

Northern Planning Committee

Agenda

Date: Wednesday, 13th January, 2016
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 - 10)

To approve the Minutes of the meeting held on 2nd December 2015 as a correct record.

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

4. **Public Speaking**

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. **15/3674M - 127 Wellington Road, Bollington, Macclesfield, Cheshire SK10 5HT: Proposed demolition of existing building and erection of a new building (for A1 and A3 use) for S Price, Cheshire Taverns Retirement Benefit Scheme (Pages 11 - 36)**

To consider the above application.

6. **15/2780M - Alstonfield, Castle Hill, Mottram St Andrew, Cheshire SK10 4AX: Outline application for construction of one two-storey infill dwelling with associated shared access for Mr and Mrs R Sym (Pages 37 - 46)**

To consider the above application.

7. **15/3058M - Yewtree Farm, Moor Lane, Wilmslow, Cheshire SK9 6BX: Proposed residential development of land comprising an Abattoir and ancillary buildings at Moor Lane, Wilmslow for Cheryl Wood, Stewart Milne Group Ltd (Pages 47 - 68)**

To consider the above application.

8. **15/4693M - 18 Moor Lane, Wilmslow, Cheshire SK9 6AP: First floor addition, garage conversion to new dwelling and widening the existing access off the highway for Mr Mark Curbishley (Pages 69 - 76)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 2nd December, 2015 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors C Andrew, M Beanland, E Brooks, T Fox, S Gardiner, S Gardner,
A Harewood, G Hayes, O Hunter, L Jeuda, J Macrae, N Mannion and
M Sewart (Substitute)

OFFICERS

Nicky Folan (Planning Solicitor)
Peter Hooley (Planning and Enforcement Manager)
Neil Jones (Principal Development Officer – Highways)
Nick Turpin (Principal Planning Officer)
Gaynor Hawthornthwaite (Democratic Services Officer)

72 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Hardy.

73 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application number 15/3634C Councillor G Hayes declared that he had discussed the previous two applications with the Town Council and had spoken to the applicant. As he considered that he had pre-determined the application, he would, therefore, withdraw from the meeting and take no part in the discussions or voting on this item.

The following declarations were made in the interests of openness:

In respect of application numbers 15/4406M and 15/1278M Councillor S Gardiner declared that the agents for these applications were his former employer.

With regard to application number 15/1278M Councillor C Browne declared that one of the public speakers on this item is known to him.

In respect of application number 15/4406M Councillor M Sewart declared that he knew the applicant.

With regard to application number 15/4629M Councillor M Sewart declared that he was a member of Poynton Town Council who had been a

consultee on the application and that he had not made any comments on the application or taken part in any discussions.

With regard to application number 15/1278M Councillor E Brooks declared that one of the public speakers on this item is known to her.

With regard to application number 15/1278M Councillor T Fox declared that one of the public speakers on this item is known to her.

With regard to application number 15/4629M Councillor M Beanland declared that he was a member of Poynton Town Council who had been a consultee on the application and that he had not made any comments on the application or taken part in any discussions.

74 MINUTES OF THE MEETING

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

75 PUBLIC SPEAKING

That the public speaking procedure be noted.

76 **15/4406M - ADLINGTON GOLF CENTRE, LONDON ROAD, ADLINGTON, CHESHIRE SK10 4NG: CHANGE OF USE OF LAND TO A NINE-HOLE GRADUATE GOLF COURSE WITH ASSOCIATED WORKS AND RE-ORIENTATION OF DRIVING RANGE FOR ADLINGTON GOLF CENTRE**

The Committee considered a report regarding the above application.

(Mr R Gascoigne (Agent) 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. A01LS - Landscaping - submission of details
2. A03FP - Commencement of development (3 years)
3. A01AP - Development in accord with approved plans
4. A04LS - Landscaping (implementation), including hedgerow
5. A22GR - Protection from noise during construction (hours of construction)
6. A32HA - Submission of construction method statement

7. The proposed development to proceed in strict accordance with the Great Crested Newt Reasonable Avoidance Measures.
8. Submission of a more detailed badger mitigation method statement prior to the commencement of the proposed development.
9. Breeding bird survey to be submitted
10. Development to be carried out in accordance with submitted mitigation strategy
11. Long term management plan
12. Archaeology
13. PROW

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

77 15/2887C - SANDBACH SCHOOL, CREWE ROAD, SANDBACH, CHESHIRE CW11 3NS: INTRODUCTION OF APPROXIMATELY 1000LM OF FENCING IN TARGETED AREAS ACROSS THE SITE AND 10NO. SECURITY GATES FOR DEBORAH TORJUSSEN, SANDBACH SCHOOL

The Committee considered a report regarding the above application.

(Councillor B Moran (Ward Member) and Councillor G Merry (Supporter) 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. Time limit
2. Plans
3. Access
4. Gates
5. Details
6. Piers
7. Trees
8. Landscape

9. Minimum 1.5 metres maintenance strip between fence and boundary with properties on Middlewich Road

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.

78 15/3506M - MERE COURT HOTEL AND CONFERENCE CENTRE, WARRINGTON ROAD, MERE WA16 0RW: APPLICATION FOR FULL PLANNING PERMISSION FOR ADDITIONAL PROPOSED 24 NO BEDROOM PURPOSE BUILT ANCILLARY ACCOMMODATION AND INTERNAL REMODELLING OF EXISTING COACH-HOUSE. RESUBMISSION OF APPLICATION 14/3121M FOR AILANTUS HOTELS

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

RESOLVED

That for the reasons set out in the report the application be REFUSED for the following reasons:

1. Setting of Listed Building
2. Inappropriate development in the Green Belt
3. Design

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 and 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.

79 15/3507M - MERE COURT HOTEL AND CONFERENCE CENTRE, WARRINGTON ROAD, MERE WA16 0RW: LISTED BUILDING CONSENT FOR ADDITIONAL PROPOSED 24 NO BEDROOM PURPOSE BUILT ANCILLARY ACCOMMODATION AND INTERNAL REMODELING OF EXISTING COACH-HOUSE. RESUBMISSION OF APPLICATION 14/3170M FOR AILANTUS HOTELS

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

RESOLVED

That for the reasons set out in the report the application be REFUSED for the following reason:

- Adverse impact on the curtilage Listed Building

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 and 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.

Following consideration of this application there was a 5 minute break.

**80 15/1278M - 5 HAREFIELD DRIVE, WILMSLOW, CHESHIRE SK9 1NJ:
DEMOLITION OF EXISTING BUNGALOW AND THE CONSTRUCTION
OF TWO TWO-STOREY DETACHED DWELLINGS WITH ACCESSES
FOR HERRING PROPERTIES LTD**

(The Planning and Enforcement Manager read out a representation from Councillor R Menlove (Ward Councillor), who had registered his intention to address the Committee, but was unable to attend the meeting).

(Mr S Kinsey (Objector) and Mr R Gascoigne (Agent) attended the meeting and spoke in respect of the application)

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

RESOLVED

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

The proposed development, by virtue of the scale, massing and depth of the proposed dwellings in relation to the proposed plot widths will result in an overly cramped and intrusive form of development in the street scene, out of character with the surrounding urban form. The proposal is therefore contrary to policies BE1 and DC1 of the Macclesfield Borough Local Plan and guidance in the NPPF.

81 **15/4629M - BROOKFIELD HYDRO MOTORS LIMITED, 10 LONDON ROAD SOUTH, POYNTON SK12 1NJ: APPLICATION FOR THE VARIATION OF CONDITIONS 2 (APPROVED PLANS) AND 10 (WINDOW TINTING) ON PLANNING PERMISSION REFERENCE 14/5368M FOR ALDI STORES LIMITED**

(Mr D Brown (Agent) attended the meeting and spoke in respect of the application)

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

RESOLVED

That for the reasons set out in the report the application be APPROVED subject to informatives, deed of variation to tie the planning permission to the S106 agreement and the following conditions:

1. A01AP - Development to be completed in accordance with approved plans
2. A02EX - Building materials for external surfaces to be as previously approved
3. A01TR - Trees shown as being retained are to be retained
4. A02TR - Trees shall be protected in accordance with approved tree protection measures
5. A02LS - Prior to occupation, landscaping and boundary treatment details, including additional screening along the western boundary, to be submitted/approved
6. A04LS - Landscaping (implementation)
7. A22GR - Protection from noise during demolition and/or construction
8. A23GR - Protection during pile driving (if required) - details to be submitted
9. A02HA - Construction of access to be completed before occupation
10. A30HA - Protection of highway from mud and debris during development
11. A08MC - External lighting to be implemented as approved
12. A10LS - Public realm/public art to be installed in accordance with details submitted
13. A13GR - Business operation hours
14. A01HP - Car and cycle parking to be provided before occupation
15. A20GR - Hours of deliveries
16. A17MC - Decontamination of land shall be completed in accordance with the approved details

17. A19MC - Refuse storage facilities to be installed and retained in accordance with details submitted
18. A24HA - Provision and retention of service area facilities
19. A04NC - Drainage to be completed in accordance with approved details
20. A02NC - Implementation of recommendations in ecological report
21. A23MC - Ground and floor levels to be completed in accordance with plans submitted/approved
22. A06NC - Protection for breeding birds
23. A01MC - Noise mitigation to be in accordance with noise impact assessment
24. A03MC - Details of cooking odour extraction equipment to be submitted if required for users of Unit 'B'
25. A12HA - Closure of old access points to be in accordance with details approved
26. Dust to be controlled in accordance with approved details
27. Bird boxes to be provided as approved
28. The renewable energy measures shall be fully implemented as approved
29. Ghost island to be constructed as approved
30. Floor floating details to be submitted if undertaken
31. Environmental management to be in accordance with approved details
32. Existing hedge to be retained
33. Bat features incorporated into the scheme as approved
34. Junction to be completed in accordance with approved timetable
35. Consult landowner re any works to protected trees
36. NPPF - working with applicants to secure suitable development

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 and 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.

**82 15/3634C - 4 LOWER HEATH, CONGLETON, CHESHIRE CW12 1NJ:
PROPOSED CHANGE OF USE FROM RETAIL (A1) TO HOT FOOD
TAKEAWAY (A5) - GROUND FLOOR ONLY FOR MR I FROST & MR G
BARNETT**

Prior to consideration of this application, as stated in his declaration, Councillor G Hayes left the meeting and returned following consideration of the application.

(Mrs A Martin (Supporter) and Mr P Bentley (Agent) attended the meeting and spoke in respect of the application)

The Committee considered a report regarding the above application.

RESOLVED

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

1. Hours – 11.00 am to 11.00 pm Monday to Saturday and 4 pm to 11 pm on Sunday
2. Time Limit
3. Plans
4. Noise – fans and plant compressors
5. Odour control – kitchen extractor fans

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 and 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.

(Note: Councillor S Gardiner asked that his vote against this application be recorded in the minutes)

83 TREE PRESERVATION ORDER 2015 (MARTON - SCHOOL LANE)

It was noted that a number of Members of the Committee had received correspondence in respect of a Tree Preservation Order (TPO) – Marton, School Lane.

The Committee considered a report regarding the background and issues surrounding the making of a Tree Preservation Order (TPO) on 30th June 2015 on land located to the east of School Lane Marton and the objections and representation made to the TPO.

RESOLVED

That the Cheshire East Borough Council (Marton – School Lane) Tree Preservation Order 2015 be CONFIRMED with modification (removal of T1 from the Order).

The meeting commenced at 10.00 am and concluded at 1.20 pm

Councillor G M Walton (Chairman)

This page is intentionally left blank

Application No: 15/3674M

Location: 127, WELLINGTON ROAD, BOLLINGTON, MACCLESFIELD,
CHESHIRE, SK10 5HT

Proposal: Proposed demolition of existing building and erection of a new building
(for A1 and A3 use)

Applicant: S Price, Cheshire Taverns Retirement Benefit Sche

Expiry Date: 07-Oct-2015

SUMMARY

The application site is allocated within the Macclesfield Borough Local Plan as a Local Shopping Centre therefore a retail use on this site is considered to be acceptable in principle.

The existing building is considered to hold limited significance as a non designated heritage Asset. Having regard to this and the proposed design of the replacement building the loss of the existing building is considered to be acceptable and will not have a harmful impact upon the character and appearance of the existing street scene.

The Head of Strategic Infrastructure has been consulted on this application and raises no objections. The proposed off site car parking provision, access, visibility and service requirements are considered acceptable taking into account the existing servicing and parking arrangements and also taking into account that the existing building could be converted into an A1 use (Retail) under permitted development rights.

The impact of the proposal upon existing levels of residential amenity and environmental matters are considered to be acceptable subject to conditions.

The NPPF places a presumption in favour of sustainable development. The proposed development will provide environmental, economic and social benefits and is therefore considered to comply with the three dimensions of sustainable development.

RECOMMENDATION : Approval subject to conditions

REASON FOR REPORT

This application has been called in to Committee by Councillor Weston following concerns raised with regards to the impact of the proposed development upon Highway safety and the residential amenity of neighbouring properties.

Concerns in brief are as follows:

- *The proposal will have a harmful impact upon Highway safety due to increase of traffic access and egressing the proposed development, inadequate visibility at the proposed point of exit particularly when vehicles are located within the proposed loading bay. Visibility is also made worse by the position of the existing bust stop*
- *The proposal will encourage people to park in unsuitable locations causing detriment to Highway safety*
- *The proposal would result in unacceptable increases in traffic along what is mainly a residential street. The impact of traffic from a combined supermarket and restaurant operating together from the early evening onwards would produce traffic flows that will be detrimental to the amenity of the occupiers of residential property within the area.*
- *The proposed development will result in additional traffic movements at the existing very constrained and unsatisfactory junction between Grimshaw Lane and Wellington Road. Adding the combined traffic flow including delivery vehicles large lorries and buses threatens highway safety.*

DESCRIPTION OF SITE AND CONTEXT

The site is located on a highly prominent location in the centre of Bollington adjacent to the Wellington Road (B5090) and Grimshaw Lane.

Forming a triangular plot of land, the site measures approx 0.11 hectares in size and is currently occupied by a large two storey building and car park to the rear which serve an Indian Restaurant (A3 use class).

There is a butchers shop to the south of the site and a Pizza Takeaway to the north. Both neighbouring properties accommodate residential properties at first floor. The north western and south western edges of the site are fringed by residential gardens. Located adjacent to the south west of the site is an area of car parking, which serves the Butchers. Tinker Clough watercourse flows up from a culvert to the west of the site.

Vehicular access from and onto Wellington Road is currently from two points located either side of the existing building.

The site is not a Listed Building or registered on the Council Local List of Important Buildings and the site is not located within a Conservation Area.

Whilst this particular area of Bollington is largely a mix of commercial and residential uses the site is allocated within the Macclesfield Borough Local Plan (2004) as Existing Shopping Area (Policies S4 (3)) and the land surrounding the site is designated as a Predominantly Residential Area.

DETAILS OF PROPOSAL

This application seeks full planning permission for the demolition of the existing building and erection of a new two storey building.

The proposed building will be set back further into the site than the existing building and in most parts, will be positioned over the footprint of the existing building. The new building is sought to provide accommodation of Retail unit (A1 use Class) at ground floor and a Restaurant (A3 use Class) at First floor with an area for of A1 retail storage.

Broken down the scheme proposes;

- 370sqm of Retail (A1 use) accommodation and
- 173 sqm of floor space for the Restaurant (A3 use)

The construction of the new building will create a gross increase of 134sqm of additional internal floorspace.

The application proposes to the following Hours of Operation Mondays to Sundays and Bank Holidays;

Retail Unit -07:00 to 23:00

Restaurant – 19:00 to Midnight

The proposal will provide one access and egress from Wellington Road, which is to be sited to the south of the proposed building. Car parking for the development is proposed to the rear of the property and will provide 12 parking spaces and 1 disable parking space.

A parking bay for deliveries is proposed to be positioned between the front elevation of the proposed building and Wellington Road.

The applicant proposes to place the plant equipment and extractor fans and ducting associated with the retail unit and Restaurant on a flat roof of the proposed new building.

RELEVANT HISTORY

99/0370P Porch and Minor external Alterations
Approved 27.04.99

06/2874P Various externally illuminated and non illuminated signage (retrospective advertisement consent)
Approved 12 March 2007

POLICIES

National Planning Policy Framework (The Framework)

Macclesfield Borough Local Plan Policy (2004)

Natural Environment

NE1- Nature Conservation

Shopping

S1-Shopping Developments

S4 -(3) Shopping

S7 – Guidance for location of new local Shops

Built Environment

BE1– Design Guidance

BE2 – Historic Fabric

Development Control

DC1 – New Build

DC3 – Amenity

DC5 – Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC15, DC14 – Noise

DC17, DC18, DC19, DC20– Water Resources

DC36 – Road Layouts and Circulation

DC37 – Landscaping

DC38 – Space Light and Privacy

DC48- Shop Front design

DC49- Shop Front security measures

DC54- Restaurant, Cafes and Hot food takeaways

DC63 – Contaminated Land

Transport

T1,T2,T3,T4,T5- Integrated Transport Policy

Implementation

IMP1 – Development Sites

IMP2 – Transport Measures

Cheshire East Local Plan Strategy Submission Version (March 2014)

Policy C01 Sustainable Travel and Transport

Policy C02 Enabling business growth through Transport Infrastructure

Policy SD 1 Sustainable Development in Cheshire East

Policy SD 2 Sustainable Development Principles

Policy SE 1 Design

Policy SE 9 Energy Efficient Development

Policy EG 1Economic Prosperity

Policy PG 2 Settlement Hierarchy

Other Material Considerations

Town and Country (General Permitted Development) (England) Order 2015

SPD for Bollington (January 2006)

SUMMARY OF CONSULTATIONS

Manchester Airport – No safeguarding objections

United Utilities -No objections subject to conditions relating to the following;

- Foul and surface water shall be drained on a separate system;

- Surface water drainage scheme to be submitted prior to the commencement of development. The development shall be completed, managed and maintained in accordance within the approved scheme.

Head of Strategic Infrastructure

Raises no objections. It is considered that the proposal can be safely accommodated on the adjacent highway network subject to conditions relating to the following;

- opening hours of the restaurant be no earlier then 6.30pm;
- the development is carried out in accordance within the Delivery Management Plan,
- Service Vehicles are restricted to no longer the 11.6m; and
- the application enters into a section 278 prior to the commencement of any development for the proposed works to the highway.

Environmental Health Officer

They assessed the application in relation to the construction phase of development, noise, air quality and contaminated land. No objection are raised subject to conditions relating to the following;

Demolition and construction phase of development

They recommended that conditions are attached in relation to the hours of construction and the hours of pile foundations (should they be required). If piling work was found to be necessary on the site as part of the development, then the contractors should be members of the Considerate Construction Scheme and should also consider and select a piling system which would result in the least disturbance to nearby residents in terms of noise and vibration.

Hours of construction should be restricted to the following;

| | |
|-----------------------------|--------------------|
| Monday – Friday | 08:00 to 18:00 hrs |
| Saturday | 09:00 to 14:00 hrs |
| Sundays and Public Holidays | Nil |

In order to preserve the residential amenity for neighbouring properties.

Dust Control

In terms of demolition, site preparation and construction phases, it is recommended that mitigation measures are implemented to minimise dust.

Floor Floating

In order to reduce the impact of potential noise and vibrations from any floor floating operations it is advised that a method statement be submitted and agreed by the Local Planning Authority prior to the commencement of development

In addition to the above conditions in relation to Noise Assessment, Odour control, Air Quality Control are also requested, these are expanded in further detail below.

Flood Risk Manager – No objections subject to conditions

Cheshire East Constabulary Crime Reduction Officer /Architectural liaison Officer – No objections subject to conditions.

VIEWS OF THE TOWN COUNCIL

Bollington Town Council

Object to the proposal on the following grounds;

1. *The proposal would be contrary to the interests of highway safety because the number of turning movements into and out of the site resulting from the pattern of retail and restaurant activity, these would increase the danger to other road users in the vicinity of the site and in particular those accessing and egressing Grimshaw Lane and the site itself.*
2. *The proposal would be contrary to the interests of highway safety by reason of inadequate visibility at the point of exit from the site in both directions, particular to the North when any delivery vehicles are using the loading bay and to the South when deliveries are taking place at the adjacent butchers shop.*

The sight line of 35 metres to the South, without delivery obstruction, would also appear to be insufficient given the speed of vehicles approaching the site from the South which averages 28.4mph at 85th percentile. (Speed data secured from a SID machine August 2015 Northbound and September Southbound and supplied to Paul Hurdus).

3. *The bus stop immediately opposite the application site is used by large numbers of secondary school children who will be tempted to cross Wellington Road at this point to shop at the store or cross to the bus stop after having visited the store. The pedestrian crossing installed at the Albert Road junction (more than 100 metres away) to aid the crossing of this busy road will be bypassed and accidents are very likely to occur at what essentially will be a busy four way junction. If allowed the development will threaten childrens' safety.*

4. *The development would be detrimental to interests of highway safety because of an increase in parking taking place in unsuitable locations on the highway.*

13 spaces available on site is wholly insufficient at peak times and when contended by the use of the restaurant above. For many years the car park has been used by residents and customers of other local shops which will continue, and on a typical day currently at least 10 cars are already parked on the site. Added to the demand for car parking space will be that required by the staff at the retail facility.

What cannot be accommodated in the car park will inevitably have to be accommodated on the roadway or side streets in a Town where available parking is one of the greatest local concerns evidenced by our emerging Local Plan.

The car park is also "blind" and potential users will enter whether spaces are available or not and then have to turn in the limited space and exit. The lack of turning space will be exacerbated by customers being tempted to park outside the very limited number of marked bays. Drivers could well be forced to back into the main road.

The Town has a wealth of experience of the similar sized Co-op at the Junction of Albert Road and Wellington Road which caused major traffic problems and had to be relocated. We should add that the Highways report was favourable for this development in spite of major community concerns.

5. *The proposed development would result in additional traffic using Wellington Road (B5090) and Grimshaw Lane which are already at high levels particularly during school times and work travel periods coupled with large lorries from the transport business on Grimshaw Lane and those serving our two paper mills. Lorries with left hand drive, an increasing factor in delivery logistics within the EU, will also be a danger, when traversing the further congested junction occasioned by approval of this planning application.*

Retail areas in Bollington are small and spread out due to the linear nature of the Town. There is therefore a very sensitive balance to be attained when considering the increased impact of retail expansion in any one area. The B5090 is the main route through Bollington but it is in the main residential.

6. *The proposed ATM at the front of the premises will result a further increase in traffic and parking on the main road from those passing through. Drivers will inevitably feel they can stop at the front of the store for a few moments obstructing the road and sight lines.*
7. *The loading bay at the front will challenge highway safety and place pedestrians in conflict with delivery goods and delivery cages which could force them into walking around the road side of the delivery vehicle. Some of these vehicles are likely to be on site for much longer than 15 minutes. The delivery bay itself will also be targeted by customers and become a parking area unless measures are taken to prevent that.*
8. *There will be overuse of the highway due to the requirement of all delivery vehicles to unload then travel the full length of the Town (1 and a half miles) before being able to safely turn and exit through the whole length of the 5090. This represents excessive and disproportionate additional traffic movement in relation to the size of the development.*
9. *The building will be situated within a few metres of residential properties (the flat above the pizza parlour and the houses in the courtyard immediately to the North). Both the retail and the restaurant premises will be served by refrigeration and extraction equipment which will cause noise and in the latter case odours. Both will be noisy and much closer than the existing building. This will be detrimental to the amenity of these householders.*
10. *The Town Council and the community are not against a convenience store in the Town and would welcome discussions with any developer wishing to provide one. However, this is literally the worse possible location in the Town with just about everything pointing to the dangers of approving it. The Town has a wealth of experience of such a development 150 metres further down the road and knows what will happen if this goes ahead.*

OTHER REPRESENTATIONS

Consultation responses from members of the Public;

43 objections have been received and 1 letter of support. The letters are summarised as follows:

Highway safety

- There will be inadequate visibility at the point of exit particularly when there are vehicles unloading stock or collecting waste for the supermarket;
- The proposal will threaten highway safety through an increase in parking taking place in unsuitable locations;
- Insufficient parking spaces provided;
- Inadequate space to move in the rear car park
- The proposal will encourage unsafe road parking;
- Proposed two uses will overload busy junction at the detriment to the existing highway network;
- Visibility splays from the junction are not correct and will increase road traffic accidents;
- the proposal will create a hazardous junction;
- The proposal does not comply with the Councils parking standards;
- This particular road has been recorded as the 30th most dangerous road for KSI per KM according to ACCC survey in 2009;
- There is no alternative parking available in the area;
- The access will be located on a dangerous junction which has a curve in the road;
- The proposal will exacerbate congestion and pedestrian safety issues in this area;
- Increase off street parking in the area will add to danger;
- No plans have been submitted to improve traffic calming
- Inadequate disabled parking provision;
- The location of the delivery vehicles will have an impact on visibility from the proposed access;
- The site is located on a dangerous corner where the winter sun blinds drivers;
- The proposal is contrary to policies T9 and T3;
- The proposal will present significant parking problem;
- The 17 parking spaces at the Co –op store are full at peak times. Both the opening of the restaurant and shop will be at a premium;
- The proposed plan only shows deliveries from 1 direction, plans should be shown from both directions;
- The deliveries from lorries, position of the loading bay and proposed “uncontrolled crossing” will create grid lock;
- The loading bay is proposed on a dangerous curve of an s bend
- Construction of the loading bay will necessitate diversion of an existing footpath;
- footpaths are required for pedestrian safety;
- Such loading bay reconsidered to require high pavement or crash protection barriers or posts;
- The proposed sight lines are unrealistic.
- The delivery Lorries appear to be 2.5m wide and will impact sight lines;
- The existing damage to bollards on Grimshaw Lane illustrates there is already an issue with lorries turning;
- The proposed sight lines are flawed and vehicles are known to speed in this area;
- have there been any objection to utility services; proposal will impact up to 13 furniture cover which will cause disruption if require repair;
- Existing traffic form industrial park and mill with development will see disruption in morning, lunch and evening period;

Economic

- The introduction of Sainsbury’s will damage existing long standing retail businesses;

- The proposal will not create new jobs as local business will be lost as a result of the proposal;
- There is no demand in Bollington for another large retailer;
- **The site is considered to be a natural centre of Bollington and therefore more shops in this area are encouraged.**

Amenity

- The proposal will impact on neighbours in terms of loss of light and access;
- The new car park will impact upon privacy for neighbouring properties;
- The proposed cooling system will have an unacceptable impact in terms of noise and cause unwanted pollution.

Character

- The proposal will be the loss of an iconic building with local character;
- The application site is one of the oldest buildings in Bollington;
- The existing building should be listed and is of significance;
- The new building has limited architectural merit;
- The building has no structural problems and the façade is not dilapidated;
- The proposed building should be built in kerrie stone;
- The proposal will create overdevelopment.

Misc

- The proposal will impact upon quality of life;
- The plans are not considered to be to scale;
- The ATM machine will generate more traffic;
- Insufficient information to analyse. It is advised that Trip should be measured from the new Co-op store;
- Change of use is not required but parking and servicing could not be accommodated in the current set up on site;
- Bats are known to be on the site the proposal will impact upon foraging
- The proposal will impact on dust, and increase pollution;

APPLICANT'S SUPPORTING INFORMATION

This application has been supported by a full set of plans as well as the following supporting information;

- A Planning Statement
- A Design and Access Statement
- Condition Survey
- Bat survey
- Delivery Management Plan
- A Flood Risk Assessment
- A Transport Statement
- Pedestrian Crossing Assessment
- Technical Note: Response to Town Council Committee Report

Details of the above documents can be found on the application file.

In addition to this, following concerns raised by officers during the course of the application, amended plans, supplementary highways details and additional information have been submitted. All documents are on the Council online planning system to view.

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

Paragraphs 12 and 13 of The Framework states that the development plan is the starting point for decision making.

“Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

The key issues with this application are therefore as follows:

- The principle of retail development within this particular location;
- The principle of the demolition of the existing building and the impact upon the character of the area;
- Impact upon residential amenity;
- Impact upon highway safety and the existing Road network;

Retail Impact

Chapter 2 of the National Planning Policy Framework ‘Ensuring the vitality of Town Centres’ seek to ensure the vitality of Town centres. It advises that planning policies should be positive, promote competitive Town Centres environments in doing so authorities are advised (in brief) to;

- Recognise town centres as the heart of their communities and pursue policies which support their vitality and viability;
- Define a network of hierarchy of centres that is resilient to anticipated future change;
- Define the extant of town centre and Primary Shopping area;
- Promote complete town centre which provide customer choice and diverse retail offer which reflect the individuality of the Town;
- Retain and enhance existing markets; ensuring markets retain attractive and competitive;
- Suitable sites for retails should be allocated in order to ensure there is a sufficient supply of suitable sites;

Para 24 of the NPPF seeks to ensure that applications for main town uses , such as retail, are located in town centres then in edge of centre locations.

Within the Emerging Local Plan Strategy Submission Version (March 2014) Bollington is allocated as Local Service Centre. Policy PG2 advises that within

“small scale development to meet localised objectively assessed needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities”

The site is allocated within the Macclesfield Borough Local Plan as an existing Shopping Centre. Policy S4 seeks to maintain a level of shopping provision which is commensurate with the role the Service Centre serves.

The settlement of Bollington Town essentially spreads along the main thorough fair of Henshall Road, Wellington Road, and Palmerston Street. There are two shopping area allocated within the Macclesfield Local Plan. The largest being the Palmerston Street/High Street which is sited to the East of Bollington settlement and the Grimshaw Lane/Wellington Road shopping centre which serves the residents to the West.

The building within the application site currently operates under an A3 use class (Restaurant and Café). The proposed development seeks to construt a new builing which will accommodate a retail unit at ground floor and A3 (use) at first floor.

The applicant advises that the prospective occupier of the Retail unit would be Sainsbury's.

Having regard to existing Local Plan policies and its position within a Local Service centre it is considered that the proposed development would bring back an acceptable retail use, which could potentially assist in renewing the vitality and viability of the Grimshaw Lane shopping centre. The principle of a retail unit/A3 use class conforms with Shopping Development Policies within the Macclesfield Borough Local Plan and is therefore considered acceptable in principle.

Principle of demolishing the existing building

The existing building on site was constructed in 1907 and was originally known as the Waggon and Horses Public House. The building was converted into an Indian restaurant in 2006 known now as the "The Bay Leaf". Located on the junction of Grimshaw Lane and Wellington Road the existing building and noticeable front façade occupies a prominent location and landmark building within Bollington Town.

The Council Conservation Officer has been consulted on this application and was involved with pre application discussions prior to the submission of the application.

As advised above the application site is not located within a Conservation Area nor does it benefit as a Listed or Locally Listed building.

It is the front façade and historical context of this building which sets this building apart from surrounding properties and for this reason the existing building is considered to be a Non - designated heritage asset.

Para 135 of the NPPF advises that;

"The effect of an application on the significance of a non designated heritage asset should be taken into account on determining the application. In weighing application that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and significance of the heritage asset."

The existing two storey building is constructed in stone and has been the subject of a number of single storey side and rear extension constructed in stone and brick. The main feature of this building is predominantly the front façade with its two peaked gable features, mullion windows, castellated bay window and bow bay windows which offer some aesthetic appeal the building is however considered to have limited architectural merit that is of historical significant. The existing building is not considered to be representative of a certain style of architecture and is arguably considered to provide a rarity. Whilst the building may have had some association as a traditional public house, this has however, been eroded when the building was converted into a Indian restaurant.

As part of the supporting information the applicant have submitted a condition survey. The reports details that the existing buildings has suffered due to the lack of maintenance. Several aspects of the property are outlined as requiring replacement such as windows, doors, collapsing outbuildings electrical and mechanical installations and damp proof course. It is also advised that it is likely that the stone works on the Northern elevation will require extensive re construction. Potentially loose coping stones are identified on the front elevation and the first floor is not considered to comply with Fire safety concerns. It is concluded that the existing building may have potentially reached its end of life and a new building would be considered to be a viable alternative.

Having regard to the above and the poor state of repair of the existing building the property is considered to offer limited significance.

DESIGN /CHARACTER OF THE PROPOSED REPLACEMENT BUILDING

Local Plan policies BE1 and DC1 address matters of design and appearance.

Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting.

Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

The proposed building has been designed in an 'L' shape and will cover a footprint of approx. 355sqm. The building is to be set further into the site from Wellington Road but retaining a car parking area to the rear of the property. Cycle storage and loading bay is to be sited along the front elevation.

The proposed building is larger in terms of its scale and massing then the existing building. The building however has been designed to incorporate a more traditional frontage and will include a pitched roof, linking two gable features, as well as mullioned windows at first floor, which are of a similar character and style to the existing building.

The primary retail frontage is to be located on the front elevation and side facing elevations facing the proposed vehicular access.

The proposed building is to be constructed in natural stone along the side and front elevations with slate roofing. Plans detail a fair faced blockwork is however proposed along the north

and west elevations. Should planning permission be given it is advised that a condition be attached ensuring a more appropriate facing treatment is secured for these elevations.

The proposed building has been designed to incorporate a similar eaves height to that of the existing building. The maximum ridge height of the existing building is currently 8.4m. The ridge height of the proposed link is to measure approx. 7.7m, which rises to approx. 9.5m at the peak of the large gable feature on the front elevation. Although larger than the existing building the scale, bulk and massing of the proposed building is considered to be in keeping and subservient with the neighboring properties and is therefore unlikely to have a harmful impact upon the overall character of the existing street scene. The proposed development is therefore considered to satisfy Local Plan policies in terms of design.

It is acknowledged that the existing building has some significance. The value of the existing property as a non designated heritage Asset however, in this case, is considered to be limited having regard to the poor state of repair of the building. The proposed building has been designed so to incorporate features of the existing building and on overall balance, it is considered that the traditional character of this area will be maintained with the construction of the new building. The demolition of the building is unlikely to result in the significant loss of a Non designated Heritage Asset.

Design/Crime Prevention

The Cheshire East Constabulary Crime Reduction Officer has been consulted on the application and initially raised the following concerns;

- *Refuse storage areas should be robustly secured to ensure fire protection and prevent rubbish crime;*
Concern raised with regards to the low level ledges on the front elevation which will encourage young people to congregate;
- *Concern old entrance covered by corner canopy will encourage people to congregate and create a crime hotspot;*
- *Drain pipes and external infrastructure i.e. drainage, CCTV, bell box should be secured to prevent attack;*
- *The gates at the front and rear elevations should be adequately secured;*
- *It is encourage CCTV installed to rear car park, ATM machine, car park entrance and cycle storage.*

The applicant was made aware of the abovementioned concerns. After meeting with the Crime Advisor the applicant have addressed the above concerns by making the following adjustment's to the plans;

- Measures to reduce seating opportunities on window sills and low level ledges are being introduced.
- Bin stores are more secure.
- Changes to the alcove (corner canopy) have been introduced in the design.
- Vehicle restriction measures are included in the plan if necessary.
- Exterior drainage and external infrastructure (CCTV/Vents etc.) are being considered.
- Secured gate to service area.

The Crime Reduction Advisor is satisfied that the amendment addressed concerns no further objection are raised.

The Council Conservation Officer has been consulted on the proposed amendments the proposal are therefore considered to be acceptable to the proposed building and will not have a harmful impact upon the appearance of the surrounding area.

IMPACT UPON RESIDENTIAL AMENITY

Noise /Disturbance.

This particular area of Bollington is surrounded by a mix of commercial and residential properties. The site is located within a Local Service Centre where the existing A3 use and proposed A1 uses are considered to be typical to the character of a shopping area.

The Council Environment Protection have been consulted on the application and have raised no objection to the proposed use in term of loss of noise or disturbance subject to conditions, which restrict hours of operation to the following;

Retail Unit -08:00 to 23:00

Restaurant – 19:00 to Midnight

The proposed condition is considered to be necessary in order to ensure the proposal has an acceptable impact upon residential amenity for the neighbouring residential properties.

It is advised that that in addition to the above and in order or to preserve existing levels of residential amenity deliveries to and from the site should be restricted to between the A1 opening hour and 19.00 hours on Monday to Saturday with no deliveries (or restricted deliveries) on Sundays & Bank Holidays.

In order to ensure the proposed ventilation system, extraction fans and air conditioning units propose will not have a harmful impact upon residential amenity. Environmental Protection Officer has recommended the following conditions relating noise assessment and odour control and specified below;

Noise Assessment

In order to ensure the proposed development has an acceptable impact upon the residential amenity of neighbouring properties in term of noise from the plant, kitchen extract equipment and air conditioning system it is requested that a noise impact assessment should be submitted prior to the commencement of development with any appropriate mitigation

An agreed scheme should be implemented and maintained through out the use of the development. A maintenance schedule of plant and equipment shall be kept on site and available for inspection at any time by officers of the Local Authority.

Odour Control

A detailed scheme for odour and noise control should be submitted to the Authority and approved prior to the commencement of development to ensure that the proposed development will not have a harmful impact upon existing residential amenity due to odours and noise form the kitchen extraction system. Any scheme should include details of the

filtration and extraction system to control the discharge of odours and fumes arising from food handling; preparation and cooking.

Loss of Light

The proposed new building is to be sited closer to the southern side elevation of 125 Wellington Road, which currently operates as a Hot food takeaway at Ground floor with ancillary residential accommodation above. The southern elevation of the takeaway currently has two window opening which face into the application site and are the only openings to two separate bedrooms. The larger window is currently obscurely glazed.

The distance from these windows and the existing northern elevation of the 127 Wellington Road measures approx. 5.4m. The proposed building is to be sited within closer proximity of these two windows, however a light well has been designed into the proposed northern side elevation of the proposed building in order to mitigate against the harm to the existing neighbouring windows, in term of loss of light.

Following concerns raised by Officers with regards to the impact up of the development upon these windows further amended plans have been received increasing the depth and width of the light well.

The proposed relationship of the proposed building and 125 Wellington Road will fall substandard of the Council current guidelines on privacy distances set out within Policy DC38 of the Local Plan which, advises a guideline distance of 14m habitable room to non habitable room or faces blank wall. Although it is acknowledged that the proposed development will have some impact upon these windows in terms of loss of light, having regard to the existing situation substandard relationship, the fact that the larger of the windows is obscurely glazed restricting outlook and that the first floor accommodation would appear to be ancillary function to the takeaway. The impact of the proposed development is not considered to be significant.

It is noted that there is also a living room window located on the rear elevation of 125 Wellington Road at First floor. The proposed building will fall just along the limits of the 45 degree angle, when taken from this window and is therefore unlikely to cause a significant loss of light or overbearing impact upon this particular opening.

It is noted that there is currently a window at first floor window on the northern side elevation of 1 Henshall Lane, which looks out over the application site. This window is believed to be a lounge window for a residential flat. This window is currently located approx 3.8m from the side elevation of the existing building. Although, the depth of the proposed new building is to be extend further into the site the side elevation of the new building will however be set back a further 3m away from this window. The impact of the proposal is therefore unlikely to be any more harmful then the current relationship.

At first floor on the rear elevation of 1 Henshall Lane there are two kitchen windows. The proposed development will not fall within the 45 degree angle when taken from the centre of these windows, therefore the proposed development will have a minimal impact upon current levels of residential amenity.

The proposed development is considered to be a sufficient distance from the neighbouring properties within the area so as not to have a harmful impact upon residential amenity.

Having regard to the above, the proposed development is considered to be acceptable impact upon existing level of residential amenity.

HIGHWAY SAFETY AND TRAFFIC GENERATION

The proposal has been designed to accommodate 14 Car parking spaces in total including 1 disabled parking space. Access and egress to the site car park is to be gained from Wellington Road from the south eastern corner of the site.

The Head of Strategic Infrastructure has been consulted on this application and has raised no objections.

Context of the Local Highways network

The site sits in a curve within an 's' bend opposite the junction where Grimshaw Lane meets Wellington Road (B5090). Wellington Road is one of the main through fare, which runs through Bollington Town. The existing site currently has two points of access and egress from the rear of the site onto Wellington Road which are located to the north and south of the existing building.

Within the vicinity of the site there is a bus stop on the opposite side of the carriageway to the north of the application site and the speed limit is 30mph. There is a no waiting Traffic Regulation Order on both side of the Wellington Road carriageway.

It is noted that there has only been 1 accident outside of the site in the last 5 years therefore the site is reported as having generally good record of road safety despite the shortcomings of the existing two accesses onto Wellington Road.

Traffic generation

Transport Statement submitted in support of the application provides an assessment of the morning and evening commuter period peak traffic generating potential.

| | Arrivals | Departures | Total |
|--------------|----------|------------|-------|
| 08:000-09:00 | 21 | 19 | 40 |
| 17:00 -18:00 | 32 | 32 | 64 |

Having regard to the figure provided within the above table the Head of Strategic Infrastructure is satisfied that the proposed anticipated traffic generation caused by the proposed development, would not generate a level of traffic which would have a material impact upon the operation of the adjacent highway. No concerns are therefore raised with regard to the intensification of the proposed development

Access

The proposed access is to incorporate a visibility spays of 2.4m x 35m to the South and 2.4 X 34m to the north, the latter of which is considered to be a significant improvement on the existing 2.4m X21 m visibility splay to the south of the site.

Concerns raised with regards to visibility splays are acknowledged. The Head of Infrastructure notes that;

The Information submitted by the applicant in the Speed Indicator Device (SID) indicates that the 85th percentile of speed of vehicles approaching this from the south is around 28mph and on site observations have confirmed that speeds in both directions are generally around 30pmh.

Using as a proxy for vehicle speeds in both directions on Wellington Road, equates to a normal visibility splay requirement of 2.4m x 40m. Having regard for the current and previous use of the site and its existing access arrangements, the shortfall in visibility of just 5.1 per 5sqm per public floor area 0m and 6.0m to the south and north of the site access would not be expected to have a material impact on road safety.

It is therefore considered that taking into account the existing road junction, layout and visibility the proposed access arrangements onto Wellington Road are considered to be acceptable.

Car Parking /layout

The Council parking standards our set out within the Cheshire East Local Plan Strategy Submission Version recommends;

1 space per 14 sqm for Retail Food; and
1 per 5sqm per public floor area

(A footnote advises that the latter is capable of adjustment appropriately depending on the location and accessibility of the development)

Having regard to the above guidelines, it is considered that for this particular development 20 parking spaces would be required.

Para 39 of the NPPF however advises that when setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

Located within the settlement area of Bollington Town and located within a Local Service Centre which is accessible by both public forms of transport, cycle and in walking distance for a number of residents within the Local Area the application site is in a sustainable and accessible location.

Within the supporting Travel Statement the results of a car parking utilisation analysis have been presented, which have indicated that under normal working operational conditions the proposed store car park would have sufficient capacity to serve the proposed retail and restaurant uses. The Head of Strategic Infrastructure is satisfied that the car park would be

expected to exceed a capacity during the daytime, the busiest time of the day being between 4pm and 6pm when around 12 vehicles would be expected to be parked.

During the evening when both the restaurant and retail unit are in operation it is expected to be fully occupied between 8pm and 9pm.

The concern in relation to the conflict of the opening hours of the two proposed uses on site along with parking ratios provided have been discussed with the applicant and it has been agreed that the restaurant will not open before 7pm and a condition securing this is advised.

Whilst it is acknowledged that in cases where there may be an over demand in parking, patrons of the site would find other off site location to park. Whilst it is acknowledged that parking concerns are a particular concern within Bollington it is considered that the sites accessibility should be used as encouragement for customers to walk cycle rather than park.

There is a No Waiting at Anytime Traffic Regulation Order (double yellow lines) on Wellington Road outside of the site which would discourage patrons from parking at the front of the proposed store on Wellington Road. Misuse of this TRO is considered to be a matter for Highway Enforcement.

Following concerns raised with regards to the position of the proposed ATM machine on the front elevation. Amendments have been received relocating the machine within the Store therefore discouraging patrons to park at the front of the property.

It is noted that the siting and layout of the proposed car park is not ideal. The applicant have submitted a swept path to illustrate a car tuning within the proposed car park and also how two vehicles can pass each other within the access route which measure 4.5m wide.

In order to alleviate concerns the applicant have advised that they are willing to operate a 90 minute parking policy in which patrons of the store are able to park but which would also prevent unauthorised parking. It I advised that a planning condition should secure details of how the policy will operate are agreed in writing prior to the operation of the store.

It is the Head of Strategic Infrastructure view that the proposed parking layout is considered acceptable.

Servicing

The applicant proposes a service bay to be located directly between the front elevation and Wellington Road. The bay will be constructed in cobbled stone and has been designed to appear like part of the footpath. The bay has been designed in such a manner to prevent patrons from parking in the bay as the Highways Engineer considers that the loading Bay Traffic Regulation Order would highlight is presence to potential patrons.

Swept paths of service lorries accessing and existing the proposed service bay have been provided to the Authority and a Delivery Service Plan (Ref:660556-DMP-Rev02) has been produced to ensure that the service bay is kept free of obstruction prior to deliveries. The service plan include the following measures;

- cones to be placed within the loading bay 30 minutes before the delivery and removed immediately prior to the arrival of the delivery vehicle;

- The largest lorrie HGV to visit the site is 11.6m in length ;
- Staff of the store will encourage pedestrians and vehicle to clear the application site access to prevent conflict;
- The service lorries will approach the site from the south and leave in a northerly direction.

The Head of Strategic Infrastructure acknowledged that due to the positioning of the service bay there may be times when the proposed service vehicles restrict the visibility to the north for vehicles leaving the application site. The servicing proposal is considered however, to create an improvement on the existing access arrangements, which currently take place on either the road side or vehicles reversing into the site from Wellington Road.

The Head of Strategic Infrastructure therefore raises no objections with the proposed servicing arrangements

Mitigation

As part of the proposal the applicant proposes to incorporate four courtesy crossing; two on Wellington Road, one before the junction on Grimshaw Lane and one across the site access. The crossings are to be constructed in Stone setts and both the north and south crossing are to be raised in order to encourage vehicles to lower vehicle speeds on approach to the site.

During the course of the application concerns raised by Officers with regards to the pedestrian movement crossing Wellington Road crossing from the bus stop to the proposed store and negotiating the vehicular junction. In order to ensure all options have been explored it was requested that the applicants explore the potential for introducing a pedestrian crossing facilities within this area.

Following consultation within the Council Highways Engineer the the following crossing were examined;

Signalised crossing:- likely to cause ques and operational difficulties and unlikely to effect vehicle speeds when the crossing is not in use

Zebra crossing:- A zebra crossing is already located further north of the site. An additional zebra crossing in this area likely to sterilise the frontage and conflict within the existing bus stop. It could potentially result in the relocation of the bus stop which is the perceived need for the crossing.

It is agreed by the Head of Strategic Infrastructure that the Courtesy crossing in this location are considered to be the most appropriate form of crossing. The crossings work by relying on vehicles giving priority to pedestrians. They therefore require vehicle speeds to be low, which is proposed to be encouraged through the use of rumble strips, these also have a dual use in delineating the crossing. The crossings on Wellington Road are to be led to a raised to allow pedestrians are crossing at footway level rather than carriageway, forcing drivers to slow down.

Having regard to the above the Councils Head of Strategic Infrastructure is satisfied that the proposed development will not have a significantly harmful impact upon Highway safety and therefore a recommendation of approval is made subject to conditions.

ENVIRONMENTAL CONSIDERATIONS

The Environmental Protection Officer has advised that in order to ensure the cumulative impact of the development upon air quality in particular, the impact of transport related emissions on Local Air Quality. 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 charging of electric vehicles, in new modern, sustainable developments.

It is advised that the following conditions be attached to any permission for the scheme.

A Fast Electric Vehicle Charge Point shall be provided on the car park for staff/customer use. This shall be maintained throughout the use of the development.

Reason: In accordance with paragraph 35 of the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

It is not anticipated that the proposed development will have an impact interm of contaminated land.

Landscape

The applicant proposes shrub planting along the boundaries of the proposed car park. It is advised that a full landscaping scheme is submitted prior to the commencement of development to ensure proposed planting and hardstanding are in keeping with the character of the local area.

Ecology

The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development. The following condition to ensure the protection of breeding birds is imposed;

Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

Reason: To safeguard protected species in accordance with the NPPF.

Flood Risk

During the course of the application an objection from the Flood Risk Manager was received following concerns over the local flooding problems affecting properties particularly basement within this particular area.

It is considered that due to the location of this property and its proximity to Tinkers Clough this site is likely to be susceptible to flooding or flood risk. It was therefore considered essential that local flood risk issues be reflected in any new development.

During the course of this application the applicant have submitted a Flood Risk Assessment. The Flood risk Manager has been consulted on this and has withdrawn his objection given that the proposed new building will not incorporate a basement and due to additional flood resilience measure which are to be incorporated into the scheme.

The proposed development is therefore considered to satisfy Policies DC17 ,DC18 of the Local Plan and Chapter 10 'Meeting the challenge of climate change, flooding and coastal change'.

OTHER MATERIAL CONSIDERATIONS

Fall back position

It is important to note that following recent changes to the Town and Country (General Permitted Development) (England) Order 2015. Schedule 2, Part 3 Class A allows for the change of a building from a use falling within Class A3 (restaurant to café), of the schedule to the use classes order, to a use falling within Class A1 (shops) or A2 (financial and professional services) of the Schedule provided it complies with the relevant criteria. At the time of writing this report, it is considered that the change of use of the bay leaf to a retail establishment could be carried out under permitted development right and is therefore a reasonable fall back position for the applicant.

CONCLUSIONS

In summary, for the reasons outlined, it is considered that the principle of demolition of the existing building and replacement with a Retail/Restaurant on site is acceptable.

Overall, the scheme is considered to be sustainable development as:

- The application site is allocated as an existing Local Service Centre within the Local Plan which located within the Centre of Bollington is located within an accessible location;
- The proposed development would bring back an appropriate Retail use to the existing shopping area which would provide economic benefit to the local community and create customer choice;
- The proposed building has been designed to incorporate architectural features which are a replicate the existing building. The proposal would provide a more energy efficient building which would not have a harmful impact upon the character of the existing street scene;
- It is considered that the extent to which the proposal would not have a significantly harmful impact on neighbouring residential amenity;
- The proposal would bring environmental improvements in terms of flood risk;
- Concerns raised from member of the public and the Town Council with regards to highway Safety have been considered. The off site parking provision to the rear of the site is considered to be acceptable having regards to the sites accessibility and additional information submitted illustrates that vehicles are able to manoeuvre and egress the site in a forward gear. The means of access and visibility splays are considered to present an improvement on two existing mans of access to the site.

Subject to condition restricting the length of the Lorries and securing the delivery management plan and hours restricting the delivery of goods it is considered that the proposed location of the service bay is unlikely to have a harmful impact upon Highway safety. The proposed trip generation to the proposed development is not considered to have a material impact upon the operation of the adjacent highway. The Head of Strategic Infrastructure therefore considered that the proposed development will have an acceptable impact upon highway safety subject to conditions.

Paragraph 14 of the NPPF emphasis that there is a **presumption in favour of sustainable development** and when making decisions Local Planning Authorities should approve development that accord with the development plan without delay and where planning policies are out of date grant planning permission unless any adverse impact would significantly outweigh the benefit of doing so. In this particular instance it is considered that the proposed development will not have a significant adverse impact.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

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

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

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

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

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

Environmentally- the proposed development will provide a more energy efficient building, incorporate flood risk measure and improve the appearance of the application site.

Economically – the proposed development will assist in contributing to the local community inter of jobs and creating competitive business..

Socially – The proposed development will provide a beneficial and accessible service to the local Community.

The proposed development is considered to represent and sustainable form of development in which there is a presumption in favour. The proposed development is considered to comply with policies within the Development Plan and NPPF therefore on planning balance there are no material planning consideration which are considered significantly harmful to suggest otherwise.

A recommendation for approval is therefore made subject to conditions.

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

Application for Full Planning

RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Submission of landscaping scheme
5. Provision of car parking
6. Landscaping (implementation)
7. Air conditioning equipment
8. Vehicular visibility at access (dimensions)
9. Cooking odour extraction equipment
10. Business hours
11. Details to be submitted on how a parking restriction policy
12. Detailed survey to be submitted to check for nesting birds if the development is carried out between 1st and 31st August
13. Hours restricting delivery of goods
14. A fast Electronic Vehicle Charge point required
15. Foul and surface water drainage

16. surface water drainage scheme to be submitted
17. Development carried out in accordance with a Delivery Management Plan
18. Service vehicles restricted to 11.6m in length
19. Hrs of construction
20. Floor floating
21. Dust Control
22. Noise mitigation
23. A scheme of odour / noise control should be submitted
- 24.



This page is intentionally left blank

Application No: 15/2780M

Location: ALSTONFIELD, CASTLE HILL, MOTTRAM ST ANDREW, CHESHIRE, SK10 4AX

Proposal: Outline Application for construction of one two-storey infill dwelling with associated shared access

Applicant: Mr & Mrs R Sym

Expiry Date: 12-Aug-2015

SUMMARY

The proposed Outline scheme is considered to constitute an appropriate development in principle in the Green Belt. The site is considered to lie within the village of Prestbury (despite the fact that it technically lies within the Parish of Mottram St Andrew). The size of the plot is considered to be suitable to be able to accommodate limited infilling in the form of 1no dwelling. The principle of the proposal is therefore in accordance with paragraph 89 of the National Planning Policy Framework.

The proposed utilisation of the existing access to Alstonfield to form a shared access is considered to be acceptable in principle by the Strategic Infrastructure Manager. All other matters in terms of design, landscaping, layout and scale would be assessed under a subsequent reserved matters application, however based on the site characteristics this is considered to be achievable in principle.

The proposed development is considered to be sustainable in the social, environmental and economic sense in principle. The application is therefore recommended for approval.

SUMMARY RECOMMENDATION:

Approve subject to conditions

MAIN ISSUES

- Principle of Development in the Green Belt
- Highway Issues
- Potential impact on amenity
- Sustainability
- Trees/ Landscaping

REASON FOR REPORT

The application has to go to Northern Planning Committee because it would represent a departure from Macclesfield Borough Local Plan policy GC1.

PROPOSAL

This is an Outline application for the erection of 1no infill dwelling and associated alterations to the shared access. All other matters are proposed to be reserved for a subsequent Reserved Matters application. Whilst an indicative site plan and street scene elevation has been submitted with the application, these matters are to be reserved to be assessed under any future Reserved Matters application.

SITE DESCRIPTION

The application site relates to a parcel of land that lies adjacent to, and within the domestic curtilage of, the property Alstonfield. A certificate of lawfulness for the existing use of this land as domestic garden was granted under application 06/1260P. The site lies within a ribbon of development in the Green Belt.

RELEVANT HISTORY

06/1260P

CERTIFICATE OF LAWFULNESS FOR THE EXISTING USE OF LAND AS GARDEN
CURTILAGE

POSITIVE CERTIFICATE

03/05/2007

70821P

PROPOSED IN FILL DETACHED DWELLING

REFUSED

17/06/1992

53273P

ONE DWELLING

REFUSED

15/06/1988

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)

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

- Part 6: Delivering a wide choice of high quality homes
- Part 9: Protecting Green Belt Land

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:

GC1- Green Belt (New Build)

BE1 - Design Guidance
H1 - Phasing Policy (Housing)
H2 - Environmental Quality in Housing Developments
H5 – Windfall Housing Sites
H13 - Protecting Residential Areas
DC1 - Design (New Build)
DC3 - Amenity
DC6 - Circulation & Access
DC8 - Landscaping
DC9- Tree Protection
DC35 - Materials and Finishes
DC37 - Landscaping
DC38 - Space, Light & Privacy
DC41 - Infill Housing Development or Redevelopment
DC63- Contaminated Land
NE1- Area of Special County Value

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 – Presumption in Favour of Sustainable Development
PG2 – Settlement Hierarchy
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SC4 – Residential Mix
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape

Other Material Considerations

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

CONSULTATIONS

Strategic Infrastructure Manager- No Objection subject to conditions regarding visibility splays.

Environmental Health- No Objection subject to standard conditions.

Nature Conservation- No Objection subject to a condition regarding mitigation for nesting birds.

Tree Officer- No Objection in principle.

VIEW OF THE PARISH COUNCIL

Mottram St Andrew Parish Council- Object on the following grounds:

- Constitutes encroachment into the Green Belt
- Adverse impact on the residential amenity of neighbouring property (Broadoak) in terms of overlooking, overbearing impact
- Adverse impact on highway safety

REPRESENTATIONS

1no objection has been received on the following planning related grounds:

- Site does not lie within a sustainable location, on a road with no public footpaths, hence future occupiers would have to use the private car to access facilities within the village of Prestbury, which would further exacerbate traffic congestion problems
- Would be contrary to Green Belt policy and result in terms of encroachment into the Green Belt, further eradicating the distinction between Prestbury and Mottram St Andrew and the openness of the Green Belt
- Would set a precedent for other similar sites to the detriment of the character and appearance of the Green Belt
- Adverse impact on the amenities of their property in terms of overbearing impact, loss of light
- Adverse impact on the visual amenities of the Green Belt as a result of a dwelling so close to their side boundary and property
- Access alterations would have an adverse impact on highway safety

APPRAISAL

Principle of Development

The principle of development is considered to be acceptable in this Green Belt location. The development would represent limited infilling within a village in accordance with paragraph 89 of the NPPF. Details of design, scale, landscaping and site layout would have to be acceptable but this would be considered under a subsequent reserved matters application. It is considered that the site circumstances including plot size would give scope for this to be achieved, in compliance with paragraph 89 of the NPPF in terms of the appropriateness of the development in a Green Belt location, highway safety and parking, design and the impact on the character and appearance of the Area of Special County Value, impact on residential amenity, sustainability of the site, and impact on trees and protected species.

ENVIRONMENTAL SUSTAINABILITY

Green Belt

Policy GC1 of the Macclesfield Borough Local Plan (adopted January 2004) seeks to control new development within the Green Belt and does not support the construction of new buildings within it, unless there are very special circumstances, or it is for one of the purposes set out in the policy. Whilst this includes limited infilling this is restricted to four specific settlements, which does not include the village of Prestbury

Therefore, in seeking to restrict infilling to a small number of villages within the Green Belt, Policy GC1 is not, in this regard, considered to be consistent with the NPPF which allows limited infilling in villages without any further qualification. This has been established in a number of recent appeal decisions within the Borough. In such circumstances, paragraph 215 of the NPPF indicates that policies in existing local plans should be given less weight.

Although it is noted that the site lies within washed over Green Belt land outside of the settlement boundary of Prestbury as shown within the Macclesfield Borough Local Plan, the site is considered to be visually, physically and functionally located within Prestbury village. For the purposes of paragraph 89 of the NPPF, it is considered that the construction of an infill dwelling in this location should not be considered to constitute inappropriate development in the Green Belt.

The proposed site is a plot of very similar size to neighbouring residential plots. The width and depth of the proposed plot is clearly comparable with others in the immediate vicinity of the site and is clearly capable of accommodating a single dwelling comparable to those in the immediate vicinity of the site.

There is existing built development to north and south of the site and development of the site would reflect the existing form of linear development. The rear garden would be entirely enclosed by existing gardens and would not therefore extend into the countryside beyond the existing garden boundaries surrounding the site.

The proposed development is for a single dwelling. The plot is set between two existing residential plots which form part of a developed frontage facing Castle Hill leading directly into the village.

Overall therefore the development of the plot for 1no dwelling is considered to constitute limited infilling within a village in the Green Belt. It would therefore fall under one of the exceptions listed under paragraph 89 of the NPPF and is considered to constitute appropriate development in this location in Green Belt terms.

It should be noted that this conclusion has been reached taking into account the individual factors of this case, and based on conclusions from other appeal decisions. If Members concluded that the site does not constitute infilling within a village, based on the available evidence, then a different outcome to the planning application should be reached.

Sustainability

The objections are noted. However the development is considered to lie within a sustainable location in accordance with the NPPF. Whilst it is noted that no public footpaths lie along Castle Hill, the site lies some 1.2km away from the centre of the village of Prestbury, which provides a variety of shops, a church, a school, railway station, and public houses.

Design / Character

The design of the development including its scale and siting would be considered at the Reserved Matters stage and so cannot be assessed as part of this Outline application.

Trees / landscape

The Tree Officer raises no objections, stating the following:

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Tree Protection Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees.

It is therefore considered that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

Whilst this is an outline application the detail provided from an arboricultural perspective is specific, detailed, and reflective of a full application being obtained in the future for the indicative build plot location identified in this submission.

An existing access into the site already exists, with ground associated with the upper level and within the RPA of T1 appearing to be compacted by the passage of vehicles. This may have a long-term impact on the trees vigour and vitality but at present the tree condition is reflective of a high value category A specimen. The remaining trees on the site are considered to be of moderate to low value, with the retained specimens able to be protected in accordance with current best practice BS5837:2012

The detail and principle associated with the submitted AIA is accepted in respect of the hard surfacing within the RPA of T1 and the minimal incursion associated with the build footprint front elevation. Should the principle of development be accepted, any subsequent application for reserved matters should seek to ensure the RPA of T1 is not compromised to a greater degree than is indicated in this outline application.

Conditions relating to trees and landscaping can be attached to any future application for Reserved Matters.

Ecology

The Nature Conservation Officer raises no objections, subject to a condition to ensure the safeguarding of nesting birds. Subject to this, the development accords with policy NE11 of the local plan.

Residential Amenity

The objections have been carefully considered. The site layout plan submitted is indicative only but it is considered that due to the size of the plot, any future Reserved Matters application would be able to ensure that sufficient distances to neighbouring property would be able to be achieved to ensure that the development would accord with local plan policies DC3, DC13, DC38, DC41 and that a commensurate degree of space, light and privacy would be able to be achieved between all neighbouring property.

Highways

The objections have been carefully considered. However the Strategic Infrastructure Manager raises no objection to the proposals subject to a condition regarding visibility splays. They state:

The current site has restricted visibility especially to the south of the access, the applicant has proposed to improve visibility by removing the existing vegetation on the fronting the A538. As the access falls within the 30mph limit splays of 2.4m x 43m has been proposed, these splays conform with Manual for Street requirements and are considered acceptable.

The improvements in visibility at the existing access will also improve safety for the existing users of the access.

Subject to this condition, there is considered to be no adverse impact on highway safety as a result of the development, which would utilise (and alter) the existing access. Furthermore the plot size is considered to be large enough to ensure that sufficient off street parking would be able to be incorporated under any future Reserved Matters application.

Housing land supply

In brief, the Council cannot currently demonstrate a 5 year supply of housing. The proposed dwelling would make a small contribution to the housing needs of the Borough. The site lies in close proximity to a range of facilities and services including shops, community facilities and

SOCIAL SUSTAINABILITY

The development would make a small contribution to delivering housing supply. The size of the plot is considered to be sufficient to ensure that the siting and scale of the development would not adversely impact on neighbouring amenity. This would be considered under any future Reserved Matters application. However, It is only for a single dwelling and therefore the impact is low.

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 to some extent as well as to some extent bringing direct and indirect economic benefits to the town including additional

trade for local shops and businesses. However, It is only for a single dwelling and therefore the impact is low.

PLANNING BALANCE

Whilst the objections are noted, the principle of the development is considered to be acceptable in Green Belt terms and the development would accord with paragraph 89 of the NPPF as appropriate development constituting limited infilling within a village in the Green Belt. The Strategic Infrastructure Manager raises no objections on highway safety grounds. All other matters regarding the siting, scale, appearance and landscaping of the site would be considered at the Reserved Matters stage.

Overall the scheme is considered to represent a sustainable form of development in environmental, social and economic terms.

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

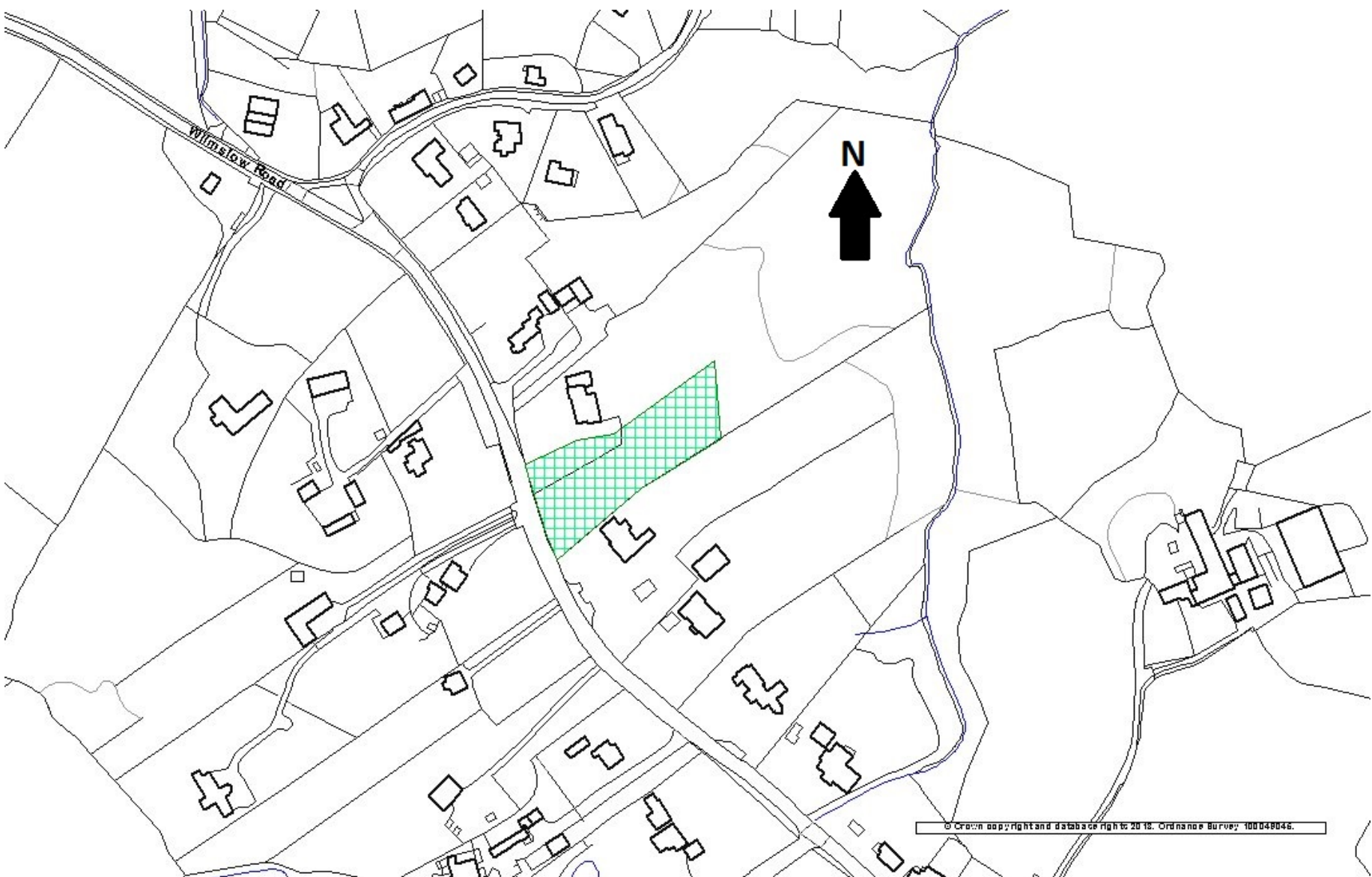
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning & Enforcement Manager has delegated authority to do so in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

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.

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. Development in accord with approved plans
2. Commencement of development (3 years)
3. Visibility Splays to be formed and approved prior to occupation
4. Nesting Birds Survey Requirement
5. Piling Method Statement Required prior to commencement
6. Dust Control Scheme Requirement prior to commencement
7. Contaminated Land Phase 1 Report Requirement prior to commencement



Application No: 15/3058M

Location: Yewtree Farm, Moor Lane, Wilmslow, Cheshire, SK9 6BX

Proposal: Proposed residential development of land comprising an Abattoir and ancillary buildings at Moor Lane, Wilmslow.

Applicant: Cheryl Wood, Stewart Milne Group Ltd

Expiry Date: 15-Oct-2015

SUMMARY

The application site is located within the Green Belt as defined by the Macclesfield Borough Local Plan.

The proposed seeks full planning permission for what is described as: “...the proposed residential development of land comprising an Abattoir and ancillary buildings at Moor Lane, Wilmslow”. The proposed development comprises demolition of the existing buildings on site, removal of existing hard-standing and erection of 21 No. dwellings with associated access road, landscaping and public open space.

The 3 No. roles of sustainability outlined in the NPPF (social, environmental and economic) have been considered to arrive at a conclusion regarding the overall sustainability of the proposal. Benefits have been balanced against the disadvantages. The proposed development would provide social benefits with the provision of 15 No. open market houses and 6 No. affordable houses. The site would provide an area of public open space primarily accessible to future residents of the new dwellings. The proposed would provide some economic benefits, such as the employment opportunities during the construction phase, the wider economic benefits to the construction industry supply chain and future residents contributing to the local economy. As regards environmental sustainability, the impact on 1) the landscape, 2) trees and hedges, 3) ecology and 4) the character and appearance of the area/street-scene is considered to be of a limited and acceptable degree. It is also considered that there are no significant environmental health concerns arising from the proposal. However, the proposed development is considered to have a greater impact on the openness of the Green Belt than what exists on site and to threaten one of the purposes of including land within the Green Belt due to encroaching into the Green Belt. Therefore the proposed is inappropriate development in the Green Belt. No very special circumstances exist to outweigh the harm identified. The proposed is also considered to have a detrimental impact on the amenities of a number of neighbouring properties, due to not providing appropriate space between buildings, reducing light and being overbearing in respect of habitable rooms and gardens. Finally, there is insufficient information to be able to conclude on highways and flood risk matters.

RECOMMENDATION: REFUSE

It is considered that the proposed development does not constitute a sustainable form of development within the broad context of sustainability outlined in the NPPF. Although the Council does not have a 5 year supply of housing land, it is considered that the harm to the Green Belt identified and the impact on the amenities of neighbouring properties significantly and demonstrably outweighs the benefits of the provision of 21 No. dwellings and that other policies within the NPPF, especially section 9, Green Belts, indicate that development should be restricted. Therefore, it is recommended the application be refused due to 1) impact on the Green Belt, 2) impact on residential amenity and 3) insufficient information regarding highways and flood risk matters.

REASON for REPORT

The proposal is for 21 No. dwellings.

PROPOSED DEVELOPMENT

It is noted that revised plans have been received during the course of the application, the applicant has sought to address some of the issues raised by various consultees.

This application is a full planning application for what is described as “...*the proposed residential development of land comprising an Abattoir and ancillary buildings at Moor Lane, Wilmslow*”. The proposed development consists of demolition of the existing buildings on site and removal of existing hard-standing and the erection of 21 No. dwellings and associated access road, landscaping and public outdoor space.

SITE DESCRIPTION

The application site is located off the northern side of Moor lane, Wilmslow (approx. 1.9k from Wilmslow town centre) and covers an area of approx. 6.1ha. The site is located within the Green Belt, as defined in the Local Plan. There are residential properties beyond the site's north-eastern, eastern and southern boundaries and open countryside beyond the western and north-western boundaries of the site. The surrounding residential properties are a mix of two-storey detached and semi-detached properties and bungalows of varying architectural styles with a mixed palette of materials.

The site is situated approx. 50m from the nearest bus stops, 50m from a Public House, within 1-1.5k of a multi-functional outdoor space, convenience stores, local shops, Primary Schools, child care facilities, a place of worship, a public right of way, a post box, a supermarket and entertainment & leisure facilities and within approx. 2k of a Secondary School, medical & dental facilities, community facilities, financial institutions and the full range of facilities and services usually found in a Town centre. The site is approx. 2.7k from Wilmslow train station and 2.8k from Alderley Edge train station. The site is located within a flood risk zone 1.

There are a number of buildings on site, including a dwelling, and areas of hard-standing. It is considered by the applicant that the buildings on site (other than the dwelling) have a planning use as an Abattoir.

RELEVANT PLANNING HISTORY

The planning history dating back to the 1980s shows that there have been a number of applications on the site between 1981 and 2002 for agricultural buildings and extensions to buildings associated with a poultry farm (26339P, 29293P, 30933PB, 74267P, 46735PB, 63012P and 02/2934P); there have also been a couple of applications for a bungalow/garage (28856P and 29827PB). The more recent applications on site are as follows:

- 14/3785M Certificate of lawful development for existing use of building as a dwelling. Positive certificate, 06.03.2015
- 14/3787M Change of use from Agricultural buildings to B2 (Abattoir), the outbuildings having been in use since 2001. Withdrawn, 06.11.2014
- 14/4954M Certificate of existing lawful use as an Abattoir. Not yet determined.

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 statement 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 Plan (January 2004).

National Policy/Guidance

National Planning Policy Framework (NPPF)

Para 6 of the NPPF states that

The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 14 states that 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.

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:

- 1) 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*
- 2) specific policies in the Framework indicate development should be restricted.*

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

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

Para 49 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 4 - Promoting sustainable transport
- Part 6 - Delivering a wide choice of high quality homes
- Part 7 - Requiring good design
- Part 8 - Promoting healthy communities
- Part 9 – Protecting Green Belt land
- Part 10 - Meeting the challenge of climate change, flooding and coastal change
- Part 11 - Conserving and enhancing the natural environment
- Annex 2 (Glossary) – Esp. definition of ‘previously developed land’

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 listed below:-

NE11 (Nature conservation)

NE18 (Accessibility to nature conservation)

BE1 (Design guidance)
GC1 (Green Belt)
RT5 and DC40 (Children's play provision and amenity space)
H1 (Housing phasing policy)
H2 (Environmental quality in housing developments)
H5 (Windfall housing sites)
H8 & H9 (Affordable housing)
H13 (Protecting residential areas)
IMP1 (Provision for infrastructure)
DC1 (High quality design for new build)
DC3 (Protection of the amenities of nearby residential properties)
DC5 (Design and natural surveillance)
DC6 (Circulation and access)
DC8 & DC37 (Requirements for landscaping)
DC9 (Tree protection)
DC15 (New infrastructure & facilities)
DC16 (Servicing by existing infrastructure)
DC17 & DC18 (Water resources)
DC36 (Road layouts and circulation)
DC38 (Guidelines for space, light and privacy for housing Development)
DC63 (Contaminated land)

Other Material Considerations

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

IMP1 (Presumption in favour of sustainable development)
PG2 (Settlement Hierarchy)
PG3 (Green Belt)
PG6 (Spatial Distribution of Development)
SD1 (Sustainable Development in Cheshire East)
SD2 (Sustainable Development Principles)
IN1 (Infrastructure)
IN2 (Developer Contributions)
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)
SE12 (Pollution, Land Contamination and Land Instability)
SE13 (Flood Risk and Water Management)
CO1 (Sustainable Travel and Transport)

Interim Planning Statement: Affordable Housing - Feb 2011
Strategic Market Housing Assessment (SHMA)- Up-date Sept' 2013
Strategic Housing Land Availability Assessment (SHLAA)- Jan 2013
Article 12 (1) of the EC Habitats Directive 1992
The Conservation of Habitats and Species Regulations 2010
Nature Conservation Strategy (SPD) – 2006
Designing Out Crime (SPD) - 2006
Trees & Development Guidelines (SPG) – 2004
Supplementary Planning Guidance on s106 (Planning) Agreements

CONSULTATIONS

Head of Strategic Infrastructure (Highways)

The Head of Strategic Infrastructure (Highways) has requested additional information and amendments to plans as outlined below:

- Vehicle swept path analysis for a **large** refuse vehicle entering and exiting the site in a forward gear, the submitted analysis is for a small refuse vehicle; and
- Parking for plots 18, 19, 20 and 21 is still unusable

The following also needs to be clearly illustrated on plan and/or clarified:

1. Dropped kerb pedestrian crossing points with tactile paving should be provided across Moor Lane somewhere between Moorfield Drive and Winchester Close, to link the site with the bus stop outside The Rifleman's Arms;
2. Dropped kerb pedestrian crossing points with tactile paving should be provided across the site access at its junction with Moor Lane;
3. Dropped kerb pedestrian crossing points with tactile paving should be provided across Moor Lane to the west of the site access to link the site with the footway network opposite.
4. Confirmation is sought that the private road outside plots 7 to 10 is at least 6.0m wide to allow a vehicle to be manoeuvred in and out of the parking bays.

Heritage & Design – Landscape

No objections

Heritage & Design - Forestry

No objections, subject to conditions re tree retention and tree protection.

Heritage & Design – Ecology

No objections, subject to conditions re a) development to be undertaken in accordance with the recommendations in the reptile survey, b) landscaping to include preplacement hedgerows, c) protection of nesting birds and d) details of features to be included in the development suitable for nesting birds and bats.

Environmental Protection

No objections, subject to the following conditions: 1) details of dust control, 2) an Environmental Management Plan (covering air quality and noise impact, with mitigation measures as required), 3) waste management provision, 4) electric vehicle infrastructure and 5) a Phase II contaminated land investigation. An informative re Environmental Protection is also recommended.

United Utilities

No objections, subject to conditions relating to foul and surface water drainage and informatives re drainage options and water supply to the units.

Education Dept/Services to Children & Families

No objections, subject to commuted sums to provide additional Primary and Secondary Education places as the application is forecast to impact on both Primary and Secondary education in the immediate locality.

The application is expected to generate 4 No. Primary places (21 x 0.19) and 3 No. Secondary places (21 x 0.15).

Forecasts indicate an immediate shortfall and beyond for Secondary. Forecasts indicate a shortfall for 2018 and beyond for Primary.

The commuted sums required are outlined below (Heads of Terms)

Housing Strategy and Needs Manager

Initially objected due to lack of 'pepper potting' of 7 No. affordable units on the original layout of 22 No. units. Revised plans reduced the total number of units to 21 and, correspondingly, the number of affordable units to 6 No. with the affordable units spread more over the site. The Housing Strategy and Needs Manager accepts the degree of 'peeper potting' on the revised plans but has also expressed a preference for the original site layout of 22 No. units in total as this provided 7 No. affordable units rather than 6 No., and given the demand for affordable housing in Wilmslow the 7 No. units not 'pepper potted' is deemed preferable to the 6 No. units 'pepper potted'.

Greenspace

No objections, subject to appropriate commuted sums for recreation outdoor sports (£1,000 per open market dwelling), a management plan for the on-site public open space ensuring full access for maintenance and details of facilities/features to be provided within the public open space.

Flood Risk Manager

The Flood Risk Manager has requested that the applicant provide the following additional information:-

“...identify the greenfield runoff rates and proposed attenuated volumes associated with development under extreme storm/flood events (1 in 100 year plus climate change) to ensure that discharge rates and volumes are reasonable for location and site, and that measures could reasonably be accommodated within the site with no adverse impacts both on and off site. This would form the basis of the outline drainage strategy for the site.

As yet this information has not been submitted.

Environment Agency

No objections

TOWN/PARISH COUNCIL

Wilmslow Town Council

Recommend refusal – Development in the Green Belt without exceptional circumstances

REPRESENTATIONS

Representations have been received from approx. 45 No. households, 6 No supporting the proposal and the rest objecting; the objections include representations on behalf of ‘Residents of Wilmslow’; details can be read on file. A summary of supporting comments and objections/issues raised is provided below:

Support

- It can only improve the neighbourhood
- Would provide a worthy addition to Wilmslow’s housing stock
- Would remove a non-residential use; preferable to be used for housing rather than (unauthorised) abattoir
- Would result in buildings less overbearing
- Would improve outlook for some residents (by removing unsightly buildings)
- Would enhance the appearance of Moor lane
- Cannot be inappropriate development as the site is industrial
- Site hasn’t adhered to the original definition of Green Belt land (defined in 1955) for some time
- Note that local facilities will need improving, footpaths are inadequate and appropriate sight-lines need to be provided at the access
- Recommend a condition limiting construction to between 0800 to 1800, to minimise disruption to neighbouring properties

Object

- Impact on Green Belt; intrusion into Green Belt; inappropriate development in Green Belt; no exceptional/very special circumstances

- Should be refused just as the 12/1144M application was (Gypsy/traveller site in Green Belt)
- Would reduce openness of the countryside; height of proposed buildings higher than existing, which would reduce openness
- Not an abattoir; lived in the area for a) 34 years and b) over 20 years – no-one locally knows it as an abattoir; been used as a chicken farm and turkeys at Christmas; not operated at current level for 10 years nor are all the buildings used
- Agricultural buildings are not brownfield land
- Application 14/4954M not yet determined; regardless, the footprint of proposed is larger than footprint of existing farmyard
- Proposal would completely fill the plot
- Should look for suitable brownfield sites elsewhere in Wilmslow
- Majority of structures on site have been used for agricultural purposes/storing agricultural machinery
- Impact on wildlife
- Impact on flora and fauna
- Impact on Lindow Moss peat bog
- Too many trees removed
- Landscaping should improve the situation, not just replace things
- Overbearing on surrounding properties; height would impact on neighbouring bungalows; too dense
- Overdevelopment of the site
- Impact on daylight, visibility and outlook
- Impact on privacy
- Impact from increased noise
- Would reduce security
- Extra houses but no extra facilities (eg. Doctors, Schools, etc.)
- Previous applications rejected
- Would set a precedent
- Visual impact on the area
- Extra traffic undesirable in the interests of road safety
- Moor Lane not adequate for additional traffic
- Access has poor visibility/not safe
- Pollution and noise from additional traffic
- Insufficient parking for visitors
- Unsafe for eg. School children (limited footpaths available) and elderly
- Historic farmland; been used for farming for over 50 years
- Ground and air contamination
- Little detail, eg. ecology report inadequate
- Not seen any detail re building techniques (piling tests carried out, therefore piling likely to be required)
- Plans and submitted documentation include a range of errors relating to eg. calculations comparing existing and proposed, flood risk data, affordable homes not 'pepper-potted',
- Site is prone to subsidence and flooding
- Revised plans make very little change

- The road in the revised plans is worse than the original in that it encroached further into the Green Belt
- Would not object to a reduced form of development limited to the hard-standing buildings area only
- Main objection is the number of houses rather than the change of use

ADDITIONAL INFORMATION

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

- Design & Access Statement (Inc. Landscape Impact Assessment)
- Planning Statement
- Ecological Assessments
- Site Investigations Reports
- Gas Report
- Flood Risk Assessment & Drainage Strategy Management
- Arboricultural Report
- Highways Report
- Info re respective sizes/areas/volumes etc. of existing buildings and hard-standing v proposed buildings and hard-standing

OFFICER APPRAISAL

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

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

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

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

These roles should not be undertaken in isolation, because they are mutually dependent (Paras 7 & 8 NPPF).

Key issues:

- Principle of the development
- Housing land supply

- Affordable housing
- Public Open Space
- Impact upon the Green Belt
- Design/impact on the character of the area, relationship with the street-scene
- Impact on residential Amenity
- Landscape, arboricultural and ecological impacts
- Highway safety
- Flooding and drainage
- Environmental issues
- Sustainability & planning balance
- Heads of terms

Principle of Development

Policy GC1 of the Local Plan states that

“Within the Green Belt approval will not be given, except in very special circumstances, for the construction of new buildings...” unless it is for one of a number of exceptions. The proposed development does not constitute one of the exceptions listed.

Para 89 of the NPPF states that

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt...”

“...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances...” (para 87 NPPF).

‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para 88 NPPF).

One of the exceptions listed in the NPPF (para 89) is

“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. “

This advice is reflected in policy PG3 of the emerging Cheshire East Local Plan Strategy.

Annex 3 of the NPPF provides a glossary of key terms used within The Framework. ‘Previously developed land’ is defined as follows:

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. **This excludes: land that is or has been occupied by agricultural or forestry buildings; land that***

has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

As noted above, the description of the proposed development indicates that the applicant considers the site to have a use as an Abattoir, which would constitute previously developed land. As also noted above the applicant has submitted a Certificate of existing lawful development (14/3787M); the essence of the certificate application is to establish from the Council whether or not the Local Planning Authority consider the use of the site as an Abattoir to be lawful or not. If the conclusion is that the site does not have a lawful use as an Abattoir then the applicant accepts that the current proposal would not meet the criteria of the exception of previously developed land and therefore the application would be inappropriate development in the Green Belt and should be refused. It is also noted above that at this stage application 14/3787M has not been determined. As the application has not been determined the current application to redevelop the site has been assessed on the basis of the site being deemed to be previously developed land. That said, it is noted that the Officer's view is that the site as presented does not constitute previously developed land. However, if the site is deemed to be previously developed land the key tests are a) whether or not the proposed has a greater impact on the openness of the Green Belt than the existing and b) whether the proposed threatens any of the purposes of including land within the Green Belt.

SOCIAL SUSTAINABILITY

Housing Land Supply

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

This calculation of five year housing supply has two components: 1) the housing requirement and 2) the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

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

The Local Plan Inspector published his interim views based on the first three weeks of Examination in November 2014. He concluded that the Council's calculation of objectively assessed housing need is too low. He also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, Officers no longer recommend that this figure be used in housing supply calculations. The

Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Examination of the Plan was suspended on 15th December 2014.

Following the suspension of the Examination into the Local Plan Strategy and the Inspector's interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work in the form of the "Cheshire East Housing Development Study 2015 – Report of Findings June 2015" produced by Opinion Research Services, has now taken place.

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.

The definitive methodology for buffers and backlog will be resolved via the Development Plan process. However the indications from the work to date suggest that this would amount to an identified deliverable supply target of around 11,300 dwellings.

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land.

On the basis of the above, the provision of housing land itself is considered to be a substantial social benefit of the proposal.

Affordable Housing

The proposed would provide 6 No. affordable dwellings, which is considered to be a significant contribution to the affordable housing needs of the area/Borough. The proposed is considered to accord with policies H8 and H9 of the Local Plan.

Public Open Space

Local Plan policies DC40 and RT5 require developments to include, or make provision for, outdoor amenity & play space. If provision cannot be made on site the commuted sums required for provision off-site are outlined in the SPG on s106 (Planning) Agreements.

It is noted that the site layout plan includes areas designated as Public Open Space (POS), x 1 area just to the west of the access road and an area to the north of the site.

The Officer for Greenspace makes the following comments:

If the retention of open space / green space is desirable for wider reasons, then on-site provision of public open space would be acceptable subject to the following caveats:

- Full access for maintenance to all parts of the POS
- A landscape management plan agreed with the Council with a clear mechanism for its maintenance in perpetuity
- Natural and timber play features to be incorporated into a scheme for the POS and seating, paths, kick-about area and appropriate landscaping, including amenity grassland, to be included
- The area to the front of the site would not be considered POS

There will be a requirement for a commuted sum for off-site provision of recreation outdoor space at a rate of £1,000 per open market family dwelling

Bearing in mind the above comments it is concluded that it will be possible to provide an appropriate level of public open space within the site which will meet the needs of future residents of the proposed dwellings. Contributions towards improving recreation outdoor sports facilities that future residents will be able to access can be secured via a s106 Agreement. As such, the proposed is considered to accord with policies DC40 and RT5 and other material considerations.

Green Belt assessment

The site edged red covers an area of approx. 15,160 sqm.

The existing buildings have a footprint of approx. 2,612 sqm and they have a volume of approx. 10,660 cum. The existing hard-standing covers an area of approx. 1,223 sqm. Therefore, the total area of hard-standing and building footprint is approx. 3,835 sqm. The height of the highest building on site is approx. 9.6m, the rest of the buildings are approx. 5.9m or below.

The proposed 21 No. dwellings (inc. detached garages) have a footprint of approx. 1,723 sqm; the associated gardens cover an area of approx. 3,800 sqm. Hence, the building footprint and gardens together cover an area of approx. 5,523 sqm. The volume of the proposed buildings is approx. 11,446 cum. The area of proposed hardstanding is approx. 2,488 sqm. Therefore, excluding the areas of Public Open Space, the total area of proposed building footprint, gardens and hardstanding is approx. 8,011 sqm. The heights of the proposed dwellings are all approx. 7.7 to 7.8m and the height of the proposed garages is approx. 6.4m.

It is considered that the proposed development across the whole of the site needs to be considered to appraise the impact on the openness of the Green Belt. It is considered that the built form (dwellings and garages), hard-standing (roads and footpaths), gardens (bearing in mind that they are likely to consist of various domestic paraphernalia) and areas of public open space (which cease to be 'open' when used by the public for recreational purposes) all impact on the openness of the Green Belt.

Hence, the worse-case scenario is that the whole of the site (i.e. 100%) is proposed for development compared with the existing development on site which constitutes only approx. 25% of the site area. If the proposed public open space is left out of the calculation the proposed development of dwellings (inc. garages), gardens and hardstanding constitutes

approx. 53% of the site area (again, compared with 25% existing). The proposed built form and hard-standing constitute approx. 28% of the site area. The volume of proposed buildings constitutes an increase of approx. 7% over the existing buildings. Although 1 No. existing building is approx. 9.3m high, the rest are approx. 5.9m and below; compared with the proposed dwellings which are all 7.7m to 7.8m and the garages which are approx. 6.4m. Therefore, all the proposed buildings are higher than all the existing buildings on site with the exception of 1 No. existing building.

Hence, the conclusion from the above comparisons is that the proposed development has a greater impact on the openness of the Green Belt than what currently exists on site – the development is spread across a wider area of the site, the buildings are generally higher, the volume of buildings is greater and the added to these factors is the fact that the use of the site for residential purposes with public outdoor space will result in a greater intensified use of the site compared to the existing use.

The proposed development also encroaches further into the Green Belt than the built form that exists on site, which threatens one of the purposes of including land within the Green Belt.

Bearing the above in mind it is considered that the proposed does not accord with local Green Belt policy (GC1) nor does it accord with policy guidance within the NPPF. Even if the site is deemed to be ‘previously developed land’ the proposed development would be inappropriate development in the Green Belt as the proposed has a greater impact on the openness of the Green Belt than existing and it encroaches into the Green Belt, thereby threatening one of the purposes of including land within the Green Belt. For such reasons the application should be refused, unless there are very special circumstances that outweigh the harm identified. It is considered that there are no very special circumstances that clearly outweigh the harm to the Green Belt identified.

Although 21 No. dwellings would be provided when the Council cannot demonstrate a 5 year supply of housing land, the harm to the Green Belt identified would a) constitute an unsustainable form of development (due to the detrimental impact on the environment), b) the harm would *“significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”* and c) *“specific policies in the Framework [i.e. Green Belt policies] indicate development should be restricted”*.

Design/impact on the character and appearance of the area, street-scene

The site layout is such that there are a number of proposed dwellings fronting Moor Lane (6 No.), 2 No. of which are accessed directly via a proposed driveway off Moor Lane and the rest are accessed from the proposed main access road into the site, which runs south to north from Moor Lane.

The proposed dwellings are mainly detached, two-storey dwellings with a few semi-detached properties and a small terrace of 4 No. dwellings in the north-eastern corner of the site. Some of the properties have internal garages, some have detached garages and the small terrace has off street parking in front of the dwellings. The materials are to be agreed with the Local Planning Authority; the submitted street-scenes indicate a range of materials, which would be in keeping with the area. There is landscaping provided along the site frontage, within and

around the proposed gardens and within the areas designated as public open space. The density of the proposed development is comparable to that of surrounding residential development.

Bearing the above points in mind, and subject to relevant conditions if approved, it is considered that the proposed development will have an acceptable degree of impact on the street-scene and the character and appearance of the area. As such, the proposed accords with policies BE1, DC1 and DC5 and other material considerations.

Impact on neighbouring residential amenity

Concerns have been raised in representations about the potential impact of the proposed development on the levels of amenity currently enjoyed by the occupants of neighbouring properties, eg. overbearing, loss of outlook, loss of privacy, noise disturbance, etc. Policy DC38 gives guidance on recommended distances between dwellings re space, light and privacy. The recommended distances for new dwellings up to two-storeys high is 21m front to front, 25m back to back and 14m for a habitable room window facing elevations with either non-habitable room windows in them or blank elevations.

It is considered that there are some concerns regarding impact of the proposed development on the amenities of some neighbouring properties. Thus: 1) the side elevation of plot 11 is only approx. 9m from the rear elevation of number 4 Winchester Close (which has numerous habitable room windows in its rear elevation) and approx. 11m from the rear elevation of number 3 Winchester Close (which also has numerous habitable room windows in its rear elevation); as the south-eastern facing elevation of plot 11 has no habitable room windows in it the recommended distance is 14m; 2) the south-eastern facing side elevation of plot 10 is only approx. 7m from the north-western corner of number 5 Winchester Close, which has habitable room windows at ground and first floor levels on both its side and rear elevations and the outdoor amenity space is close to the proposed dwelling of plot 10; there are no habitable room windows in the south-eastern facing elevation of plot 10; 3) the north/north-eastern facing side elevation of plot 5 is approx. 12.5m from the rear elevation of number 23 Arlington Crescent and the garage of plot 5 is approx. 10m from the rear elevation of number 25 Arlington Crescent; there are no habitable room windows in the north-eastern facing elevations of the dwelling of plot 5; 4) the north-eastern corner/side elevation of plot 21 is only approx. 6m from a habitable room ground-floor window on the south-western elevation of number 1 Winchester Close; it is noted that there are no habitable room windows in the eastern facing elevation of plot 21.

Hence, the relationships referred to are considered to result in unacceptable reductions in amenity for the occupants of the surrounding neighbouring properties referred to (lack of space between buildings, loss of light and overbearing in respect of windows and gardens). As such, the proposed would not accord with policies DC38, DC3 and H13 or other material considerations.

It is noted that a few of the internal relationships between the proposed dwellings do not quite meet some of the desired distance standards. However, given the orientation of the buildings and the nature of the windows in the relevant elevations it is considered that the amenity levels of future incumbents of the dwellings would be acceptable and accord with relevant policies.

ENVIRONMENTAL SUSTAINABILITY

Landscape, arboricultural and ecological impacts

Landscape impact

The Landscape Officer broadly accepts the conclusions of the Landscape & visual Impacts Assessment submitted with the application and concludes that the proposal would not result in any significant landscape or visual impacts.

As noted there are areas of public open space provided at the western side of the access point and to the rear of the site. Some of the existing trees around the site perimeter are to be retained and the plans indicate that additional trees are to be planted throughout the site. Native hedging is proposed along the site frontage and there is hedging proposed along the boundaries of most of the plots. A semi-curved brick panel with piers is proposed at the site entrance. Close boarded timber fencing is proposed around some stretches of the site boundaries. There are brick piers and railings along the boundaries of some of the plots and there are some low level brick walls with piers and infill timber panels around the boundaries of other plots. The proposed dwellings all have front and rear garden areas. Should the application be approved, details of all soft and hard landscaping could be secured via conditions.

The information provided on plans at this stage is sufficient to conclude that the proposed development would not significantly harm the landscape character/visual amenity of the area. As such it is considered that the proposed accords with policies DC8 and DC37.

Arboricultural impact

Some minor issues initially raised by the Arboricultural Officer regarding trees not plotted and relationships between a few proposed buildings and existing trees have been addressed in the revised plans. Some trees are to be retained and there is indicative tree planting on the site layout. It is considered that the proposed development raises no significant arboricultural issues and that the proposed development accords with policy DC9 of the Local Plan.

Ecological impact

Great Crested Newts

The Nature Conservation Officer has concluded that Great Crested Newts are unlikely to be affected by the proposal.

Water Voles & Reptiles

The Nature Conservation Officer requested additional information regarding water voles and reptiles. Following submission of this information it has been concluded that a) no evidence of water voles were recorded and no further action is required b) no evidence of reptiles was recorded but there remains a risk that reptiles could appear on site. Consequently, if the

application is approved work should proceed in accordance with the measures outlined in the submitted report.

Bats

The Nature Conservation Officer requested additional information regarding bats. Following submission of this information it is concluded that roosting bats are not likely to be affected by the proposed development.

Hedgerows

It is noted that the proposed development would involve the loss of some existing hedgerows. However, additional hedgerows are proposed as part of the overall landscaping of the site. Should the application be approved it is recommended that the inclusion of replacement hedgerow planting is secured via a condition.

Breeding Birds

If approved it is recommended conditions are attached to a) protect breeding birds and b) provide details for the incorporation of features into the scheme suitable for use by breeding birds (inc. house sparrow) and roosting bats.

Bearing in mind the comments above it is considered that the proposed accords with policies NE11 and NE18 of the Local Plan and other material considerations.

Highways safety

As noted above, additional information is required in order for the Head of Strategic Infrastructure (Highways) to be able to fully appraise the highways safety implications associated with the proposed development. At this stage there is insufficient information to be able to conclude on matters pertaining to highway safety and whether or not the proposed development accords with policy DC6 of the Local Plan.

Flood risk and drainage

The site is located within an area designated as Flood Risk Zone 1 by the Environment Agency, which means the site is low risk in terms of surface water flooding. As noted above, the Council's Flood Risk Manager has requested additional information. However, at this stage the additional information requested has not been submitted. Without such information it is not possible to conclude whether or not the proposed development accords with Local Plan policies DC17 and DC18.

Environmental Health

As noted above, the Environmental Protection Team raises no objections, subject to conditions as outlined. Therefore it is considered that there are no significant environmental health issues arising from the application. The proposed accords with policy DC63 of the Local Plan and other material considerations.

ECONOMIC SUSTAINABILITY

It is considered that the construction of the proposed development would provide some employment opportunities and wider economic benefits to the construction industry supply chain. There would be some economic benefits by virtue of future residents contributing to the local economy. Bearing these points in mind it is considered that the proposed development would be economically sustainable.

HEADS OF TERMS & CIL REGULATIONS

S106 & CIL

Should the application be approved a s106 legal agreement will be required to include the following heads of terms:

- $4 \times £11,919 \times 0.91 = £43,385.16$ (Primary)
- $3 \times £17,959 \times 0.91 = £49,028.07$ (Secondary)
- Therefore, total education contribution = £92,413.23.
- A commuted sum for the off-site provision of recreation outdoor sport @ £1,000 per open market dwelling
- Therefore, total recreation outdoor sport contribution of £15,000
- Provision of 6 No. affordable housing units
- Management Plan for management/maintenance of the on-site public open space

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 sums for provision of education places and the commuted sum in lieu of recreation outdoor sport is necessary, fair and reasonable. As the proposed development is to provide 21 No. dwellings, some of the future occupiers will use local schools and local recreation/outdoor sport facilities. As such, there is a need to provide additional education places and upgrade/enhance existing recreation/outdoor sport facilities. The contributions are in accordance with the Council's Supplementary Planning Guidance. The 6 No. affordable dwellings are required to meet such housing needs in the area and a Management Plan for the POS is required to ensure future maintenance of such provision.

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

All consultations and representation received to date have been borne in mind, alongside all the submitted documentation and plans.

The Certificate of existing lawful use application (14/4954M) has not yet been determined. It has not yet been demonstrated that the site can be classed as Previously Developed Land for the purposes of Green Belt policy. However, the proposed development has been assessed against the test required to enable the development of Previously Development Land in the Green Belt. It is clearly evidenced that the proposal fails this test.

The 3 No. roles of sustainability have been considered – social, environmental and economic. It is considered that the proposed development would provide social benefits in respect of a) 21 No. dwellings in total and b) the inclusion of 6 No. affordable dwellings. The proposed development also includes a relatively large area of on-site public open space, primarily accessible by future residents of the proposed dwellings. As regards environmental sustainability, the impact on 1) the landscape, 2) trees and hedges, 3) ecology and 4) the character and appearance of the area/street-scene is considered to be of a limited and acceptable degree. It is also considered that there are no significant environmental health concerns arising from the proposal. However, the proposed development is considered to have a greater impact on the openness of the Green Belt and to threaten one of the purposes of including land within the Green Belt due to encroaching into the Green Belt. Therefore the proposed is inappropriate development in the Green Belt. No very special circumstances exist to outweigh the harm identified. The proposed is also considered to have a detrimental impact on the amenities of a number of neighbouring properties, due to not providing appropriate space between buildings, reducing light and being overbearing in respect of rooms and gardens. The proposed development would provide some economic benefits, such as the usual employment opportunities and the wider economic benefits to the construction industry supply chain and future residents contributing to the local economy. Finally, at this stage there is insufficient information to be able to conclude on highways and flood risk matters.

Bearing all the above factors in mind it is considered that the proposed development does not constitute a sustainable form of development within the broad context of sustainability outlined in the NPPF. Although the Council does not have a 5 year supply of housing land, it is considered that the harm to the Green Belt identified and the impact on the amenities of neighbouring properties significantly and demonstrably outweigh the benefits of the provision of 21 No. dwellings and that other policies within the NPPF, especially section 9, Green Belts, indicate that development should be restricted. Therefore, it is recommended the application be refused due to 1) impact on the Green Belt, 2) impact on residential amenity and 3) insufficient information regarding highways and flood risk matters.

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.

Application for Full Planning

RECOMMENDATION: Refuse approval

1. Inappropriate development in the Green Belt. Impact on openness of the Green Belt. Encroachment into the Green Belt. No very circumstances.
2. Detrimental impact on residential amenity
3. Insufficient information re highways and flood risk



Application No: 15/4693M

Location: 18, MOOR LANE, WILMSLOW, CHESHIRE, SK9 6AP

Proposal: First floor addition, garage conversion to new dwelling and widening the existing access off the highway

Applicant: Mr Mark Curbishley

Expiry Date: 10-Dec-2015

Date Report Prepared: 22 December 2015

SUMMARY

This application is for the addition of a first floor to the existing ancillary garage and the conversion to a new independent 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 street-scene; has a limited and acceptable degree of impact on the amenities of neighbouring properties and raises no significant highway safety issues.

RECOMMENDATION: Approve, subject to conditions

REASON FOR REPORT

This application has been called in to committee at the request of Cllr Gary Barton on the 24th November due to the following concerns; *'This is an over development of the site and will have an overbearing impact on number 16 Moor Lane.'*

DESCRIPTION OF SITE AND CONTEXT

The application site consists of a single storey detached garage currently ancillary to 18 Moor Lane and an area of land surrounding the garage. The property is situated in a predominantly residential area of Wilmslow.

The surrounding properties consist of a variety of styles and sizes.

DETAILS OF PROPOSAL

Full planning permission is sought for the addition of a first floor to the existing single storey garage, the dividing of the existing curtilage into two separate curtilages and the conversion of

the existing garage into a separate dwelling. There would be 3no. car parking spaces provided for the existing dwelling with a further 2no. spaces for the new dwelling along with a widened access.

RELEVANT HISTORY

12/0108M Construction of detached garage and attached outbuilding conversion to utility
Approved 02 March 2012

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)
DC41 (Infill Housing Development or Redevelopment)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing)
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)

Environmental Health: No objections, subject to conditions related to: hours of operation, pile driving, dust control and an informative regarding contaminated land.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council: recommends refusal on the grounds of the proposals being out of keeping with the streetscene.

OTHER REPRESENTATIONS

Representations from 10no. different properties have been received. A summary of these can be viewed below:

- Out of character in both size and scale, also the front gable is not appropriate to the area.
- Too small.
- The new dwelling will be overshadowed to the rear by the high trees, possibly leading to additional windows to be inserted.
- Highway safety concerns.
- Overdevelopment of the site.
- Sub-standard amenity space for new dwelling.
- Concerns regarding the impact on the amenity of number 16, particularly the rear garden area, the rear conservatory and the first floor bedroom window.

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
- Highway safety implications

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

The proposed dwelling would increase the roof of the existing garage by approximately 2m to a height of approximately 7.5m. As mentioned above Moor Lane contains several different sizes and styles of properties with many different design features.

Representations have suggested the proposal is out of character with the area. Although the style of the property is not typical of the wider area, contrary to a comment in one of the representations, there are front gables within the vicinity of the application site with the closest being number 27 opposite the site. The dwelling would be set back from the road at a greater

distance than the surrounding properties, meaning that together with the lower height the property would not be prominent within the street scene. Given its siting and materials it is considered that the design is acceptable and that the proposed dwelling would have an acceptable impact on the character and appearance of the area. The presence of the existing, not inconsiderable, garage does mean that the additional height would not have a significantly increased impact on the street scene over the existing situation. The proposal is considered to accord with policies BE1, DC1, DC41, H2 and H13.

Amenity

Amended plans were received during the course of the application increasing the size of the proposed curtilage in order to comply with policy DC41, which states that *'the garden space should reflect the typical ratio of garden space within curtilages in the area and the location, size and shapes should be suitable for the intended purpose'*. It was not considered necessary to re-consult neighbours as the area was either curtilage to number 18 or the new dwelling and no additional impact was created by the amendment. It is considered that with the increase in size the curtilage it now complies with policy DC41 of the Local Plan.

Various representations have been received expressing concern over the impact on neighbouring residential amenity. Policies of relevance are 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. To the front the new dwelling would more than meet the spacing guidance in DC38, while to the rear the proposed dwelling would not quite meet the suggested distance of 25m. This is however overcome by the fact that there are no habitable windows to the rear of the proposed dwelling and so the recommended distance of 14m should be achieved. The distance to number 1C Strawberry Lane, directly to the rear is approximately 22m while the distance to 1B is approximately 16m at its closest. To ensure that there is no overlooking a condition stating that the rear bathroom window should be obscurely glazed and non-opening should be included in any approval.

To the east of the proposed dwelling, number 16 contains side windows to the kitchen and conservatory at ground floor and a bathroom at first floor. Photographs with illustrations of the proposed impact of the new dwelling were provided by the occupants of number 16. While some of the illustrations look as though they may have been slightly exaggerated they are useful in helping to make an assessment of the proposed impact. As the kitchen and bathroom are not considered to be habitable windows the impact on these is not considered to be as sensitive as a habitable window. The view from the conservatory shows that, due to the orientation of the two properties, the majority of the new dwelling would be framed by the existing dwelling at number 18 and so the actual loss of direct sunlight is not considered to be significant, particularly when considering the existing tall boundary hedge between the two properties.

The roof would slope away from the boundary with number 16 and the actual amount of gable wall that would be showing above the boundary hedge is minimal which together means that there is not considered to be an overbearing impact on number 16.

While there have been a few comments from neighbours suggesting that the new development would create a loss of privacy to the neighbouring properties the dwelling has been designed so that the habitable windows at first floor all face the front elevation and due to the distances to the property opposite the front it is not considered that the proposal would lead to a loss of privacy.

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.

Highways

A number of comments have been received with concerns over the car parking spaces and the impact that this would have on highway safety in the area. The five spaces provided meets the parking standards of the council and providing a condition is issued retaining the spaces for cars the impact on highway safety is considered to be acceptable.

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 street-scene; has a limited and acceptable degree of impact on the amenities of neighbouring properties and raises no significant highway safety 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.

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:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Removal of permitted development rights

7. Obscure glazing requirement
8. No windows to be inserted
9. Provision of car parking

This page is intentionally left blank