

Northern Planning Committee

Agenda

Date:	Wednesday, 4th May, 2016
Time:	10.00 am
Venue:	Meeting Room, Macclesfield Library, Jordangate, Macclesfield

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

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

3. Minutes of the Meeting (Pages 1 - 10)

To approve the Minutes 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. **15/1886M - Withinlee Hollow, Withinlee Road, Mottram St Andrew, Macclesfield, Cheshire SK10 4AT: The erection of a single contemporary 2 storey 4 bedroom dwelling with external underground Garage and central Courtyard, all situated in a NorthEast - SouthWest setting within a 0.831 acre (3,364m²) sloping plot. The principle living areas are located on the first floor (at ground level) and bedrooms and home leisure spaces are located within the sub-level (below ground level) for Carl Davis, Lingfield Homes & Property Development Ltd (Pages 11 - 22)**

To consider the above application.

6. **15/4117M - Land Adjacent to Highlands, Congleton Road, Alderley Edge, Cheshire SK9 7AD: Construction of one part two-storey, part three-storey detached infill dwelling with detached garage, new access and landscaping for Mr and Mrs N McGuiness (Pages 23 - 36)**

To consider the above application.

7. **15/4854M - 2-6 Holly Road North, Wilmslow, Cheshire: Erection of retirement living housing (category II type accommodation), communal facilities, landscaping and car parking for McCarthy and Stone Retirement Lifestyles (Pages 37 - 54)**

To consider the above application.

8. **16/0604C - Land Adjacent to Padgate, Twemlow Lane, Cranage: Residential Development of 4nr detached dwellings (4/5 bed) and 1nr cottage mews block of 5 dwellings (1bed flat; 2/3 bed houses) inclusive of associated external works and landscaping for Mr Matthew Pochin, Boots Green Properties Limited (Pages 55 - 72)**

To consider the above application.

9. **14/5667M - The trustee's of Wilmslow congregation of Jehovah's witnesses, 48, Knuttsford Road, Chorley, Alderley SK9 7SF: Demolition of existing building and out-buildings and construction of new place of Christian worship to replicate existing building for The Trustees of Wilmslow Congregation of Jehovah's Witnesses (Pages 73 - 82)**

To consider the above application.

10. **15/5807M - Chelford Garage, Alderley Road, Chelford, Macclesfield, Cheshire SK11 9AP: Removal of existing below ground fuel storage tanks and installation of 2 no new 60,000 litre double skin below ground storage tanks. Removal of existing forecourt canopy and installation of new at increased clear height of 4.5 metres min. Forecourt reinstatement including new pump islands and pumps. Replacement tank vent stack and re-location of air/water machine. 3 no. New car parking places for Shell UK Retail (Pages 83 - 88)**

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 6th April, 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, S Edgar (Substitute), T Fox, S Gardiner,
S Gardner, A Harewood, O Hunter, L Jeuda and N Mannion

OFFICERS

Nicky Folan (Planning Solicitor)
Peter Hooley (Planning and Enforcement Manager)
Paul Hurdus (Highways Development Manager)
Robert Law (Senior Planning Officer)
Gaynor Hawthornthwaite (Democratic Services Officer)

99 APOLOGIES FOR ABSENCE

Apologies were received from Councillors E Brooks, M Hardy, G Hayes
and J Macrae.

100 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interests of openness in respect of application number 15/4137M,
Councillor S Gardiner declared that the agent is known to him as a former
employer.

Councillor A Harewood declared that she had pre-determined application
15/5536M and would speak as the Neighbouring Ward Member and then
leave the room and take no part in the discussions or voting on this
application.

Mr P Hooley, Planning and Enforcement Manager, confirmed that he has
had no involvement in application 15/5536M and declared a personal
interest on the grounds that his father is a resident at Belong Care Home
and would, therefore, leave the room prior to consideration of the
application.

It was noted that Members of the Committee had received
correspondence relating to application numbers 15/5620M and 15/5536M.

101 **MINUTES OF THE MEETING**

That the minutes of the meeting held on 10th February 2016 be approved as a correct record and signed by the Chairman.

102 **PUBLIC SPEAKING**

That the public speaking procedure be noted.

103 **15/5536M - LAND ADJACENT TO BELONG CARE HOME, 103 KENNEDY AVENUE, MACCLESFIELD SK10 3DE: TO PROVIDE A NEW 30 SPACE SURFACE CAR PARK FOR MR NIGEL FRANKLIN, BELONG CONSTRUCTION LTD**

Prior to consideration of this application, as stated in his declaration, Mr P Hooley left the meeting and returned following consideration of the application.

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

(Councillor M Hardy (Ward Member), Councillor A Harewood (Neighbouring Ward Member), Councillor G Jones (on behalf of Macclesfield Town Council), Mr G Naylor, Mr J Evans and Ms L Wallace (Supporters) attended the meeting and spoke in respect of the application)

As stated in her declaration, Councillor A Harewood spoke as the Ward Member and then left the meeting and returned following consideration of the application.

RESOLVED

That the application be DEFERRED for further information on the following:

- The number of bed spaces within the existing care home and number of care home residents
- The number of existing parking spaces within the care home and whether there are any restricted (i.e. for disabled / staff use only)
- Whether any of the additional activities within the care home (i.e. café etc.) attract or are open to various members of the public - not just residents of the care home and if so do they have the benefit of Planning Permission
- Confirmation and clarification on the proposed levels of the site
- Whether access to the existing parking is public or private.
- The parking justification for 30 spaces and the situation with any replacement car park for deliveries.

104 **15/4137M - THE GRANGE, SOUTH PARK DRIVE, POYNTON, CHESHIRE SK12 1BS: DEMOLITION OF DETACHED DWELLING HOUSE AND ASSOCIATED BUILDINGS, AND ERECTION OF EIGHT FAMILY DWELLING HOUSES AND ASSOCIATED WORKS. AMENDMENTS TO PREVIOUS APPLICATION REFERENCE 13/1165M FOR HILLCREST HOMES LTD**

The Committee considered a report, written and verbal updates regarding the above application.

(Councillor J Saunders (Ward Member), Ms J Jackson (Objector) and Ms C Payne (Agent) attended the meeting and spoke in respect of the application)

The Planning and Enforcement Manager read out a representation received from an immediate neighbour (Objector).

RESOLVED

That authority be DELEGATED to Planning and Enforcement Manager in consultation with the Chairman and Vice-Chairman of Northern Planning Committee to APPROVE the application for the reasons set out in the report, subject to completion of a Section 106 legal agreement to secure:

Heads of Terms:

- The payment of £200,000 in lieu of on site provision of affordable housing
- £28,000 for off-site provision of Public Open Space and Recreation Space for improvements, additions and enhancement of existing Public Open Space facilities at open space facilities at Poynton Pool/Park and Princes Incline.
- Management company to be set up for management of woodland and lake

And the following conditions:

1. Standard
2. Approved plans
3. Materials to be submitted
4. Landscaping plan
5. Landscaping (implementation)
6. Boundary treatment
7. Tree Prtections
8. All arboricultural works shall be carried out in accordance with Christians Environmental Site Report and Appraisal Plans ref

11_2015_TGP_BS Rev B received by the Local Authority on the 25th November 2015

9. Surface water drainage
10. Foul water drainage
11. Ecological mitigation as proposed
12. Breeding birds
13. Bat and bird boxes
14. Invasive species method statement
15. Noise
16. Hours of construction
17. Pile driving
18. Dust control
19. Contaminated land
20. Electric charging points
21. Construction Management Plan to include the design of the foundations for the houses over the lake
22. Removal of PD rights (Class A-E) (plots 4, 5 and 6)

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

105 **14/4339M - THE QUEENS ARMS, LEEK ROAD, BOSLEY SK11
0NX: CONSTRUCTION OF 5 NO. HOUSING UNITS FOR SOCIAL
HOUSING (RE-SUBMISSION 14/1355M) FOR NEIL FINDLAY, PUNCH
TAVERNS PLC**

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

(Mr K Smith (Objector) and Mr G Hitchen (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 and written update the application be APPROVED subject to completion of a Section 106 legal agreement to secure:

Heads of Terms:

Secure 100% affordable units

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.

- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

And the following conditions:

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. A10EX - Rainwater goods
5. A17EX - Specification of window design / style
6. A19EX - Garage doors
7. A20EX - Submission of details of windows
8. A23GR - Pile Driving details to be submitted
9. Phase 1 contaminated land survey to be submitted
10. Scheme to control dust to be submitted
11. Bin storage
12. Construction Management Plan
13. Brickwork detailing on side elevations
14. Windows to be set behind reveals of min 100mm
15. Landscaping scheme (submission and implementation)
16. Tree protection
17. PD rights removed (A-E)
18. Detail of foul sewage disposal to be submitted and agreed prior to commencement

Following consideration of this application the meeting adjourned for lunch from 12.25 pm until 13.00 pm.

106 **15/5620M - 13 SHEARD HALL AVENUE, DISLEY, STOCKPORT, CHESHIRE SK12 2DE: OUTLINE APPLICATION FOR A RESIDENTIAL PROPERTY WITH PRIMARY ACCESS OFF SHEARDHALL AVENUE WITH ALL OTHER MATTERS RESERVED FOR MRS HEATHER RENSHAW**

The Committee considered a report regarding the above application.

(Councillor H Davenport (Ward Member), Councillor Patterson (on behalf of Disley Parish Council) and Ms G Armstrong (Objector) 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. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A01AP - Development in accord with approved plans
4. A03OP - Time limit for submission of reserved matters
5. A06OP - Commencement of development
6. A23GR - Pile Driving details to be submitted
7. A19MC - Refuse storage facilities to be approved
8. A32HA - Submission of construction method statement
9. Details of existing and proposed levels
10. Removal of PD rights (Class A)

107 **16/0216M - POWNALL PARK TENNIS CLUB, CARRWOOD ROAD, WILMSLOW, SK9 5DN: FLOODLIGHTS INSTALLED AT TENNIS CLUB TO ENABLE ALL YEAR ROUND USE OF THE COURTS UP TO 10PM MONDAY TO SUNDAY FOR MR PAUL EATON**

The Committee considered a report and regarding the above application.

(Ms J Niven (Supporter) and Mr G Oakley (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. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A02TR - Tree protection
5. Carried out in accordance with Cheshire Woodlands Arboricultural Statement

6. The hours of operation of the floodlighting – 10.00 am – 9.00 pm Monday to Saturday, 10.00 am to 6.00 pm Sundays / Public Holidays.
7. Intensity of illumination of the lights
8. Luminaire intensity shall not exceed that recommended for zone E2
9. Court 1 to be used first
10. Lights shall not be switched on at anytime they are not required to illuminate a court for playing purposes or for maintenance/repair purposes

Informatives:

1. NPPF
2. Construction hours of operation – Noise Generative Works

108 **15/5858M - CHESHIRE COUNTY COUNCIL, COUNTY OFFICES, CHAPEL LANE, WILMSLOW, CHESHIRE, SK9 1PU: VARIATION OF CONDITION 2 ON APPROVAL OF 14/5471M DEMOLITION OF THE FORMER COUNCIL OFFICE BUILDINGS AND ASSOCIATED CAR PARKING AND ERECTION OF AN ASSISTED LIVING DEVELOPMENT (USE CLASS C2) COMPRISING 57 ASSISTED LIVING APARTMENTS INTEGRATED WITH COMMUNAL WELLBEING AND SUPPORT FACILITIES AND CARE PROVISION TAILORED TO INDIVIDUAL RESIDENT NEEDS, SET IN ATTRACTIVE LANDSCAPING WITH ASSOCIATED CAR PARKING AND CONSTRUCTION OF ADDITIONAL VEHICULAR ACCESS FROM ALDERLEY ROAD FOR PEGASUS LIFE**

The Committee considered a report regarding the above application.

RESOLVED

That for the reasons set out in the report the application be APPROVED subject to a prior Section 106 legal agreement (deed of variation) to tie in the revised scheme to the existing legal agreement and the following conditions:

1. A01AP - Development in accord with approved plans
2. A02EX - Submission of samples of building materials
3. A02FP - Commencement of development
4. A02LS - Submission of landscaping scheme
5. A04LS - Landscaping (implementation)
6. A06NC - Protection for breeding birds
7. A12LS - Landscaping to include details of boundary treatment

8. A16LS - Submission of landscape/woodland management plan
9. NS1 - Measures to ensure that Bedells Lane access is exit only, that Alderley Road is not used by non-residents / visitors, and a parking enforcement regime to be submitted
10. NS1_1 - Surface water drainage details to be in accordance with agreed details under application 16/3865D
11. NS1_2 - Communal facilities not to be open to non-residents
12. Provision of car parking prior to occupation
13. Submission of operational plan
14. Access method statement to be complied with in accordance with details agreed under application 15/3920D
15. Development to be carried out in accordance with the submitted arboricultural report
16. Travel plan required
17. Development to be carried out in accordance with Ecological report
18. Dust emissions scheme in accordance with details agreed under application 15/3920D
19. Environmental Management Plan to be complied with details agreed under application 16/0572D
20. Remediation strategy to comply with details agreed under application 16/0572D
21. Scheme for storage of refuse and recyclable materials to be agreed and complied with
22. Site construction method statement to be complied with in accordance with details agreed under application 16/0572D

109 **14/4029C - LAND OFF HOLMES CHAPEL ROAD, HOLMES CHAPEL ROAD, CONGLETON CW12 4SN: CHANGE OF USE OF AGRICULTURAL LAND OFF HOLMES CHAPEL ROAD, FOR SCHOOL RECREATIONAL USE FOR DAVID HERMITT**

The Committee considered a report regarding the above application.

RESOLVED

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

1. Standard time limit (3 years)
2. Accordance with submitted plans
3. No floodlighting without further permission from LPA

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

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement should they be required.

The meeting commenced at 10.00 am and concluded at 2.00 pm

Councillor G M Walton (Chairman)

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Application No: 15/1886M

Location: WITHINLEE HOLLOW, WITHINLEE ROAD, MOTTRAM ST ANDREW, MACCLESFIELD, MACCLESFIELD, CHESHIRE, SK10 4AT

Proposal: The erection of a single contemporary 2 storey 4 bedroom dwelling with external underground Garage and central Courtyard, all situated in a NorthEast - SouthWest setting within a 0.831 acre (3,364m²) sloping plot. The principle living areas are located on the first floor (at ground level) and bedrooms and home leisure spaces are located within the sub-level (below ground level).

Applicant: Carl Davis, Lingfield Homes & Property Development L

Expiry Date: 18-Jun-2015

SUMMARY

This application seeks full planning permission for the construction of a detached two storey dwelling house.

The site is positioned within a sustainable location designated as a Low Density Housing Area and wider Predominantly Residential Area of Prestbury.

It is considered that the principle of a new dwelling in the proposed location is acceptable and therefore satisfies the three threads of 'sustainability' as stipulated within the NPPF (2012).

The proposal is commensurately scaled within the plot and appropriately designed to sympathetically integrate with the topography of the land and wider character and appearance of the Low Density Housing Area to which the application site forms part thereof.

The proposed development could be implemented without any detrimental impacts on neighbouring amenity, arboriculture or access onto the main highway which could be achieved without any significantly highway safety issues.

The application meets the three threads of sustainability as stipulated by the NPPF and is therefore recommended for approval.

RECOMMENDATION: Approve, subject to conditions

REASON FOR REPORT

This application has been called in to committee at the request of Cllr Paul Findlow due to the following concerns:

- ☐ The proposal is contrary to policy H12, being in a low density housing area, in that the one acre per plot requirement is not met, no matter how the total plot including the existing house is divided;
- ☐ Design dissonance – The dwelling's modern design is entirely out of character with the locality, its neighbours and the surroundings;
- The shared access arrangements are not of the required standard, and the drive across the plot serves Withinlee Hollow, and is also part of the access to the green belt land to the south thereof, and, therefore, can not count towards the one acre requirement; and
- Potential damage to trees, including those of neighbours, on a quagmire plot with clear drainage issues.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of a sloping plot accessed via an un-adopted driveway linking Withinlee Road to the north with the residential properties of Withinlee Court to the west and Withinlee Hollow to the south. The properties of Withinlee lie to the east whilst the rear curtilage of Clove heights lies adjacent to the northern boundary. As such, the plot is bounded by residential dwellings to all sides.

The site is characterised by an extensive treeline to the boundaries and a grazed central area which is currently used for equestrian purposes. An access track currently runs along the western aspect to the detached property of Withinlee Hollow to the south with gate access to the south-east linking the application site to a field beyond.

DETAILS OF PROPOSAL

The proposal seeks the construction of a two storey detached dwelling house, garaging and associated hardstanding which utilises the topography of the land to appear single storey to the principal (northern elevation) and two storey to the rear (southern elevation)

RELEVANT HISTORY

14/3658M – Withdrawn

Construction of a two storey detached dwelling

Reason for withdrawal:

- Review of the size; and
- Concerns regarding highway safety.

14/2837M - Withdrawn

Construction of a two storey detached dwelling

Reason for withdrawal:

- Insufficient arboricultural information

POLICIES

Macclesfield Borough Local Plan (2004) – saved policies

- BE1 (Design principles for new developments)
- DC1 (High quality design for new build)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
- DC8 (Landscaping)
- DC9 (Tree Protection)
- DC38 (Guidelines for space, light and privacy for housing development)
- DC41 (Infill Housing Development or Redevelopment)
- H1 (Phasing Policy)
- H2 (Environmental Quality in Housing Developments)
- H5 (Windfall Housing)
- H12 (Low Density Housing Area)
- H13 (Protecting residential areas)

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

Other Material Considerations

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- MP1 (Presumption in Favour of Sustainable Development)
- SD1 (Sustainable Development in Cheshire East)
- SD2 (Sustainable Development Principles)
- SE1 (Design)

CONSULTATIONS (External to Planning)

Arboriculture and Forestry: No objection subject to conditions.

Environmental Protection: No objection subject to conditions.

Highways: No objection.

Landscape: No objection subject to conditions.

VIEWS OF THE PARISH COUNCIL

Prestbury Parish Council: *The Committee strongly object to this application on the grounds that it is 20% larger than the previous design in a low density area. Access is not suitable. All trees are TPO'd and they have concern about the loss of these trees especially the Weeping*

Willow that stabilises the wet, boggy ground. It is totally out of character – a two storey box to be built in an area of traditionally designed properties.

OTHER REPRESENTATIONS

Five letters of representation (four from one resident) have been received objecting to the proposed development on the following grounds. These are available on the website but are summarised below:

- The site is a quagmire (a soft boggy area that gives way underfoot);
- The proposal does not accord with policy H12 of the Local Plan:
 - The site is under the 1 acre threshold;
 - The access drive should not be included;
 - The size measured for the plot is incorrect;
- Arboriculture implications:
 - The access track is dangerously close to the protected trees;
 - Trees have been felled which is contrary to the policy reference document that 'no trees would be pruned or removed without the consent of both the Tree Officer or adjoining neighbours';
 - The assessment made for the Crack Willow should be challenged and is of high amenity value;
 - Issue with the Eduramat protection system suggested;
- Highways implications:
 - The Highways Officer objected to the previous two application due to poor visibility at the junction;
 - Two cars travelling in opposite directions cannot pass without issue;
 - A transport study submitted in support of the objectors indicate that the access is substandard and the proposal would lead to the material intensification of use on the site from equestrian to residential;
- The site has drainage problems and extensive work would impact the flow of water in the ground and affect the mature trees near the site through root damage and changes in soil and moisture levels;
- It is not understood how the excavations can be disposed of on site;
- The insertion of photovoltaic panels on the flat roof would add to the incongruity of the proposed new house and have an adverse impact on the outlook from neighbouring houses.

OFFICER APPRAISAL

Key Issues

- Principle of development;
- Impact upon Low Density Housing Area;
- Impact upon the amenity of neighbouring properties;
- Arboricultural Implications; and
- Highway safety implications

Principle of Development

Given the site lies within a predominantly residential area the principle of a new dwelling is supported by development plan policies and national guidance. The proposal is therefore assessed against the presumption in favour of sustainable development as set out in paragraphs 11 to 16 of the National Planning Policy Framework (NPPF).

The application site is within a Low Density Housing Area where policy H12 applies. This policy seeks to ensure that any new development does not threaten the low density, high quality character of these established residential areas. To achieve this it requires development to meet the following criteria:

- *The proposal should be sympathetic to the character of the established residential area, particularly taking into account the physical scale and form of new houses and vehicular access;*
- *The plot width and space between the sides of housing should be commensurate with the surrounding area;*
- *The existing low density should not be exceeded in any particular area;*
- *Existing high standards of space, light and privacy should be maintained;*
- *Existing tree and ground cover of public amenity value should be retained; and*
- *In Prestbury both the new housing plots and the remaining plot should be approximately 0.4 hectares.*

Additionally policy DC41 sets out detailed criteria for infill housing development. The criteria are:

- *in areas which enjoy higher space, light and privacy standards than the minimum prescribed standards, then new dwellings should meet the higher local standard;*
- *The proposal should not result in overlooking of existing private gardens;*
- *The proposal should not lead to excessive overshadowing of existing habitable rooms;*
- *The garden space should reflect the typical ratio of garden space within curtilages in the area and the location, size and shapes should be suitable for the intended purpose;*
- *The proposal should not result in excessive amounts of new traffic into a quiet area or on unsuitable roads. within the site the location and amount of vehicle space should not lead to annoyance or intrusion to neighbouring properties;*
- *The proposal should normally enjoy open outlook onto a highway or open space from one elevation. tandem and back land development will not normally be permitted where this would result in substandard outlook, overlooking and disturbance by through traffic;*
- *Car parking should be provided in accordance with the relevant car parking standards; and*
- *Vehicular and pedestrian access should be safe, particularly by the adequate provision of visibility splays.*

Policies BE1 and DC1 set out general design criteria related to new development whilst policies DC3 and DC38 relate to protecting residential amenity and set out appropriate spacing standards between dwellings.

The key issues arising from these policy requirements are discussed below.

ENVIRONMENTAL SUSTAINABILITY

Design, Scale, Character and Appearance

As viewed within the streetscene it is considered that the area is characterised by individual dwellings of varying sizes set amongst mature plots where it is evident that there is no prevailing architectural style.

Further to reviewing the submitted information the site plan indicates that the total plot size for the proposed development would amount to approximately 0.35 hectares. However, taking account of the driveway running through the western edge of the site this could reduce the 'plot' to east to about 0.27 hectares - but this would then also leave a further smaller area on the other side of the driveway. As noted above policy H12 seeks to ensure plot sizes of both the proposed and remaining dwelling are approximately 0.4 hectares and therefore whichever calculation is used, it is acknowledged that the proposed plot would fall short of this requirement. The actual plot size forms part of the assessment and not necessarily the only method of calculating the impact on character which requires an overview of the site rather than a rigid figure to be applied.

It is considered that given the unique site characteristics and spacing standards retained between neighbouring properties the proposed plot would be commensurate with the surrounding buildings and would therefore reflect the general characteristics of the area. In addition, the distances to the neighbouring properties would be substantial, the closest being Withinlee Court at approximately 27 metres away at its nearest point. This would ensure the sense of space that the existing low density housing area seeks to preserve.

In respect to design, Paragraph 58 of the NPPF advises that decisions should aim to ensure that development, *inter alia*:

- *Will function well and add to the overall quality of the area;*
- *Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and*
- *Are visually attractive as a result of good architecture and appropriate landscaping.*
-

However, it is important to reiterate at paragraph 60 of the NPPF:

'...decisions should attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.'

The site is a "back land" plot and as such, and rather importantly, would be screened from Withinlee Road by existing dwellings and mature trees and vegetation. It does not sit within a street-scene as such and therefore the site lends itself to a different design approach which aims to integrate appropriately within the constraints of the site without harming the overall character of the area. This is reinforced by the immediate surroundings not being characterised by a distinctive architectural style.

As noted above, the design of the dwelling addresses the particular site circumstances in that it utilises and is designed around the changing levels across the site and how it would relate to the neighbouring properties. It is therefore considered that the approach taken would provide a better solution and one which follows to the overarching stipulations of paragraph

60 of the NPPF than a pastiche design which would neither preserve nor enhance the openness of the area.

As with any contemporary design the quality of the materials is important and as submitted it is considered that the palette of materials would be appropriate in the context of the design of the dwelling and its setting amongst the plot whereby complying with policy BE1 and DC1 of the Local Plan.

As noted within DC41, the policy seeks to restrict back land development particularly where it would result in substandard outlook. In this regard back land development would not be unusual in this area and there are many existing examples including three immediate neighbours: Withinlee Hollow, Withinlee Court, and Withinlee where this approach has been applied successfully. The proposed development would therefore be reflective of the general pattern of development in the area and substantial space would be retained around buildings with the existing dwelling enjoying a reasonable outlook and light commensurate with the area.

Amenity

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. This is maintained through policy H12 which requires development in low density housing areas to respect the higher standards of space, light and privacy. In respect to the spacing standards, these are set out in the guidance contained within policy DC38.

As indicated on the submitted plans, the proposed dwelling would meet the spacing standards as set out in policies DC38 and H12 of the Local Plan. This is further improved by the design of the dwelling with the northern aspect in effect being single storey with a lower “basement” level taking advantage of the level changes across the site. As a consequence, this minimises the bulk and massing of the dwelling where it is in closest proximity to the neighbours to the west and east and also Clover Heights which is situated a greater distance to the north. As such, it is not considered that the proposed development would be significantly overbearing or overshadow the neighbouring properties.

In addition to the above, site has existing mature trees and vegetation which would help retain privacy between the proposed dwelling and neighbouring properties and help filter visibility of the development as viewed from these occupiers. Notwithstanding this, it is important to note that the visibility of the property from neighbouring occupiers is not a material consideration in the determination of this application.

The proposal is therefore considered to meet the stipulations of policies DC3, DC38 and H12 of the Local Plan and guidance contained within the NPPF.

Highways

Throughout the determination of the application concern has been raised by a number of local residents and previously by the Council's Highways Officer that the proposed development

could amount to an intensification of use whereby impacting upon highway safety given issues surrounding the lack of visibility when accessing the site from Withinlee Road.

To this end much deliberation and three separate transport assessments have been made, one indicating that there would be a significant intensification of use over an above that of the existing equestrian use, whilst the other two, namely one prepared by the applicant and the other produced by the Council's own Highways Officer subsequent to a traffic survey being undertaken showing various levels of usage on the access.

As shown within the survey results found by the Cheshire East Council, the Highways Officer indicates that *'it is clear that there is some usage associated with the paddock use, once the trips to the existing property have been removed. The residual level of usage in the CEC survey is lower than a new unit would produce although the applicant's survey indicated higher usage of the access'*.

Needless to say, it was confirmed that *'this application would be a clear objection in highway grounds if there were no existing uses other than the residential that are currently using the access. The survey information has shown that there are vehicular trips associated with the paddock and also it is the case that this use could be intensified in the future. In these circumstances, it would difficult to argue that there is an intensification of use for a single unit should the current paddock use cease. Therefore, on balance, I would remove the objections to the application subject to all the equestrian use ceasing on the site.'*

In respect to all equestrian uses ceasing on the site, the applicant has agreed to enter into a Unilateral Undertaking whereby all equestrian uses will cease on the site. It is therefore considered that this obligation will be sufficiently justified and enforceable to ensure the acceptability of the scheme.

The proposal meets the car parking standards as set out in the Cheshire East Local Plan Strategy Submission Version March 2014 (as amended) and complies with policy DC6 of the Local Plan and guidance contained within the NPPF (2012).

Arboriculture and Forestry

Policy DC9 of the Local Plan seeks to ensure the retention of trees or woodland unless the vegetation is no longer of sufficient amenity value, where the removal is in accordance with current arboricultural best practice or where mitigation provides an identifiable net environmental gain.

Through discussion and previous amendment to the scheme to negate the concerns raised by the Council's Arboriculture and Forestry Officer in the determination of the preceding application, it has been concluded that the loss of the trees indicated within the Arboricultural Report is accepted and that sufficient mitigation has been shown to ensure the retained trees are protected in accordance with current best practice BS5837:2012.

To this end, the proposal is considered acceptable and the development complies with the stipulations of DC9 of the Local Plan.

SOCIAL SUSTAINABILITY

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14,617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Consequently, weight is given to the sustainability of the site which is considered to represent '*optimum viable use*' as prescribed in paragraph 134 of the NPPF.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses.

PLANNING BALANCE

Whilst the objections are noted, the presumption in favour of sustainable development is a significant material consideration in the determination of this application and therefore taking into consideration the merits demonstrated above and the compliance with local and national planning policy, the proposed development meets all aspects of sustainable development and is recommended for approval.

It is considered that the site would:

- Preserve the key characteristics of the low density housing area whilst ensuring an appropriate level of development which is located within a sustainable urban location;
- Provide an opportunity to create a more contemporary design approach to suitably address the specific site issues associated with this viable residential plot; and
- Would not significantly or detrimentally impact upon surrounding trees, the amenities of neighbouring occupiers or cause highway safety concerns.

In such circumstances the NPPF at para.14 requires development proposals that accord with the development plan to be permitted without delay and thusly this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Removal of permitted development rights
2. Landscaping - submission of details
3. Commencement of development (3 years)
4. Landscaping (implementation)
5. Use of garage / carport
6. Levels survey
7. Approved Plans
8. Materials to be submitted
9. Details of Boundary Treatment
10. Details of all hardsurfacing materials
11. Works in accordance with Tree Report
12. Engineering Method Statement
13. Servicing and Drainage Layout
14. Pile Driving

15. Dust Control

16. Floor Floating

17. Noise Mitigation Scheme

18. Contaminated Land



Application No: 15/4117M

Location: LAND ADJACENT TO HIGHLANDS, CONGLETON ROAD, ALDERLEY EDGE, CHESHIRE, SK9 7AD

Proposal: Construction of one part two-storey, part three-storey detached infill dwelling with detached garage, new access and landscaping

Applicant: Mr & Mrs N McGuinness

Expiry Date: 04-Nov-2015

Date Report Prepared: 21 April 2016

SUMMARY

This application is for the erection of 1no. dwelling with detached garage, new access and landscaping.

The proposed development is considered to constitute an appropriate development in principle in the Green Belt, as infill development within a village. The size of the plot is considered to be suitable to be able to accommodate limited infilling in the form of 1No. dwelling. The principle of the proposal is therefore in accordance with paragraph 89 of the National Planning Policy Framework.

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

The proposal is an acceptable form of development within the Conservation Area.

The application is therefore recommended for approval subject to conditions.

RECOMMENDATION: Approve, subject to conditions

REASON FOR REPORT

This application has been called in to committee at the request of Cllr George Walton on the 18th September 2015 due to the following concerns:

- *'Green Belt infringement being an infill site within the Conservation area of Nether Alderley (not Alderley Edge as in address on application)*
- *Overdevelopment of the site; the proposal is considerably bigger in respect of depth, width, height and hence massing than the adjacent houses and would impact on the amenities of the properties immediately adjacent to the site and the surrounding area regarding overlooking, loss of privacy and overbearing impact.*
- *Design out of keeping with surrounding properties.'*

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a parcel of land approximately 3,980 m² in size and located close to the southern edge of the defined settlement of Alderley Edge. The site is undeveloped and heavily overgrown.

The site is bordered by 'Highlands' to the north and 'Millers Gate' to the south. There is residential development and wooded areas to the east on the opposite side of Congleton Road and agricultural land to the west at the rear of the site.

Development along this side of Congleton Road takes the form of substantial detached dwellings in large, well landscaped gardens. The houses are set back some distance from the road and, due to the topography, the houses on the same side of the road as the appeal site are at a lower level than the road. These factors combined with the dense mature vegetation along the road frontage means that the dwellings themselves are not a prominent feature along this part of the road. The application site itself has many mature and semi-mature trees and the whole site stands within the Alderley Edge Conservation Area, which is also covered by a woodland Tree Preservation Order.

The roadside boundary is made up of trees and hedges.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 1no. infill dwelling with detached garage, new access and landscaping. The building would be part two storey and part three storey due to the topography of the land. Amended plans were received during the course of the application reducing the overall height of the proposed dwelling and garage.

RELEVANT HISTORY

51973P ERECTION OF SINGLE DWELLING HOUSE FOR OCCUPATION BY APPLICANT

REFUSED 17 February 1988

21642P ERECTION OF DETACHED HOUSE

Refused 16 April 1980

POLICIES

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)
BE2 (Preservation of Historic Fabric)
BE3 (Conservation Areas)
BE12 (The Edge Conservation Area)
H1 (Phased Housing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Sites)
H13 (Protecting Residential Areas)
DC1 (Design – New Build)
DC3 (Protection of the amenities of nearby residential properties),
DC6 (Circulation and Access)
DC8 & DC37 (Landscaping)
DC9 (Tree Protection)
DC38 (Space, Light and Privacy)
DC41 (Infill Housing Development)
GC1 (Control over new buildings in the Green Belt)
NE1 (Areas of Special County Value)
NE11 (Nature Conservation)

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

Other Material Considerations

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

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)
PG3 (Green Belt)
SD1 (Sustainable Development in Cheshire East)
SD2 (Sustainable Development Principles)
SE1 (Design)

CONSULTATIONS (External to Planning)

Highways: no objections subject to condition

Forestry: no objections subject to conditions

Nature Conservation: no objections

Environmental Health: no objections subject to conditions

Conservation: no objections

Landscape: no objections

VIEWS OF THE PARISH / TOWN COUNCIL

Nether Alderley Parish Council: The Parish Council has a strong objection to the proposed development for the following reasons:

1. It is an unacceptable new development within the Green Belt and within a Conservation area. Construction of a property on this site would set a precedent for other new development within and on the Green Belt in Nether Alderley and in the wider borough.
2. There is no brown field land on this site.
3. There are no special or exceptional circumstances to permit development on this Green Belt land.

OTHER REPRESENTATIONS

Representations from 6no. different properties have been received for the original submission. A summary of these can be viewed below:

- Clear infringement of Green Belt policy.
- Negative impact on the Alderley Edge Conservation Area – scale and design not in keeping.
- The rear extends significantly beyond the rear of the neighbours by up to 23 metres.
- Footprint not in keeping with other buildings along Congleton Rd.
- Modern design is not in keeping, should be traditional in appearance.
- A 48m frontage cannot be considered to be a small gap and so should not be considered to be an infill. Also, the site is not within a village and is not surrounded by a built up frontage.
- Also, the policy GC1 limits infill to the settlements of Gawsworth, Henbury, Lyme Green and Sutton.
- Would cause overlooking, loss of privacy and would be overbearing to the neighbouring properties.
- The landscape character of the site, which is assessed as woodland with woodland TPO status conferred, will change radically and material damage to the character of the Conservation Area, the appraisal of which acknowledges the contribution of trees to its sylvan character, will occur as a consequence of this development.
- Substantial number of high or moderate quality trees will be lost.
- An entire woodland ecosystem will be destroyed.
- The proposal does not preserve or enhance the character of the conservation area.

The objection from the adjoining neighbour at Miller's Gate was accompanied by a written opinion from David Manley QC, as well as a heritage statement and landscape impact assessment prepared by consultants. A response from Paul G Tucker QC was provided by the applicant, to which a further response from David Manley QC was submitted.

Following re-consultation of the amended plans only one representation, from the adjoining neighbour at Highlands, was received repeating the earlier objections.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted in support of the application:

- Design & Access Statement
- Planning statement
- Heritage Statement
- Ecology Appraisal
- Arboricultural Statement

OFFICER APPRAISAL

Key Issues

- Principle of Development in the Green Belt
- Impact on the Conservation Area
- The design of the proposed development
- Highway Issues
- Potential impact on amenity
- Sustainability
- Trees/ Landscaping

ENVIRONMENTAL SUSTAINABILITY

Principle of Development

The site lies within an area of Green Belt within the adopted Macclesfield Borough Local Plan. Para 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate. One of the stated exceptions to this is *“limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan”*.

Local Plan policy GC1 relates to new buildings in the Green Belt. Criteria 5 of the policy relates to infilling and allows for *“limited infilling within the settlements of Gawsworth, Henbury, Lyme Green and Sutton provided that the development is in scale and character with the settlement in question”*. In seeking to restrict infilling to a small number of villages within the Green Belt, Policy GC1 is not, in this regard, considered to be consistent with the NPPF which allows limited infilling in villages without any further qualification. This has been established in a number of recent appeal decisions within the Borough. In such circumstances, paragraph 215 of the NPPF indicates that policies in existing local plans should be given less weight.

Notwithstanding the Green Belt issues, the site is considered to be sustainable with regard to access to local services and facilities. Issues of design, amenity, trees and ecology will be examined later in the report.

Green Belt

The NPPF does not provide a definition for what constitutes limited infilling in villages, but the Local Plan glossary does define infilling as “the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)”. This definition has been accepted by several different recent inspectors as being relevant.

The site frontage is 48 metres. There is no metric classification of a “small gap”, and 48 metres, if accepted as such, is considered to be at the upper end of what could reasonably be classified as a small gap. It is considered that the site should be assessed in the context of the surrounding development. The definition goes on to state that a small gap is one which can be filled with one or two houses. In the context of the surrounding properties the gap would not be capable of being filled by more than one house and so with this in mind the development would satisfy the definition within the MBLP of infill.

A letter of objection was prepared by David Manley QC, on behalf of the owners of the adjoining property, Millers Gate. Several points were raised in that letter, including reference to a dismissed appeal on the site for an infill dwelling. It must be stressed that Green Belt policy has fundamentally changed since this decision and so does not bear a great deal of relevance to the current application.

The letter also goes on to state that ‘infill development’ can only take place within settlement limits on the Local Plan. This, however is contrary to a number of recent appeal decisions, one of which being APP/R0660/W/15/3013616 located in Higher Poynton. The inspector concluded;

‘The site is outside any defined settlement boundaries of the Macclesfield Borough Local Plan 2004 (LP)... Whilst dwellings line both sides of the road along some of its length, in parts open fields directly abut the road. There are also views of the open countryside beyond these houses, with grass verges, hedgerows and trees being more prominent within the streetscene than within Poynton. To my mind, this more rural setting results in the area having a village character and as such it appears reasonable to me to consider that the site is within a village. The lack of an agreed name for the area does not mean that it cannot be defined as a village.’

A similar approach was also taken by the Court of Appeal in Wood v SoSCLG and Gravesham [2015] EWCA Civ 195. It was concluded that the decision as to whether a proposal comprised ‘infill development in villages’ should not be determined solely by reference to a settlement boundary, but what actually exists on the ground. The following comment was made within the decision;

‘It was also common ground that while a village boundary as defined in a Local Plan would be a relevant consideration; it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not accord with the inspector’s assessment of the extent of the village on the ground.’

So with reference to current application, while the address of the application site may include Nether Alderley the site is physically linked to Alderley Edge. There is continuous built development all the way from the application site into the village centre, approx. 750m with a footpath running the whole way. The fact that the development also forms part of the Alderley Edge Conservation Area further links the site to Alderley Edge. With the above in mind it is

considered reasonable to conclude that the site forms part of the village of Alderley Edge with respect to guidance in the NPPF.

In terms of whether the surrounding development displays a 'built up frontage' the plots along Congleton Road clearly form part of a ribbon of development with a fairly clear building line that follows the contours of the road. The plot in question is surrounded on both sides by dwellings with a similar distance to the road and the plot is a similar size to the surrounding plots. For the purposes of the infill definition in the MBLP it is considered that the site does comply with the definition of an infill plot.

Openness of the Green Belt

Openness is an essential characteristic of the Green Belt as set out in paragraph 79 of the NPPF. It is clear that this part of the Green Belt includes the village development of Alderley Edge along Congleton Road and the adjacent roads, and therefore is less open than the surrounding countryside. However this does not mean that the openness that does exist is less important.

The proposed development of a dwelling on what is currently an undeveloped site would lead to a reduction in openness. However, in the context of the site's location within the village, the surrounding residential development, and the scale of the site, the lower level of the site from the road and the extensive vegetation the loss would be a relatively small one. In deeming some forms of building in the Green Belt not inappropriate, the NPPF allows for a reduction in the openness of the Green Belt in some circumstances. Therefore, it is considered that significant harm to the openness of the Green Belt would not be caused by the scheme.

Design and Impact on conservation area

Development along this side of Congleton Road takes the form of substantial detached dwellings in large, well landscaped gardens. The houses are set back some distance from the road and, due to the topography, the houses on the same side of the road as the appeal site are at a lower level than the road. These factors combined with the dense mature vegetation along the road frontage means that the dwellings themselves are not a prominent feature along this part of the road. The application site itself has many mature and semi-mature trees and the whole site stands within the Alderley Edge Conservation Area, which is also covered by a woodland Tree Preservation Order.

The proposal would be set approx. 24m from the road, which together with the retained and new vegetation and the drop in levels from the road, mean that the proposal would barely be visible from Congleton Road. This is in keeping with the Congleton Road street scene.

The size of the plot is similar to those either side of the site. The dwelling would respect the building line to the front and would provide distances to side boundaries which are commensurate with the surrounding area.

The dwelling would be two-storey to the front and three-storey to the rear due to the topography of the site. As illustrated in the street scene provided, the proposed dwelling would not exceed with height of dwellings either side with a modern flat roof appearance that allows the bulk of the dwelling to be reduced.

The heritage appraisal submitted with the application has found that the existing plot is neglected and overgrown and currently not making a positive contribution to the conservation area. New landscaping would be provided on the road frontage including a new hedge that would respect and enhance the character and appearance of the area.

As set out in the heritage appraisal, the dwelling would be of a high quality contemporary style building using a sympathetic palette of materials which are found elsewhere in the conservation area the details of which could be conditioned with any approval.

It should be noted that in considering an appeal proposal for a new dwelling on Congleton Road to the north of the site, the inspector stated at paragraph 8 that:

“The Conservation Area Appraisal notes that the area contains a wide range of materials which reflects the eclectic mix of styles. Given this, I consider that the use of contemporary design and materials, although different, would not have a detrimental impact on the Conservation Area”.

It has been mentioned by neighbours that the footprint is overly large in comparison to the surrounding properties. While on plan view the footprint may appear large the dwelling would contain staggered levels which would help to relieve the massing. The property would not appear overly dominant because of this.

It is considered that the new dwelling would be an appropriate addition within the context of the area. Along with an appropriate tree/landscape plan that enhances the Sylvan setting of the site the proposal is considered to have a positive impact on the conservation area and the street scene.

As no harm to the character and appearance of the Conservation Area has been identified, the proposal accords with policies relating to conserving and enhancing the historic environment, set out in chapter 12 of the Framework. Similarly the proposal accords with local plan policy, which seeks to ensure development proposals preserve or enhance the character and appearance of the conservation area.

Amenity

Concerns have been raised from the adjacent properties in relation to overlooking. The proposal would provide a gap of approx. 15m to Millers Gate at its closest point with a gap of over 18m from the rear terrace area. Millers Gate contains a single storey, parallel with the boundary between the properties, which screens views from the patio area at Millers Gate. The side elevation of Millers Gate only contains a secondary window to a bathroom at first floor.

The adjacent property to the north, Highlands, is positioned over 26m from the side elevation of the proposed dwelling and 15m from the proposed garage.

The distances together with the retained trees would be adequate to prevent overlooking of the adjacent properties.

There is no breach of the interface distances between dwellings set out in policy DC38.

It is considered that the impact on the amenity of the neighbouring properties is acceptable and would accord with policies DC3, DC38 and DC41 of the Local Plan.

Highways

The proposal includes a new access and provision would be made for a minimum of 3 parking space within the site.

There are no material highway implications associated with this development proposal. The proposals for the access arrangements are satisfactory and off-street parking provision is in accordance with CEC minimum parking standards for residential dwellings.

Accordingly, the Head of Strategic Infrastructure has no objection in relation to the planning application subject to a condition relating to visibility splays..

Trees

The application is supported by an Arboricultural statement by Cheshire Woodlands Arboricultural consultancy (Ref CW/7613-AS2) dated 12th August 2015.

The whole site stands within the Alderley Edge Conservation Area, and is also covered by the Macclesfield Borough Council (Nether Alderley – Millers Gate – Congleton Road) Tree Preservation Order 1997 W1. It is accepted that the Woodland designation was probably used at the time of service for convenience and to reflect government advice at the time, in terms of Area TPO classification. There is also an absence of ground floor indicators in terms of flora and fauna to reflect a woodland designation, with bamboo rapidly colonising the south western aspect of the plot. The Arboricultural statement has reviewed the tree cover as individual and groups of trees which is accepted as being more appropriate.

The development proposals require the removal of 10 individual trees 4 groups, and an area of ornamental trees and shrubs. In terms of BS5837:2012 the losses have been categorised as one A value tree (T13), six B value individual trees (T4, 6, 9, 11, 12, 16) and two groups (G4 & 7), and three C value individual trees (T1, 5, 14) two individual trees within two groups (G1/1, G3/1) and one area (A1). It is accepted that the loss of the identified trees will have an impact on the amenity of the immediate area but this is considered to be moderate and minimal in terms of the wider landscape and Conservation Area.

In order to facilitate the proposed basement it is suggested that the use of sheet piles will enable development to proceed whilst retaining existing levels outside the excavation. All piles can be facilitated outside the RPA's of retained trees

There are a number of areas associated with retained trees where there is an incursion within respective Root Protection Areas (RPA). BS5837: 2012 identifies the default position should be that structures should be located outside RPA's, however if there are technical solutions available which might prevent damage, these can be considered. It is suggested that these matters can be resolved by special engineer designed foundations and no dig construction which is accepted.

Whilst tree protection details have not been included the majority of the trees on the site can be retained and protected in accordance with current best practice BS5837:2012. This can be dealt with by condition.

With an acceptance of development consideration has to be given to the possibility of post development issues in terms of light and social proximity. Those trees located to the south of the new dwelling already present a poor social proximity to Millers Gate. The retained group of trees G10 associated with the western aspect of the site are located a reasonable distance from the proposed dwelling and main habitable rooms

From an Arboricultural perspective it is considered that the tree losses will not have a negative impact on the character of the Conservation Area, subject to appropriate landscaping. This aspect of Congleton Road is characterised by distinctive dwellings, set within large plots, with a sylvan setting, dominated by significant individual mature trees. The present road frontage in landscape terms is considered to be limited; this is an opportunity to enhance this aspect as part of a specimen landscape scheme, whilst assimilating development to the rear.

Ecology

The impact on nature conservation interests, and in particular any European Protected Species has been carefully considered. The application is supported by an acceptable bat survey report which concludes as follows:

The proposed development will involve the loss of a number of trees and shrubs on site. Mature trees on the site boundaries will be retained and protected during the development works.

The loss of trees on site should have no significant impact on the availability of foraging habitat locally as the site is adjacent to other areas of good quality habitat. Trees to be removed have been inspected for features suitable for use by roosting bats, from the ground and by climbed inspection where necessary. No trees were found on site which have features suitable for use by roosting bats.

The provision of bat and bird boxes either fitted to retained trees on the boundary or built into the new buildings could also provide an improvement in the availability of roosting / nesting habitats and offset the loss of trees on site.

Our Nature Conservation Officer is satisfied that there are unlikely to be any protected species issues associated with the proposed development.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of nursery use and therefore the land may be contaminated.

- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

As such, and in accordance with the NPPF, conditions are recommended in order to prevent contaminated land issues.

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

The comments from the neighbours have been fully taken into consideration. The site comprises an infill development in a village in the Green Belt in a sustainable location, with access to a range of local services and facilities nearby, including good public transport links.

It is concluded that the proposed development is permissible as one of the exceptions to inappropriate development in the Green Belt as set out in paragraph 89 of the Framework. Any conflict that is identified with policy GC1 of the Macclesfield Borough Local Plan has to be given less weight due to its inconsistency with the Framework.

As a new development in the Green Belt, the proposal will result in a limited loss of openness. For the reasons stated in the report, the impact on openness is not considered to be sufficient to withhold planning permission. It is not considered that the proposal results in any conflict with the purposes of including land in the Green Belt.

The proposed development will result in the loss of trees within the site that are protected by virtue of their designation within the conservation area and TPO. The resultant dwelling and landscaped setting is considered to be in accordance with the key characteristics of the conservation area and therefore there will be no harm to a designated heritage asset as a result of the development. The proposal is in accordance with the Framework and Macclesfield Borough Local Plan policy in respect of arboricultural impact and heritage conservation.

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

Therefore, a recommendation of approval is made subject to conditions.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Landscaping (implementation)
2. Landscaping - submission of details
3. Submission of landscaping scheme
4. Commencement of development (3 years)
5. Development in accord with approved plans
6. Specification of window design / style
7. Garage doors
8. Roof lights set flush
9. Hours of operation
10. Visibility Splays
11. In accordance with arboricultural statement
12. Tree protection
13. Tree protection



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Application No: 15/4854M

Location: 2-6, HOLLY ROAD NORTH, WILMSLOW CHESHIRE

Proposal: Erection of retirement living housing (category II type accommodation), communal facilities, landscaping and car parking

Applicant: McCarthy and Stone Retirement Lifestyles

Expiry Date: 25-Feb-2016

SUMMARY

The application site is located within a Predominantly Residential Area of Wilmslow, as defined by the Macclesfield Local Plan.

The Council cannot currently demonstrate a 5 year housing land supply. The development would provide 34 No. retirement living apartments, which would make a beneficial contribution to meeting an acknowledged shortfall within the Borough.

The 3 No. roles of sustainability outlined in the NPPF (social, economic and environmental) have been considered to arrive at a conclusion regarding the overall sustainability of the proposal. Benefits have been balanced against the disadvantages.

The key social benefit is that of the provision of 34 No. retirement living apartments.

The proposed development would provide some economic benefits, such as 1) employment opportunities during construction, 2) associated economic benefits to the construction industry supply chain, 3) future residents contributing to the local economy and 4) there would also be some contribution to the local economy from construction workers during the construction phase.

The proposed development has a limited and acceptable degree of impact on: 1) the street-scene and character & appearance of the area; 2) neighbouring residential amenity; 3) surrounding highways network; 4) protected trees and 5) ecology. There are no significant environmental health concerns arising from the proposal.

Balanced against these benefits, it is acknowledged that there will be a change the street-scene. There will be changes in the outlook for some residents from their properties. There would be some loss of trees. There would be some increase in the number of vehicles using the surrounding highway network. However, none of these impacts are considered to be significant and they do not justify withholding planning permission.

Bearing all the above factors in mind it is considered that the proposed development constitutes a sustainable form of development within the broad context of sustainability outlined in the NPPF. As such, in accordance with para 14 of the NPPF, the proposal should be approved without delay.

Therefore, subject to the receipt of outstanding consultations and representations, a recommendation of approval is made, subject to conditions, informative and appropriate

Heads of Terms for a) off-site contribution for affordable housing secured via a s106 Agreement.

RECOMMENDATION

Approve subject to conditions and a s106 agreement

REASON FOR REPORT

The proposed development is for 34 retirement apartments for the elderly, the proposal therefore qualifies as a major form of development and in line with the Council's Constitution, it should be determined by Members of the Northern Planning Committee.

PROPOSAL

The proposed development comprises 2 x 1 bedroom apartments and 32 x 2 bedroom apartments

The proposal will include shared communal facilities such as; lounge areas, two refuse rooms shared garden space. The proposal will also include an on site Manager who will be present on site during normal working hours (i.e. 9am to 5pm Monday to Friday).

The applicant proposes to maintain both the grounds and the fabric of the building.

RELEVANT HISTORY

14/0990M	Variation to condition 2 of application 11/0533M. For Erection of 10 No. Apartments with Basement Parking
11/0534M	Extension to time limit for 07/0961p. Erection of 9no. apartments in a 5 storey building, including attic space and basement parking (amendments to approved application ref 05/0789p). The application 07/0961p was refused on 11 July 2007. Approved on appeal Ref: App/c0630/a/08/2063072
11/0533M	Extension of time to 08/0783P 10 Apartments with basement parking Approved June 2008
08/0783P	Erection of 10No. Apartments with Basement Parking Approved with conditions, 25.06.2008
07/0961P	Amendments to approved application 05/0789P. Erection of a three-storey apartment building comprising 9 apartments, living accommodation in roof space and basement parking for 20 cars & 2 external car parking spaces. - Refused 17.07.2007 Appeal Allowed 20/06/2008
06/1914P	Erection of 10No. apartments in a 5-storey building, including attic space & basement parking. - Refused 4.10.2006.
05/0789P	Demolition of 2no detached dwellings. Erection of 3 storey apartment building comprising of 9no. apartments, living accommodation in roof space & basement parking for 17no. cars & 2no. external car parking spaces – Approved 23.05.2005

No. 6 Holly Road North, Wilmslow

01/0772P	Demolition of the dwelling and the erection of No.4 terraced dwellings Refused and Dismissed at Appeal
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NATIONAL & LOCAL POLICY

National Policy Framework

Development Plan

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

NE11 Nature conservation;
BE1 Design Guidance;
H2 Environmental Quality in Housing Developments
H4 Housing sites in urban areas
H9 Affordable Housing;
H13 Protecting Residential Areas;
DC1 and DC5 Design;
DC3 Residential Amenity;
DC6 Circulation and Access;
DC8 Landscaping;
DC9 Tree Protection;
DC35, DC36, DC37, DC38 relating to the layout of residential development;
DC41 Infill developments
T3 Pedestrians;
T4 Access for people with restricted mobility;
T5 Provision for Cyclists.

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
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 Planning Policy Framework
National Planning Practice Guidance
Cheshire East Local Plan Strategy – Submission Version
Interim Planning Policy: Release of Housing Land (Feb 2012)
Interim Planning Statement: Affordable Housing (Feb 2012)
The Cheshire East Vulnerable and Older Peoples Housing Strategy (May 2014)
Strategic Housing Market Assessment (SHMA) 2013

CONSULTATION RESPONSES

United Utilities- In line with national planning policies new developments should incorporate sustainable forms of drainage. No objections are raised subject to the following conditions;

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer.
- A surface water drainage scheme should be submitted and approved prior to the commencement of development

Housing -No objections subject to commuted sum in lieu of on site affordable housing provision being secured.

Nature Conservation – No objection subject to a condition relating to breeding birds.

Forestry- No objections subject to conditions

Green Space (ANSA) –No comments received

Flood Risk -No objections subject to the following conditions;

- Prior to commencement of development a drainage scheme for the sustainable disposal of water shall be submitted.
- No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted and approved.

Environmental Health-No objection subject to the following

- A scheme to minimise dust control arising from the development to be submitted;
- Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details
- The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

- A method statement to be submitted in relation to floor floating;
- In order to ensure that sustainable vehicle technology is a real option for future occupants at the site a condition requiring Electric vehicle Points on 30% of the parking provision (30A independent circuit preferred to allow fast charging capability) to be provided as part of the development.

Highways-No objection subject to an informative

Wilmslow Town Council - Do not object to the proposal but concerns have been expressed regarding the impact of visitor parking on adjacent streets and recommended that a minimum of 5 car parking spaces should be allocated for visitors.

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a site notice erected near to the site. 48 letters of representation were received issues raised were as follows;

Amenity

- *The proposed development fail to comply with the privacy standards set out within policy DC38 of the Local Plan (new building within 28.3m of Summerfield Place*
- *The proposed development will cause severe overlooking and overbearing between neighbouring properties and those on the adjacent side of Holly Road, The proposal will therefore fail to comply with policies DC3 of the Macclesfield Borough Local Plan;*
- *The noise from the parking to the rear will cause harm to residential amenity by way of noise and pollution;*
- *The proposal will cause overlooking for the occupants of Beechwood;*
- *The proposal would reduce existing level of perceived privacy for the occupants of neighbouring properties;*

Design and character of the area

- *No landscaping or boundary details have been submitted;*
- *The proposed development will be overdevelopment and will be out of keeping with the character of the area and surrounding properties;*
- *The proposal for a three storey building will be imposing and disproportionate to surrounding properties and the size and character will be at odds with the surrounding area;*
- *Modern style balconies proposed will not be compliant with the style of the area;*
- *27 cars to the front of the property will be an eyesore and out of keeping with the character of the area;*
- *The buff brown buff proposed is not in keeping and will reduce the quality of the area; red brick is considered to be more in keeping*
- *Design of the building should be more modern;*
- *Detailed and appropriate boundary treatment should be secured as part of this development in order to ensure security;*
- *Objection to the low boundary wall along the frontage which will be out of keeping;*

Parking and traffic

- *The proposed development due to increase in vehicles will cause a hazard to safety of school children walking to school;*
- *This is already a busy road with Wilmslow High school and the end of the road at pick of and drop of times;*
- *The development will exacerbate existing traffic concerns of congestion and highway safety;*
- *The pavements facilities along Holly Road are poor;*
- *Sixth formers at the school speed down the road, site is in the wrong location;*
- *Parking provision for the development is not clear from the proposed plans;*
- *Concern that there will be a lack of parking and there is no off street parking available (due to double yellow lines)*
- *No disabled parking provision is provided no parking for mobility scooter or battery recharging area;*
- *It is requested that a barrier free access via Parkway is allowed in the interest of mobility and equality.*

Trees

- *It is requested that the trees to the rear of Sandringham road and protected trees are maintained as they are important feature;*
- *Objections have however been raised with the retention of trees, some are too tall and already overhang into neighbouring properties;*
- *Concern are raised with regard to size of the trees to be planted to the rear boundary;*
- *The location of the car parking will impact existing trees;*
- *It is requested that a management of tree be secured as part of the development in order to ensure they do not present a problem to occupants of neighbouring properties;*

Misc

- *The abonnement of the underground parking will reduce the risk of flooding;*
- *adequate precautions should be taken to ensure construction stage does not have a harmful impact upon existing level of residential amenity;*
- *The proposed apartments will be too small for two people, one bathroom is not enough;*

Need

- *There is no requirement for this type of housing within this area;*
- *Already a similar development at Chapelwood;*

Support

- *Support the proposed development will tidy up the existing street scene.*
- *Retirement properties are in short supply;*
- *This is a much needed development for the town;*
- *the proposal is convenience to local amenities i.e doctors, shops, library.*

APPRAISAL HISTORY

Part of this site (location of No.2-4 Holly Road) has an extensive history of subsequent planning application, which has over time, and subject to various amendments established the principle of a five storey apartment block comprising of 10 apartments and underground basement parking.

Commencement of development has taken place, the 2014 consent is extant and therefore the planning history for the site should be taken as a material planning consideration in the determination of this application.

Principle of Development

The site in question relates to 0.47 hectares of land, part of which currently accommodated a two storey dwelling and the other part vacant. The western part of the site was historically occupied by 2 No. dwellings on it, these however have been demolished following the granting of planning permission 08/0783P to redevelop the site.

The site is located within a Predominantly Residential Area of Wilmslow, as defined in the Local Plan, and there are numerous Protected Trees within and around the boundaries of the site.

The site lies within good walking distance of local shops and amenities and public transport provision, in line within Para 14 of the National Planning Policy Framework there is a presumption in favour of sustainable development.

The key issues are therefore:

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

ENVIRONMENTAL SUSTAINABILITY

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

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

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

Holly Road North is predominantly characterised by detached circa 1940s, two storey dwellings positioned centrally within fairly spacious plots. Modern additions to the immediate street scene have been constructed over time ‘Sunny bank’ a 1960’s three storey apartments to the southeast and a mews housing development positioned opposite, to the northeast. Properties are set back from the road and screened by mature boundary treatment consisting of hedging and trees. The road has retained a sylvan, low density character.

Initial plans submitted proposed two three storey block buildings, which incorporated underground parking to the rear of the site. The submission of amended plans has however removed all previously proposed parking to the rear of the property. The proposed three storey blocks are to be linked via a ground floor flat roof single storey link.

The development is designed in a 'rectangular shape' and will not protrude beyond the building line set by the neighbouring properties Beechwood and Sunnybank. The development proposed to incorporate a series of balconies and glazed windows. Projecting gables and bays are proposed within the rear and front elevations.

The ridge height of the building is to measure 10.9m to the ridge and 7.4m to the eaves. By way of comparison the proposed development will be approx. 0.5m higher than the neighbouring 'Sunnybank' (approx 10.4m) and 3.2m higher than Beechwood. Although larger in depth and in width the proposed development will be no higher than 10 apartments approved under the 2014 extant consent.

There is no denying that, due to the extent of the building, the proposal will introduce a substantial form of development spanning some 52m across the site. By virtue of the front gable features, projecting bay, consistent ridge heights of the two blocks as well as the uniformity in the windows on the front elevation, on approach to the site, the two buildings are likely, due to the current design, to be perceived as one and therefore appear overly prominent within the street scene.

These concerns have been raised with the applicant and revised plans are expected which will reduce the ridge height of 'block 1' (adjacent to Sunnybank) and a more detailed material palette submitted which should provide a visual break in the massing of the properties. Amended plans and details of building material will be reported to Members in an update.

The proposed building will be largely surrounded by mature trees, which along with the amendment to the design of the development will serve to reduce soften the impact the development. It is considered that given the characteristic of the street, the site can accommodate a larger building. Although the building will be visible, given the individual characteristic of the site, mature trees and neighbouring apartments at Sunnybank at three storeys, the proposed development (subject to revisions) is unlikely to be unduly out of keeping with the area.

Parking provision located to the front of the building, in design terms is not ideal as it will introduce large area of hardstanding. Whilst glimpses of the parking will be softened within trees and appropriate boundary treatment along the frontage it is considered important that a condition for a comprehensive landscaping scheme be sought in order to soften the impact of the proposed area of hardstanding. Subject to additional landscaping and the retention of key tree cover, it is considered that the setting of the building in the street scene will, on balance, be acceptable.

Residential Amenity

Light, space and privacy

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

The plans submitted propose obscurely glazed windows on all windows on the both side elevations of the development facing adjoin neighbouring properties.

In respect of distance between buildings where habitable room face non habitable room Policy DC38 advises a distance of 14m plus 2.5 per additional storey (16.5m).

The eastern side elevation of the development will be sited approx. 18m (at the nearest point) from Sunnybank. The western elevation of the development will be sited approx. 15m from the 2 storey side elevation of Beechway, which will be at a shortfall of 1.5m from the guidelines set out within policy DC38. It is however important to note that the proposed development will be no closer then the 2014 extant consent for a 5 storey apartment block, the proposed development is therefore unlikely to be any more harmful by way of privacy distance to Beechway.

No.12, 14, 16 and 18 Summerfield Place adjoin the southern boundary of the application site. Policy DC38 of the Local Plan advises that properties facing 'back to back' should achieve a privacy distance of 32m. At the closest point the rear elevation of No. 16 Summerfield Place will be approx. 29m from the rear elevation of the proposed development.

Policy DC38 of the Macclesfield Borough Local Plan sets out a guidelines to distance and advises that housing development should meet the guidelines of space between buildings unless the design and layout of a scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

The proposed distance between the development and 16 Summerfield Place will have a shortfall of 3m. It is noted that there are various instance within this particular area, in which properties facing 'back to back' fall short of the space of 32m, Namley No. 18 and 20 Summerfield Drive are a distance of approx. 26m from properties on Cavendish Mews and properties, it is therefore not unreasonable to acknowledge that the proposed development would provide a commensurate degree of privacy in line within other properties within this area of Wilmslow

Having regard to boundary treatment, positon of mature trees and additional planting it is considered that the proposed privacy distance are unlikely to result in a significantly harmful impact upon the amenities for the occupants of Summerfield Place in particular occupants of NO18 and 16.

DC38 requires development of three storey to be of 28m 'front to front'. The front elevation of the development will be approx. 44m from properties on the adjacent side of Holly Road North, the proposed development therefore conform to policy DC38. It is noted that properties on the adjacent side of Holly Road North have amenity space to the rear and therefore the positioning of the proposed development is unlikely to raise any significant concerns of overlooking and will be commensurate with the characteristics of development within this particular street.

All four corners of the proposed development on front and rear elevation propose balconies. A condition to provide appropriate 1.8m screens on the each balcony, where appropriate is advised to prevent privacy concerns that may arise from overlooking into immediate garden and habitable rooms.

Noise

Concerns have been raised from the occupants of neighbouring properties with regard to the noise pollution from the car parking provision. Amended plans have now sought to relocate parking provision to the front of the development.

The position of the proposed parking and access is therefore unlikely to result in a harmful of significant impact upon the occupants of neighbouring properties in terms of noise.

No further amenity issues are raised, the proposal is unlikely to result in any significant injuries to residential amenity which would warrant a refusal. The proposal is considered to comply with policies DC3 and DC38 of the Local Plan.

Highways

Following revisions to the plans the applicant has now reduce parking provision from 33 spaces to 27 car parking space to be positioned along at the frontage of the proposed development and access via one vehicular access point of Holly Road North. No underground parking is proposed.

Safe and suitable access

A single vehicle access with footways into the site from Holly Road North provides is of an adequate width to allow for two-way movement and for refuse vehicles to enter and exit the site in a forward gear.

The Councils parking standards advise that for development of pure C3 (use class) in Key Service Centres; 1 space per one bed dwelling and 2 spaces per 2 bed dwelling.

The proposal seeks consent for 2 x 1 bedroom apartments and 32 x 2 bedroom apartments. Para 39 of the National Planning policy Framework advises that; in setting local parking standards for residential and non residential schemes local planning authorities should take into account;

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

The applicant proposes 27 car parking spaces. Census data reveals that levels of car ownership for occupants (within the intended age range of the development) within the Wilmslow area appears to be relatively low. Based upon this, and also the site convenience in term of accessibility to Local amenities, shops and facilities as well as public transport provision it has been the view of Inspectors and Officers when considering developments of a similar nature that the proposed parking provision provided is acceptable for the type of development proposed.

The 27 spaces are inclusive of disabled parking provision and visitor parking spaces. Concerns raised by the Wilmslow Town Council over specific allocation of parking spaces for disabled and staff are acknowledged. The Highway Engineer has noted that there is extensive research conducted which shows that unallocated parking spaces can increase the efficiency of car parking provision, and this increase in efficiency is improved further for apartments. The Highways Officer has therefore advised that car parking spaces remain unallocated.

Network Capacity

The development will generate approximately 6 two-way vehicle trips during each of the peak hours and approximately to over a 12 hour period.

There have been no traffic accidents along Holly Road North, in the vicinity of the site, over the last 5 years indicating no existing safety issues and it is considered that the present

Traffic Regulation Order present along Holly Road North will prevent off street parking therefore enabling the free flow of traffic along this particular road.

Sustainable access

Footway access is to be provided from the site onto Holly Road North. Footway access, including pedestrian refuge islands and signalised crossings, is then available to the wider Wilmslow area including shopping facilities and amenities. Bus stops and Wilmslow railway station are also a short walk away providing access to the wider Greater Manchester area. The proposal is therefore considered to be in a highly sustainable location.

The Highways Officer has concluded that the proposed development would be located in a highly sustainable location with pedestrian access to a wide range of shops and services. The site access is acceptable and a betterment on the existing situation which consists of 5 vehicle accesses.

The proposed parking provision is adequate and the number of vehicle trips to be generated from the site will have minimal impact on the highway.

No objections in terms of Highway safety are therefore raised subject a condition in relation to no allocation of parking spaces for individual units.

Trees / Landscape

This application is supported by a Tree Survey and Tree Constraints Plan.

There site is constrained by a number of Trees which are protected by Tree Preservation Order and are located along the along the frontage of Holly Road north, the rear western and southern boundaries of the site as well as an individual Cedar tree to the rear of the application site.

In addition to the above, there is a TPO on tree within Sandringham Court to west of the application site and there is a group located on the frontage of Holly Road north and the eastern boundary of the site.

As part of the development the applicant proposes the removal of a number of trees which are not protected by the TPO including a good quality Lime (T20). The tree Officer has been consulted on the application and has accepted that these trees provide only limited public benefit and could be compensated within the application site.

During the course of the application concerns have been raised with regard to a substantial area of hard standing within the Root Protection Area (RPA) of the protected Horse Chestnuts located on the Holly Road North frontage. BS5837: 2012 states that new permanent hard standing should not exceed 20% of any existing unsurfaced ground. Where there is a deviation in the Root Protection Area and there is an overriding justification for construction within the Root Protection Area technical solutions may be available provided that they accord with the prerequisites of Clause 7 of BS5837:2012. That is any construction should accord with the principle that the tree and soil structure (bulk density) should take priority.

Details of underlying soils (assessed as part of the previous scheme which included a basement) have been provided and show that soils within the site are loamy clay and sand to a depth of 0.4m, which are relatively weak compressible soils. The provision of a no dig solution supporting a geogrid porous surface is considered acceptable, provided underlying soil bulk density not compacted so as to restrict root growth. The rooting zone will also need to be satisfactorily protected to allow for the passage of construction vehicles

Site sections have been provided which appear to show that a no dig solution can be achieved without impact on final slab levels and the interface with the adjacent highway. The Agent has also confirmed that foul water drainage will utilise the existing manhole.

The information is considered satisfactory address the concerns with regard to protected trees and therefore the Councils Forestry Officer has raised no objections subject to conditions concerning Tree protection, submission of a method statement and Construction specification, Tree pruning and felling specification and also details of Service drainage layout to be submitted.

A revised landscaping scheme has not been submitted with the amended plans. Landscaping will pay an important part of this scheme in term of ensuring that elements of the development are softened with planting particularly to property frontage. A condition requiring a full landscaping scheme and implementation are therefore advised.

It is advised that details of adequate boundary treatment along the boundaries of the site along with a more appropriate boundary treatment to the site frontage would be railing with a shade tolerant hedging.

Ecology

The Council's Ecologist has examined the application and is satisfied that there is unlikely to be any significant ecological issues associated with the proposed development. Given the level of mature vegetation within an surrounding the site is advised that a condition be attached ensuring that Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Should nesting birds be found a 4m exclusion zone will be implemented and a completion of nesting and report submitted to the Local Planning Authority before works within the exclusion works take place.

SOCIAL SUSTAINABILITY

Affordable Housing

Need for the development

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

"The proportion of older people is expected to increase over the next few decades. Between 2010 and 2030, the number of households: aged Pensionable age to 74 is forecast to increase by 13,300; aged 75-84 is forecast to increase by 14,000; aged 85 and over is forecast to increase by 11,200; and an overall increase of people of pensionable age and above of 38,500."

The SHMA also identifies that in the Handforth and Wilmslow areas there is a need for 13 X1 bed and 3 X 2 plus bed requirement for elderly persons dwelling per year.

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

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

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

The 2011 Census identifies:

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

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

Paragraph 3.2 of the Council's Interim planning Statement for Affordable Housing states that for developments which are equal to or greater than 15 units or 0.4ha, provision for affordable housing should be sought, unless economics of provision arguments indicate otherwise.

Therefore for this application there is a requirement for 30% affordable housing provision which for a development of 34 units will be 10 units.

According to the Council's "Interim Planning Statement: Affordable Housing", there may be physical or other circumstances where an on-site provision would not be practical or desirable. Such circumstances might include where:

- the provision of the affordable housing elsewhere in the locality would provide a better mix of housing types
- management of the affordable dwellings on site would not be feasible
- it would be more appropriate to bring back existing vacant housing into use as affordable units
- the constraints of the site prevent the provision of the size and type of affordable housing required in the area

The concept of shared and communal facilities is an important model for the elderly people accommodation. The applicant advises that the incorporation of affordable units with private on site would create a number of issues;

- *it would be difficult to ensure that the service charge for the running of the communal space and facility was affordable to those within the affordable units*
- *it would be difficult for affordable housing providers to guarantee a payment of service charge in perpetuity and which would be liable to change;*
- *mixture of both private paying users and affordable housing tenants create animosity particularly as some residents would be paying for same facilities but for less;*
- *Due to the size of the site it is not possible to create tow separate blocks which would house either private or separate, each would require own facilities and he site is not sufficiently large enough to accommodate this and an appropriate number of units to ensure the development would be viable.*

The Council Housing Officer has been consulted on the application and agrees that on site provision of affordable housing on site would not be suitable given this particular type of development. It is therefore considered that in these particular circumstances, it would be more appropriate to seek a commuted sum in lieu of on site affordable provision in this case. The Interim Statement goes on to say that in such exceptional cases and entirely at the Council's discretion, developers may, in lieu of such provision, provide off-site affordable housing, or offer financial or other contributions towards the provision of affordable housing on an alternative site.

Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site. The amount of any contribution will need to be agreed with the Council. Where off-site provision is made by the developer or as a result of any financial contribution, this should be in a location elsewhere within the Borough where there is an identified need.

The Applicant has submitted an affordable housing statement and conducted a viability appraisal using the Home and Communities Development Appraisal (HCADAT). The Council have appointed an independent Chartered Surveyor to undertake an appraisal of the site and the development costs and residual values.

Para 173 advises the following;

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Prior to amended plans the applicant offered a figure of £89,233 as a viable sum. However following amended plans and consequently an amended viability appraisal submitted by the applicant concluded that the proposal would create a deficit of £73,404. Following a subsequent meeting it has been advised that the developer could offer a commercial expedient offer of £300,000, which would be provided for all Section 106 contributions.

The Council assessment of the viability appraisal conducted by an independent Chartered Survey suggests that whilst there may be additional viability within the scheme, the £300,000 sum, which has been negotiated, on balance, is considered to satisfactorily mitigate for the provision of off site affordable housing. The Council Housing Officer has therefore raised no objections to the commuted sum proposed.

Open Space Provision

Policy RT6 of the Macclesfield Local Plan advises that within new developments open space should be provided in accordance with the Boroughs Council standards.

Appendix 4 of the Supplementary Planning Guidance on Section 106 (planning) agreements advises that where development exceeds 6 or more dwellings and where on site provision can not be provided a commuted sum payment to provide or improve facilities for Public Open Space (POS) and Recreation/outdoor sports (ROS) facilities in lieu of on site provision.

No off site contributions towards provision has been proposed as part of the development. Officers acknowledge that due to the nature of the development there is likely to be limited demand placed upon off site recreation/public open space facilities.

As part of the proposal and as part of the applicants viability appraisal a sum of £300,000 has been offered to be made available for all Section 106 contributions. If funds were to be diverted towards off site open space provision, there would be less money available for affordable housing.

Due to the extensive planning history for apartment blocks on this site, which dates back to 2002 and the subsequent and some what frequent submission of amendment and variations to previous permissions, the principle of the development appears to have pre date current Macclesfield Borough Local Plan Policies and the Council's SPG on S106 (planning) agreements both published in 2004. Therefore the requirement for off site contributions towards contributions toward either Public open space and recreation have never been secured from the extant consent. Furthermore the extant consent did not meet the threshold criteria for the provision of affordable housing.

Having regard to lack of contribution facilitated within the previous 2014 extant consent, the nature of the proposed development ,which is likely to result in a relatively limited demands in improvements to public open space provisions and also the fact that any contributions towards Public Open space would reduce the sum for off site affordable housing provision. In this particular case, based on the individual merits of the site the provision of a commuted sum in lieu of off site open space provision is not considered necessary.

ECONOMIC SUSTAINABILITY

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

HEADS OF TERMS & CIL REGULATIONS S106 & CIL

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

- £300,000 commuted sum in lieu of the provision of 10 affordable housing units on site.

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 affordable housing on site is considered to in line with Council policy and will meet the need of Wilmslow's affordable housing requirements as set out within the Strategic Housing Market Assessment.

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

In summary, having regard to the extant 2014 consent, and the sites sustainable location, the principle of residential development on the site is considered to be acceptable, and will assist in meeting the Council's housing land supply requirements. Previous concerns in respect of amenity are considered to be acceptable.

Amended plans and details of material are expected and sought in order to reduce the general bulk and massing of the proposed development. The proposed development, subject to planning conditions is considered to be acceptable in terms of residential amenity, highway safety, protected trees. The proposed development is unlikely to result on a significant impact upon protected species.

Whilst the Council's preference is for the on-site provision of affordable housing, the Council's Interim Planning Statement makes provision for off-site contributions towards affordable housing. Given the likely limited demand for open space created by residents it is considered appropriate in this case to direct all contribution to affordable housing requirement.

The proposal is considered to be a sustainable form of development in terms of the 3 aspects: social, economic and environmental. The development will provide a much needed form of housing accommodation in a sustainable area. The scale of the development will have some impact on the local street scene and on nearby property, but the impacts are not considered to be significant and cannot be described as significantly adverse. In the light of paragraph 14 of the Framework, planning permission should be granted.

RECOMMENDATION

The application is recommended for approval subject to;

- **Minor revisions to the plans and materials proposed in order to improve the design of the building from the street scene;**
- **Recommended conditions; and a**
- **S106 agreement in relation to the off site provision of affordable housing**

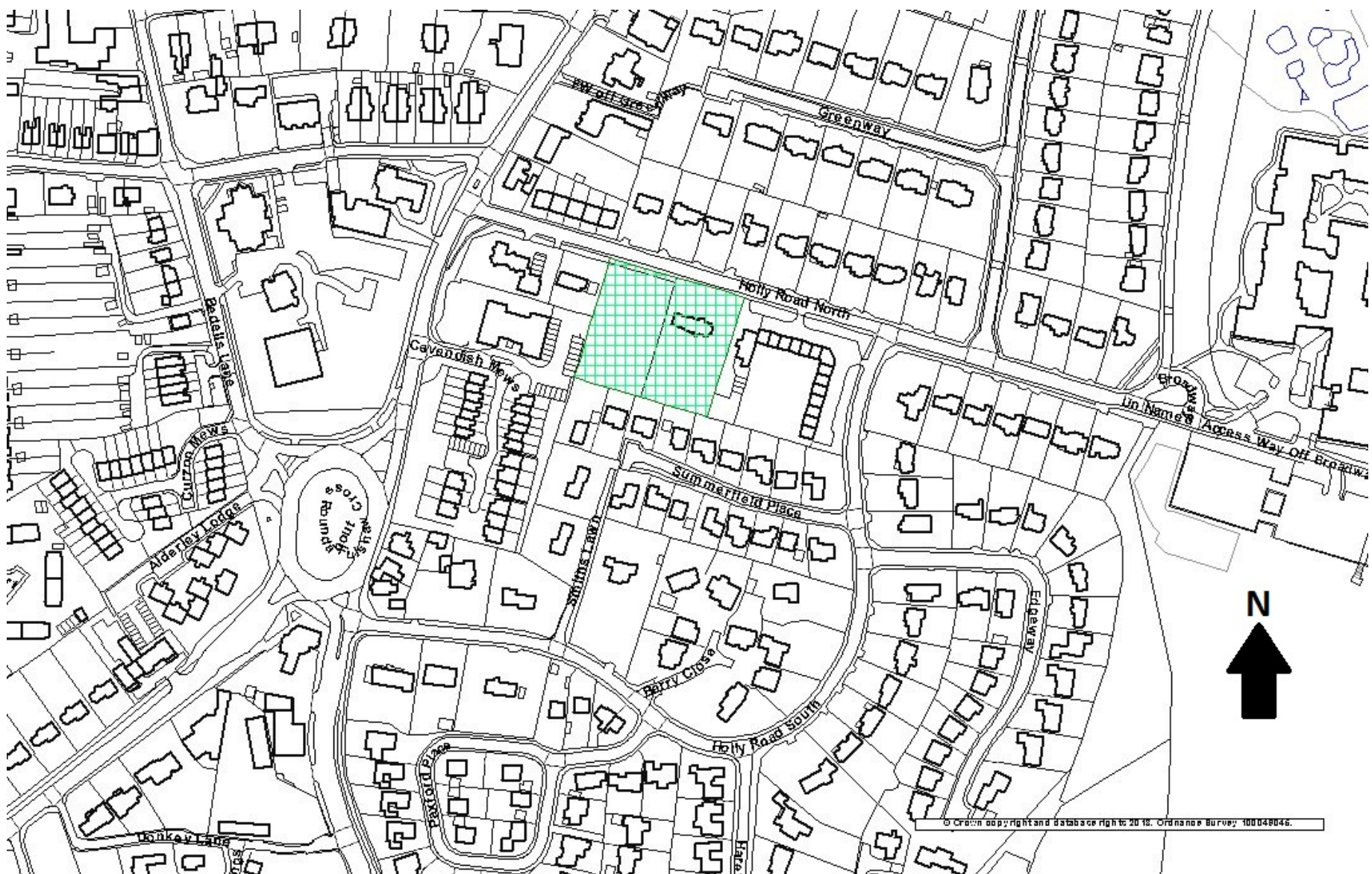
In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical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

Application for Full Planning

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

1. Development in accord with approved plans
2. Landscaping - submission of details
3. Tree retention
4. Tree protection
5. Commencement of development (3 years)

6. Construction specification/method statement
7. Landscaping (implementation)
8. Tree pruning / felling specification
9. Details of materials to be submitted
10. Protection for breeding birds Levels survey
11. Additional landscaping details required- Boundary treatment
12. Obscure glazing requirement
13. Protection of highway from mud and debris
14. Submission of construction method statement
15. Sustainable drainage scheme
16. Scheme for the management and maintenance of surface water
17. Scheme for Dust Control during construction
18. Scheme for pile driving to be submitted
19. scheme for cycle storage to be provided
20. Allocation of parking bays
21. Floor Floating
22. surface water drainage scheme to be submitted
23. Drainage to be put on a separate system
24. Electric vehicle charging points to be provided
25. Details of balcony screens measuring 1.8m to be provided
26. Refuse facilities to be approved
27. Storage of mobility scooters
28. Submission of operational plan



Application No: 16/0604C

Location: LAND ADJACENT TO, PADGATE, TWEMLOW LANE, CRANAGE

Proposal: Residential Development of 4nr detached dwellings (4/5 bed) and 1nr cottage mews block of 5 dwellings (1bed flat; 2/3 bed houses) inclusive of associated external works and landscaping.

Applicant: Mr Matthew Pochin, Boots Green Properties Limited

Expiry Date: 05-Apr-2016

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, there is a presumption against the proposal unless material considerations indicate otherwise.

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

It is therefore necessary to consider 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 provide positive planning benefits such as; the provision of a market and affordable dwellings and would have the knock-on local economic benefits such a development would bring.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside and the minor impact upon the efficiency of the Jodrell Bank Radio Telescope.

All other issues are considered to be mitigated against by the use of planning conditions and/or a S106 Agreement and as such, are considered to have a neutral impact.

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

On the basis of the above, it is considered that the proposal represents sustainable development. Applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

Should the application be approved, the application shall be referred back to Jodrell Bank for a period of 21 days in accordance with the Jodrell Bank Directive.

RECOMMENDATION

APPROVE subject to; a 21 day notification period to Jodrell Bank of the intent to grant planning permission, a S106 agreement and conditions

PROPOSAL

Full planning permission is sought for the erection of 9 no. dwellings.

These would comprise of 4 no. detached dwellings and 5 no. terraced/mews properties.

Revised plans have been received during the application process in an attempt to preserve an Oak Tree on the site frontage and address the design concerns of the Planning Officer.

SITE DESCRIPTION

The site comprises a parcel of land located at the north of Twemlow Lane, Cranage, Cheshire within the Open Countryside.

The site is located to the west of Twemlow Lane, approximately 250 metres north of the village of Cranage in Cheshire. The site is roughly trapezoidal in shape with an approximate site area of 0.41Ha. The site is generally flat with no existing structures on-site. The site is currently used as pasture and surfaced with grass.

RELEVANT HISTORY

None

NATIONAL & LOCAL POLICY

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, H6 – Housing in the Open Countryside and Green Belt, GR1 – New Development, GR2 – Design, GR4 & GR5 – Landscape, GR6 - Amenity and Health, GR9 - Highways & Parking, GR20 – Public Utilities, GR22 – Open Space Provision, NR3 - Habitats

Cheshire East Local Plan Strategy

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

SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE9 - Energy Efficient Development, SE12 - Pollution, Land Contamination and Land Instability, IN1 - Infrastructure, IN2 - Developer Contributions, PG1 - Overall Development Strategy, PG5 - Open Countryside and SC4 - Residential Mix

National Policy

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

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Supplementary Planning Documents / Other Material considerations

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
SPG1: Provision of Public Open Space in New Residential Developments
SPG2 - Provision of Private Amenity Space in New Residential Development
Pre-app letter – Ref: PRE/0687/15

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections

United Utilities – No objections, subject to the following conditions; that the site be drained on a separate system; the prior approval of a surface water drainage scheme

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; the prior approval of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of soil testing results of any soil brought onto the site, that works should stop if any contamination is encountered.

In addition, a number of informatives are proposed including; hours of piling, hours of construction and contaminated land.

Flood Risk Manager (Cheshire East Council) – No objections, subject to the following conditions; The prior approval of a Flood Risk Assessment (FRA); the prior approval of a drainage strategy with appropriate surface water drainage; prior submission/approval of the design and maintenance plan for surface water drainage

Archaeology (Cheshire East Council) – No objections, subject to the prior approval and subsequent implementation of a programme of archaeological works

Housing (Cheshire East Council) – No objections, subject to the 30% affordable housing provision being secured via a S106 Agreement

ANSA Greenspaces (Cheshire East Council) – No comments received at time of report

Jodrell Bank (University of Manchester) – Impact upon the JBO would be ‘minor’

Crnage Parish Council – Object on the following grounds:

- Dangerous access arrangements
- Impact upon local facilities including; schools, parking and doctors

REPRESENTATIONS

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

Following the receipt of a revised layout plan, a re-consultation exercise of 14 days was undertaken.

In response, in total, letters of representation form approximately 20 households/interested parties have been received objecting to the proposal. The main areas of objection are:

- Principle of the development
- Loss of countryside
- Impact upon the Landscape
- Impact upon Jodrell Bank
- Affordable housing provision proposed is not suitable
- No Open Space provision
- Lack of information in relation to design
- Loss of agricultural land
- Sustainability of the location – Would be car dependant
- Ecology – Impact upon protected species / wildlife
- Impact upon trees
- Highway safety – Poor access, poor visibility, congestion
- Design – not in character
- Amenity – Loss of privacy, light, noise and light pollution
- Impact upon local facilities including; schools and doctors
- Disagreement with statements within the submitted Planning Statement

- No footpath links / pedestrian safety / cyclist safety/ horse rider safety
- Future development pressures

APPRAISAL

The key issues are:

- The principle of the development
- Sustainability including the proposal's Environmental, Economic and Social role
- Planning Balance

Principle of Development

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories.

As the proposed development is for the erection of 9 new dwellings in the Open Countryside, it is subject to Policy H6 of the Congleton Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Policies H6 and PG5 advise that residential development within the Open Countryside will not be permitted unless it falls within a number of categories.

The proposed development does not fall within any of the categories listed within Policies PS8 and H6 relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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. These are considered below.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in

calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

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"

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

Locational Sustainability

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to 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 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”

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities 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 accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m)
- Local meeting place (1000m)

- Leisure Facilities (Leisure Centre and Library) (1000m)
- Bus Stop (500m) – 319 bus
- Public Right of Way (500m)
- Railway station (2000m where geographically possible)
- Any transport mode

It demonstrated that the proposal failed to meet the minimum standard for the following facilities;

- Post box (500m)
- Post Office (500m)
- Children's Play Space (500m)
- Primary School (1000m)
- Outdoor Sports Facility (500m)
- Public House (1000m)
- Child Care Facility (nursery or crèche) (1000m)
- Pharmacy (1000m)
- Bank or cash machine (1000m)
- Supermarket (1000m)
- Secondary School (1000m)
- Medical Centre (1000m)
- Convenience Store (500m)

In summary, the site does not comply with the majority of the standards advised by the NWDA toolkit. Nevertheless this is not untypical for suburban dwellings.

It should be noted that the 319 Bus routes lies on Knutsford Road to the west. This bus service travels to; Sandbach, Brereton, Holmes Chapel, Allstock, Goostrey and Twemlow Green 5 times a day and to Sandbach, Brereton and Holmes Chapel sometimes 6 times a day.

The majority of the services and amenities listed are accommodated within Holmes Chapel and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Similar conclusions on this matter were made on housing schemes at the other end of Twemlow Lane (ref: 10/2647C and 14/2537C).

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it.

Landscape

The application site is located along the northern side of Twemlow Lane in what is currently a field that is used for pasture, the site covers an area of approximately 0.41 hectares. The application site is relatively flat, has a section of hedgerow, fencing and a mature oak along the Twemlow Lane boundary as well as a number of trees along the remaining boundaries. The application site is bound by residential properties to the west, east and also to the south side of Twemlow Lane; to the north it links into the wider agricultural landscape.

The application site has no landscape designations, and is located within an area identified as 'Open Countryside' in the Congleton Borough Local Plan (2005).

The Council's Senior Landscape Officer concludes that there would be harm caused to the open and verdant character of the surrounding countryside to which the site contributes if the development were to take place. However, because of the adjacent properties, only moderate weight can be attached to this harm and so he does not consider that the landscape or visual effects would be significant.

Trees

The applicant amended the site access and therefore the site plan on various occasions in an attempt to preserve a mature Oak tree on the site frontage after concerns were expressed by the Parish Council and a number of objectors.

The Council's Tree Officer has advised that if the application is approved tree and hedge protection measures would be appropriate together with a method statement for no dig construction of any areas of hard surfacing in tree root protection areas.

The Tree Officer has advised that whilst it is noted that the applicant has attempted to retain the Oak tree on the site frontage, she considers that the tree would be seriously compromised by the development and may be lost in the long term in any instance.

The Tree Officer goes on to state that whilst loss of a mature tree would be regrettable, should the principle of development be accepted, a revised layout with the tree removed and replacement planting secured would seem to be a more realistic approach. This revised plan has been received.

Hedgerows

The development will require the removal of a section of hedge to widen the access. The applicant has submitted information to establish if the section of hedgerow to be removed is indeed 'important'.

There is no indication of a consultation response covering archaeological criteria in the Regulations. Nevertheless, a letter from the Cheshire Archives and Local Studies advises there is evidence that the hedges to the south and east of the site may have formed an integral part of a field system pre-dating the Enclosure Acts. On this basis these hedgerows can be deemed 'Important' under the Hedgerow Regulations 1997.

This is a material consideration in the determination of the application.

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 9 dwellings. 4 of these would be two-storey detached units and 5 would form part of a terraced mews.

The site would be accessed via the creation of a new vehicular access onto Twemlow Lane to the south. This would extend north into the site where it would cease at a double turning head.

The row of 5 mews properties and 1 detached dwelling would form the site frontage. However, these have been set back within the streetscene in an attempt to respect the existing building lines of this section of Twemlow Lane.

The remaining 3 detached units would be located to the rear of the site.

It is considered that this general layout is acceptable and comprises of a low density scheme appropriate to the area. This density decreases within the site from front to rear ensuring that a lower density lies at the rural fringe.

In relation to form, 4 no. detached dwellings and 5 no. mews properties are proposed.

Of the 4 detached units, 3 would be of relatively similar appearance/design (Plots 6-8).

These dwellings would each be 2-storey's in height, 'U' shaped in footprint comprising of 2 end projecting gables, hipped roofs and integral garages.

The 4th detached unit (Plot 9) would also be 2-storey but would be smaller in scale than the abovementioned units comprising of just 1 gable fronted feature to the right hand side. It too would benefit from an integral garage but would include a dual-pitched roof and not a hipped roof.

The row of mews properties as a block, would be elongated in shape, two-storey's tall and a dual-pitched roof with small dual-pitched copy porches over the front doors.

In comparison to the surrounding units, there are detached two-storey properties and two-storey mews-style cottages on the opposite side of the road to the development. As such, it is considered that the form would be acceptable.

In relation to scale, the height of the dwellings would be; Plots 1-5 – 8.1 metres, Plot 6 – 8.6 metres, Plots 7 & 8 – 8.2 metres and Plot 9 – 8 metres.

In comparison with the surrounding units, these units would be taller. However, given the considerable inset from the highway, the impact of this height upon the streetscene is not considered to be significant.

The appearance of the dwellings would be largely rectangular and be characterised by numerous gable features (properties 6-9) and a mixture of exposed brick and a rendered finishes.

It is advised within the application form that the dwellings would be constructed from a mixture of facing brickwork, render and cedar clad walls, slate or grey tiled roofs, uPVC windows with a dark grey framework and hardwood painted doors.

It has been agreed that the timber cladding would not be appropriate and has been removed from the proposed elevational plans.

The neighbouring properties predominantly comprise of exposed brickwork. However, there are rendered properties nearby. 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

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The proposal is for 9 residential dwellings with associated parking. An existing gated access into the field off Twemlow Lane will be closed and a new vehicle access to the west will be created.

The Council's Head of Strategic Infrastructure (HSI) has advised that the development is relatively small in nature and therefore the number of vehicle trips that will be generated will have a negligible impact on the network.

The access dimensions are to standard and swept paths of refuse vehicles have demonstrated that the vehicles would be able to enter and exit the site in a forward gear. The number of car parking spaces provided accords with the Cheshire East Council's requirements.

The HSI has advised that the location of the new vehicle access allows for enough visibility in either direction for those entering Twemlow Lane, and enough forward visibility for those turning right into the site.

The HSI advises that there have been no recorded traffic accidents within the vicinity of the development within the last 5 years indicating no existing safety concerns.

The width of Twemlow Lane around the bend is narrow at approximately 3.5 metres to 4 metres. The adopted highway includes the existing grass verge which will be replaced with carriageway, widening Twemlow Lane outside the site to 6 metres resulting in an improvement on the existing situation.

As a result, it is considered that the proposal would not create any significant highway safety concerns and adhere with Policy GR9 of the Local Plan.

Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

Both the Council's Flood Risk Officer and United Utilities raise no objections to the proposal on drainage and flooding grounds, subject to conditions relating to; the prior submission of an FRA, the prior approval of a surface water drainage and maintenance scheme and that the site shall be drained on a separate system.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey.

A pond is located 150m from the site and it has been assessed as having good potential to support Great Crested Newts (GCN). However, the Council's Nature Conservation Officer concurs with the assessment that the risk of individual newts coming to harm from the proposed development are low, although full GCN surveys of the pond have not yet been completed.

'Reasonable Avoidance Measures' to reduce the risk to GCN to negligible levels have been proposed in the supporting Ecology Survey Report (dated January 2016). Should the application be approved, the Council's Nature Conservation Officer has advised that this should be conditioned.

Archaeology

The c. 1844 Tithe map for Cranage shows a small un-named group of buildings (in all likelihood a farmhouse & barn), recorded as a Croft occupied by John Davies and owned by Lawrence Armistead, lying within the proposed development site (in the area of proposed plots 1-5). By the time of the 1st Edition 1:2500 Ordnance Survey of 1875-77 the buildings had been demolished. The Council's Archaeology Officer advises that this site is considered to have the potential to contain surviving below-ground structural remains of the farmstead. It is advised that such remains would be of a local or regional significance only, and an archaeological 'strip and record exercise' centred on the farmstead location is therefore considered an appropriate form of archaeological mitigation.

Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to; landscape, trees, hedgerows, highway safety, drainage or flooding, ecology or archaeology. As such, it is considered that the proposed development would be environmentally neutral subject to conditions.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefits to the closest public facilities in the closest villages 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 provision of market dwellings themselves would be a social benefit. In addition;

Affordable Housing

This is a proposed development of 9 dwellings on a site which according to the submitted application form measures 0.41ha, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 3 to be provided as affordable dwellings. The majority of the demand in this area is for 1 and 2 bedroom dwellings.

The applicant has subsequently confirmed that Plot 2 (3 bed dwelling) will be for intermediate tenure and plots 3 and 4 (1 bed dwellings) will be for affordable rent. The Council's Housing Officer has confirmed that this will be acceptable.

The affordable housing provision would be secured as part of a S106 Agreement and would offer a significant social benefit.

Jodrell Bank Radio Telescope

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.

The University of Manchester (who operate 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, there would be an impact upon the Telescope, but the impact would be 'minor' and this impact needs to be weighed in the overall balance of the application proposal.

Should the committee resolve to grant planning permission the Council will be required to give 21 days notice of the intention to do so to Manchester University, in accordance with the Jodrell Bank Directive.

Open Space

As the application proposal is for 9 dwellings, it triggers an Open Space requirement. The trigger for this requirement is 7 units as detailed within the *Revised Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Developments 2003*.

Following an informal discussion with the Council's Open Space Officer, as the development is for only 2 units over the threshold, because there are no other areas of open space within the proximity of the site which could be contributed to by the applicant to be upgraded whilst being CIL compliant (due to their distance from the site), in conjunction with the fact that the site lies within close proximity to a bus route to Holmes Chapel which benefits from open space provision, it is not considered that it would be reasonable or CIL compliant to seek an Open space provision in this instance.

Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

With respect to the existing properties, the nearest dwellings to the proposal comprise of; Padgate to the west, Holly Bank Cottages to the south and Mount Pleasant to the east.

The dwelling proposed on Plot 1 would be parallel to the side elevation Padgate (detached bungalow) and would be approximately 4.3 metres away.

Within the relevant side elevation of Padgate, there are 2 windows. Neither of these windows comprise of sole windows to principal habitable rooms. Within the relevant side elevation of Plot 1 there would be no openings.

As a result and in conjunction to the fact that the dwelling proposed on plot 1 does not extend significantly forward or to the rear of Padgate, it is not considered that the development would have a significant impact with regards to loss of privacy, light or visual intrusion for this neighbour.

Holly Cottages would be sited approximately 22.6 metres away from the closest of the proposed dwellings on the opposite side of Twemlow Lane.

Given that this distance adheres with the 21.3 minimum standard, this ensures that the proposed development would not have a significant impact upon the privacy, light or visual amenity of the occupiers of these cottages.

The dwelling proposed on Plot 9 would be approximately 14.2 metres away and offset from the main body of the side elevation of Mount Pleasant and approximately 11.2 metres away from their side conservatory.

Given that this closest aspect of the proposed dwelling is a garage, in conjunction with the offset relationship, it is not considered that the proposed development would not have a significant impact upon the privacy, light or visual amenity of the occupiers of this neighbouring property which could be sustained at appeal.

No concerns are raised in relation to the distance between the proposed dwellings themselves and it is considered that sufficient private amenity space would be provided for the future occupiers of the dwellings in order to carry out normal functions such as sitting out, hanging out washing etc.

The Council's Environmental Protection Officer (EPO) has advised that she has not objections to the development, subject to a number of conditions including; the prior approval of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of soil testing results of any soil brought onto the site, that works should stop if any contamination is encountered.

In addition, a number of informatives are proposed including; hours of piling, hours of construction and contaminated land.

As such, subject to the above conditions, it is considered that the proposal would not create any significant amenity concerns.

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% on-site affordable housing provision. An agreed tenure split between intermediate tenure (1, 3-bed unit) and affordable rent (2, 1-bed units) has been agreed.

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

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, there is a presumption against the proposal unless material considerations indicate otherwise.

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

It is therefore necessary to consider 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 provide positive planning benefits such as; the provision of a market and affordable dwellings and would have the knock-on local economic benefits such a development would bring.

Balanced against these benefits must be the adverse impacts, which in this case would be the loss of open countryside and the minor impact upon the efficiency of the Jodrell Bank Radio Telescope.

All other issues are considered to be mitigated against by the use of planning conditions and/or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, it is considered that the benefits of the scheme would outweigh the adverse impacts.

On the basis of the above, it is considered that the proposal represents sustainable development. Applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

Should the application be approved, notice will be given to Jodrell Bank for a period of 21 days in accordance with the Jodrell Bank Directive.

RECOMMENDATION

APPROVE subject to;

1. A 21 day notice period to Jodrell Bank (Manchester University), and;

A S106 Agreement to secure;

- 1. Provision of 3 on-site affordable dwellings - to be split as per IPS into 2 Affordable Rent and 1 for Intermediate Tenure**

And conditions;

- 1. Time – 3 years**
- 2. In accordance with approved plans**
- 3. Materials – Prior submission/approval**
- 4. Site drained on a separate system**
- 5. Prior approval of a surface water drainage and maintenance plan**
- 6. Prior approval of a Flood Risk Assessment**
- 7. Prior approval of a Piling Method Statement**
- 8. Prior approval of a dust mitigation scheme**
- 9. Prior approval of soil testing results for imported material**
- 10. Works to stop if contamination encountered**
- 11. Prior approval of a scheme for Archaeological works**
- 12. Prior approval of a Landscaping scheme**
- 13. Landscaping – Implementation**
- 14. Prior approval of tree/hedgerow protection**
- 15. Prior approval of a 'No dig' method statement of any areas of hard surfacing in tree root protection areas**
- 16. Prior approval of boundary treatment**
- 17. Implementation of protected species mitigation**

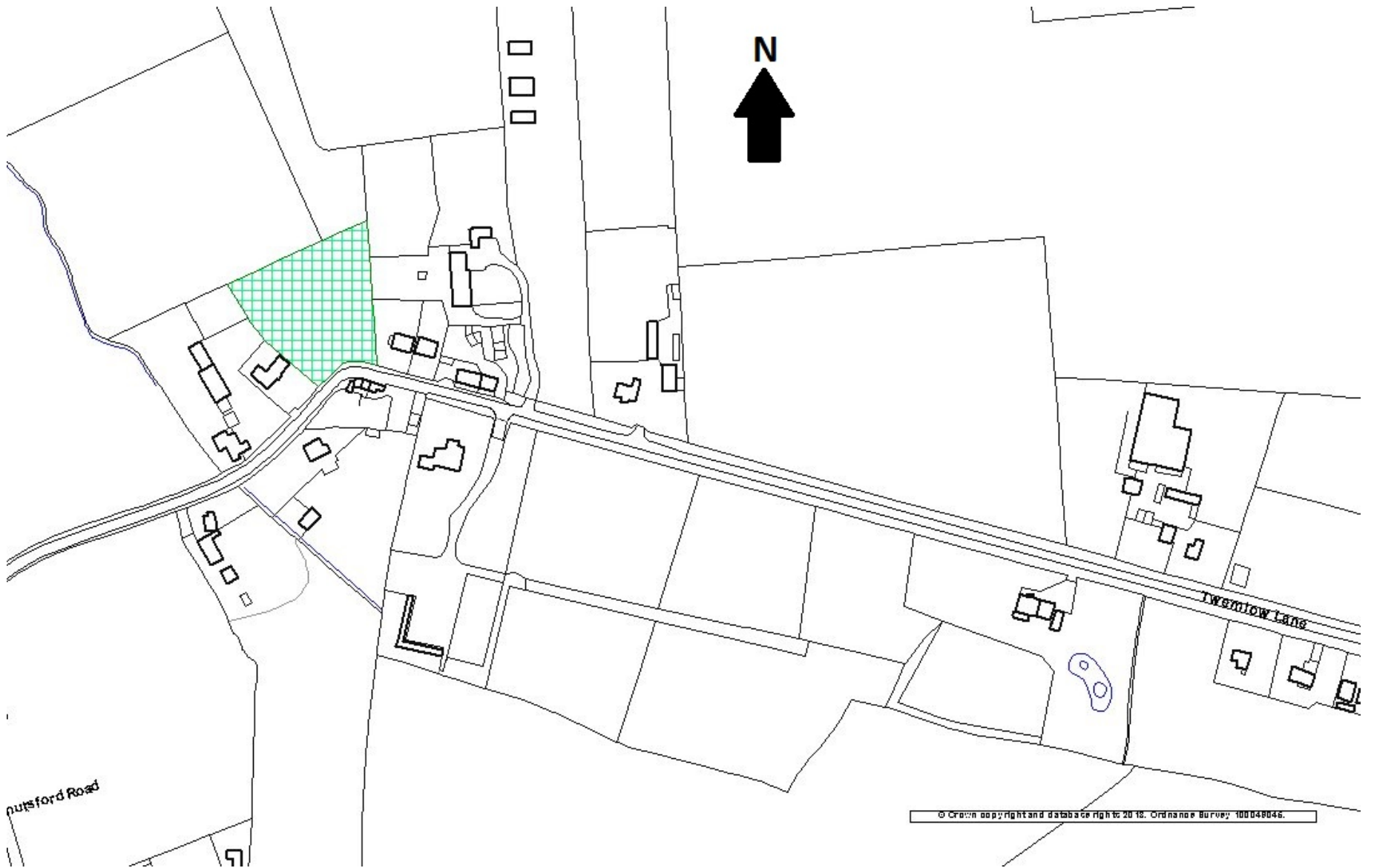
18. Prior approval of Electromagnetic Screening

19. Removal of PD Rights: Classes A-E, Part 1, Schedule 2 on Plot 9 only and Class A, Part 2, Schedule 2 for the entire site

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 Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the following Heads of Terms:

1. Provision of 3 on-site affordable dwellings - to be split as per IPS into 2 Affordable Rent and 1 for Intermediate Tenure



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Application No: 14/5667M

Location: The trustee's of Wilmslow congregation of Jehovah's witnesses, 48, KNUTSFORD ROAD, CHORLEY, ALDERLEY EDGE, SK9 7SF

Proposal: Demolition of existing building and out-buildings and construction of new place of Christian worship to replicate existing building

Applicant: The Trustees of Wilmslow Congregation of

Expiry Date: 02-Mar-2015

SUMMARY:

The site is outside the Settlement Zone Line of Alderley Edge and within the Green Belt.

The development is not inappropriate development and would have no additional adverse impact on the openness of the Green Belt in this location.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, visual amenity and residential amenity. The existing building is not recorded as a heritage asset, and the replacement building would be acceptable in design terms and would be more energy efficient and practical, satisfying the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment through the construction process in the locality.

An improved facility for a specific community use would be created, satisfying the social role of sustainable development.

RECOMMENDATION:

Approve subject to conditions

CALL IN

The application has been called in to Committee by Cllr G Barton, for the following reasons:

- The building in question has historic value within the Chorley community.
- The application is opposed by a number of local residents and by Chorley Parish Council.

PROPOSAL

The proposal is for the demolition of existing building and out-buildings and construction of new place of Christian worship to replicate existing building. The scheme involves demolition of outbuildings at the rear of the site, and re-organisation of the car park.

The vehicular access is to be altered by retaining the existing opening as a smaller pedestrian access and creating a new access on the western side of the existing, corresponding to the location of the car park.

The replacement building would be located in a similar position on the site, with a greater width but a simpler plan form. A total of 22 car parking spaces are provided, including 3 mobility spaces.

In terms of the comparison of the existing and proposed buildings, the floor area is slightly less, the ridge height is slightly more (200mm) due to the increased width, and the eaves height and roof pitch are the same.

The application includes a Planning Statement and a building survey report. The agent has also responded to the concerns raised in the consultation replies and comments.

SITE DESCRIPTION

The single storey 218m² building is of brick and slate construction and occupies a site of 1080m². It features buff brick quoin and buttress features and has a lower height front section. The church is located within a ribbon of development on the north side of Knutsford Road, with predominantly residential properties in the vicinity but including some commercial premises. There are footways on both sides of the road and a local bus service, and the building is separated from the footway by a low wall.

RELEVANT HISTORY

11275P Use of former school as place of worship. Granted 16/8/1977

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 19.

Paragraphs 28 and 70 support the retention and development of local services and community facilities including places of worship.

Paragraph 135 gives guidance on dealing with proposals affecting a non-designated heritage asset:

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 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.

Paragraph 136 states that steps should be taken to ensure that the new development goes ahead once the demolition is approved.

Planning practice Guidance section 18a gives further guidance on non-designated heritage assets. It advises that:

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage interest for their significance to be a material consideration in the planning process.

Such assets will normally be identified as part of the Local Plan Process, or by a local list of buildings of architectural or historic interest.

Development Plan:

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)

BE2 (Preservation of historic fabric)

BE20 (Locally important buildings)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Highways)

DC8 (Landscaping)

DC14 (Noise)

DC46 (Demolition)

GC1 (Green belt- new buildings)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 5 Trees, Hedgerows and Woodland

SE7 The Historic Environment

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

EG1 Economic Prosperity

PG3 Green Belt

CONSULTATIONS:

Local Member (Cllr G Barton) requests Committee consideration as set out above.

Highways: The strategic Infrastructure manager has no objections to the proposals

Environmental protection: recommend conditions

Chorley Parish Council has no objection to this application but does have some serious concerns about the impact on the surrounding area and neighbours:

1. There does not appear to be a planning notice posted concerning this proposal.

2. Our concern regarding the demolition of this building is that a piece of heritage will be lost to Chorley Parish, although we appreciate the intention to rebuild the Hall using the original brick.
3. From the application we have concerns about the proposed floodlighting, is this form of lighting essential considering the light would be invasive for no 50 and 46?
4. Also, concerning the boundary fence described as Paladin, this is quite industrial in appearance and not really in keeping with the residential area and again the neighbouring properties.
5. Will the new plan provide sufficient parking spaces? Currently there is considerable overflow onto Knutsford Rd.
6. We would also ask for consideration from the contractors during the demolition and rebuilding of the Hall when through traffic and the surrounding neighbourhood will be disrupted.

United Utilities: no objections

REPRESENTATIONS:

At the time of report writing 2 representations have been received which can be viewed in full on the Council website. The objections refer to the need to retain a building of local interest, and raise concerns regarding parking and fencing similar to those raised by the Parish Council.

Specific points raised are:

The drawings for the proposed replacement building show the main part of the building to be significantly wider than the current structure. This will reduce the ability to use the space along one side of the hall for parking, as is the current practice

The proposed layout shows 22 car parking spaces. At their meeting on 1st February 2015 the congregation had parked 37 cars in their car park, with a further 13 cars parked on Knutsford Road. A reduction in the number of off road parking spaces could result in an extra 15 cars on Knutsford Road, which is very busy every day of the week, and where passing traffic regularly exceeds the current speed limit of 30MPH

The existing building is 152 years old and is of local historical importance and value in this part of Chorley Parish and should be repaired, not replaced.

This building, which was the original Lindow School, is over 150 years old, and I believe could be converted internally to suit the needs of the occupants. Within the local area there are 2 buildings of similar age, Brook lane Chapel and Stanley Chapel, both of which have been converted internally but retain the original exteriors. From the occupiers own figures the building could be adapted and improved internally at the same cost as demolition and re-building. Their comments regarding the structural survey are down to their own lack of maintenance of the building whilst in their ownership.

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The site lies outside the Settlement Zone Line as designated in the adopted Macclesfield Borough Local Plan and is within the Green Belt.

Under the provisions of adopted Green Belt policies as set out above, and in particular paragraph 89 of the National Planning Policy Framework, the replacement of a building for the same use and not materially larger is regarded as an exception to inappropriate development. This requirement is met in this case, as the building will have a similar visual impact to the existing building.

The footprint of the proposed building is approximately 10% increase over the existing and the height is approximately the same at 6.1 metres, being 200mm higher than the existing.

The impact of the development on the openness of the Green Belt is limited by its location within a significantly built up frontage.

Overall the proposal will comply with adopted policies relating to Green belt and the countryside.

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

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right

time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

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

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

ENVIRONMENTAL SUSTAINABILITY

Loss of a heritage asset

It is clear that the existing building constitutes a non-designated heritage asset, by virtue of its previous use as a school, the continued use as a place of worship, and its distinctive design. However it is not recorded as a building of local architectural interest. The importance given to such heritage assets has changed over recent years since the publication of the NPPF and PPG, and this is recognised in policy SE7 of the emerging Cheshire East Local Plan:

3. The Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal by:

i. Requiring that the impact of a proposal on the significance of a non-designated heritage asset should be properly considered, as these are often equally valued by local communities. There should be a balanced consideration, weighing the direct and indirect impacts upon the asset and its setting, having regard to the scale of any harm or loss. The presumption should be that heritage assets should be retained and re-used wherever practicable and proposals that cannot demonstrate that the harm will be outweighed by the benefits of the development shall not be supported. Where loss or harm is outweighed by the benefits of development, appropriate mitigation and compensation measures will be required to ensure that there is no net loss of heritage value.

4. For all heritage assets, high quality design should be achieved. It should aim to avoid poorly executed pastiche design solutions and should foster innovation and creativity that is sensitive and enhances the significance of heritage assets in terms of architectural design, detailing, scale, massing and use of materials.

The physical impact of the development on the heritage asset would be significant, as it involves the complete demolition of the buildings on site. However they are not considered to be of sufficient visual merit to justify retention as important buildings, given their low height and limited contribution to the street scene. The replacement building seeks to put back a building which reflects the original building, whilst not creating a 'pastiche' referred to in the emerging policy. The cultural impact would be low as a replacement building of similar dimensions is proposed which would continue serving as a community facility.

The applicants have demonstrated that the existing building is not suited to modern use and required extensive modernisation which would cost a similar amount to the new build proposal, but would create a less energy efficient and practical building.

Design and sustainable construction

The design of the new building is appropriate to its location and the surrounding development. It features a building of similar proportions to the existing and would fit in well with the street scene. It would be built to current Building regulation standards and achieve greater energy efficiency, and would also offer a more accessible design.

The proposed fencing of the site has been raised as an issue. The frontage of the site is to be kept open, and the intention is to upgrade boundary fencing at the same height and style as the existing.

Residential Amenity

In terms of impact on the adjoining dwellings, the proposed building will have no additional impacts over and above the existing situation, and there is an opportunity to impose suitable conditions on the use as recommended by the Environmental Protection Officer, to include hours of use, external lighting and noise restrictions.

The existing permission dating from 1977 has a use restriction to a place of worship only, which would prevent a change to another use with class D1, including a school, community hall and crèche. However such a restriction is not considered to be reasonable or necessary in view of the former use as a school and the fact that such alternative uses would be equally appropriate in this location.

Highways

The applicant advised that the catchment area for this hall (the Wilmslow congregation) is fairly small, as there are other Kingdom Halls at Knutsford, Altrincham, Wythenshawe, Stockport, Hazel Grove, Macclesfield and Northwich. Therefore the relatively short journeys are likely to involve shared transport or possibly walking and cycling.

The layout of the car park is acceptable and provides for a more generous turning and manoeuvring space due to the simpler plan form of the new building. It is the general custom during church services for cars to double park where safe to do so, as all of the congregation tend to leave at the same time. Therefore the provision of 22 spaces on site is a minimum figure, and is appropriate for a facility of this size, given the existing use.

The revised access layout will create a separate pedestrian entrance and visibility is retained.

Overall the proposal is considered to be acceptable on highway safety grounds.

ECONOMIC SUSTAINABILITY

The proposal will involve new construction which will create a benefit to the local economy.

SOCIAL SUSTAINABILITY

The application will provide for the continued use of a community building serving the locality and will be of benefit to the social fabric on the area.

Response to Objections

The comments referred to have been covered by the assessment of issues above, and are addressed by the recommended planning conditions. The application has been publicised by neighbour notifications and a site notice was not considered to be necessary in this case.

Conclusion – The Planning Balance

The site is outside the settlement zone and within the Green Belt. However it is regarded as appropriate development and can therefore benefit from the presumption in favour of sustainable development.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon visual amenity, built heritage, highway safety and residential amenity, therefore satisfying the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

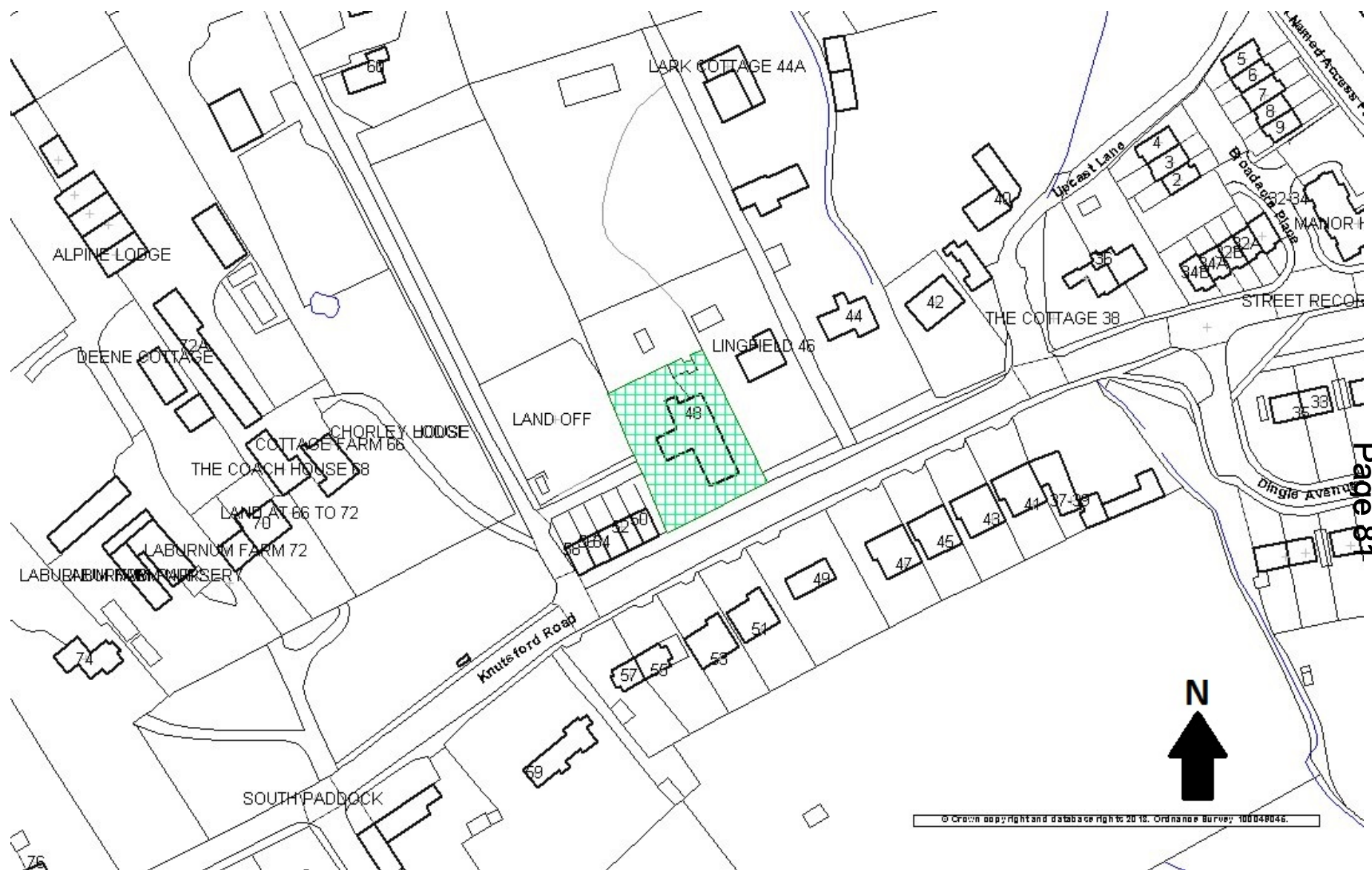
The proposal would also meet the social role of sustainable development by providing for the continued use of the community facility in a more sustainable building.

RECOMMENDATION

Approve subject to the following conditions:

RECOMMENDATION: Approve subject to 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. Provision of car parking
7. Construction of access
8. Protection from noise during construction (hours of construction)
9. Works within the public highway
10. Contaminated Land
11. Contamination
12. Piling
13. Dust management
14. External Lighting
15. Contamination note
16. NPPF



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Application No: 15/5807M

Location: CHELFORD GARAGE, ALDERLEY ROAD, CHELFORD,
MACCLESFIELD, CHESHIRE, SK11 9AP

Proposal: Removal of existing below ground fuel storage tanks and installation of 2 no new 60,000 litre double skin below ground storage tanks. Removal of existing forecourt canopy and installation of new at increased clear height of 4.5 metres min. Forecourt reinstatement including new pump islands and pumps. Replacement tank vent stack and re-location of air/water machine. 3 no. New car parking places.

Applicant: Shell UK Retail

Expiry Date: 16-Feb-2016

Application No: 15/5807M

Location: CHELFORD GARAGE, ALDERLEY ROAD, CHELFORD, SK11 9AP

Proposal: New canopy, storage tanks, pump islands and pumps and new car parking spaces

Applicant: Shell UK Retail

SUMMARY

The revised drawings show a canopy in a position that is considered, on balance, to be acceptable in residential amenity terms and no significant intensification of the use of the petrol filling station is envisaged.

SUMMARY RECOMMENDATION

Approve with conditions

PROPOSAL

Full planning permission is sought for the removal of the existing below ground fuel storage tanks and installation of 2 no. new 60,000 litre double skin below ground storage tanks. The proposed development would also include the removal of the existing forecourt canopy and the installation of a new canopy at increased clear height totalling approximately 4.5 metres. On the forecourt works would include a reinstatement including new pump islands and pumps; replacement tank vent stack; re-location of air/water machine and 3 new car parking places.

SITE DESCRIPTION

The site is a well-established and well-known Petrol Filling Station located on the roundabout junction of the A537 and A535 to the South-East of Chelford. The site is in the Green Belt but there is development at the roundabout with a mix of uses including both residential and

commercial. The site shares access and egress points with other uses from both Knutsford Road (A537) and Alderley Road.

RELEVANT HISTORY

Various relating to the use as a petrol filling station but non specifically relevant

NATIONAL & LOCAL POLICY

National Policy:

NPPF

NPPG

Development Plan:

MBLP policies:-

GC1 Green Belt

DC1 New Build

DC3 Amenity

DC6 Circulation and Access

CONSULTATIONS

SIM – No objections: having reviewed the amended plans the Strategic Infrastructure Manager (SIM) notes a number of objections from local residents and, Chelford Parish Council regarding the height of the proposed canopy, which will be raised and, the potential this will have to increase patronage by drivers of heavy goods vehicles (HGV's). The SIM has reviewed the plans and is satisfied that the proposals would be unlikely to attract drivers of HGV's from the wider highway network and that the petrol station would only usually be used by drivers of HGV's already passing the site. There are no other highway implications associated with this proposal, as the proposed works are wholly contained within the site and the existing accesses to and from the site remain unchanged.

EHO – No objections subject to conditions in respect of hours of construction, piling and contamination

VIEWS OF THE CHELFORD PARISH COUNCIL

Object: Proposed Forecourt Canopy Height: The justification for raising the height is given in the application as 'to suit modern vehicles'. It is the PC view that modern vehicles do not require such an increase unless the intention is to encourage larger vehicles. By encouraging larger vehicles to use the filling station, this will exacerbate existing access/egress issues which arise due to the proximity of the filling station to Chelford Roundabout which lies at the intersection of several busy commuter routes (A535, A535, B5359). Concern is also expressed that current damage to highway verges, caused by larger vehicles attempting to exit and enter the filling station, will also become more extensive should increased numbers of larger vehicles use the site. It is considered that the increase in height of the forecourt canopy will have a detrimental impact on the access to sunlight by neighbouring residential properties.

Proposed Forecourt Canopy Size: In the application it describes the increase in height and area as 'a slight increase'. This is misleading and in the PC view the increase in height and

area is significant. It is considered that the increase in size and height of the canopy will adversely impact neighbouring properties by detrimentally affecting their access to natural sunlight during the day and exposing the properties to increased artificial light pollution in the evening. Should the extension of the forecourt canopy be essential to the proposed on-site activities it would be considered less intrusive to extend towards Alderley Road (B5359).

Fuel Tank Provision: It is considered that the replacement fuel tanks, of increased volume than the existing tanks, potentially pose an increased safety hazard to neighbouring residents due to their relocation closer to the neighbouring residential properties.

OTHER REPRESENTATIONS

Two objections received on the grounds that this seems a corporate policy decision by Shell to make all there the garages the same. This site is unique in that there is a house so close by and using the same entrance.

The increase in the height of the canopy will reduce the amount of light. The sun comes round on that side of the building in the morning and the increase in height will restrict light coming through our landing window, our kitchen window and into the conservatory that is built on the side of the neighbouring house.

The increase in the height of the canopy will allow larger lorries to use the site. As it is Shells own tankers struggle to get onto the site, causing traffic to slow on the Knutsford road as they enter the narrow entrance and again on the Alderley road as they exit. The site is not suitable for larger vehicles.

living on the B5359 close to the Chelford roundabout (junction of busy commuter routes A B5359). The objectors are concerned that the proposed alterations to expand the garage f lead to it being used by larger, slower vehicles leading to greater risk of collisions on th

The entry/exit on the B5359 is of particular concern as there have been several collisions inv coming out of the garage with cars exiting the roundabout at too high a speed. The distance b from the garage and the roundabout is short and although there is a 40mph limit in force always deter motorists from accelerating sharply off the roundabout along

At peak times there is standing traffic on the B5359 leading up to the roundabout and this mak the garage even more difficult. There are many 'near misses' at

The A537 entry/exit causes traffic to back up to the roundabout at peak times. Any addition tc vehicles using this entrance/exit would only make this queuing worse, leading to restrictec around the roundabout.

APPLICANT'S SUPPORTING INFORMATION

D&A Statement

Key Issues

Principle, Amenity, Design, Access

Principle of development

Although the site is located in the Green Belt, where Policy GC1 restricts the types of development permitted within the Green Belt, it is important to note that the petrol filling station is an established use that has been a feature in the locality for decades and possibly prior to the designation of green belt status for the area. No expansion of the overall curtilage is proposed and the built development would not impact on openness or undermine the purposes of including land within the Green Belt. Thus the principle of its existence is established and proposals to enhance the facility are considered to be acceptable and are assessed against generic local plan policies; in this case, Policies DC1 and DC3 which deal with design and amenity.

Design and Residential Amenity

The concerns expressed in consultation have resulted in officers requesting amendments to negate the impact of a raised canopy. The initial submission was considered somewhat overbearing as the projection of the proposed raised canopy would have extended further towards the south west and potentially impacted on the adjoining house. The amended plans now limit the projection to the south west to be in line with the shop side wall and it is now considered that this would be acceptable on balance.

The filling station is a well established facility and is not a new introduction into the locality or its character. It is not considered that the raise in height of 0.5 metres in itself is unacceptable given the requirements of functionality. The impact on neighbouring amenity and the character and appearance of the area is deemed to be acceptable.

Access

The improvements to the facility are more than likely to improve access to the petrol filling station and ease movement of vehicles and thus improve the situation on the highway network. The Strategic Infrastructure Manager has no objections and comments that the proposals are unlikely to result in or attract extra activity to the site, as with most filling stations of this more modest size, the vast majority of visits of a passing rather than a destination nature.

SOCIAL SUSTAINABILITY

The need for a step or ramp to the shop is removed giving a level access to assist people with mobility issues.

ECONOMIC SUSTAINABILITY

The proposals would enhance an economic node in the locality and contribute to the local and national economy.

ENVIRONMENTAL SUSTAINABILITY

The proposals will give better access and egress on the site and availability to cope with peak time demands.

Representations

Objections to the proposal have been received to the proposed development on various grounds which have been considered and are addressed in the main body of the report.

PLANNING BALANCE

It is considered that in the planning balance, that the amended proposals are acceptable. The amenity concerns have been noted and addressed by applicants with the amended canopy line now proposed and it is considered that the social, economic and environmental benefits weigh in favour of these site improvements being carried out.

RECOMMENDATION

Approve with conditions

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

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Protection from noise during construction (hours of construction)
4. Pile Driving
5. Contamination Report
6. Contamination
7. NPPF

