

Northern Planning Committee

Agenda

Date: Wednesday, 10th February, 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 - 6)

To approve the Minutes of the meeting held on 13th January 2016 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. **15/2412M - The Wharf, Buxton Road, Macclesfield SK10 1LZ: Demolition of MOT Testing Centre and Garage and Re-development for Use Class C2 Residential Accommodation with Care comprising 64 Apartments for Persons aged 60 and over with Communal Facilities, Parking and Associated Private Amenity Space for Mrs Penny Smith, Gladman Care Homes Ltd (Pages 7 - 22)**

To consider the above application.

6. **15/4791C - Big Stone Cottages, Middlewich Road, Cranage, CW4 8HG: Demolition of existing residential building and ancillary buildings, removal of trees, replacement of existing house, and development of three new houses, highways access , landscaping and infrastructure for Mr Mike Cohen (Pages 23 - 38)**

To consider the above application.

7. **15/3472M - 180A, Wilmslow Road, Handforth SK9 3LF: Conversion to create 12 No. apartments, the erection of a two storey rear extension, repairs and rebuilding part of the chapel, replacement windows and doors, associated car parking along with the removal of listed trees following the withdrawal of previous planning application 15/1865M for Mr A Harrison (Pages 39 - 60)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 13th January, 2016 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,
M Hardy, A Harewood, G Hayes, O Hunter, J Jackson (substitute), J Macrae
and N Mannion

OFFICERS

Nicky Folan (Planning Solicitor)
Ian Fray (Planning Officer)
Peter Hooley (Planning and Enforcement Manager)
Neil Jones (Principal Development Officer – Highways)
Matthew Keen (Planning Officer)
Louise Whinnett (Senior Planning Officer)
John Williamson (Senior Planning Officer)

84 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor L Jeuda.

85 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application numbers 15/3674M and 15/2780M Councillor S Gardiner declared a non pecuniary interest on the grounds that the agents for these applications were his former employer.

With regard to application number 15/4693M Councillor S Gardiner declared a non pecuniary interest on the grounds that the agent for this application is known to him.

In the interest of openness in respect of application number 15/3674M Councillor J Jackson declared that during the last term of office she had an acquaintance as a Ward Member with Councillor K Edwards, who was speaking on this application

It was noted that Members of the Committee had received correspondence relating to application number 15/3674M.

86 **MINUTES OF THE MEETING**

That the minutes of the meeting held on 2nd December 2015 be approved as a correct record and signed by the Chairman.

87 **PUBLIC SPEAKING**

That the public speaking procedure be noted.

88 **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**

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

(Councillors A Stott and J Weston (Ward Members), Councillor K Edwards (on behalf of Bollington Town Council), Ms H Reid and Mr R BoSmith (objectors) and Mr S Price (agent) attended the meeting and spoke in respect of the application)

RESOLVED

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

1. Highway safety
- 2 Insufficient off street parking

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.

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

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

89 **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**

The Committee considered a report regarding the above application.

(Councillor P Findlow (Ward Member), Councillor B Pilkington (on behalf of Mottram St Andrew Parish Council), Ms K Bowker (objector) and Mr N Smith (agent) attended the meeting and spoke in respect of the application)

RESOLVED

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

- Inappropriate development in the Green Belt (not infilling within a village)

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 Northern Planning Committee to enter into a planning agreement in accordance with the S111 of the Local Government Act 1972.

During consideration of this application Councillor G Hayes left the meeting and did not return.

Following consideration of this application Councillors M Hardy and N Mannion left the meeting and did not return.

Following consideration of this application the meeting adjourned for lunch from 12.45 pm until 13.15 pm.

90 **15/3058M - YEW TREE 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**

The Committee considered a report regarding the above application.

(Councillor G Barton (Ward Member) and Ms A Williams (objector) attended the meeting and spoke in respect of the application)

RESOLVED

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

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

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.

91 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

The Committee considered a report regarding the above application.

(Councillor G Barton (Ward Member), Mr T Eaton (objector) and Mr A Ellis (Planning Consultant – on behalf of the applicant) attended the meeting and spoke in respect of the application)

RESOLVED

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

1. 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

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.

The meeting commenced at 10.00 am and concluded at 2.10 pm

Councillor G M Walton (Chairman)

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Application No: 15/2412M

Location: THE WHARF, BUXTON ROAD, MACCLESFIELD SK10 1LZ

Proposal: Demolition of MOT Testing Centre and Garage and Re-development for Use Class C2 Residential Accommodation with Care comprising 64 Apartments for Persons aged 60 and over with Communal Facilities, Parking and Associated Private Amenity Space

Applicant: Mrs Penny Smith, Gladman Care Homes Ltd

Expiry Date: 28-Aug-2015

SUMMARY

The height and scale of the proposed building is not considered to preserve or enhance the character and appearance of the Macclesfield Canal Conservation Area or the adjoining Buxton Road Conservation Area.

The proposed development would therefore not comprise sustainable development. The communal and economic benefits of the development are not considered to outweigh the less than substantial harm to the character and appearance of the Macclesfield Canal Conservation Area and the adjoining Buxton Road Conservation Area when considering the planning balance.

The development would therefore not accord with Macclesfield Borough Local Plan policies BE1, BE2, BE3, BE6, the National Planning Policy Framework or the Macclesfield Canal Conservation Area Appraisal.

Therefore the development proposed is recommended for refusal.

RECOMMENDATION- REFUSE

KEY ISSUES

- The principle of the development
- Impact of the design on the character and appearance of the Conservation Area
- Highways safety, access, parking, servicing and pedestrian safety
- Residential amenity issues
- Arboricultural and forestry implications
- Ecology implications
- Landscaping
- Surface water drainage
- Other drainage matters
- Environmental Health issues (including land contamination)
- Developer contributions

REASON FOR REPORT

The application is for the construction of a development with a floorspace of over 1000 sq.m and under the Council's Constitution, it is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site is located east of Macclesfield town centre, with a range of local shops and services nearby. East of the site is the Macclesfield Canal, whilst to the south is Buxton Road. To the west is a footpath with houses beyond, whilst to the north are car parks and the playing fields of Kings School. Bus stops on Buxton Road near the site give access to the town centre and Macclesfield railway station.

The former garage comprises three main single-storey blocks, built between the 1930s and 1950s around a forecourt adjoining Buxton Road. Approximately two thirds of the northern part of the site is vacant land with canal moorings. There is a substation on the eastern boundary of the site. The site has a single vehicular access point from Buxton Road.

The site itself is broadly level with the canal side, however the general topography falls east-west and extensive stone retaining walls run along the north and west boundaries, whilst the southern boundary rises to Buxton Road bridge.

There is no significant vegetation on the site. However, there are off-site mature trees (subject to a TPO) to the side of 38 Lime Grove which partially overhang the site. It is worthy of note that all the trees within a Conservation Area are afforded similar protection.

The site lies within the Macclesfield Canal Conservation Area and it is immediately adjacent to Buxton Road Conservation Area.

DETAILS OF PROPOSAL

This application is an amended scheme of approved application 14/0046M, which was for the demolition of an MOT testing centre and garage and the re-development of the site for residential accommodation (Use Class C2) with care comprising 47no apartments for persons aged 60 and over, with communal facilities, parking and associated private amenity space at Buxton Road in Macclesfield.

The proposal is now for a larger building, comprising 64no apartments, which would be up to four storeys in height (with a ridge height of 13.8m- at its highest point), as opposed to the previously approved three storey building. This represents a 2.2m increase in ridge height and an increase in the floor area from the previous scheme of circa 23%. 41no car parking spaces are also proposed, comprising 29 standard spaces, 4no disabled spaces and 8no overspill spaces.

As with the previously consented application, the proposed building would be centrally located on the site in a linear block with a double aspect. Access is from Buxton Road with parking to the front. The main entrance of the building would face Buxton Road.

Within the development there would be a communal lounge, restaurant, office and facilities for 24 hour care, reception and small shop for residents, quiet lounge, hairdressers, therapies suite, spa room/ assisted bathroom, guest suite and internal 'mobility scooter' store. All these facilities would be for the sole use of the residents of the apartments and not be available to the general public.

The Care Statement accompanying this planning application sets out how the scheme would operate.

RELEVANT HISTORY

14/0046M

Demolition of MOT Testing Centre and Garage and Re-development for Use Class C2 Residential Accommodation with Care comprising 47 Apartments for Persons aged 60 and over with Communal Facilities, Parking and Associated Private Amenity Space

APPROVED

02/05/14

POLICIES

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

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

Local Plan Policy:

The front section of the application site lies within a housing proposal allocation, whilst the rear portion of the application site lies within a 'Mixed Use Area' as defined by the Macclesfield Borough Local Plan (MBLP). The site lies across the Canal from Puss Banks School which lies within the designated Green Belt and Area of Special Landscape Value, but these designations do not apply to the application site. The site is however within the Macclesfield Canal Conservation Area. The relevant Local Plan policies are considered to be:

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- Policy H4: Housing Sites in the Urban Areas;
- Policy E1: Mixed Use areas;
- Policy H13: Protection of residential areas;
- Policy BE1: Design Guidance;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC9: Tree Protection;
- Policy DC37: Landscaping;

- Policy DC38: Space, Light and Privacy;
- Policy DC57: C2 Residential Institutions;
- Policy BE3: Conservation Areas;
- Policy BE4: Design Criteria in Conservation Areas;
- Policy BE6: Macclesfield Canal Conservation Area
- Policy NE1: Landscape Protection and Enhancement;
- Policy NE2: Protection of Local Landscapes;
- Policy NE11: Nature Conservation;
- Policy RT1: Open Space;
- Policy T2: Provision of public transport;
- Policy T3: Pedestrians; and
- Policy T4: Access for People with Restricted Mobility.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
SC1 Leisure and Recreation
SC2 Outdoor sports facilities
SC3 Health and Well-being
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO4 Travel plans and transport assessments

Other Material Considerations

National Policy

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

14 - Presumption in favour of sustainable development

56-68- Requiring good design

126-141- Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

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

Supplementary Planning Guidance:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- Supplementary Planning Guidance on Section 106 Development (Macclesfield Borough Council);
- Macclesfield Canal Conservation Area Appraisal.

CONSULTATIONS (External to Planning)

Canal & Rivers Trust: The Canal & River Trust object to the proposed development.

Natural England: No comments to make on the application.

Macclesfield Civic Society: No objection.

Highways: The Strategic Infrastructure Manager raises no objection to the development.

Environment Agency: No objections.

Historic England: No comments to make on the application.

United Utilities: No objections, subject to conditions.

Environmental Health: No objections, subject to conditions.

Cheshire East Adult Services: No comments to make on the application.

Cheshire East Housing: No objections to the development.

Cheshire East Leisure Services (ANSA):

No comments have been received to date regarding this application. If any comments are received regarding the requirement for s106 contributions for Public or Recreational Open Space, an update will be provided to the planning committee.

VIEWS OF THE TOWN COUNCIL

No comments received.

REPRESENTATIONS

The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly. Notice was also published in the local press.

6no objections have been received on the following planning related grounds:

-Development would be out of keeping with the character and appearance of the Macclesfield Canal Conservation Area

-Development would be overbearing to neighbouring properties

-Development would overshadow neighbouring properties and the gardens to these properties, particularly on Lime Grove and Buxton Road

-Insufficient parking provision for the number of apartments proposed

1no letter of support has been received stating there is a demand for the type of and amount of residential accommodation proposed.

APPLICANT'S SUPPORTING INFORMATION

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

- Planning Statement;
- Design and Access Statement;
- Care Statement;
- Ecological Appraisal;
- Ground Investigation Report;
- Landscape and Visual Impact Assessment;
- Transport Statement;
- Arboricultural Assessment

OFFICER APPRAISAL

ENVIRONMENTAL SUSTAINABILITY

The principle of the development :

The front section of the application site lies within a housing proposal allocation, whilst the rear portion of the application site lies within a 'Mixed Use Area' as defined by the Macclesfield Borough Local Plan (MBLP).

The principle of a residential proposal on the site has previously been accepted following the approval of the previous application.

The relevant Local Plan Policy for assessing this application is Policy DC57. This policy states that proposals for residential institutions, accommodating seven or more people will be subject to the following criteria:

- (i) The site must be close to local facilities such as bus services, local shops and other community facilities and is normally sited in a residential area;
- (ii) A satisfactory balance of residential uses must be maintained in any neighbourhood and that the concentration of specialist housing and care facilities is avoided;
- (iii) The development must not materially prejudice the amenity of neighbouring property by virtue of overshadowing, overlooking, loss of privacy and noise disturbance;
- (iv) The development must comprise a reasonable sized private garden in the order of 10sq metres per resident, for the use of residents, which has a pleasant aspect and is not overlooked or overshadowed;
- (v) That the development satisfies the general requirements for all developments including the provision of onsite car parking for residents, staff and visitors;
- (vi) Vehicular and pedestrian access should be safe and convenient, particularly by the adequate provision of visibility splays.

Whilst the principle of the development has previously been accepted each of the above criteria is addressed below:-

- (i) It is considered that the site falls in a sustainable location, close to the town centre, shops and facilities. Bus routes run adjacent to the site.
- (ii) It is not considered that the proposed care facility would give rise to a concentration of specialist housing or care facilities.
- (iii) As the site is surrounded by existing residential properties to the south and north, the relationship between these properties and the proposed development has been considered. Local Plan policies DC3 and DC38 relate to amenity for residential development. DC38 sets out guidelines for space between buildings which developments should aim to meet. These policy tests have been taken into account when assessing this application and whilst the scheme is a high density scheme that is contained in a four storey block, it is considered that this scheme broadly accords with these guidelines. Detailed assessments on impact on residential amenity are outlined in the relevant section below.
- (iv) Accommodation would be provided comprising 64 apartments. The garden area for the development would be well in excess of 1,000 sq metres, which would have a pleasant aspect and due to the mature landscaping, it would not be overlooked, or overshadowed. The applications proposals also include balcony and internal amenity spaces;
- (v) The application proposals include parking provision for 41 cars. The site lies in a sustainable location. The Strategic Infrastructure Manager has raised no objections.

- (vi) Given the historic use of the site, the Strategic Infrastructure Manager raises no significant concerns with regards to vehicular or pedestrian access.

Impact of the design on the character and appearance of the Conservation Area:

The Conservation Officer objects to the proposed development. They state:

The proposal seeks to change the previous application 14/2412M, extending the height by adding a 4th floor to the previously granted scheme. I feel that this additional increase in height at this point in the conservation area would be over dominating; (given the proposed bulk) within the conservation area particularly when viewed from the tow pat. Although there are tall buildings in the conservation area: Hovis Mill has a more open feel while this proposal will feel more enclosed and continuous, therefore I would consider that this new addition to the height would not be acceptable with the character and appearance of the Conservation Area. While I can accept that Hovis Mill is taller and at some points closer to the tow path than the proposed development it is not as long, thus gives the feeling of less mass and a sense of openness.

The location of this proposed development I assume, will by its location, be classified as sustainable development: the new NPPF does allow for this, however if the proposed development fails to adhere to respect the historic environment then it may be classified as not being sustainable development. I would consider that this development does not respect the existing setting. The design while paying respect to some of the large buildings in the vicinity is in my view out of character with the small scale two story terraced property which makes up the bulk of property within the local area, this does not mean that innovative solutions (paragraph 60) should not be built, it is however not of outstanding design or appropriate in this elevated location to warrant exceptions.

Enhancing the significance of these assets is an important consideration when analysing a planning proposal (paragraph 126) I would consider that by virtue of the scale and bulk of the proposed development the significance of what was once an open wharf would be diminished. New development needs to make a positive contribution to the local character and distinctiveness of the area; not dominate it.

I consider that while I can accept a building on this site I feel that the current proposal will dominate thus detract from the significance of the heritage site, this needs to be weighed against the proposed use as a care home and any community benefit gain.

The Canal and River Trust also have strong concerns regarding the overbearing impact of the development upon the character and appearance of the Conservation Area. They state:

The Trust considers that the proposed building will create a long canalside block, the impact of which is exacerbated by its height, making it out of keeping with the local waterway, detracting from the character of the area and detrimental to its wider historic setting, and thereby contrary to national and local planning policy.

The proposed building is not human in scale and contrary to the normal three storey maximum required by Policy BE 1 of the adopted Macclesfield Local Plan and will provide little breathing space for the waterway. The site is currently occupied by low rise buildings and

the immediate environs do not contain tall buildings. The ground floor level of existing properties on Lime Grove occupy a lower level than the site and the construction of a four storey building will be imposing and will not achieve the NPPF Core Planning Principle of enhancing and improving the places where people live. The building is proposed to be set behind low level ornamental planting which will be barely visible from the tow path and will not mitigate the impact of the proposed development.

The Trust does not consider that there is continuous massing of buildings along this stretch of canal and in relation to scale, the Trust does not consider the Union Mill to be a significant justification for the proposed building height as suggested by the applicant. Union (Hovis) Mill to the south of Bridge 37 is a Grade II listed former flour mill built at the time of the canal construction which retains its original historic features and is located next to a marina with a more open aspect.

There is a statutory duty on the Council to seek to ensure that proposals preserve or enhance the conservation area and the Trust does not consider there to be adequate justification for a four storey building in this location.

The Trust believes that this proposal would be detrimental to the value of the canal corridor, the conservation area and the wider historic environment of this part of Macclesfield.

It is noted that the Macclesfield Civic Society raise no objections to the development, due to the development providing for accommodation that is in demand in the locality and that in their view the development, subject to appropriate landscaping, would represent an enhancement to the Conservation Area.

This notwithstanding, it is considered that the proposed development by virtue of its size and design, in particular its height and massing, is considered to have an unacceptable impact on the Macclesfield Canal Conservation Area of which the site forms a part, and also the Buxton Road Conservation Area. The proposed building would over-dominate the surrounding site and built form and would not make a positive contribution to the local character and distinctiveness of the area.

Whilst it is noted that the existing buildings to be demolished are not of any particular architectural merit, the proposal and in particular its height and scale would neither preserve nor enhance the historic character or appearance of the Conservation Area, nor is it considered to enhance the canal side frontage. The proposed development is therefore considered to adversely impact upon the significance of this designated heritage asset.

The proposal is deemed to not respond to the national agenda for heritage assets set out in the NPPF, which states that significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraphs 133 and 134 of the NPPF state:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

And,

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

The proposed development is considered to constitute less than substantial harm to this heritage asset, as confirmed by the Conservation Officer. The community benefit of the proposal is acknowledged and carefully considered, however this is not deemed to outweigh the harm to the character and appearance of the Conservation Area.

The development is considered to be contrary to Macclesfield Borough Council Local Plan policies BE1, DC1, BE2, BE3, BE6 of the Cheshire East Borough Local Plan Submission Version 2014 and the National Planning Policy Framework.

Highways

The Strategic Infrastructure Manager raises no objection to the development.

The following are considered the key highways issues to be addressed by this development proposal;

1. Achieving a safe and convenient site access strategy;
2. Provision of a suitable level and layout of parking;
3. Safe and convenient access for refuse collection; and
4. Suitable emergency access.

Access and Traffic Impact

The proposed site access is illustrated in drawing number 1352/01 Rev A, the layout comprises:

- 5.1m site access carriageway width;
- 4.5m corner radii;
- Lateral visibility splays of 2.4m x 40m; and
- Tactile paving with dropped kerbs to assist the visually impaired and wheel chair users when crossing the access.

The proposed access arrangements are suitable to serve a development of this nature.

In terms of traffic impact, the predicted level of traffic generation from this proposal will be modest and certainly any traffic impact related to the care home will be minimal in peak hours on the highway network.

Parking

The development proposals include 41 parking spaces as follows:

- 29 standards spaces;
- 8 overspill spaces; and
- 4 disabled spaces.

There is an overall shortfall of 21 parking spaces when compared to CEC's parking standards guidance note. However, this application is supported by a travel plan designed to encourage staff, residents and visitors to use sustainable modes of transport to access the site and, the proposal site is sustainably located. Therefore, in this instance, the level of proposed car parking is considered sufficient.

Refuse collection and emergency access

The layout of the parking area is suitable to allow for servicing of the site by refuse vehicles, fire tenders and to allow ambulance pick up and drop off.

The development proposal provides a suitable access and level of parking; it also provides a suitable layout for refuse collection, fire tenders and for ambulance pick-up and drop-off.

On that basis, the Head of Strategic Infrastructure has no objection to this planning application.

Based on these comments and analysis of the development proposal and site characteristics the development is considered to accord with local plan policy DC6.

Amenity

Local Plan policies DC3 and DC38 relate to amenity for residential development. DC38 sets out guidelines for space between buildings which developments should aim to meet.

The objections have been carefully considered. However, 36 Lime Grove would be located about 26m from the building. Views of the building and overlooking from the site to No.36 would be partially blocked by No.38 Lime Grove.

173 Buxton Road would be in the region of 35m from the buildings. The occupiers of No. 173 would not suffer a material loss of privacy, having regard to that distance and the angle of views from the building entrance elevation to that building. Properties on Lime Grove and 173 Buxton Road are separated by a public footpath, high boundary wall & significant vegetation.

It is considered that the occupiers of The Gables, lying to the west of the northernmost part of the development site, and 36,38 Lime Grove and 173 Buxton Road would not suffer a material loss of privacy, having regard to that distance and the existing topography of the site.

Houses at William Street face the site across the road and canal and are over 43m from the development which would substantially reduce any overlooking into the house from the development.

Overall the development would retain a commensurate degree of space, light and privacy to all neighbouring property and the development would accord with local plan policies DC3, DC38.

Arboricultural and forestry implications:

The Tree Officer raises no objections to the development. They note that the development proposals require the removal of four individual trees and six groups in order to facilitate the design build footprint and associated peripheral landscape features including car parking. All are considered to be low value self set specimens (Category C) which contribute little to the amenity of the immediate area or the wider landscape aspect. A number of those identified for felling would have required removal irrespective of development by virtue of their social proximity to a number of existing features. Strategic replacement specimen planting should be seen as a significant net gain compared with those specimens which are schedule to be removed.

Standing off site to both the north and west are two groups of trees protected as part of a 2006 Tree Preservation Order. The development proposals as presented are located a significant distance from any individual or collective Root Protection Area (RPA), with adjacent features such as compacted ground associated with and informal track and boundary wall significantly restricting root development within the site. Protective fencing will not be required.

Issues in terms of social proximity in relation to the protected off site trees are not considered to be a significant factor given the acceptable layout distances between proposed build and trees. Any subsequent application could be confidently dealt with on merit.

Subject to conditions, the development would accord with local plan policy DC9.

Ecology implications:

The Nature Conservation Officer raises no objection to the development. They state:

The habitats on site are of low nature conservation value and with the exception of roosting bats and nesting birds there are unlikely to be any significant ecological issues associated with the proposals.

In respect of bats, the buildings in site offer a low potential for roosting bats and surveys undertaken in 2013 did not record any evidence of roosting bats. The updated ecological assessment however recommends that an updated bat activity survey be undertaken.

This has been requested from the agent and the revised assessment and results, with any suggested conditions, will be relayed to the committee via a written update report.

Drainage matters:

It is considered that the scheme will not adversely affect drainage in the area.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Permission would be required from United Utilities regarding connection to the water mains/public sewers therefore a planning condition would not be required. There is a public sewer that crosses site and this would need to be diverted before work would commence on site.

Contamination:

The application area has a history of use as a garage and wharf and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. Supporting reports contained within the application submission recommend that intrusive investigations are required in order to identify any contamination and make recommendations for remedial measures. An appropriate condition is therefore recommended.

Environment Agency:

No objections subject to conditions to control contamination remediation and if any unexpected contamination is found. A condition is also suggested to control foundation details.

United Utilities:

No objections subject to conditions to control foul and surface water details and the diversion of the sewer on the site.

SOCIAL SUSTAINABILITY

The proposed residential apartments with care are to be occupied by residents over 60 years of age who are assessed to determine their need for care and should the application be approved, the occupancy of the apartments would be controlled via a Section 106 Agreement.

Housing:

It is considered that given the level of care proposed, the scheme would fall within Class C2 use and as such it does not have an affordable housing requirement.

The development would benefit the public interest in terms of offering more choice for residential accommodation for the elderly in the area and the associated facilities proposed. It is noted that the Vulnerable and Older People's Housing Strategy 2014 demonstrates a demand for this kind of residential development within Macclesfield.

Greenspace:

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

In the absence of on site provision, financial contributions would be required towards off site provision, if the application were to be approved by the Planning Committee. Comments from Ansa will be reported in an update.

ECONOMIC SUSTAINABILITY:

The development will provide economic benefits in respect of the use of local services by employees during the construction phase, and there would be some economic benefit by virtue of new residents spending money in the area and using local services. Therefore the development would be economically sustainable.

PLANNING BALANCE

The social benefits, in terms of the provision of residential accommodation for the elderly and associated facilities, which has been shown to be in demand in the area as per the Vulnerable and Older People's Housing Strategy 2014, and economic benefits of the proposed development have been duly considered. The proposed development is considered to constitute less than substantial harm to this heritage asset, as confirmed by the Conservation Officer.

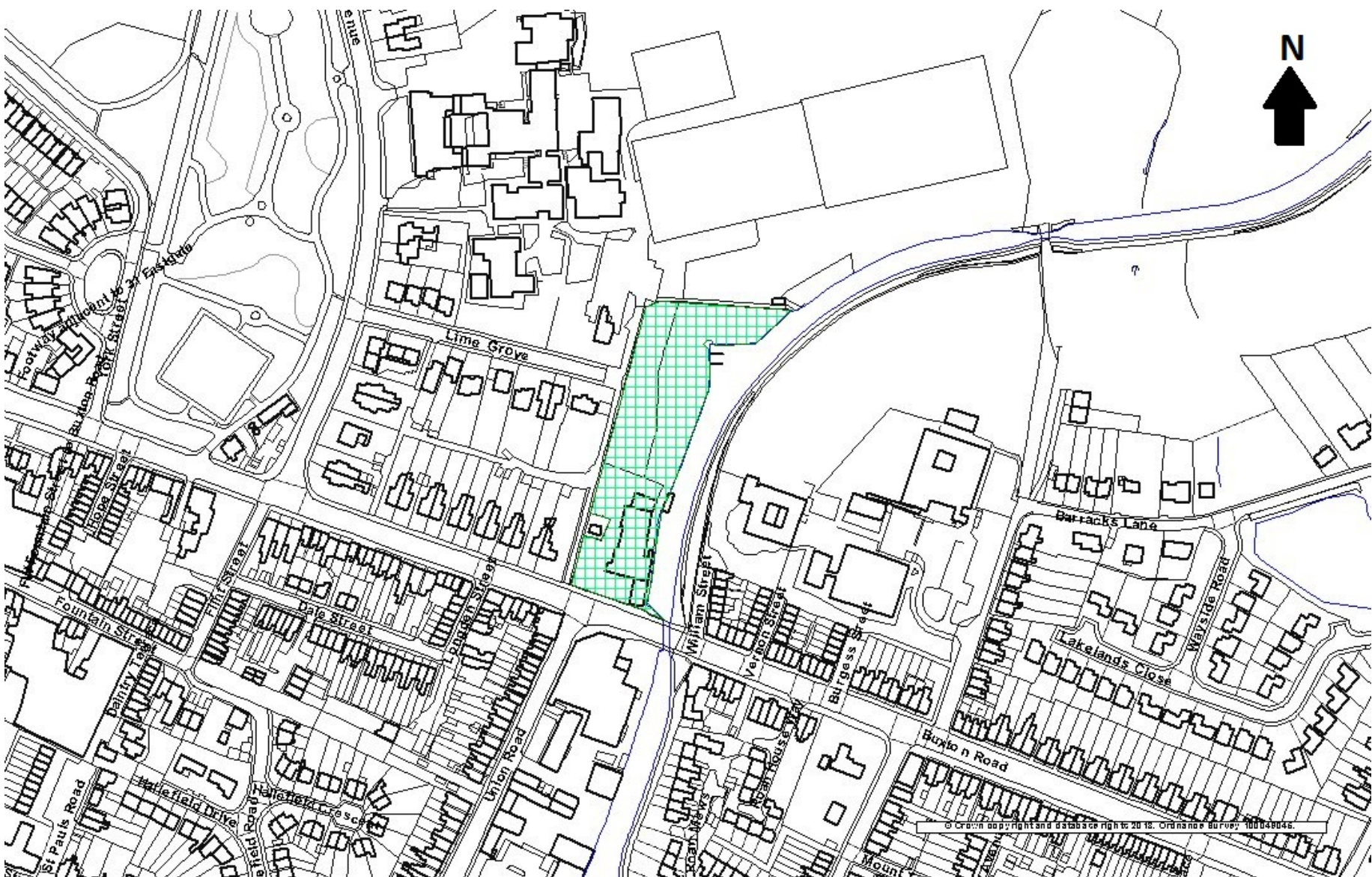
When weighing up the planning balance, the benefits of the development are not deemed to outweigh the harm to the character and appearance of the Conservation Area, by virtue of the height, scale and mass of the development, which is not deemed to sufficiently preserve or enhance the character and appearance of the Macclesfield Canal Conservation Area or adjoining Buxton Road Conservation Area, which are designated heritage assets. The development would therefore not constitute sustainable development and would not accord with Macclesfield Borough Local Plan policies BE1, BE2, BE3, BE6 or the National Planning Policy Framework.

RECOMMENDATION

It is therefore recommended that the application is refused for the following reason:

The proposed development by virtue of its size and design, in particular its height and massing, will have an unacceptable impact on the Macclesfield Canal Conservation Area of which the site forms a part, and the adjoining Buxton Road Conservation Area. The proposed building would over-dominate the surrounding site and built form and would not make a positive contribution to the local character and distinctiveness of the area. The development would therefore not accord with Macclesfield Borough Local Plan policies BE1, BE2, BE3, BE6, the National Planning Policy Framework or the Macclesfield Canal Conservation Area Appraisal.

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 No: 15/4791C

Location: Big Stone Cottages, MIDDLEWICH ROAD, CRANAGE, CW4 8HG

Proposal: Demolition of existing residential building and ancillary buildings, removal of trees, replacement of existing house, and development of three new houses, highways access , landscaping and infrastructure.

Applicant: Mr Mike Cohen

Expiry Date: 23-Dec-2015

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

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

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

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

In this case, the development would bring positive planning benefits such as; the provision of market housing, an affordable housing financial contribution and a boost to the local economy.

Balanced against these benefits must be the dis-benefits, which in this case relates to the detrimental impact the scheme would have upon the landscape.

In this instance, it is considered that the social benefits of the scheme outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure off-site affordable housing provision and conditions

REFERRAL

The application has been called-in to Southern Planning Committee by Councillor A. Kolker due to the remoteness of the location from local amenities and facilities.

PROPOSAL

Full planning permission is sought for the demolition of 1 existing property and an adjoining business unit and ancillary outbuildings and the erection of 4 new dwellings.

SITE DESCRIPTION

The application site relates to a residential plot to the north of Oak Tree Lane, off Middlewich Road, Cranage in the Open Countryside.

The site extends approximately 0.7 hectares in size and comprises of a pair of two-storey semi-detached cottages, a garage, an outdoor swimming pool and 2 elongated outbuildings.

The site also lies within the Jodrell Bank Radio Telescope Consultation Zone Line.

RELEVANT HISTORY

05/0669/COU - Temporary change of use of dwelling to offices. Two full time workers and one part timer. No physical alterations to be made either internally or externally, bathroom and kitchen to be retained (No.2 Big Stone Cottages) – Approved 21st October 2005

31660/3 - Conservatory extension to rear of existing dwelling (No.1 Big Stone Cottages) – Approved 18th February 2000

27717/3 - Application for change of use from office use to ancillary residential accommodation (No.1 Big Stone Cottages) – Approved 14th October 1996

25483/3 - Application to retain office use in redundant stable building (No.1 Big Stone Cottages)
– Approved 17th August 1993

NATIONAL & LOCAL POLICY

National Policy

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

14 - Presumption in favour of sustainable development, 17 – Open Countryside, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside

The relevant Saved Policies are:

PS8 – Open Countryside, PS10 – Jodrell Bank Radio Telescope Consultation Zone, GR1 - New Development; GR2 - Design, GR4 - Landscaping, GR6 - Amenity and Health, GR9 - Accessibility, Servicing and Parking Provision – New development, GR16 - Footpath, Bridleway and Cycleway Networks, GR20 - Public Utilities, GR21 - Flood Prevention, NR1 - Trees and Woodlands, NR2 - Wildlife and Nature Conservation – Statutory Sites, H1 - Provision of New Housing Development, H6 - Residential Development in the Open Countryside and the Green Belt and H13 - Affordable and low cost-housing

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG5 - Open Countryside, 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, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments

Other Material Considerations;

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
Pre-application letter: PRE/0753/14

CONSULTATIONS

Jodrell Bank (University of Manchester) – The additional potential contribution to the existing level of interference coming from that direction will be relatively ‘minor’

Head of Strategic Infrastructure (HSI) – No objections, subject to an informative that the developer enter into a Section 184 Agreement to provide the new vehicular crossing

Environmental Protection – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior approval of a dust mitigation scheme; a restriction over the hours of construction; the approval of a contamination report prior to occupation. In addition, a contaminated land and hours of piling informative is proposed

Flooding (Cheshire East Council) – No objections, subject to a condition that no development shall take place until a detailed design and maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the LPA

Housing (Cheshire East Council) – No objections, subject to the provision of appropriate affordable housing provision

United Utilities – No objections, subject to a condition that foul and surface water shall be drained on separate systems and a condition that a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority

Cranage Parish Council – No objection, but recommend an improved design

REPRESENTATIONS

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

Neighbouring letters of objection were received from 2 properties at the time of writing this report. The main areas of concern raised are;

- Design – Layout does not adhere to local character
- Amenity – Loss of privacy
- Highway safety – additional traffic, access concerns
- Trees

Other matters have been raised which are not material considerations such as ownership concerns / rights of access.

APPRAISAL

The key issues are:

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

- Sustainability including; Environmental, Economic and Social Role
- Planning balance

Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

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

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

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

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

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

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

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

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Policy PS8, seeks to protect the intrinsic character and beauty of the countryside.

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

In order to assess the impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered as part of the sustainability assessment.

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”

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The applicant was advised at pre-application to complete this short, simple assessment to enable the Council to be able to make an informal assessment on locational sustainability. In response, no information regarding this has been submitted with the application.

The site does not fall within a settlement and is approximately 1.7 miles away from the closest service centre of Holmes Chapel.

However, a number of recent appeal decisions have determined that this small area of Cranage (e.g. from the application site to the east onto Goostrey Lane), can be considered to be locationally sustainable.

As a result of these decisions which were on sites within close proximity to the application, this is accepted in this instance also.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

Environmental role

Previously Development Land

Paragraph 111 of the NPPF states that *"Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value."*

Annex 2 of the NPPF defines "Previously developed land" as:

'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.'

It is accepted that part of the site can be classed as previously developed land, namely the site of the outbuildings and swimming pool.

However, it is not accepted that the entire site should be considered as previously developed as many part remain open.

As such, it is not accepted that the entire site can be classified as 'previously developed land' in line with the NPPF definition.

Landscape

The Planning Statement states that the site is well screened by boundary trees and hedgerows. It asserts that visually, development of the site will have no impact on the Open Countryside because it is well contained. It also asserts that the impact on the wider landscape is likely to be insignificant. In relation to the local area, it asserts the proposed development sits well within the site and has no impact on the character and appearance of the local area.

The existing buildings on site fit in the existing landscape and ribbon development on Middlewich Road and are not prominent. Vegetation on site provides a degree of screening.

The proposed development would involve the removal of a significant proportion of the existing vegetation and the introduction of four large detached dwellings. The Council's Landscape Officer has advised that that existing off site vegetation would restrict distant views into the site. Nevertheless, the proposed removal of much of the vegetation cover would open up views into and out of the site, resulting in the proposed development being readily visible to visual receptors including users of Middlewich Road and the public footpath which runs north from Middlewich Road.

When viewed from the section of Middlewich Road in the vicinity of the site and the public footpath to the north, the Council's Landscape Officer has advised that they anticipate that the four detached dwellings would be more prominent than the existing development and will have a visual impact within the local landscape.

With regards to mitigation planting, the Council's Landscape Officer has advised that due to the layout proposed, it would be unreasonable to expect that more than a boundary hedge could be accommodated.

However, the Council's Landscape Officer has concluded by stating that, should the proposal be deemed acceptable in principle, in the event of approval it would be appropriate to secure a comprehensive landscape scheme by condition.

It is considered that, subject to a landscape condition, any landscape harm would not be sufficient to justify withholding planning permission.

Trees

The application is supported by a revised Arboricultural Impact Assessment that confirms significant proposed vegetation losses across the site including: two trees due to poor condition, together with two individual trees, seven groups of trees and one hedge to allow development.

The submitted Arboricultural Method Statement indicates one mature Oak tree, one group of trees and three lengths of hedge could be retained and protected as part of the development. The submission suggests that supplementary native tree and hedge planting will support the application.

The trees and hedges identified for removal are identified as low grade in the tree survey and the Council's Tree Officer concurs that they are not of significant amenity value. The Tree Officer advises that they could be removed without consent. It is accepted that a new development may offer opportunities for planting as part of a landscape scheme. Nevertheless, the removal of the vegetation identified would open up the site.

In the event of approval, the Council's Tree Officer advises that the tree protection measures as detailed in the Arboricultural Method Statement could be secured by condition. Measures for tree and hedge planting would also need to be secured by condition.

As such, subject to the above recommended conditions, no issues based on tree grounds are raised.

Ecology

The application is supported by a Phase 1 Habitat Survey.

The Council's Nature Conservation Officer has reviewed the submission and advised that the survey confirms the presence of roosting bats that will be directly impacted by the proposals. A bat mitigation statement was therefore recommended.

This statement was prepared and submitted during the application process. In response, the Council's Nature Conservation Officer has advised that he is satisfied with the outcome of this survey, subject to a condition that the measures set out in the Bat Mitigation Statement are implemented.

As such, subject to the above it is not considered that the proposed development would create any ecology concerns subject to mitigation.

Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features
Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The submitted updated layout plan shows that the proposed provision of 4 detached dwellings. 3 of the proposed dwellings would front onto Oak Tree Lane and a 4th would be located to the rear (north) of the site.

The layout plan shows that the 2 dwellings to the west would be accessed via a short shared drive onto Oak Tree Lane and a second access point would be shared to access the other 2 units further to the east. This access would extend deeper into the site in order to access the 4th dwelling to the rear.

At present Oak Tree Lane and Middlewich Road is characterised by linear residential development fronting the highway to the south with elongated back gardens extending to the north.

The only built form to the rear of the row of dwellings is a detached garage, an elongated outbuilding and an outdoor swimming pool all within the curtilage of the applicant's property.

Due to the presence of these outbuildings to the rear, it is not considered that the addition of a further dwelling in this backland location would appear incongruous compared to the existing built form situation. As such, the layout of the proposed development would be acceptable.

In relation to form 4, detached dwellings are proposed.

Although the closest neighbouring properties comprise of semi-detached and terraced properties, the erection of large detached properties in the area is not uncommon.

As such, the form of the dwellings is considered to be acceptable.

With regards to scale, the height of the proposed properties would range between 9.6 metres (Plots 1 and 2), 8.8 metres (Plots 3 and 4).

In comparison to the surrounding properties, Cherry Tree Cottage immediately to the east of the dwelling proposed on plot 3 measures between 8.5 and 9 metres in height according to historical planning applications.

Given that the height of the closest of the proposed dwellings to the existing surrounding development would not be dissimilar, it is not considered that the height of the proposed dwellings would appear incongruous.

The appearance of the dwellings would be largely rectangular and be characterised by numerous gable features and extensive glazing. The dwellings would also comprise of split-level roofs, chimneys and integral garages.

It is advised within the application form that the dwellings would be constructed from a mixed palette of brick and render with stone dressings, man-made slate roofs and white uPVC fenestration.

The proposed gable features, dual-pitched roofs and white fenestration would not be out of character with the closest dwellings on Middlewich Road.

The neighbouring properties predominantly comprise of exposed brickwork. However, the applicant's existing property has a rendered finish. As such, it is also considered that the proposed finish of the dwellings would not appear incongruous subject to the detail being agreed in writing by the LPA.

As a result, it is considered that the proposed development would be of an acceptable design and would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

Highway safety / Access

The Council's Head of Strategic Infrastructure (HSI) has reviewed the proposal and advised that the access arrangements are satisfactory and off-street parking provision is in accordance with Cheshire East Council minimum parking standards for residential dwellings.

Accordingly, the Strategic Infrastructure Manager has raised no objection in relation to the planning application subject to the addition of an informative that the developer enter into a Section 184 Agreement to provide the vehicular crossing.

Flood Risk and Drainage

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

The Council's Flood Risk Officer has reviewed the application and advised that he has no objections, subject to a condition that no development shall take place until a detailed design and maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the LPA.

United Utilities have advised that they have no objections, subject to a condition that foul and surface water shall be drained on separate systems and a condition that a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

As such, subject to these conditions, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

Environmental Conclusion

The proposed development would create a minor landscape concern. However, due to the presence of existing built form on this site, and because the Council's Landscape Officer has suggested the inclusion of landscaping conditions, it is not considered that the impact would be significant.

Matters in relation to trees, access, ecology, design, flooding and drainage which are all considered to be neutral, subject to conditions where necessary.

However, as a result of the impact of the development upon the wider landscape, it is considered that the proposed development would be marginally environmentally unsustainable.

Economic Role

It is accepted that the construction of a housing development of this minor scale would bring the usual economic benefit to the closest shops in Holmes Chapel and Goostrey for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be

some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

Social Role

The proposed development would provide 4 market dwellings, 3 of which would be new which in itself would represent a social benefit. In addition;

Affordable Housing

The Council's Interim Planning Statement for Affordable Housing states that we will seek provision of 30% on-site affordable housing on sites over 0.2 hectares within settlements of 3000 or more. Furthermore we will seek a tenure split of 65% affordable or social rent and 35% intermediate tenure.

For the provision of 3 new dwellings on this site, there would be an affordable housing requirement of 0.9 units.

The applicant has proposed a financial contribution towards off-site affordable housing. A figure of £68,640 has been agreed between both parties.

The Council's Housing Officer has advised that this is acceptable and is satisfied that this has been calculated based on the Council's policy as advised by the applicant.

This would be a considerable social benefit to the scheme.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Note 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest elevation of the closest proposed dwelling (Plot 3) to the side elevation of Cherry Tree Cottage would be approximately 20.8 metres away. As this closest proposed elevation is blank and adheres with the standards of SPN2 (13.8 metres), no significant concerns in relation to loss of privacy, light or visual intrusion are considered to be created.

The deep depth of garden of Cherry Tree Cottage (approx. 17 metres) in conjunction with the further gap between the boundary and the application site to the closest dwelling further alleviate visual intrusion concerns.

The Council's Environmental Protection Team have advised that they have no objections on environmental disturbance grounds subject to a number of conditions including; the prior submission of a piling method statement; the prior approval of a dust mitigation scheme; a

restriction over the hours of construction; the approval of a contamination report prior to occupation. In addition, a contaminated land and hours of piling informative is proposed.

With regards to the amenity of the future occupiers of the proposed dwellings, there is a reasonable separation distance between the dwellings proposed on plots 1 and 2. Large parts of the principal elevation of the dwellings proposed on plot 3 and the rear elevation of plot are just 14 metres apart however, would be separated by a shared access road.

Within the relevant elevations of both proposed dwellings, there are no sole principal habitable windows. As such, no significant concerns with regards to privacy, light or visual intrusion upon the future occupiers of these dwellings are envisaged.

Again, no sole principal habitable room windows are present within the opposing elevations of the dwellings proposed on plots 3 and 4.

As such, subject to the conditions proposed by the Council's Environmental Protection Officer, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan and not create any amenity concerns.

Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan.

Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.

It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Jodrell Bank have advised that the additional potential contribution to the existing level of interference coming from that direction will be relatively minor.

As such, although minor, it is considered that the proposal would fail to adhere with Policy PS10 of the Local Plan and Policy SE14 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Social Conclusion

The proposal would create positive social planning benefits such as the provision of market housing and will offer an affordable housing contribution.

Balanced against these benefits is the minor impact the development would have upon the efficiency of the Jodrell Bank Radio Telescope.

Given that this impact would be minor, when considered against the benefits of the provision of market housing and an affordable housing contribution, it is considered that the development would be socially sustainable.

Other Matters

The scheme is not of a scale which requires; public open space, education or health contributions.

Levy (CIL) Regulations

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

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

The development would result in the requirement of a 30% affordable housing provision which for a scheme of 3 dwellings results in a 0.9 unit requirement.

Given that this requirement is less than 1 unit, an off-site contribution is considered to be acceptable in this instance.

The applicant has agreed a figure of £68,640 with the Council.

This is considered to be necessary, fair and reasonable in relation to the development.

On this basis, the S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

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

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

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

In this case, the development would bring positive planning benefits such as; the provision of market housing, an affordable housing financial contribution and a boost to the local economy.

Balanced against these benefits must be the dis-benefits, which in this case relates to the minor detrimental impact the scheme would have upon the landscape and the minor impact upon the Jodrell Bank Radio Telescope.

In this instance, it is considered that the social benefits of the scheme outweigh the dis-benefits as both the landscape and Jodrell Bank concerns can be mitigated by the use of planning conditions.

On the basis of the above, it is considered that the proposal represents sustainable development.

RECOMMENDATION

APPROVE Subject to a S106 Agreement to secure;

- 1. £68,640 towards off-site affordable housing provision**

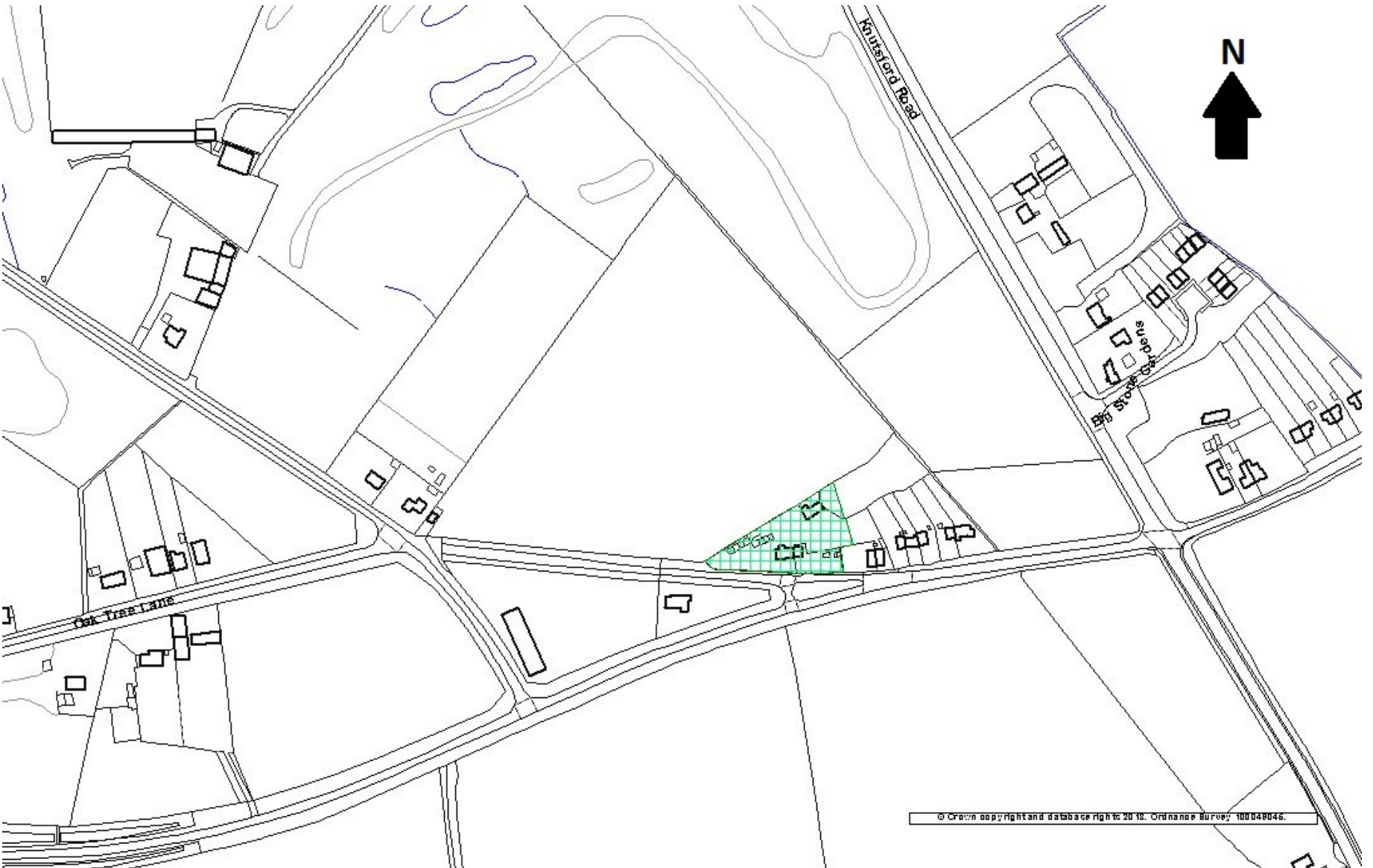
And conditions;

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior approval of facing and roofing materials**
- 4. Prior approval of a piling method statement**
- 5. Prior approval of a dust mitigation scheme**
- 6. Approval of a contamination report prior to occupation**
- 7. Foul and surface water shall be drained on separate systems**
- 8. Prior approval of a surface water drainage scheme**
- 9. Landscaping – Details**
- 10. Landscaping – Implementation**
- 11. Boundary treatment**
- 12. Bat mitigation - Implementation**
- 13. Electromagnetic screening measures**

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

Heads of Terms

- 1. Financial contribution of £68,640 towards off-site affordable housing provision**



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Application No: 15/3472M

Location: 180A, WILMSLOW ROAD, HANDFORTH, SK9 3LF

Proposal: Conversion to create 12 No. apartments, the erection of a two storey rear extension, repairs and rebuilding part of the chapel, replacement windows and doors, associated car parking along with the removal of listed trees following the withdrawal of previous planning application 15/1865M.

Applicant: Mr A Harrison

Expiry Date: 28-Oct-2015

DATE: 29th January 2016

SUMMARY/CONTEXT

Committee resolved to approve this application in October 2015, subject to conditions and a s106 Agreement.

The s106 Agreement has not yet been completed. There have been changes in circumstances related to the site. Consequently, the application has not yet been determined.

The key change in site circumstances is the removal of a piece of land from the application site thereby reducing the area available for car parking from 21 No. spaces to 14 No. spaces.

The applicant has submitted a transport Technical Note which outlines the reasons why the reduced number of parking spaces on the site is acceptable from a highways safety perspective, given the site specific circumstances.

The Council's Strategic Infrastructure Manager (SIM) accepts the case presented in the Technical Note for the reduction in spaces.

Hence, it is concluded that the reduced number of parking spaces proposed, within the amended site edged red, provides an acceptable level of car parking within the site given the site specific circumstances. As such, the proposal accords with all relevant Development Plan policies and is deemed to be a sustainable form of development.

Subject to conditions and Heads of Terms for POS and ROS secured via a s106 Agreement, it is recommended the application be approved.

RECOMMENDATION: Approve, subject to conditions and a s106 Agreement for Public Open Space & Recreation Outdoor Sport.

REASON FOR REPORT

Members may recall that Committee resolved to approve this application in October 2015, subject to conditions and a s106 Agreement.

The s106 Agreement has not yet been completed as there have been changes in circumstances related to the site. Consequently, the decision notice for the application has not yet been issued.

The key change to the application is the removal of a piece of land from the application site thereby reducing the area available for car parking and consequently the number of spaces from 21 No. to 14 No. This is a change to the application that requires the application to be returned to Committee for determination. It is also noted that work has started on site, making the application retrospective.

The applicant has submitted a transport Technical Note which basically concludes that the reduced number of parking spaces on the site is acceptable from a highways safety perspective, given the site specific circumstances.

SCOPE OF REPORT

This report deals solely with the issue related to the amendments, i.e. Highways matters, with brief reference to any other planning matters of note associated with the changes.

CONSULTATIONS & REPRESENTATIONS

As of 29.01.2016:

Following re-consultation on the amended plans and re-notification of neighbours, no objections or representations have been received.

It is noted that the last date for comments is 02.02.2016.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following to support the amended plans, details of which can be read on file:

- Transport Technical Note

DETAILS OF PROPOSAL

The application remains virtually as it was when presented to the Northern Committee in October 2015, with the exception that the site edged red now covers a smaller area and the number of parking spaces has been reduced as noted above.

The application now seeks Full Planning Permission for "*conversion to create 12 No. apartments, the erection of a two storey rear extension, repairs and rebuilding part of the*

chapel, replacement windows and doors, associated car parking along with the removal of listed trees following the withdrawal of previous planning application 15/1865M.”

The proposed consists of converting the existing Grade II Listed Building building to 12 No. apartments, 9. No. of which have 2 No. bedrooms and 3 No. have 1 No. bedroom. The proposal also includes alterations to parts of the building and the erection of a rear extension.

PARKING STANDARDS

Appendix c of the emerging Local Plan Strategy (eLPS) sets out the parking standards to be applied to new developments.

For dwelling-houses the standards are as follows:

In ‘Principle Towns and Key Service Centres’ (Handforth is a ‘Key Service Centre), for 1 bedroom properties it is 1 space per dwelling; for 2 bedrooms and 3+ bedrooms, 2 spaces per dwelling.

Hence, given the number of apartments and bedrooms proposed (9 No. two bedroom and 3 No. one bedroom) the recommended number of parking spaces is 21 No.

Note point C.2 states that:

“Cheshire East Council will accept representations to vary from car parking standards on a site-by-site basis with reference to evidence obtained locally or from a suitable data source...”

HIGHWAYS SAFETY

The Strategic Infrastructure Manager’s (SIM) up-dated comments are provided in full below, as this is the key issue in respect of the amendments:

This site was the subject of a of a previous planning application (reference 15/1865) for 12 apartments (three one bedroom and nine, two bedroom), which the Strategic Infrastructure Manager (SIM) opposed on the basis that the site layout, which provided 14 off-street parking spaces, did not accord with the 21 spaces required by CEC’s minimum parking standards for residential dwellings.

This application, which is identical to the previous one, is supported by a Technical Note produced by RSK, which sets out the case for reduced parking provision at this site based on the sustainability of the location of the site and typical car ownership rates associated with the occupiers of apartments.

The SIM has reviewed the Technical Note and concludes the following in relation to the sustainability of the site:-

- *The site is located approximately 1km from Handforth Railway Station, this is just 200m further than the recommended walking distance of 800m to a major fixed public transport node set out in the Institution of Highways and Transportation (IHT) document*

'Guidelines for Planning for Public Transport in Developments'. The SIM concludes that based on an average walking speed of 1.4m/s (ref paragraph 3.30 of the IHT document 'Providing for Journeys on Foot') it would take less than two and a half additional minutes walking time to reach the station and that this would be unlikely to deter potential train users;

- There is a bus stop on Spath Lane around 60m to the east of the site and there are bus stops on Wilmslow Road around 170m to the south of the site, all of which are within the recommended walking distance of 400m set out in the IHT document 'Guidelines for Planning for Public Transport in Developments'. The bus stops provide sustainable access to a range of local destinations and are of a good standard with shelters, lighting, seating, bus timetable displays and bus border kerbs to provide level access; and*
- Handforth Town Centre is within a reasonable walking distance of the site providing sustainable access to a wide range of local services.*

The SIM concludes that the site is well placed to encourage sustainable travel by train, bus and on foot.

In addition to the above, the Technical Note makes reference to the Department for Communities and Local Government document 'Residential Car Parking Research' (RCPR), which highlights that occupiers of residential flat/apartment developments have average car ownership rates of between 0.4 and 0.8 per dwelling, dependant on whether the flat/apartment is tenanted or owner occupied. In relation to this development proposal, taking the higher of the two values would result in an off-street parking requirement of 10 spaces compared to the 14 spaces that are proposed.

Furthermore, RCPR indicates that if the spaces are unallocated, parking demand for spaces by visitors can often be offset by other residents within the development not being at home at the time of the visit.

*Having given due consideration to the above and, bearing in mind that CEC's parking standards allow for a lower level of parking supply in the Principal Towns of Crewe & Macclesfield and the 9 Key Service Centres (Alsager, Congleton, Middlewich, Sandbach, Wilmslow, **Handforth**, Knutsford, Nantwich and Poynton), the SIM is satisfied that the proposed parking provision of 14 spaces will be sufficient to serve the needs of the site.*

In light of the above the SIM recommends approval, subject to a condition that the parking spaces are not being numbered or allocated to specific apartments.

For information, the previous committee report is appended which sets out all of the other background issues and also details the requirements for s106 contributions.

HEADS OF TERMS

The commuted sums as previously confirmed are as follows:

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

CONCLUSION & RECOMMENDATION

Bearing in mind the details of the submitted transport Technical Note and the revised comments of the SIM it is considered that the level of parking provision now proposed is acceptable and accords with the standards in the eLPS. As such the proposed development would not create any highways safety issues. Consequently, it is considered that there is no sustainable reason for refusal of the application on highways grounds.

Subject to outstanding consultations, representations and a s106 (as previously outlined), it is recommended the application be approved.

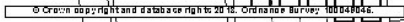
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning & Enforcement Manager has delegated authority to do so in 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: Approve subject to a Section 106 Agreement and the following conditions

1. ADevelopment in accord with approved plans
2. Building materials as detailed
3. Landscaping/tree replacement - details to be submitted
4. Landscaping/tree replacement - approved details to be implemented
5. Protection of breeding birds
6. Rainwater goods - material and colour as specified
7. Specification of window design / style - fabricated in timber & painted or opaque stained
8. Roof lights set flush
9. The windows shall be installed in accordance with the details submitted (1386/D/001 Rev A)
10. Roof ridges - to be finished as specified
11. Gates to be set back from footway/carriageway
12. Car parking spaces and bicycle parking to be provided prior to first occupation
13. Works to be carried out in total accordance with the submitted acoustic report
14. Provision of electric vehicle charging points
15. Roof materials
16. Parking spaces

17.NPPF



NB. COPY OF ORIGINAL OFFICER REPORT TO COMMITTEE

DATE: 23rd September 2015

SUMMARY

The site comprises previously developed land in a sustainable location. The Council does not have a 5 year supply of housing land. The proposal will provide 12 No. residential units, which is a contribution to the housing needs of the Borough.

The existing building is Grade II Listed and whilst some localised rebuilding will be required, the proposed conversion and extension is considered not to harm the significance of this heritage asset. Though the loss of protected trees is regrettable, their long term retention was unlikely given their poor condition; replacement tree planting is considered to be acceptable. There are no further significant adverse impacts relating to design, impact on the area, residential amenity, highways safety, ecology or environmental health. The proposal accords with all relevant Development Plan policies and is deemed to be a sustainable form of development.

Subject to the receipt of outstanding consultation comments, a recommendation of approval is made subject to conditions, informatives and Heads of Terms for POS and ROS (details to be confirmed), secured via a s106 Agreement.

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

REASON FOR REPORT

The application is for 12 residential units.

DETAILS OF PROPOSAL

The application seeks Full Planning Permission for “*conversion to create 12 No. apartments, the erection of a two storey rear extension, repairs and rebuilding part of the chapel, change of use of part of adjacent domestic garden to car park, replacement windows and doors along with the removal of listed trees following the withdrawal of previous planning application 15/1865M.*”

It is noted that a corresponding Listed Building Consent application has been submitted (15/3473M), which is also on the agenda.

DESCRIPTION OF SITE & CONTEXT

The application site comprises a two/three-storey Grade II Listed Building, which was last used as staff accommodation ancillary to the adjacent Pinewood Hotel. There is an adjacent area of hardstanding, last used for car parking in association with the building. There are a number of trees within/around the site, some of which are protected by a Tree Preservation Order (it is noted that some have been removed with permission in accordance with the previous planning approval). The site is located very close to Handforth district centre (approx.. 110m to the centre) with excellent access to all the associated shops, facilities, services and public transport links. The site is located within a Predominantly Residential Area, as defined in the Macclesfield Borough Local Plan.

Planning Permission and Listed Building Consent have been granted recently (by committee) for conversion, extension and alterations of the building to 7 No. residential units.

RELEVANT HISTORY

- | | |
|----------|---|
| 15/1865M | Full Planning. Conversion to create of 12no. apartments; the erection of a two storey rear extension; repairs and rebuilding part of chapel; replacement windows and doors and removal of listed trees. Withdrawn, 23/06/2015 |
| 15/1866M | Listed Building Consent. Conversion to create of 12no. apartments; the erection of a two storey rear extension; repairs and rebuilding part of chapel; replacement windows and doors and removal of listed trees. Withdrawn, 23/06/2015 |
| 14/2475M | Full Planning. Repairs and rebuilding part of chapel, replacement windows and doors, conversion to create 7no. apartments, two storey rear extension to create additional accommodation and removal of listed trees. Approved, 28/04/2015 (with a s106 Agreement) |
| 14/2478M | Listed Building Consent. For repairs and rebuilding part of chapel, replacement windows and doors, conversion to create 7no. apartments, two storey rear extension to create additional accommodation and removal of trees subject to TPO. Approved, 03/11/2014 |
| 14/0738M | Proposed new site access with gate from Spath Lane. Approved 02.04.2014 |

NATIONAL & LOCAL POLICY

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

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

National Policy/Guidance

National Planning Policy Framework (NPPF)

The NPPF states that

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

And, at the heart of the NPPF

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

For decision-taking this means

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

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

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

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

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

Para 49 of the NPPF states that

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

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

- Part 1- Building a strong, competitive economy
- Part 3 - Supporting a prosperous rural economy
- Part 4 - Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Part 7 - Requiring good design
- Part 8 - Promoting healthy communities
- Part 10 - Meeting the challenge of climate change, flooding and coastal change
- Part 11 - Conserving and enhancing the natural environment
- Part 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

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

Local Policy - Development Plan

Macclesfield Borough Local Plan – saved policies (MBLP)

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

- NE11 (Nature conservation)
- BE1 (Design guidance)
- BE2 (Historic fabric)
- BE15 (Buildings of Architectural and historic importance)
- BE16 (Impact on the setting of a Listed Building)
- H1 (Housing phasing)
- H2 (Environmental quality in housing developments)
- H5 (Windfall housing sites)
- H13 (Protecting residential areas)
- T1 (Integrated transport)
- T2 (Support provision of public transport)
- DC1 (High quality design for new build)
- DC2 (Extensions and alterations)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Circulation and access)
- DC8 (Landscaping)
- DC9 (Tree protection)
- DC38 (Space, light & privacy)
- DC40 (Children's play provision)
- DC63 (Contaminated land)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

Other Material considerations:

Interim Planning Statement: Affordable Housing - 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

Trees & Development Guidelines (SPG) - 2004

Wilmslow Urban District Council (Pinewood Hotel Handforth) TPO 1972

CONSULTATIONS

Heritage & Design – Conservation/Listed Buildings:

Formal comments not received as of 23.09.15. However, all the plans associated with work to the building are the same as the plans submitted with the recently withdrawn applications. The Conservation/Design Officer was satisfied with the plans at that point. Hence, it is not

anticipated that any objections will be raised by the Conservation/Design Officer. Comments will be provided in the Committee up-date accordingly.

Heritage & Design – Forestry:

The Arboricultural Officer raises no objections, subject to receiving amended plans that show a level of proposed replacement tree planting that matches that of the previous approval and conditions re landscape details and implementation.

Heritage & Design – Ecology:

No objections, subject to a condition to protect nesting birds.

Strategic Infrastructure Manager:

No objections, subject to clarification of land ownership and provision of area for communal recycling.

Environmental Protection:

No objections subject to conditions re 1) habitable room windows to be constructed as specified in the acoustic report, 2) provision of an electric vehicle charging point at each car parking space. Also recommend an informative re contaminated land.

United utilities:

No comments received as of 23.09.2015

Housing:

No objections. No requirement for affordable housing as there are less than 15 units and the floor area is less than 0.4 hectares.

Education:

No objections. No requirement for education provision as the proposal does not meet the 10 No. houses & 2 No. bedrooms plus criteria.

Greenspace:

No formal comments received as of 23.09.15. However, the Open Space Officer has verbally indicated that no objections would be raised, subject to the required additional Public Open Space (POS) and Recreation Outdoor Sport (ROS) committed sums being provided (i.e. over and above what has already been provided as part of the S106 attached to the previously approved application 14/2475M). A summary of comments will be provided in the Committee up-date.

REPRESENTATIONS

None received as of 23.09.2015 – Last Date For Comments was 18.09.2015

VIEWS OF PARISH/TOWN COUNCIL

Handforth Parish Council:

Oppose the application considering the proposal to be overdevelopment of the plot and insufficient parking provision

APPLICANT'S SUPPORTING INFORMATION

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

- Heritage Statement
- Design & Access Statement
- Tree Survey Report
- Building Survey Report
- Nesting Bird Survey
- Ecological Report
- Environmental Noise Assessment
- Estate Agent's Supporting Letter

OFFICER APPRAISAL

Key Issues

- Principle of the development
- Design/impact on the area and the setting of the Listed Building
- Impact on neighbouring residential amenity
- Highways safety
- Ecological, Arbocultural and Landscape issues
- Environmental health matters (noise, air quality, contaminated land)
- Housing land supply
- Education
- Greenspace
- Sustainability
- Planning balance

ENVIRONMENTAL SUSTAINABILITY

Principle of the development

The principle of the proposed development is acceptable; the site is located within a Predominantly Residential Area. Indeed, the principle has already been accepted (approval of application 14/2475M).

Design/impact on the area, street-scene and the setting of the Listed Building

The proposed consists of converting the existing Grade II Listed Building building to 12 No. apartments, 9. No. of which have 2 No. bedrooms and 3 No. have 1 No. bedroom. The proposal also includes alterations to parts of the building and the erection of a rear extension. Parking is provided on site in accordance with the emerging standards in the Local Plan Strategy – it is noted that the applicant is now able to offer the required level of on-site parking due to having acquired an area of the domestic garden of the neighbouring property, 2 Plumley Road. Provision is provided within the site for refuse storage. (It is noted that a revised plan has been received which includes space for recycling bins as well as bins for everyday waste).

The main differences between the current proposal and that already approved (14/2475M) are: 1) 12 No. units rather than 7 No.; 2) additional parking area to accommodate the requisite number of parking spaces; 3) the changes to the outside of the building are mainly a) rear extension approx. 0.5m deeper, b) dormer and 3 no. sky-lights inserted in the roof of the rear extension, c) some minor fenestration changes on the rear elevation. These differences are considered not to result in a building that is significantly different than that already approved. As such, the design of the proposed development is considered to be acceptable and to have an acceptable impact on the character of the area, street-scene and the setting of the Listed Building. The proposed accords with policies BE1, BE2, BE15, BE16, H2, DC1 and DC2 of the Local Plan.

Highways safety

The Strategic Infrastructure Manager's comments included the following:

- 1) The proposed site plan didn't show provision for recycling bins;
- 2) It was advised that a) confirmation be obtained from the owners of 2 Plumley Road that they were selling the land and b) confirmation be obtained from the Highways Dept. that the area of land now within the site boundary of number 2 Plumley Road was domestic curtilage and not highway land;
- 3) No highways safety issues and complies with policies DC6, T1 and T2.

Amendments have been made to the site plan as recommended and confirmation has been received from both the occupants of number 2 Plumley Road and the Highways Dept that a) the land is to be sold and b) it is not part of the highway.

The objection from the Parish Council regarding insufficient parking has been noted. However, the level of on-site parking provided accords with emerging standards, i.e. 2 No. spaces for a 2 Bed property and 1 No. space for a 1 Bed property. Some cycle parking is also provided within the site. Given that the site is in a highly sustainable location with access to public transport it is considered that adequate parking is provided.

The proposed development would not raise any highway safety issues.

Ecological, Arbocicultural and Landscape issues

The Ecologist notes that a previous application included a more detailed bat survey. No evidence of roosting bats was recorded in the building and the area has very limited potential

for supporting roosting bats. Hence, it is concluded that roosting bats are not likely to be affected by the proposals. The Ecologist recommends a condition to protect nesting birds if the application is approved.

The Arboricultural Officer notes that the previous approval (14/2475M) conceded certain Protected Trees due to their deteriorating condition. The Arboricultural Survey/Mitigation in support of that application provided for 7 No. replacement trees for the loss of the protected group which, subject to the submission of a detailed scheme of landscaping, was considered to be sufficient to offset the loss. It is noted that the current layout shows only 5 No. replacement trees. Given the loss of protected trees on this site, it is considered that the full compliment of replacement planting, as indicated in the previous scheme, should be provided in order to meet the scheme's requirement for sustainable development. It is noted that the Agent has agreed to amend the plans to ensure that the full compliment of replacement trees are provided. As such, there are no arboricultural grounds for refusing the application.

Subject to receipt of amended tree planting plan, and relevant conditions, it is considered that the proposed accords with policies NE11, DC8 and DC9 of the Local Plan.

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

The Environmental Protection Team note that the acoustic report submitted with the application (Peak Acoustics, 24 June 2015 Ref 1606151NR) recommends mitigation designed to ensure that occupants of the properties are not adversely affected by road traffic noise from the adjacent Wilmslow Road and Hotel Car Park. As such, it is recommended that a condition be attached requiring windows facing Wilmslow Road and the car park to be constructed with glazing and ventilation as specified in the report.

The Environmental Protection Team also note that whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of developments in a particular area. 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 home charging of electric vehicles in new, modern properties. Therefore, it is recommend that a condition be attached requiring a single Electric Vehicle Charging Point to be provided on car parking spaces provided for each apartment. Charge points should be suitable for overnight charging of electric vehicles.

It is also recommended an informative be attached re contaminated land.

Bearing the above points in mind it is considered that the proposed does not raise any significant environmental health issues. The proposed accords with policies H13, DC3 and DC63 of the Local Plan.

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 of '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 indication from the work to date suggests 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.

In this context the provision of 12 No. residential units would make a contribution towards meeting the Council's housing needs. The proposed accords with policies H1, H2 and H5 of the Local Plan.

Impact on neighbouring residential amenity

The nearest neighbouring property is number 2 Plumley Road. The relationship of the proposed converted and extended building with number 2 Plumley Road will be such that the distance standards for space, light and privacy recommended in policy DC38 of the Local Plan will be achieved. Overall the proposed development is considered to have a limited and acceptable degree of impact on the amenities of the occupants of neighbouring properties. The proposed accords with policies H13, DD3 and DC38 of the Local Plan.

Education

As noted above, the scale of development does not require any requirement for additional education places to be provided.

Greenspace

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

ECONOMIC SUSTAINABILITY

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

HEADS OF TERMS

Heads of Terms

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

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

Level of commuted sum to be confirmed in update to committee.

COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS

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

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

The commuted sum in lieu of public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development is to provide 12 No. apartments, the occupiers of which will use local outdoor space facilities, as there is no open space provision on site. As such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

PLANNING BALANCE, CONCLUSION & RECOMMENDATION

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby, including good public transport links. The existing building is Grade II Listed and whilst some localised rebuilding will be required, the proposed conversion and extension is considered not to harm the significance of this heritage asset. The loss of protected trees is regrettable, however their long term retention was unlikely given their poor condition; replacement planting, secured by condition if necessary, is considered to be acceptable. It is considered that there are no further significant adverse impacts relating to design, impact on the area, residential amenity, highways safety, ecology or environmental health. The proposal, in the round, accords with the Development Plan and is deemed to be a sustainable form of development. As such, in accordance with para 14 of the NPPF, the proposal should be approved without delay. Therefore, subject to the receipt of outstanding consultation comments, a recommendation of approval is made subject to conditions, informatives and Heads of Terms for POS and ROS (details to be confirmed), secured via a s106 Agreement.

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.

NB. COPY OF ORIGINAL UP-DATE TO COMMITTEE

Application: 15/3472M

Location: 180A, Wilmslow Road, Handforth, SK9 3LF

Proposal: Conversion to create 12 No. apartments, the erection of a two-storey rear extension, repairs and rebuilding part of chapel, change of use of part of adjacent domestic garden to car park, replacement windows and doors along with removal of listed trees following withdrawal of previous planning application 15/1865M.

Applicant: Mr A Harrison

Expiry Date: 28.10.2015

UP-DATE REPORT: 5th October 2015

CONSULTATIONS

Heritage & Design – Conservation/Listed Buildings:

The Conservation/Design Officer raises no objections as the applicant has made minor alterations to the plans as previously advised.

Heritage & Design – Forestry:

A revised tree planting plan has been received and the Arboricultural Officer is satisfied that the proposed tree planting mitigates against the loss the protected trees.

Greenspace:

No objections, subject to commuted sums being secured via a s106 legal agreement for Public Open Space and Recreation Outdoor Sports provision, required for the additional apartments/bedrooms. This is calculated as follows:

Public Open Space

3 x 1 bed apartments @ £1,500 each = £4,500

9 x 2 bed apartments @ £3,000 each = £27,000
Total = £31,500

Minus £21,000 already received = £10,000

Recreation Outdoor Sports

9 x 2 bed apartments @ £500 each = £4,500

Minus £3,000 already received = £1, 500

Hence, a total of £11,500 additional commuted sum is required.

HEADS OF TERMS & CIL REGULATIONS

The figures confirmed are as follows:

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

CONCLUSION/RECOMMENDATION

The additional consultation comments outlined above do not raise any objections or concerns. The proposed development accords with all relevant Development Plan policies and is in accordance with the NPPF, such sustainable forms of development should be approved without delay. The recommendation previously proposed remains.

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