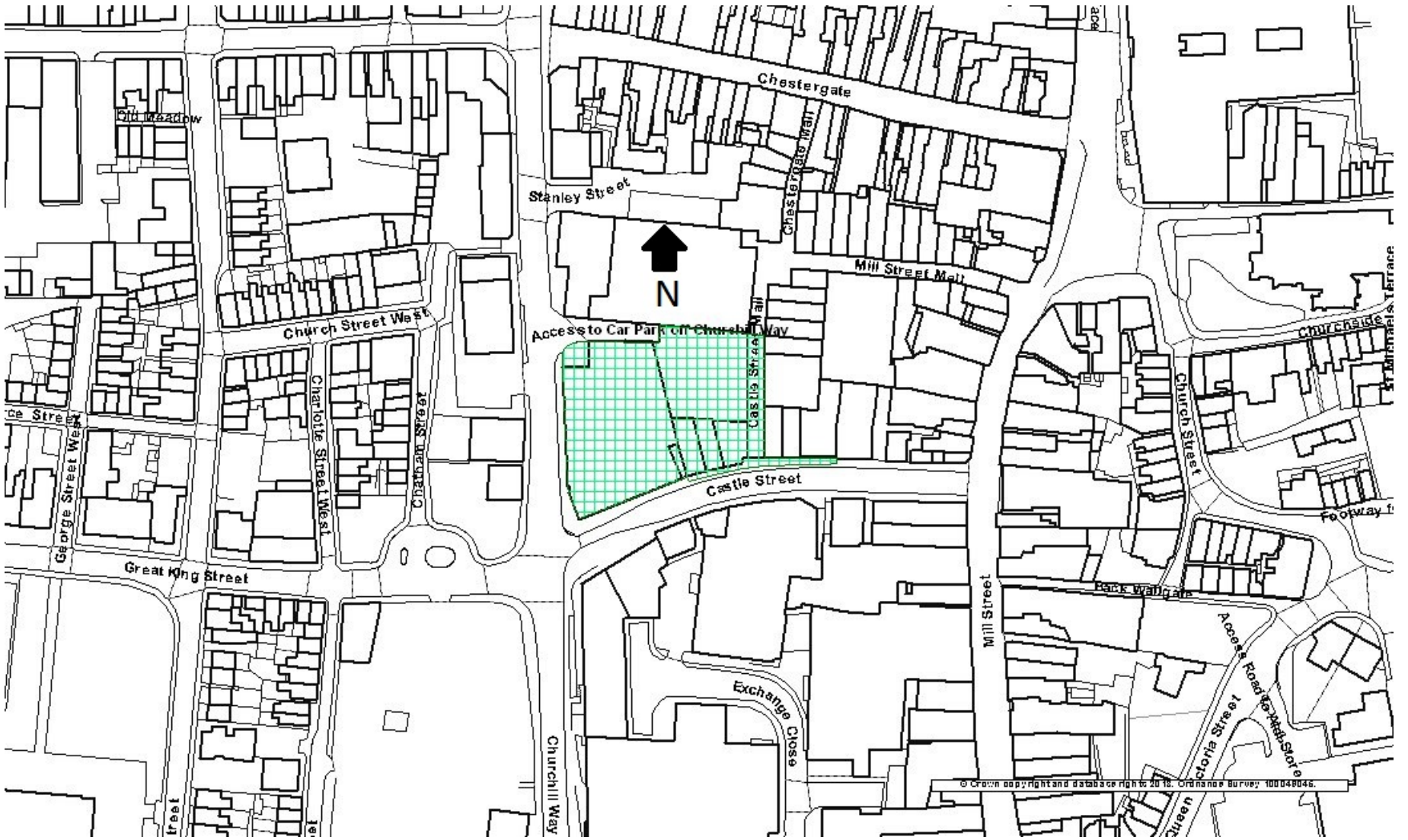
RECOMMENDATION: to approve subject to conditions

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

Application for Variation of Condition

RECOMMENDATION:

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. NPPF
5. Submission of detailed elevational and cross sectional drawings of windows
6. shop front not obscured
7. Drainage details to be submitted to and approved in writing by the Local Planning Authority
8. Environmental Management Plan



Application No: 15/4227N

Location: Upper Lightwood Green Farm, LIGHTWOOD GREEN AVENUE,
AUDLEM, CREWE, CHESHIRE, CW3 0EN

Proposal: New detached agricultural building for housing cattle

Applicant: Mr S Bailey, S N Bailey & Partners

Expiry Date: 16-Dec-2015

SUMMARY:

In terms of Local Plan Policy the principle of proposals represent an acceptable form of development within the Open Countryside.

There is a presumption in the NPPF in favour of sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

In terms of sustainability the proposal would satisfy the economic sustainability role by supporting a rural business. This should be balanced against any potential harm to the Open Countryside and residential amenity from the proposed building. The economic benefits arising from the proposal are considered sufficient to outweigh any harm caused by the proposals, and the potential harm to residential amenity and the environment can be adequately mitigated through the controls in other environmental legislation. Subject to securing appropriate planning conditions, the scheme would not give rise to any unacceptable impacts on residential amenity, or the local environment, nor would it have any adverse impacts on the landscape or any significant adverse visual impacts. As such, the scheme is considered to accord with policies within the Crewe and Nantwich Replacement Borough Local Plan, the approach of the NPPF and Cheshire East Local Plan Strategy Submission Version.

RECOMMENDATION: Approve subject to planning conditions.

REASON FOR REPORT:

The applicant is a Cheshire East Councillor and under the Council's terms of delegation, the application is required to be dealt with by Committee.

PROPOSAL:

The proposed development is to erect a new detached agricultural building for housing 200 dairy cattle, to be located to the south of the existing farm complex.

The steel construction livestock building would measure 61.15 metres in depth by 30.47 metres in width and have a maximum ridge height of 9.52 metres and eaves height of 4.94 metres, to be finished with 'Yorkshire Board' cladding and concrete panels at gable ends, with concrete panels and gated open side elevations under a fibre cement roof with GRP rooflights.

SITE DESCRIPTION:

The application site comprises a field located in the Open Countryside, as designated within the Crewe and Nantwich Replacement Local Plan 2011, to the south of the Upper Lightwood Green Farm complex, located off Lightwood Green Avenue, Audlem. The field is currently in use for agricultural purposes within the Upper Lightwood Green Farm Holdings.

RELEVANT HISTORY:

7/05181 - Steel framed silage building - Approved 29-Mar-1979

NATIONAL & LOCAL POLICY:

National Policy:

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

Of particular relevance are paragraphs 14 concerning sustainable development; and paragraph 28 concerning rural economy.

Development Plan:

Borough of Crewe and Nantwich Local Plan 2011

NE.2 – Open Countryside

NE.14 – Agricultural Buildings Requiring Planning Permission

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Drainage

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD 1 – Sustainable Development in Cheshire East
Policy SD 2 – Sustainable Development Principles
Policy SE 1 – Design

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

CONSULTATIONS

Head of Strategic Infrastructure: No Objection.

Nature Conservation: No Objection.

Environmental Health: No Objection subject to informative on hours of construction and contaminated land.

Landscape: No Objection.

Flood Risk / Drainage: No Objection subject to informative for Land Drainage Act 1991.

Parish Council: No comments received at the time of report writing.

REPRESENTATIONS:

No representations have been received at the time of report writing.

APPLICANTS SUPPORTING INFORMATION:

The application is accompanied by planning drawings and a Design and Access Statement.

APPRAISAL:

The key issues are:

- Principle of Development
- Development in the open countryside
- Landscape impact
- Drainage

Principle of Development

The site lies within Open Countryside where Policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 states that the construction of new buildings within the Open Countryside is restricted to amongst others, agriculture and forestry. The proposed building is for agricultural use therefore is considered an acceptable form of development within Open Countryside.

Policy NE.14 states that proposals for the erection of agricultural buildings will be permitted where the development is essential to the agricultural operation of the holding. A supporting statement provided within letter 'Lambert Leonard & May' farm vets highlights the need for new cubicles on grounds of animal welfare including reduced disease incidence and increased milk yields. The proposed building is required to provide additional accommodation for 200 cattle is considered necessary and essential for agricultural operation, and to maintain economic viability, by increasing milk yields, of the farm as well as for animal welfare. The building would therefore accord with Policy NE.14 in terms of its functional need.

Based on the above, it is considered that the principles of the proposals at this location are acceptable subject to the development not adversely impact upon the Open Countryside, or the residential amenity of neighbouring properties and would respect the pattern, character and form of the surroundings, in accordance with, policy NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards), BE.7 (Conservation Area) and BE.9 (Listed Buildings – Alterations and Extensions) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Economic Sustainability

Paragraph 28 of the NPPF seeks to promote a strong rural economy by supporting sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings. The proposed building by providing increased high standard accommodation for cattle would increase the efficiency of the existing dairy enterprise thereby supporting an existing rural farming business in accordance with guidance provided within the NPPF.

Environmental Sustainability

Character and Appearance

Policy NE.14 requires that the buildings be satisfactorily sited in relation to existing buildings to minimise impact on the countryside. The farm complex is set some distance south of the A525 Whitchurch Road. The Councils Landscape Officer does not anticipate any significant landscape issues as a result of the proposals. The closest public footpaths (to the south and east) are several hundred metres away. Whilst a large building, the development would be viewed against the existing farmstead. Taking into consideration the size and scale of the proposed building and its location, it is considered that as the proposed building would be satisfactorily sited in relation to the farm complex, it would not appear as a prominent, or discordant feature within the landscape. It is considered that the proposed building is of a scale and design, which is appropriate to its rural location, with proposed materials, which would match those of adjacent buildings.

Based on the above it is considered that the proposal would accord with Local Plan Policies BE.2 (Design Standards), NE.14 (Agricultural Buildings Requiring Planning Permission) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 as well Policy SE.1 (Design) of the Cheshire East Local Plan Strategy – Submission Version.

Nature Conservation

The site for the proposed building is currently used as pasture land, with no nearby ponds or trees. The Council's Nature Conservation has been consulted as part of this application and does not raise any objection to the proposals.

The proposals are considered to not adversely impact on protected species and accord with CBLP policy NR2.

Drainage and Slurry Management

The drainage details provided within submitted plan dwg no. 1960-ACJ-04, show a new 225mm surface water drain to an existing drainage system. The Flood Risk Officer was consulted as part of the application and has made no objections to the proposals. Subject to the proposed drainage being implemented, it is considered that there would be no significant impact on drainage at the farm site.

All slurry from the proposed shed would be directed to the farm's existing slurry bed located immediately to the north west of the proposed building.

Based on the above it is considered that the farm site would continue to be adequately drained and that the proposal would accord with Policy BE.4 (Drainage, Utilities and Resources) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

SOCIAL SUSTAINABILITY:

The farm is sited a good distance from any neighbouring residential property. The building would have no greater impact on neighbouring residential amenity than the existing relationship.

The proposed development is in accordance with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

PLANNING BALANCE:

It has been demonstrated by the applicant of the need and location of the proposed building that the economic sustainability of a rural business would outweigh any visual impacts on the landscape. It is therefore, considered that the proposed agricultural building is an appropriate form of development within the Open Countryside and is not considered to have a significant detrimental impact on the character and appearance of the surrounding area. The proposal would comply with the above mentioned policies and guidance provided within the NPPF, and is recommended for approval.

RECOMMENDATION

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. TIME**
- 2. PLANS**
- 3. MATERIALS**

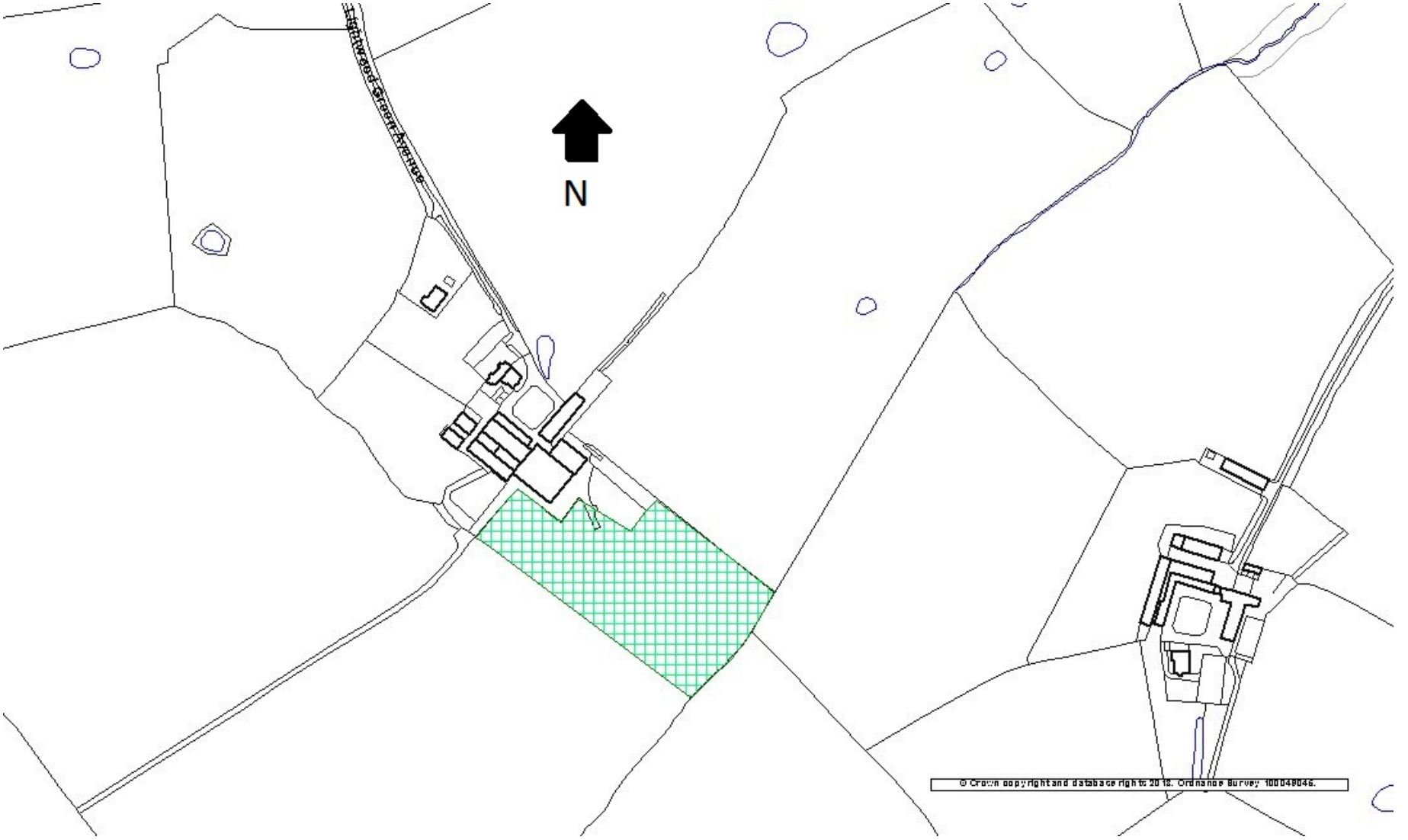
INFORMATIVE

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A02FP - Commencement of development
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. Hours of operation
5. NCLC1 Contaminated land



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Northern Area Planning Committee 4th November 2015

COMMITTEE REPORT

15/4487T

Application to fell and remove a single Cherry tree from the rear of 106 Buxton Road Macclesfield SK10 1JS

PURPOSE OF THE REPORT

To consider and determine a notification of intent to fell a single Cherry tree at 106 Buxton Road, Macclesfield SK10 1JS which is protected by its location within the Buxton Road Conservation Area. The notification has been submitted by the wife of Councillor P Findlow, and is being presented to this Committee under the Councils Constitution which states that matters relating to the preservation of trees submitted by a Councillor or immediate family member or partner, are for the Planning Committee to decide.

SUMMARY RECOMMENDATION

It is recommended that the removal of the Cherry tree is granted

WARDS AFFECTED

Macclesfield East Ward

POLICIES

Corporate Plan (Objective four)

To protect the natural, and recreational environment, for the benefit of local communities.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The Council is the Local Planning Authority and has delegated to the Planning Committee the responsibility for determining applications for works to protected trees where the applicant is a Councillor or immediate family member or partner.

RISK MANAGEMENT

Conservation Areas are designated because they have special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance. Other features including trees may also contribute to the special character of a Conservation Area. Anyone proposing to cut down or carryout work on a tree within a Conservation Area is required to give the Local Planning Authority (LPA) six weeks prior notice (section 211 Notice). The purpose of this requirement is to give the LPA an opportunity to consider whether a Tree Preservation Order (TPO) should be made in respect of the tree. Tree Preservation Orders are made to protect appropriate trees which are of public amenity, are normally visible from a public place and which may contribute to the street scene and local landscape.

CONSULTATIONS

All Tree Preservation Order applications and Conservation Area notifications are made available to Ward Members, Town and Parish Councils on the weekly planning list

VIEWS OF THE PARISH/TOWN COUNCIL

No comments have been received

OBJECTIONS/REPRESENTATIONS

None

APPRAISAL AND CONSIDERATION OF THE APPLICATION

The applicant has requested the felling of a single mature Cherry tree located within the rear garden of number 106 Buxton Road Macclesfield. A notification of intent does not require any reasons to be submitted to support the application, but the applicant has identified that the tree has damaged a boundary wall, and gate way which have had to be taken down and re-built, and the tree makes the neighbour's property very dark.

The Council's Senior Arboricultural Officer carried out a site visit on 14th October 2015 to consider whether the proposed works would have an adverse effect on the amenity of the immediate area and the Conservation Area as a whole and whether the tree should be protected by a TPO.

The identified Cherry is a mature specimen, approximately 70 years old located to the rear of the property immediately adjacent to the western garden boundary wall and 3 metres from the property's rear elevation.

The tree's roots and stem are in contact with the wall which has been structurally compromised by annual increment growth and the wall has been recently taken down and re-built. Should the tree be retained, further damage is anticipated requiring additional works and significant expenditure.

As part of the detailed site inspection the presence of a juvenile Ganoderma fungal bracket was noted on the tree's southern lower stem. Further investigation identified the section of the stem associated with the bracket was decayed and hollow.

The Cherry tree has exhausted its location presenting a particularly poor social proximity to the boundary wall, the property's rear elevation, and impacts on the external living space associated with the adjacent dwellings. In terms of amenity value, the tree is not clearly visible from any public vantage point; removal will not have a significant impact on the amenity of the immediate area, the wider landscape, or the Conservation Area

Replacement Trees

There is no duty to instigate replacement planting within a Conservation Area.

RECOMMENDATION

It is recommended that the Committee decide not to make a Tree Preservation Order and inform the applicant that the works can go ahead

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