

Northern Planning Committee

Agenda

Date: Wednesday 6th July 2016
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

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

3. Minutes of the Meeting (Pages 1 - 8)

To approve the Minutes of the meeting held on 1 June 2016 as a correct record.

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

4. **Public Speaking**

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

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

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **15/4968C - Land Off Newcastle Road South, Brereton, Cheshire: Outline Application for a residential development of up to 49 dwellings (C3), together with associated infrastructure and open space provision will all matters reserved except for access for Ashall Ltd (Pages 9 - 30)**

To consider the above application

6. **16/1374M - R H Stevens Transport Ltd, Gunco Lane, Macclesfield, SK11 7JL: Redevelopment of former haulage depot for 88 dwellings and associated works for Mr George Stevenson, Bellway Homes Ltd (Manchester Division) (Pages 31 - 52)**

To consider the above application

7. **15/5800M - Brickyard Farm, 25, Adlington Road, Wilmslow, Cheshire, SK9 2BJ: Proposed 2 storey extension to existing farm house, erection of 3 number 2 storey detached properties & associated works for Mr Chris Williamson, David Wilson Homes North West / Mrs Marg (Pages 53 - 64)**

To consider the above application

8. **15/1955M - Yesterdays Hotel, Harden Park, Alderley Edge, Cheshire SK9 7QN: The demolition of the existing nightclub building and for the erection of 12no. dwellings (C3), including 4no. affordable dwellings, with associated car parking, gardens and landscaping for Mr Eliot Baker, Intro Developments Limited (Pages 65 - 82)**

To consider the above application

9. **15/4515M - Warford Hall, Warford Hall Drive, Great Warford, Alderley Edge, Cheshire SK9 7TP: Change of use from dwelling with offices to dwelling with function room and ancillary facilities and overnight accommodation in association with functions including the construction of previously approved extension and glazed links for D Ward (Pages 83 - 96)**

To consider the above application

10. **15/2354M - Bowling Green, Ingersley Vale, Bollingtonm Cheshire: Outline application for proposed 11 no. 2.5 storey and 2 no. 2 storey residential housing - resubmission of 15/0669M for Tullis Russell (Pages 97 - 110)**

To consider the above application

11. **16/1269M - The Royal British Legion, Station Road, Handforth SK9 3AB: Demolition of existing building and erection of 10 townhouses with associated infrastructure and landscaping for Mr Tom Loomes, Jones Homes (North West) Limited (Pages 111 - 122)**

To consider the above application

12. **16/2276M - Gardens to the Rear of 19 to 23 Cottage Street, Macclesfield: Construction of pair of semi-detached houses for Mr Luiz Nascimento (Pages 123 - 132)**

To consider the above application

13. **16/1652C - Land Adjacent to 2 Tanhouse Yard, Congleton: Demolition of single detached domestic garage and construction of 3no. two storey terraced cottages including rear gardens and parking forecourt with formation of vehicle access off antrobus public car park for Mr Valentino Martone (Pages 133 - 142)**

To consider the above application

14. **Land Adjacent To, Padgate, Twemlow Lane, Cranage: Update following the resolution to approve application 16/0604C - 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 (Pages 143 - 146)**

To consider proposed amendments to the Committee resolution for application 16/0604C

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 1st June, 2016 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

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

Councillors C Andrew, E Brooks, T Dean, S Edgar (Substitute), P Findlow,
T Fox, S Gardiner, A Harewood, J Macrae and N Mannion

OFFICERS IN ATTENDANCE

Nicky Folan (Planning Solicitor)
Kevin Foster (Principal Planning Officer)
Neil Jones (Principal Development Officer – Highways)
Paul Wakefield (Principal Planning Officer)
Gaynor Hawthornthwaite (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillor M Hardy.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

With regard to application 15/2354M Councillor N Mannion declared that he was a member of the bowling club and would, therefore, leave the room prior to consideration of this application.

Councillor E Brooks declared that she had pre-determined application 15/5800M as she had made comments on the previous adjacent site application and would, therefore, leave the room prior to consideration of this application.

In the interests of openness in respect of application 15/3259M, Councillor Gardiner declared that the agent was a former employer.

In respect of application 15/2354M Councillor Andrew declared that he used to be a member of the bowling club, but had not made any comments to club members or pre-determined the application.

3 MINUTES OF THE MEETING

That the minutes of the meeting held on 4th May 2016 be approved as a correct record and signed by the Chairman.

4 PUBLIC SPEAKING

That the public speaking procedure be noted.

5 **16/1560M - NED YATES NURSERIES, MOOR LANE, WILMSLOW, CHESHIRE SK9 6DN: ERECTION OF 14 NO. DWELLINGS WITH ASSOCIATED ACCESS AND INFRASTRUCTURE FOR ELAN HOMES**

(Mr R Bagguley (Supporter) and Ms B Moss (on behalf of the Agent) attended the meeting and spoke in respect of the application)

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

RESOLVED

That authority be DELEGATED to the 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 and pending the outcome of the additional bat surveys and subject to completion of a Section 106 legal agreement to secure:

- £42,000 POS contribution
- £10,000 ROS contribution
- Provision, tenure and phasing of 30% affordable housing
- £32,685.38 secondary education contribution

And the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Removal of permitted development rights
5. Submission of construction method statement
6. Foul and surface water drainage details to be submitted
7. Electric vehicle charging points to be provided
8. Scheme to minimise dust emissions arising from demolition / construction activities to be submitted
9. Post demolition Phase II ground investigation and risk assessment to be submitted
10. Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination
11. Advise LPA of any unforeseen contamination
12. Nesting birds survey to be submitted
13. Refuse storage facilities to be submitted
14. Submission of a detailed design and associated management and maintenance plan of surface water drainage for the site.
15. The development to be carried out in accordance with the submitted FRA.

16. Submission of detailed proposals for disposal of surface water (including a scheme for the onsite storage and regulated discharge).
17. Site levels details to be submitted.
18. Submission of Construction Method statement
19. Provision of landscaping
20. Landscaping (implementation)

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

6 15/2354M - BOWLING GREEN, INGERSLEY VALE, BOLLINGTON, CHESHIRE: OUTLINE APPLICATION FOR PROPOSED 11 NO. 2.5 STOREY AND 2 NO. 2 STOREY RESIDENTIAL HOUSING - RESUBMISSION OF 15/0669M FOR TULLIS RUSSELL

Prior to consideration of this application, as stated in his declaration, Councillor N Mannion left the meeting and returned following consideration of the application

(Councillor H Gaddum (Ward Member), Mr J Knight (Objector on behalf of residents) and Mr M Hemlin (Applicant) attended the meeting and spoke in respect of the application)

Note: Mr M Hemlin had not registered his intention to address the Committee on behalf of the applicant. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Chairman agreed to allow Mr Hemlin to speak.

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

RESOLVED

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

- Heritage Impact Assessment to be carried out (having particular regard to policy BE3)
- Assessment of open spaces available to residents of Bollington and Rainow.

- Assessment of value of the land in terms of aesthetic and functional open space
- Investigate alternative design

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

**7 15/5668M - 20 CHAPEL LANE, WILMSLOW, CHESHIRE SK9 5HX:
DEMOLITION OF 2 EXISTING DWELLINGS ON 20 & 18A CHAPEL
LANE AND ERECTION OF BLOCK CONTAINING 12 APARTMENTS
FOR MR CRAIG AINSCOUGH, EVENTUS PROPERTIES LIMITED**

The Planning Officer reported a correction to the report on page 41 which should read:

REASONS FOR REPORT

"The application has been called to Committee by the local Ward Member, **Councillor Barton**, for the following reason:"

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

RESOLVED

That for the reasons set out in the report, the application be APPROVED subject to completion of a Section 106 legal agreement to secure:

£36,000 POS contribution

£6,000 ROS contribution

£32,685.38 secondary education contribution

And the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Details of the method, timing and duration of any pile driving operations to be submitted
5. Submission of construction method statement (including wheelwash)

6. Detailed design and associated management and maintenance plan of surface water drainage to be submitted
7. Detailed proposals for disposal of surface water to be submitted
8. Scheme to minimise dust emissions arising from demolition / construction activities to be submitted
9. Travel plan to be submitted
10. Electric vehicle infrastructure to be provided
11. Foul and surface water shall be drained on separate systems
12. Breeding birds survey to be submitted
13. Amended access to be provided prior to occupation
14. Retain the existing trees
15. Tree protection to be submitted
16. Method Statement – Access to drive
17. Landscaping to be submitted
18. Implementation of landscaping

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

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

- 8 **15/5800M - BRICKYARD FARM, 25 ADLINGTON ROAD, WILMSLOW, CHESHIRE SK9 2BJ: PROPOSED 2 STOREY EXTENTION TO EXISTING FARM HOUSE, ERECTION OF 3 NUMBER 2 STOREY DETACHED PROPERTIES & ASSOCIATED WORKS FOR MR CHRIS WILLIAMSON, DAVID WILSON HOMES NORTH WEST / MRS MARGARET COOKE**

Prior to consideration of this application, as stated in her declaration,, Councillor E Brooks left the meeting and returned following consideration of the application

(Mr G Lemon (Objector) and Mr D Brackley (on behalf of the Applicant) attended the meeting and spoke in respect of the application)

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

RESOLVED

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

- Clarification on road safety points raised by objector
- Emergency access, including road safety audit (if appropriate) and its location in relation to approved layout on adjacent site
- Consultation period to expire

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

9 15/3259M - 75 LACEY GREEN, WILMSLOW, CHESHIRE SK9 4BG: CONSTRUCTION OF ONE DETACHED DWELLING WITH NEW ACCESS FOR A CHESWORTH

Prior to consideration of this application, Councillors N Mannion and P Findlow left the meeting and did not return

(Mr N Smith (on behalf of the Agent) attended the meeting and spoke in respect of the application)

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

RESOLVED

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

1. Time limit for submission of reserved matters
2. Implementation of reserved matters
3. Submission of reserved matters
4. Commencement of development
5. Pile Driving details to be submitted
6. Refuse storage facilities to be approved
7. Submission of construction method statement
8. Ground levels to be submitted with reserved matters application

9. Removal of permitted development rights
10. Tree retention
11. Tree protection
12. Construction specification/method statement for trees

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

The meeting commenced at 10.00 am and concluded at 1.00 pm

Councillor G M Walton (Chairman)

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Application No: 15/4968C

Location: LAND OFF , NEWCASTLE ROAD SOUTH, BRERETON, CHESHIRE

Proposal: Outline Application for a residential development of up to 49 dwellings (C3), together with associated infrastructure and open space provision will all matters reserved except for access.

Applicant: Ashall Land Ltd,

Expiry Date: 02-Feb-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Policy PS6 of 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.

However, as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, residential amenity/noise/air quality and landscaping could be secured at the reserved matters stage.

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor 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 non compliance with the Brereton Neighbourhood Plan and the ability of a local community to shape its future development via its Neighbourhood Plan.

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

In this instance, is considered that the adverse impacts in approving this development would significantly and demonstrably outweigh the benefits of the development and as such the application is recommended for refusal.

RECOMMENDATION

REFUSE

PROPOSAL

Outline planning permission is sought (with access provided via Newcastle Road South) for up to 49 dwellings with associated infrastructure and open space. The indicate layout shows a single access point from Newcastle Road South with a small series of cul de sac with a total of 49 units comprising indicatively : 4 bungalows, 7 terraced (affordable) units, 2 semi detached and the remainder indicated to be larger detached dwellings. Indicatively, 375m² of allotments are proposed adjacent to the boundary with properties in Maple Close.

SITE DESCRIPTION

The application site comprises of a 2.44 h field of dips and hollows located next to the settlement boundary and accessed via the A50 ,Newcastle Road South immediately due south of 22 Bagmere Road. A hedgerow defines the A50 frontage and there are sporadic mature trees within the site, mainly located around the field ditch to the south of the site.

The site is located in the Open Countryside as designated in the Congleton Borough Local Plan First Review.

RELEVANT HISTORY

None of relevance to this application

LOCAL & NATIONAL POLICY

Brereton Neighbourhood Plan

On 8th July 2013, CEC designated the Parish of Brereton as the Brereton Neighbourhood Area. The neighbourhood plan was developed locally and submitted to Cheshire east Council on 23rd July 2015. A consultation on the submitted plan was held from 10th August 2015 to 21st September 2015.

Following the appointment of an examiner, a hearing was called to address a series of specific issues including the number of homes identified for delivery in the plan period, the introduction of

a settlement boundary policy and the Parish Council's approach to self build housing. The hearing was held at Sandbach Town Hall on 11th November 2015 and following its conclusion the examiner issued a positive examination report to Cheshire East Council on 1st December 2015, recommending a number of modifications and that the Plan proceed to referendum to be held within the neighbourhood area as originally designated by Cheshire East Council.

A decision to accept the modifications proposed by the examiner, implement the changes to the plan and proceed to referendum was taken by the Portfolio Holder for Planning and Housing on 5th January 2016. The referendum was held 10th March 2016, returning a positive result in favour of the plan.

A decision to make the plan was taken on 28th March. The plan is now made and forms part of the Development plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

HOU1 – Settlement Boundary
HOU2 – Exceptions to New housing Development
HOU5 – Provision of Open Space in New Housing Development
HOU8 – Housing Mix
HOU9 – Housing for Local People
HOU10 – The Layout and Design of New Housing
COM05 – Provision of Allotments and additional car parking
ENV02 – Open Landscape views
ENV03 – Nature Conservation
ENV04 – Biodiversity and Geodiversity
ENV05 – Development and Landscape
TRA03 – Community Infrastructure

Congleton Borough Local 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;

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities

GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
E10	Existing Employment Sites
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD 1 Sustainable Development in Cheshire East, Policy SD 2 Sustainable Development Principles, Policy SE 1 Design, Policy SE 2 Efficient Use of Land, Policy SE 3 Biodiversity and Geodiversity, Policy SE 4 The Landscape, Policy SE 5 Trees, Hedgerows and Woodland, Policy SE 9 Energy Efficient Development, Policy SE 12 Pollution, Land Contamination and Land Instability, Policy IN 1 Infrastructure, Policy IN 2 Developer Contributions, Policy PG 1 Overall Development Strategy, Policy PG 2 Settlement Hierarchy, Policy PG 5 Open Countryside and Policy SC 4 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, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
SPG2 - Provision of Private Amenity Space in New Residential Development
The EC Habitats Directive 1992

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to conditions

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; the submission of an acoustic assessment and implementation of noise

mitigation with regard to properties affected by noise on the A50; the prior submission/approval of an Environmental Management Plan; the prior approval of air quality mitigation measures including travel plan and electric vehicle charging and contamination land report

Flood Risk Manager (Cheshire East Council) – No objections, subject to a condition requiring the prior approval of a detailed drainage strategy/design in accordance with the appropriate surface water drainage for the conditions on site

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

Housing (Cheshire East Council) – No objections, subject to the 30% affordable housing provision comprising 15 units which are split into 10 Affordable Rent and 5 Intermediate Tenure. The housing mix of 6x 1 bedroom and 4x 2 bedroom for Affordable rent and 3x 2 bedroom and 2x 3 bedroom for Intermediate Tenure is acceptable and should be secured via a S106 Agreement

ANSA Greenspaces (Cheshire East Council) – Brereton Community Space is just over 300m away and offers a high quality standard of play provision and amenity green space. No requirement is needed for off site provision, however, ANSA advise that the allotments are indicated to be provided on site, are not in an area of the site which sits on wet land and drains adequately.

Education (Cheshire East Council) – The development of 49 dwellings is expected to generate:

9 primary children (49x 0.19)

7 secondary children (49 x 0.15)

1 SEN children (49 x 0.51 x 0.023%)

There is sufficient available capacity in the local primary schools to accommodate the pupils generated of this age.

The development is forecast to increase an existing shortfall predicted from 2018 onwards for secondary provision in the immediate locality. Negotiated contributions are factored into forecasts and equations, however a shortfall still remains.

Special Education provision currently has an existing shortfall within the Borough with over 47% of pupils currently being educated outside of Cheshire East. The Education Service acknowledges that this is an existing concern, however the 1 child expected from this development will exasperate the shortfall.

To alleviate the forecast pressures highlighted above, the following contributions would be required:

$7 \times £17,959 \times 0.91 = £114,399$ (secondary)

$1 \times £50,000 \times 0.91 = £45,500$ (SEN)

Total education contribution: £159,899

Brereton Parish Council – Object on the following grounds:

- Non compliance with the Brereton Neighbourhood Plan for which there is a strong community mandate
- The proposal is a substantial development outside the settlement boundary
- Proposal is not sustainable
- Does not reflect local pattern of development
- Detrimental to the amenities of neighbours
- The site has a flooding problem, as do neighbouring houses and the submitted report is inadequate
- Public transport is infrequent and out of peak hours
- Site access on to A50 is dangerous
- Limited village amenity leading to reliance on the car
- Impact upon health and education infrastructure
- Dispute ecological report saying no bats present
- Lack of information concerning newts

REPRESENTATIONS

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

A 100 signature petition opposing the development has been received, citing grounds of too many houses, loss of open landscape views that the signatories enjoy, do not want to see cul de sac estates around Brereton Green, dangerous road access, adverse impact on service infrastructure, proposal is too close to existing homes

Approximately 100 letters of representation from 80 local addresses have been received objecting to the proposal. The main areas of objection are:

- Principle of development
- Loss of agricultural land
- Not meeting locals needs
- Not needed
- Loss of open countryside views
- Sustainability of the location
- Ecology – Impact upon protected species / wildlife
- Impact upon hedgerows
- The indicate buffer to south of Maple Close is in ownership of Maple Close residents and should not be used as buffer for this development
- Lack of buffer to adjoining houses
- Highway safety – Dangerous road with many accidents
- Design – Character and scale
- This is a Greenfield site and Brownfield sites should be used in preference
- Loss of hedge

- premature
- Amenity – Loss of privacy / overlooking, light, visual intrusion, noise and dust
- Inaccurate statements re bats on site
- Impact upon schools and medical services locally
- No footpath links / pedestrian safety / cyclist safety
- No need for more housing / affordable housing in this location
- Flooding – inaccurate information
- Poor public transport links
- Future development pressures
- Contrary to the Brereton Neighbourhood Plan

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 NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in neighbourhood plans, even though these policies should not be considered up-to-date.

As such, although weight that can be given to the Brereton Neighbourhood Plan (hereafter referred to as the Brereton NP), at present due to the Council's Housing Land Supply position, this weight is limited and this feeds into the overall planning balance of the proposal.

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 up to 49 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 application does not fall within the settlement boundary as defined by the Brereton NP policy HOU01. In such locations, housing development may be permitted where it is appropriate to local

character and complies with other policies in the Brereton NP and the Cheshire East Council Local Plan

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 to the loss of open countryside and the non compliance with the Brereton NP.

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' 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.

In the context of the Brereton NP, the NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in the emerging neighbourhood plan, even though these policies should not be considered up-to-date.

As such, although weight that can be given to this Brereton NP, at present due to the Council's Housing Land Supply position, this weight is limited and this feeds into the overall planning balance of the proposal.

This matter is further emphasised in light of the Richborough Court of Appeal decision. The judges concluded that paragraph 49 refers to all policies 'affecting' housing land supply in its widest context – this includes any policy which is capable of preventing land from being developed for housing. As such all such housing policies could be considered to be out of date.

However, whereas previously 'out of date' policies have been given little or any weight, it was clear that they are not irrelevant and should be given weight. The judges were clear that it is for the decision maker to consider what weight to give to the competing issues in arriving at a decision.

Affordable Housing

The site lies in Brereton Parish on the edge of the settlement boundary for Holmes Chapel.

Brereton is in the Sandbach Rural sub-area in the Strategic Housing Market Assessment Update 2013 (SHMA). The SHMA identified a need for 12 new affordable units per year in the Sandbach Rural sub-area, made up of a need for 13 x 1 bed, 2 x 2 beds, 3 x 4+ beds and 2 x 1 bed older persons units (there is an oversupply of 3 bed units).

In addition to this, information taken from Cheshire Homechoice shows that there are 3 applicants on the housing register who have selected Brereton for their first choice. The requirement of these applicants is 1 x 2 bed and 2 x 3 bed.

In 2013 a rural housing needs survey for Brereton was carried out and showed a need for at least 12 households in need of affordable housing.

The Council's Interim Planning Statement on Affordable Housing (IPS) requires sites in settlements with a population of less than 3,000 to provide 30% affordable housing if the site is 0.2 hectares or 3 dwellings or more. This site is 0.25 hectares and as such there is a requirement to provide 30% affordable housing. The preferred tenure split for affordable housing outlined in the IPS was 65% social rented and 35% intermediate tenure. For this development of up to 49 dwellings we would require 15 units of affordable housing to be broken down to 10 social rented units and 5 at intermediate tenure.

The scheme was revised to address initial Housing objections and now proposes an Affordable provision of 15 units which are split into 10 Affordable Rent and 5 Intermediate Tenure. The Housing mix of 6x 1 bedroom and 4x 2 bedroom for Affordable rent and 3x 2 bedroom and 2x 3 bedroom for Intermediate Tenure. This does meet the local need for the Sandbach Rural area.

On this basis the Strategic Housing Manager considers that the revised scheme meets the IPS and has no objection to the revised plan. The Affordable housing should be secured via a signed Section 106 agreement.

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 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;

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

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

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.

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.

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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:

- Public house (1000m) – 500m (Bears Head)
- Bus stop (500m) – 500m (Bears Head)
- Post Box (500m) – 300M
- Children’s Play space (500m) 300m
- Amenity open space (500m) – on site
- Primary School (1000m) – 900m
- Child care facility (1000m) – 900m

The following amenities/facilities fail the standard:

- Railway station (2000m) – 3700m
- Any transport node – 3700m
- Post Office (500m) – 3500 (London Rd Holmes Chapel)

- Convenience Store (500m) – 3500m
- Pharmacy (1000m) – 3000m
- Medical Centre (1000m) – 3700m
- Supermarket (1000m) – over 3000m
- Leisure Facilities (Leisure Centre or Library) (1000m) – over 3000m
- Secondary School (1000m) – over 3000m
- Bank or Cash Machine (1000m) – over 300mm

In summary, the site does not comply with the majority of the standards advised by the NWDA toolkit. Furthermore, there are no footpaths currently leading from the site in any to any of the facilities within the recommended distances other than the church on the opposite side of the road.

Newcastle Road South is a well used busy road served by public transport (route 319 to Sandbach Monday to Saturday with 1st bus at @9.30 am and last at 13.52, it seems likely that any future residents of the proposed houses would use private transport to access any services, facilities or local workplaces.

The bus stop is within walking distance, although the site presently does not have a pavement along the A50, the Strategic Highways Managers requests such provision so, if approved, it likely that future residents will be able walk to this stop to access sustainable transport choices.

A school bus service does operate for children to go to the Holmes Chapel secondary school. Whilst most services are in Holmes Chapel, a bus service does serve the site and therefore in location terms this site must be regarded as being generally locationally sustainable.

This view is considered to be consistent with Inspector appeal decisions on schemes that were refused on (locational) sustainability grounds but allowed at appeal when Inspectors considered sustainability in the context of the three strands of sustainability referred to in the NPPF, not merely in the context of location:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29th August 2012 for sustainability reasons. In allowing the appeal the Inspector found that 'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'.

- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12th December 2012 for sustainability reasons. In allowing the appeal the Inspector found that 'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many

such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'

It is considered that this site is considerably less isolated than the site at Rose Cottages and therefore in the light of Inspector's comments in that case, it is considered that this site is located in a sustainable location with regards to its accessibility to public facilities.

Environmental role

Landscape

The site is an agricultural (Grade 3b) field which lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. One of the Core Planning Principles of the NPPF is to "take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it".

Policy PS8 accords with the NPPF desire to recognize the intrinsic character of the countryside. The application, by developing and hence eroding an area of open countryside conflicts with Local Plan Policy PS8. PS8 accords with the intend of the NPPF and accordingly the loss of countryside sits within the planning balance.

There are no landscape designations on the application site. Within the Cheshire Landscape Character Assessment the application site is in the Brereton Heath Area.

However, the character of the site is significantly influenced by the existing development of housing along the entire northern boundary. The Landscape Architect advises that a two storey housing development would change the character of the site itself but would not have any significant impacts on the character of the wider landscape or have any significant visual impacts.

Although an outline application, in principle, the illustrative layout suggests that a form of layout could be achieved that would allow for the retention of the majority of the peripheral hedgerows and trees within the site (other than to accommodate the main access point) and would allow for landscape and biodiversity enhancement measures.

Trees and Hedgerows

An arboricultural assessment has been submitted in support of the application. The report identifies 17 individual trees, 5 groups of trees and 5 Hedgerows within and immediately adjacent to the site and have been categorised for tree quality in accordance with BS5837:2012. Of those trees within and immediately adjacent to the site there are two individual trees and one group identified as High (A) category; eight individual trees identified as moderate (B) category and eight individual and four groups of trees identified as low (C) category trees.

No trees are proposed to be removed to accommodate the proposed development although it has been identified that about a 5 metre section of hedgerow will require removal to accommodate an internal access road. Hedgerows are deemed a Local BAP priority habitat and consideration should be given for replacement planting to offset the loss as part of detailed landscape proposals at reserved matters stage.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

Although layout, external appearance and design are also reserved matters and the proposal seeks permission for up to 49 units, it is considered that an appropriate design and layout can be achieved on this site, which would need to be assessed as part of any reserved matters.

One point of concern, however, is that the indicative layout shows a majority of larger detached dwellings, 4 detached bungalows and smaller units as affordable units. The layout appears to not include any 1 or 2 bed units for market sale. In design terms, a reserved matters layout wide demonstrates a range and mix of differing units including smaller units for market sale would be more appropriate and would be less land hungry, likewise this would comply with policy SC4 of the emerging Plan and HOU8 and HOU10 of the Brereton NP.

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.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The proposed access and footways within the proposal and on the A50 to link this site to the existing pavement on the A50 are of acceptable widths and the visibility on exiting onto A50 Newcastle Road will adhere to standards.

Footway access from the site to the village centre is currently sub-standard due to narrow width but the applicant has proposed remedial action to bring it up to standard by increasing the width to 2m. Public transport is limited but walking distance and footways from the site to the bus stops is acceptable.

A Simple junction with 6m radii was initially proposed at the site access. Due to the wide and rural nature of the carriageway, and the 60mph speed limit, the Simple junction has been revised and a Ghost Island has been provided for right turning vehicles with shelter from through traffic.

The access radii have been increased and swept paths have been provided to demonstrate that large refuse vehicles can enter and exit the new site access without encroaching onto oncoming lanes.

The Strategic Highways Manager advises that although there have been 9 accidents on the A50 in the vicinity of the site over the last 5 years, contributory factors are due to human error and not the road layout.

The number of trips that would be generated from the site will be less than 1 per minute during each of the peak hours and trip generation is therefore considered minor.

Overall subject to conditions, the Strategic Highways Manager advises that he has no objections to this scheme and that this proposal will not cause any highway harm.

Flood Risk and Drainage

The site is located in flood zone 1; however there are two ponds south to the site. The risk of flooding from this source will need to be appropriately mitigated. This is a matter that could be conditioned.

Both United Utilities and the Council's Flood Risk Officer has reviewed the Flood Risk Assessment submission and advised that they have no objections, subject to conditions.

Ecology

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

Great Crested Newts

The submitted ecological appraisal has identified a number of ponds within 250m of the proposed development. No evidence of great crested newts was recorded during the submitted detailed surveys and the ecologist advises that this species is not reasonably likely to be present or affected by the proposed development.

Ponds

Ponds are a local BAP priority habitat and hence a material consideration. The submitted ecological assessment states that the ponds are considered to be of 'site' value. The ecologist considers that this is an undervaluation of the ponds ecological importance. The ponds would however be retained as part of the submitted indicative layout if planning consent is granted a condition should be attached requiring the ponds to be retained as part of the proposed development. On this basis,

Hedgerows

Hedgerows are also a Local BAP priority habitat and as with the ponds are undervalued by the submitted Ecological Assessment. There will be some loss of hedgerow to facilitate the proposed access routes, however the ecologist advises that there are sufficient opportunities for suitable replacement planting to be provided to compensate for this loss.

If outline consent is granted it must be ensured that detailed proposals for replacement hedgerow planting are provided at the detailed design stage.

Trees and roosting bats

The submitted ecological assessment identifies three trees as having potential to support roosting bats. These trees have been subject to a survey and no evidence of roosting bats was recorded. Based upon the submitted illustrative layout plan it appears feasible that these trees could be retained as part of the development of the site.

Hedgehogs

This priority species has not been recorded on site but the habitat is potentially suitable.

If planning consent is granted the ecologist recommends a planning condition be attached to ensure that a scheme of gaps for hedgehogs to be incorporated in hedges and fences. *The gaps to be 10cm by 15cm and located at least every 5m. This could be controlled by condition.*

On this basis, it is considered that the development would adhere with Policy ENV03 of the BNP, Policy NR2 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Environmental Conclusion

Subject to conditions and satisfactory reserved matters a scheme of an acceptable design that would not create any significant issues in relation to; landscape, neighbours amenity trees,

highway safety, drainage or flooding and ecology could be provided. As such, it is considered that the proposed development would be environmentally neutral.

Other economic considerations

It is accepted that the construction of a housing development of this size would bring the economic benefit to the closest shops in Holmes Chapel, Sandbach and the local farm shop 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 for the local community. 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.

Other social considerations

Open Space

As part of the indicative proposal, an area of informal play (225M2) and public open space (3945m2) to the outer periphery of the site. As a result of Parish Council objection to the original scheme, the Applicant has also sought to indicate 375 m2 of allotments to the rear of existing dwellings in Maple Close.

The Greenspace Officer is of the view that the proposed allotments could be broken down into 6 small plots of approximately 60 m2 each. It would be better for the allotments to be placed away from existing residential boundaries in the POS located in the South allowing for 6 parking spaces. This would safeguard the amenity of existing occupiers adjoining. This could be achieved by condition.

Soil samples should be tested for contamination at the proposed location and drainage should be installed if the area is wet. One of the parking spaces would be for 'drop off's' for example for a delivery of compost, soil improvers etc. The site should be marked out, securely fenced and gated, have at least a central hoggins type path for access. If securely fenced then a water supply should be provided along with appropriate accommodation for tools. As this is an indicative layout only it is considered that these concerns could be addressed by condition.

As such, and secured via legal agreement to ensure that the onsite POS and Allotments are suitably maintained and managed via a private residents management agreement, it is considered that the proposal would be in compliance with Local Plan Policy GR22.

Education

The Council's Education Officer has advised that the development will generate 7 secondary aged pupils and 1 SEN pupil. The development is forecast to increase an existing shortfall for secondary provision in the immediate locality, but would have no impact upon primary provision. In light of this the following contributions are sought towards secondary school provision £114,399 (secondary) $1 \times £50,000 \times 0.91 = £45,500$ (SEN)

Total education contribution sought : £159,899

Subject to this, the scheme would be in compliance with the development plan and Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version.

Residential Amenity

According to Policy GR6 of the Local Plan advises 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.

The proposal is submitted in 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. The submitted layout is indicative only, however, the indicative layout does indicate a layout that is sufficiently spacious to satisfactorily safeguard adjoining residential amenity.

With regards to noise impacts, the development is in close proximity to the A50 and is subject to high levels of road traffic noise.

The Council's Environmental Protection Officer (EPO) considers that noise levels, could be mitigated to a level which is considered adequate and requires a noise report as a planning condition, particularly to assess the impacts of noise in the living environment for dwellings close to the A50.

The EPO has advised that due to the proximity of the development to other residential properties, there is a need to protect the amenity of nearby residential properties during the construction phase of the development, as such a condition seeking the prior submission of an Environmental Management Plan.

With regards to contaminated land and air quality, the EPO has raised no objections, subject to the following conditions; prior submission / approval of a scope of works addressing the risks posed by land contamination; the submission / approval of a validation report in accordance with the approved remediation strategy and the submission of relevant evidence and verification info of any soil or soil forming materials brought into the site for use in the garden areas of for soft landscaping; travel planning and electric vehicle charging.

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 requirement for long term management of on site Public Open Space and onsite allotments is necessary, fair and reasonable, as the proposed development will provide up to 49 family sized dwellings of different sizes, the occupiers of which will be using these on site facilities.

The education contribution is necessary having regard to the oversubscription of local secondary schools and the demand that this proposal would add.

The proposal is of a scale that hits the trigger for affordable housing for which there is a recognised need.

The above requirements are 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

However, in the absence of a five year supply, paragraph 14 is engaged and consideration must be given to whether the granting of permission would give rise to any significant and adverse impacts that would outweigh the benefits of the proposal.

Policies PS8, H6 and HOU01 are considered consistent with the aims of the framework, policy HOU01 of the Brereton NP has been prepared within the context of the NPPF and independently tested against its criteria by the Inspector who considered whether the Neighbourhood Plan was consistent with the Framework.

The relevant policies of the development plan are therefore considered consistent with the Framework and should be afforded due weight, with the conclusions drawn in HOU01 based on up to date and recent evidence. In this case, the BNP presents a policy approach which supports sustainable development on the basis of recent and up to date housing evidence that advocates a strategic approach. The undermining of this approach in a significant and adverse impact in Para 14 terms that would outweigh the benefits of the proposal.

Neighbourhood planning provides a powerful set of tools for local people to ensure they get the right kind of development for their community. Whilst the weight afforded to those policies that restrict the supply of housing land may be limited due to the lack of a five year housing land supply, the harm done by approving a proposal which does not comply with the Development Plan, and housing policies contained in the recently adopted Brereton Neighbourhood Plan is significant and directly conflicts with the overall aims of the framework to deliver sustainable development, through a plan led system which seeks to ensure that proposals contrary to an adopted neighbourhood plan should not normally be granted permission.

Whilst, submitted in outline form only, the indicative layout demonstrates a scale of development that could be accommodated subject to the issues raised in this report. All other issues could to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

It is therefore accepted that the development would provide positive planning benefits such as the provision of a market and affordable dwellings in a location, whilst rural does have access to many day to day facilities and is deemed locationally sustainable and the knock-on economic and social benefits that such a development would bring.

Balanced against these benefits, however, must be the adverse impacts, which in this case would be the loss of open countryside and the harm caused to the plan led system by virtue of the proposal's non compliance with policies with in the recently made Brereton NP.

In this instance, is considered that the non compliance with the Brereton NP and the harm this causes to the localism agenda and the loss of open countryside outweigh the benefits of the proposal in terms of housing provision.

RECOMMENDATION

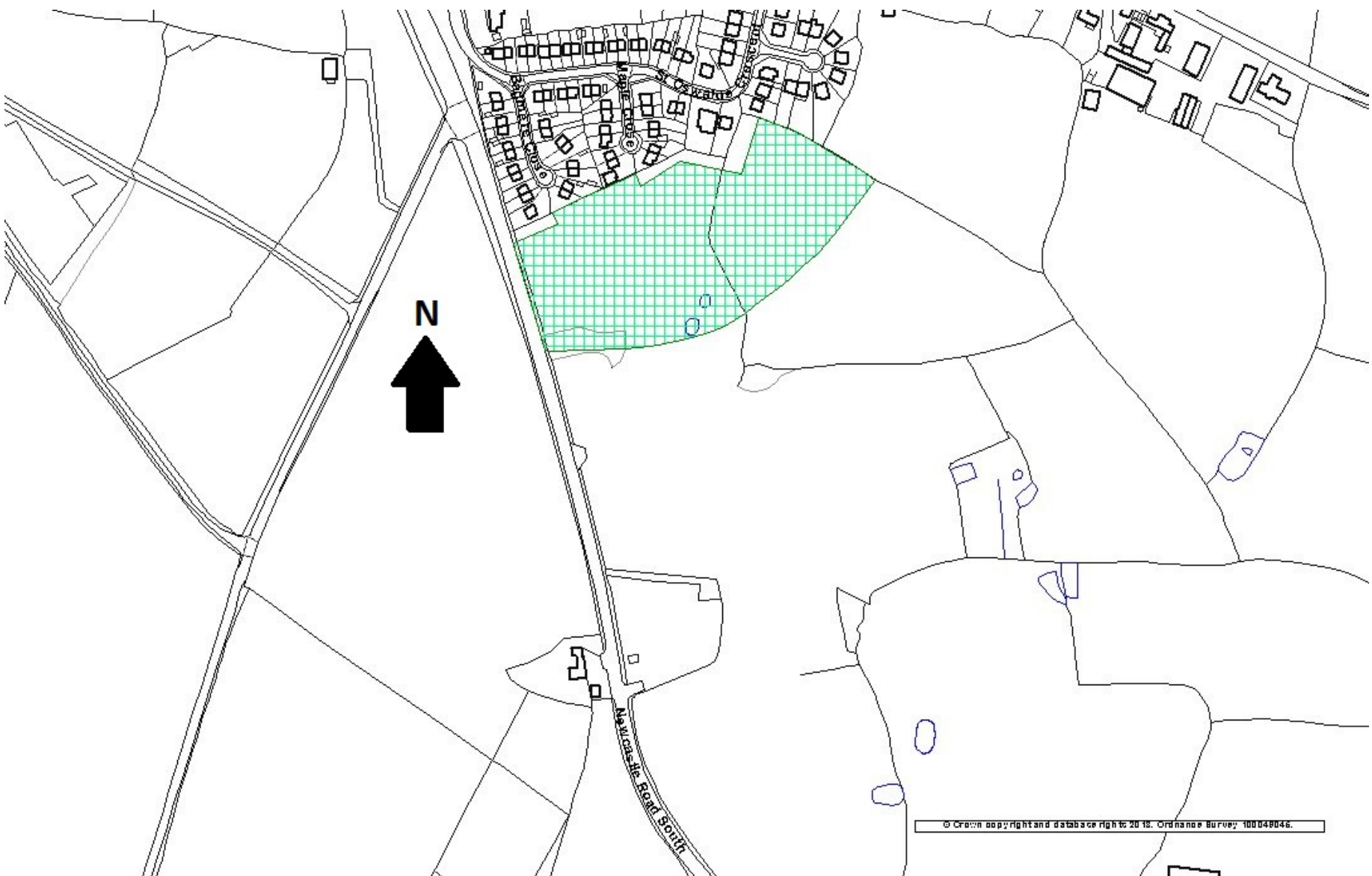
Refuse for the following reason :

The proposal involves the development of countryside outside of the Settlement Boundary for Brereton Green as defined in the Brereton Neighbourhood Plan 2016. It is also involves development within the countryside as set out in the Congleton Local Plan First Review 2005. The proposal erodes the character of the countryside and undermines the ability of the community to shape and direct sustainable development in their area, contrary to Brereton Neighbourhood Plan Policies HOU01 and HOU02, Congleton Local Plan First Review policies PS8 and H6 and the advice of NPPF paragraphs 17, 183-5 and 198. These conflicts significantly and demonstrably outweigh the benefits of the proposal.

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 there 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, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and allotments on site to be maintained by a private management company in perpetuity
3. School Secondary Education Contribution of £114,399 and SEN Education contribution of £45,500



Application No: 16/1374M

Location: R H Stevens Transport Ltd, Gunco Lane, Macclesfield, SK11 7JL

Proposal: Redevelopment of former haulage depot for 88 dwellings and associated works

Applicant: Mr George Stevenson, Bellway Homes Ltd (Manchester Division)

Expiry Date: 17-Jun-2016

SUMMARY

The site is previously developed and the principle of development is acceptable in this location. The site is sustainably located within the town and the proposals represent an efficient use of a disused brownfield site. The principle of residential development of previously developed land is supported at all levels of planning policy where the Government's aims are clear. PDL and brownfield sites should be used to boost housing supply where appropriate, the housing and planning bill consultation paper sets out the Government's intention 'Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.' Clearly these proposals align with the intention of the Government to encourage the use of brownfield land to boost housing supply.

Cheshire East cannot demonstrate a 5 year supply of housing, therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or specific policies in the Framework indicate development should be restricted.

Following effective pre-application discussions, a suitable scheme was submitted which has required only alterations to the landscaping scheme, and the majority of information has been submitted reducing the need for numerous planning conditions. A robust viability exercise was carried out, which has demonstrated that the scheme cannot be fully policy compliant, however the scheme does make some provision for some affordable housing, a full education contribution and a partial contribution towards open space and outdoor sport. Unfortunately the proposals cannot bear the cost of a full contribution however, the viability outcome has been accepted by officers.

The proposal is considered to be sustainable in terms of social, environmental and economic sustainability.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, and benefits for local businesses.

- The proposal will not have an adverse landscape impact.
- Full Education Contribution of £45,000 for 1 SEN place.

The development would have a neutral impact upon the following subject to mitigation:

- Impact on the highway network is considered to be neutral following mitigation.
- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.
- No adverse impact on protected species/ecology subject to mitigation.
- A partial contribution towards open space, outdoor sport of £172,000 (57% of the full requirement)

The adverse impacts of the development would be:

- No full affordable housing contribution however 10 intermediate units at 80% discount will be provided.

On balance, it is considered that the proposal represents sustainable development and accords with the development plan and national planning policy and guidance. The benefits of the scheme outweigh the adverse impacts of granting approval. Therefore for the reasons mentioned above the application is recommended for approval.

SUMMARY RECOMMENDATION

Approve subject to Section 106 Agreement

PROPOSAL

The application is a full planning application for the redevelopment of the former RH Stevens Transport Ltd depot located off Gunco Lane in Macclesfield with 88 dwellings and associated works. The site has a previous planning permission for housing which is time expired. The application proposes the following mix of dwellings:

- 16 x Bolin 4 bed 2.5 storey semi detached units
- 10 x Oakwood 4 bed 2 storey detached
- 9 x Weston 3 bed 2 storey detached
- 10 x Bennett 3 bed 2 storey detached
- 5 x Lansdown 3 bed 2 storey detached
- 25 x Rufford 3 bed 2 storey semi-detached
- 3 x Pilkington 3 bed 2 storey semi-detached
- 2 x Chatsworth 3 bed 2 storey semi-detached
- 4 x Falkland 3 bed 2.5 storey semi-detached
- 4 x Fulwood 4 bed 3 storey semi-detached

The application proposes the provision of 10 discount for sale units which will be 80% of the market value together with a S106 contribution of £2,475 per dwelling giving a total of £217,800 towards education and open space and outdoor sport. The 10 discount for sale plots will be 2 x Chatsworth, 7 x Rufford and 1 x Pilkington. The application proposes a new

single access point off Gunco Lane along with junction improvements, as previously approved as part of the most recent application for the site.

The boundary of the site with Gunco Lane will be opened up to allow an active street frontage and an additional pedestrian/cycle only access point to the site.

SITE DESCRIPTION

The application site extends to approximately 2.5 hectares and is split level. The site is rectangular in shape with Gunco Lane along the western boundary and the Macclesfield Canal which is set at a much higher level along the eastern boundary. There is residential development to the south of the site with industrial units to the north. The site has a building located to the east the other buildings which were present on the site have been demolished. The site has some hedgerows along its boundaries and a leylandii screen along the southern boundary with the existing residential development.

RELEVANT HISTORY

10/0832M, Demolition of Existing Buildings on Site and Erection of Residential Development Comprising 124 Dwellings, Levels Changes, New Access, Off Site Footpath and Highway Improvement, Circulation and Parking Areas, Approved, 19-07-2012

NATIONAL & LOCAL POLICY

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

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

Macclesfield Borough Local Plan Policy:

The site is located within the settlement boundary of Macclesfield, on an employment site.

Therefore the relevant Local Plan policies are considered to be: -

Built Environment Policies:

Policy BE1: Design Guidance

Development Control Policies:

Policy DC1: New Build

Policy DC3: Amenity

Policy DC5: Natural Surveillance

Policy DC6: Circulation and Access

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC36: Road Layouts and Circulation

Policy DC37: Landscaping

Policy DC38: Space Light and Privacy

Policy DC40: Children's Play Provision and Amenity Space

Policy DC41: Infill Housing Development
Policy DC63: Contaminated Land
Policy E1: Employment Land Policies
Policy T1: Integrated transport policy
Policy T2: Provision of public transport
Policy T3: Improving conditions for pedestrians
Policy T4: Provision for people with restricted mobility
Policy T5: Development proposals making provision for cyclists
Policy T6: Highway improvements and traffic management
Policy NE2: Landscape character areas
Policy NE14: Natural habitats
Policy NE11: Protection and enhancement of nature conservation interests
Policy NE17: Nature Conservation in Major Developments
Policy NE18: Accessible areas of nature conservation from residential properties
Policy H2: Environmental Quality in Housing Developments
Policy H8: Provision of Affordable Housing
Policy H9: Occupation of Affordable Housing
Policy H13: Protecting Residential Areas
Policy RT1: Recreational land and open space
Policy RT2: Open spaces/amenity areas in residential areas
Policy RT5: Standards for open space provision
Policy IMP1: Development Sites
Policy IMP2: Transport Measures

Cheshire East Local Plan Strategy – Proposed changes version public consultation ended 19th April 2016.

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

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
SC4 Residential Mix
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

The National Planning Policy Framework

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 49. Housing supply policies
- 50 and 54. Wide choice of quality homes
- 56-68. Requiring good design
- 72-74 Promoting healthy communities
- 109. Conserving and enhancing the natural environment
- 186-187. Decision taking
- 196-197 Determining applications
- 203-206 Planning conditions and obligations

Supplementary Planning Documents:

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

- SPG on Section 106 Agreements (Macclesfield Borough Council)

Other Material Considerations

- Cheshire East Strategic Market Housing Assessment (SHMA)
- Cheshire East Strategic Housing Land Availability Assessment (SHLAA)
- Conservation of Habitats & Species Regulations 2010
- Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
- North West Sustainability Checklist
- Ministerial Statement – Planning for Growth (March 2011)
- Macclesfield Town Report (Part of Local Plan evidence base) March 2016

CONSULTATIONS (External to planning)

Housing (received 29-Mar-2016)

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate

element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 88 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 26 dwellings to be provided as affordable dwellings. 17 units should be provided as Affordable rent and 9 units as Intermediate tenure. This application includes only 10 affordable units, which are wholly for intermediate tenure and for this reason I object.

The planning statement also states that these intermediate properties are to be sold at 80% of market value, however in order for them to be compliant with the IPS, intermediate units should be sold at a maximum of 70% market value.

The submitted planning statement states that the scheme cannot provide a policy compliant amount of affordable units on viability grounds and makes reference to a viability assessment which is to be independently assessed. Should this assessment be verified then I will withdraw my objection should a suitable overage clause be included in the s106 agreement.

The SHMA 2013 shows the demand in Macclesfield per annum is for 103 x 2 bed, 116 x 3 bed and 80 x 1 bed older person dwellings. Waiting list information taken from Cheshire Homechoice shows that there are 1227 applicants who have selected Macclesfield as their first choice. These applicants require 518 x 1 bed, 479 x 2 bed, 199 x 3 bed and 31 x 4 bed dwellings. This application includes only 3 bedroom dwellings and I do not feel as though this reflects the need as some smaller units should be included.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

Our preference is that the affordable housing is secured by way of a S106 agreement, which:

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes an overage clause which requires the amount of affordable housing to be redressed should the sales values of the properties increase and therefore improve overall viability of the development
- 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.

Details of Registered Providers of social housing can be obtained from the Development Officers in Strategic Housing

Education (no comments received consultation expired 28/04/2016)

ANSA (no comments received consultation expired 28/04/2016)

Leisure Services (no comments received consultation expired 28/04/2016)

Highways (received 28/04/2016)

The proposal is for a full application for 88 dwellings with 2 car parking spaces each. The proposed access and footways are of acceptable widths and the visibility on exiting onto Gunco Lane will adhere to standards.

Footway access from the site to the wider Macclesfield area is available and it has been proposed for improvement works as shown on plans '1270-F01 rev A' and '1270-04'. Public transport is available and within walking distance and footways from the site to the bus stops are acceptable.

There have been no road traffic accidents in the vicinity of the site within the last 5 years indicating no existing road safety concerns.

The number of trips that would be generated from the site will be less than 1 per minute during each of the peak hours and capacity assessments of the site access and of the Gunco Lane/Byrons Lane junctions have demonstrated that the impact will be minimal.

For these reasons Highways has no objection to the application subject to conditions.

Environmental Protection – (comments received 23/06/2016) No objections subject to conditions.

Ecology – (received 27/06/2016)

Bats

A single building remains on site. No evidence of roosting bats was recorded during either the initial survey or the follow up activity surveys. I therefore advise that roosting bats are not likely to be present or affected by the proposed development.

Badgers

A badger sett has been identified on site. Whilst the sett would be retained as part of the proposed development works would be undertaken within close proximity to it. The applicant intends to apply for a Natural England licence to allow any potentially disturbing works to proceed lawfully. The Natural England licence is likely to restrict the works in the vicinity of the sett to the period outside the badger breeding season and also require the supervision of works by a suitably experienced ecologist.

If planning consent is granted a condition is recommended.

Hedgerows

Native species hedgerows are a priority habitat and hence a material consideration. There is short length of native species hedgerow on the sites northern boundary. It is unclear whether this would be retained as part of the proposed development. There is a substantial length of new hedgerow proposed as part of the proposed development, but it is not clear if this is intended to be an ornamental or native species hedgerow.

I advise that the existing hedgerow should be retained and protected as part of the proposed development and the submitted layout plans should be annotated to include the provision of new native species hedgerows.

Nesting birds

If planning consent is granted I recommend that conditions should be attached to safeguard nesting birds and ensure some additional provision is made for nesting birds as part of the proposed development.

Woodland

There is a narrow band of plantation woodland located along the sites southern boundary. I recommend that this feature is retained and incorporated into the proposed layout.

Arboricultural Officer (comments received 05/04/2016) - The application is supported by an Arboricultural Impact Assessment (AIA) by Ascerta dated February 2016

The site has been inspected as part of previous applications (09/2568m & 10/0832m) with comments noted on the respective application files. It was concluded that none of the trees identified for removal to facilitate development were worthy of consideration of formal protection under a Tree Preservation Order.

Canal and River Trust (comments received 15 April 2016) – No objections subject to conditions, comments on the structural integrity of the canal.

Flood Risk Management Team (comments received 22/04/2016) - The site is located in flood zone 1 but there is also an indication there is an amount of surface water flooding (1 in 100 year) at the northern end of the site. The area is at risk from surface water flooding (topographic low spots) and is indicated on the Environmental Agency's mapping system. The risk of flooding from this source will need to be appropriately mitigated before development can commence on site.

The applicant wishes to use four drainage connections that currently serve the site. The capacity of these pipes has been calculated by referring to hydraulic tables. This will have been based on a theoretical condition and gradient of the pipes. Although United Utilities has agreed to the maximum flow capacity of these pipes their condition should be checked on site with a CCTV survey. If the pipe is in such a condition that its capacity is reduced from the theoretical amount then there is an increased flood risk on site.

Environment Agency (comments received 24/05/2016) – No objections subject to conditions

United Utilities (comments received 19/04/2016) – No objections subject to conditions.

at the applicant's expense. The level of cover to the water mains and sewers must not be compromised either during or after construction.

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

The level of cover to the water mains and sewers must not be compromised either during or after construction.

Macclesfield Civic Society – (comments received 03/05/2016)

At least 20 units should be affordable rather than the number proposed. The applicants claim that the previous scheme for 100+ units would be unviable yet provide no evidence to justify this assertion. At least the previous high density scheme would reflect the character of the locality whereas the new scheme has less dwellings and a higher proportion of open market dwellings.

Accordingly there is inadequate justification for the proposed mix of dwelling types, contrary to adopted policies.

Siting, design and external appearance

These elements appear acceptable should it be decided to depart from the requisite affordable housing contribution. Conditions will be necessary to secure appropriate materials and surfaces together with landscaping. The tree planting proposed appears very regimented and should be re-examined.

Access, servicing, parking

Access position acceptable and note the footpath improvements which are essential. There will be a mix of residential and commercial traffic including large HGV movements (albeit less than formerly). Waiting restrictions are proposed for the entire length of Gunco Lane and these should be implemented concurrently with the development. Previous proposals have included a small parking area on the site for the occupiers of the terraced cottages on Gunco Lane/Byrons Lane – further consideration should be given to this as it would ensure the end of on-street parking close to the junction with Byrons Lane.

VIEWS OF THE TOWN COUNCIL

Macclesfield Town Council – (comments 29/04/2016) - This committee has no objection in principle, but seeks that appropriate measures are taken to ensure the highways infrastructure meets the capacity requirements of the additional development.

REPRESENTATIONS

6 neighbour letters received between (04/04/2016-28/04/2016)

- concern over the loss of trees, concern over construction activities causing noise and pollution, parking issues along Gunco Lane, additional traffic, and congestion. No objection to the proposed land use.
- Welcomes the proposed development as the existing site serves no purpose, however traffic issues currently experienced will be exacerbated, parking issues.
- Traffic and highways issues
- Supportive of the proposed plans, excellent use of a brownfield site, adequate parking needs to be provided for the residents of Gunco Lane to alleviate problems.

APPLICANT'S SUPPORTING INFORMATION

- Planning Statement
- Arboricultural Assessment
- Acoustic Report
- Air Quality Appraisal
- Phase 1 and 2 geo-environmental site assessment
- Noise Assessment
- Landscape Specification
- Flood Risk Assessment
- Heritage Statement
- Remediation Strategy
- Statement of Community Involvement
- Transport Assessment
- Construction Management Plan
- Planting Plan
- Viability Appraisal (confidential)
- Ecological Assessment
- Highway Improvement Plan
- Waste Management Plan
- Landscape Scheme
- Planting Plan

Planning statement conclusions

The proposal involves the redevelopment of derelict employment land for housing, within the built up area of Macclesfield.

There is no reasonable prospect of the site being used for employment and the application for an alternative use of the land should be treated on its own merits in line with paragraph 22 of the Framework.

As a previously developed site in a sustainable location, use of the land for housing would be line with the requirements of Local Plan Policy H5 and would support the Government's objectives of boosting the supply of housing and reusing previously developed land.

In summary there would be a number of significant benefits arising from the proposed development, namely:

- New housing to meet a local need, and address the shortfall in housing land supply.
- Redevelopment of previously developed land.
- Significant improvements to the setting of the Conservation Area in this location, which currently overlooks a derelict site.
- Removing a conflicting use (employment use & highways issues) adjacent to residential properties.

There would be no significant impacts on the amenity of neighbouring residents or businesses and a transport assessment has demonstrated that safe access can be achieved, with no adverse impacts on the highways network resulting from the proposed development. There are therefore no adverse impacts capable of significantly and demonstrably outweighing the substantial benefits. The proposed development therefore complies with paragraph 14 of the Framework.

A specialist assessment has been undertaken to determine the viability of the proposals and the resulting level of affordable housing that should be provided on site. The assessment has been conducted in line with local and national guidance and the resulting proposals therefore comply with relevant policy on affordable housing. This acknowledges the need for a flexible approach based on the individual circumstances of the site and the development.

In conclusion, the proposed development accords with relevant local and national planning policy and should therefore be approved in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004).

APPRAISAL

Key Issues

- Principle of development
- Employment Land
- Housing Land Supply
- Sustainability
- Affordable Housing and Viability
- Landscape Impact and impact on the canal
- Trees
- Access
- Ecology
- Amenity
- Flood Risk
- Employment
- Economy of wider area
- Design
- Highways
- Section 106 agreement
- CIL
- Representations
- Conclusions
- Planning Balance
- Recommendation

Principle of development

The site is located within Macclesfield town within an area of a mixture of land uses, the site is a disused employment site and is a brownfield site. Within the settlement boundary there is a presumption in favour of sustainable development providing no material considerations exist to outweigh the benefits of approving the proposals. Proposals for sustainable development should be approved without delay. The application proposes the redevelopment of the Gunco Lane former RH Stevens depot for residential development. The site is currently an employment site, the loss of employment land is contrary to policy E1 of the Macclesfield Borough Local Plan, which states that existing employment land will normally be retained for employment purposes. In this case however, the site has a previous planning consent for the development of 124 dwellings, therefore the principle of redeveloping this site has been established previously. The site is not currently used for employment purposes as the use has ceased at the site, the residential development of the site has been previously accepted by the Council. Due to the sustainable location of the site it is considered that it is acceptable for residential development.

The site is previously developed land, it contains one main building with the remainder of the site being hardstanding, mainly concrete. The redevelopment of previously developed land for residential development is an acceptable form of development, and is encouraged through local and national planning policy. The most recent planning reform consultation from DCLG sets out at paragraph 21.

'We have already made clear our priority for ensuring as much as possible of brownfield land in driving up housing supply. The National Planning Policy Framework states that planning should encourage the effective use of land by reusing brownfield sites provided they are not of high environmental value, and that local councils can set locally appropriate targets for using brownfield land. In the Housing and Planning Bill, we have set out our intention to require local planning authorities to publish and maintain up-to-date registers of brownfield sites suitable for housing. It is our intention that brownfield registers will be a vehicle for granting permission in principle for new homes on suitable brownfield sites. Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.'

It is clear therefore that the thrust of the national planning agenda is supportive of the use of brownfield sites, or previously developed land to be redeveloped to contribute to housing supply. The scheme accords with the aims of the development plan and national planning policy paragraph 17 to 'proactively drive and support sustainable economic development to deliver the homes *inter alia* that the country needs'.

The proposals are therefore acceptable in principle.

Housing Land Supply

The Council's current position with regard to 5 year housing supply is shown below:

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy, 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' 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.

The PPG 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. Therefore it is important that new housing is delivered to reduce this shortfall.

This application proposes 88 dwellings in a sustainable location including 10 intermediate affordable units. Therefore the site will make a valuable contribution to the Council's housing land supply.

Sustainability

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

SOCIAL SUSTAINABILITY

Affordable Housing, Housing Mix and Viability

The viability of the proposals has been assessed by the applicants and independently assessed. The assessment was based on the precise mix of housetypes as proposed against the contributions which would be required for this development. The contributions included an education contribution, open space and recreation contribution and an affordable housing contribution. The results of the viability assessment originally showed that the development

could not bear the cost of the contributions required in order to make the development fully policy compliant. An ideal policy compliant scheme in terms of affordable housing would be 30% on site with a 65/35 split of social rented and intermediate dwellings. However, when reassessing the viability independently the outcome showed that the development could only bear the cost of 10 discount for sale units at 80% of market value as an intermediate affordable housing product. The proposed dwellings are pepperpotted around the site in line with national and local planning guidance which is favourable.

Due to the complex nature of the site and the remediation required, it is considered that following close independent scrutiny the viability argument put forward is a genuine one, and in order for this site to be deliverable, a fully policy compliant scheme cannot be achieved.

The proposed housing mix is a mixture of 3 and 4 bed units, this mix has been viability assessed. The Council's SHMA demonstrates that the yearly demand for dwellings in Macclesfield is 116 x 3 bedroom dwellings. This application proposes 58 x 3 bedroom dwellings with 30 x 4 bedroom dwellings. The SHMA does not show a market demand for 4 bedroom dwellings in Macclesfield, however the proposals do contribute significantly to the demand for 3 bedroom market dwellings.

Whilst the housing mix does not meet 1 or 2 bedroom demand, it does provide a mix of small 3 bedroom units. There will be a mix of 10 housetypes of varying sizes of 3 and 4 bedroom properties with the majority being 3 bedroom properties. It is considered that the mix of dwellings is acceptable in this location.

The proposal is not fully policy compliant with regard to affordable housing, however the maximum possible will be provided which allows the proposals to remain viable.

Education

A proposal of a total of 88 dwellings will put pressure on education services locally. At the pre-application stage it was calculated that £45,000 towards education provision would be required in order to fund 1 SEN place. This cost is to be met and will be secured through the Section 106 agreement. Therefore the proposals provide community benefit as they will not place increased pressure on education facilities locally. Therefore the proposals are policy compliant in terms of education.

Public Open Space and Recreation

The application proposals are within very close proximity to Windmill Park to the north. ANSA were invited to comment on the pre-application, they commented that on site open space provision would not be required due to the proximity to Windmill Park, however off site financial contribution towards improvements to open space and amenity land and recreation and outdoor sports would be required, which would amount to £207,000 towards open space and amenity land and £93,000 towards recreation and outdoor sports.

This contribution has been assessed in the viability appraisal, it was concluded that the proposal could not bear the full cost of the above contributions.

However, the NPPG states that 'to incentivise the bringing back into use of brownfield sites, local planning authorities should:

- Take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.'

It is therefore considered that in order for this proposal to be viable the Council must be flexible in order for the proposal to be delivered, so a contribution of £172,000 which is 57% of the required amount will make a worthwhile contribution to the open space and outdoor sport requirements in the area, and will provide community benefit.

Social Sustainability Conclusion

The proposals for the residential development will make a limited affordable housing contribution with the provision of 10 discount for sale units which is an intermediate product. Strategic Housing have objected as the proposals are not fully policy compliant, however the scheme does make a contribution towards affordable housing which will be secured through a Section 106 agreement.

The proposed development will make a full education contribution and a partial contribution towards open space and outdoor sport, as is considered to be viable, and in order to deliver housing development on a sustainably located brownfield site, the viability argument is given substantial weight in the overall planning balance.

Overall the provision of a reasonable mix of much needed housing for the community along with the affordable housing contributions and other contributions which can be provided by the development are considered on balance to be socially sustainable.

ENVIRONMENTAL SUSTAINABILITY

Landscape Impact

The site is a brownfield site within the urban area of Macclesfield, the proposal is not considered to have a sensitive landscape character. However it does run alongside the canal. Due to the changes in levels the canal is situated at a much higher level than the site and accordingly the dwellings located along the boundary with the canal are split level, with the gardens facing the canal, however are at a much lower level, therefore there will not be garden fences along the canal. The views from the canal towpath will be across the site and the town and will not be hindered by the development.

A landscaping scheme was submitted with the application which has since been amended following comments from the principal landscape architect, the amendments to the proposed planting and landscaping scheme are considered to be acceptable.

It is considered that due to the current condition of the site which is a derelict brownfield site, the proposals will improve and manage the landscape of the area by bringing the area back in to use, with an effective suitable landscaping scheme.

Trees

There are some conifer trees along the southern boundary of the site which are proposed to be removed, the site has been assessed by the arboricultural officer and it is concluded that none of the trees identified for removal to facilitate development were worthy of consideration of formal protection under a Tree Preservation Order, therefore this proposal is acceptable. The proposals include a landscaping scheme which will introduce trees onto the site. The proposals include tree planting along the frontage with Gunco Lane to introduce an avenue of trees there will be some additional tree planting along the main estate road, and to the rear of the site between the housing and the canal embankment. The proposed tree planting is to be

to the front of the properties to avoid the pressure to remove trees in the future, and in key focal points on the site.

Access

The proposed development does not appear to affect a public right of way. However, it does run parallel with the tow path for the canal. The tow path will not be affected by the proposals.

The application proposes one access point off Gunco Lane, with an additional pedestrian access point. The pedestrian access point leads to S4 on the main layout plan. One access road will serve the site which snakes around the site maintaining active frontages and the majority of car parking is to the front of the properties.

The site is very sustainable in terms of its location, the site is within walking distance to shops, services and public transport links and within close proximity to the park to the north.

Ecology

As part of any development proposals it is important that proposals do not endanger European protected species or species of conservation importance. The Council's ecologist has commented on the proposals with regard to bats, badgers, breeding birds the retention of woodland and hedgerows. The site does include a substantial badger sett, the scheme has been designed to avoid this area of the site, in line with advice from the Council's ecologist. The ecologist has commented that the proposals are acceptable subject to conditions requiring adequate mitigation. Therefore the proposals accord with policy NE11 of the MBLP.

Amenity

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the development is not located within an area which would harm the amenities of future residents, or the proposals would not cause harm by overlooking, loss of light or loss of privacy to future or existing residents.

An air quality appraisal, noise assessment, phase I and II geo-environmental assessments, remediation strategy, construction management plan and waste management plan have been submitted with the application.

Environmental Health has commented on the application and has raised no objections with regard to contaminated land, air quality or noise subject to conditions. The Environment Agency has raised no objections subject to conditions.

The proposed layout of the site has few directly facing back to back dwellings due to the shape of the site, however all back to back dwellings have a separation distance of 21m along with suitable boundary treatments which together are considered to be acceptable to reduce overlooking or a loss of privacy between dwellings. The garden areas are considered to be sufficient, therefore it is considered that the proposals accord with policy DC38 which allows for flexibility with regard to separation distances and policy DC3 which aims to protect the amenity of existing and prospective residents of dwellings.

Flood Risk

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area. The application is accompanied by a Flood Risk Assessment which concludes that the site is in flood zone 1 and is at a low risk of flooding from fluvial, tidal, sewer related and artificial sources, and finished floor levels will be 150mm above external levels to ensure that external levels fall away from the dwellings in line with building regulations. United Utilities, The Environment Agency and the Council's Flood Risk Team have commented on the proposals, no objections have been raised subject to suitably worded conditions.

It is concluded therefore that the proposals accord with policy DC17 of the MBLP and the NPPF.

Design

The proposed development has been subject to negotiation on design with the conservation and design officer and planning officers at pre-application stage, the final design adopts urban design principles, and ensures that a high quality layout, landscaping and housetypes will enhance the area. The design will allow the site to be incorporated into the street scene by adopting an active street frontage, the surfacing materials of the highway have a hierarchy of materials on the bends on the road through the site. The proposed landscaping will create avenues of trees along the main route across the site along with the frontage along Gunco Lane. Chimneys have been introduced to a number of the dwellings to add interest to views across the site from the higher viewpoint of the canal.

The proposed boundary treatments are considered to be acceptable. There are 10 housetypes in detached and semi-detached forms to create variety across the site and a pallet of materials will be agreed to ensure that the materials are of a high quality and are suitable for the character of the area. The dwellings have adequate front and rear amenity space, some car parking is located at the front of the dwellings and other car parking is to the site of the dwellings.

It is considered that the design and layout will make a positive contribution to the character of the area, and will create a sense of place from a brownfield site. The proposals accord with policy DC1 of the MBLP.

Highways

A small number of objections have been received in relation to the proposals, mainly relating to increased traffic the development will cause on an already busy road, along with highways issues such as on-street parking. The application proposes to create a new access off Gunco Lane to serve the development along with a pedestrian access. It is considered that the proposed development provides adequate car parking for the proposed dwellings. The application includes an offsite highway improvement which has been agreed with the highway authority and will be agreed as part of a Section 278 agreement, this will improve the Heapy Lane junction on to Gunco Lane.

The proposals will improve the footpath along the frontage of the site with Gunco Lane, CEC highways have raised no objections to the proposals subject to the offsite works to the Heapy Lane junction. The information submitted with the application has demonstrated that the

number of trips that would be generated from the site will be less than 1 per minute during each of the peak hours and capacity assessments of the site access and of the Gunco Lane/Byrons Lane junctions have demonstrated that the impact will be minimal. The level of car parking on site is considered to be acceptable with 2 car parking spaces per dwelling plus garages for some of the larger dwellings. Highways have raised no objections to the proposed development and consider the proposed access arrangements and car parking provision to be sufficient.

Environmental Impact Assessment

An EIA Screening Opinion was submitted with the application for completeness. Generally a residential development of this size of up to 88 dwellings within a sustainable town location would not be an EIA development as it would not have a greater than local impact on the environment, in this case there are no particular ecological or environmental impacts of the development which cannot be mitigated. Therefore in this case the Council does not consider this to be an EIA development when assessed against the 2011 EIA regulations.

Environmental sustainability conclusions

It is considered that the proposed development is environmentally sustainable. The proposed design of the site is acceptable, the site does require remediation, which is subject to the submitted remediation plan and suitable conditions. The proposed access and parking arrangements are acceptable, and there are no outstanding ecological or arboricultural issues. The application will see an improvement to the local landscape.

ECONOMIC SUSTAINABILITY

Employment

The proposed development will provide employment in the short term during the remediation and construction of the development in the area.

Economy of the wider area

The addition of 88 units within the town will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Macclesfield Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

Economic sustainability conclusions

The proposals will result in additional employment in the sort term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of a brownfield site by providing market and affordable housing in a town centre location.

Section 106 agreement

The terms of the Section 106 agreement are not formally agreed however the applicant proposes the following:

- Provision of 10 intermediate tenure homes at 80% market value.
- Educational contribution of £45,000 for 1x SEN place.
- Contribution towards open space and outdoor sport total £172,000.

CIL Regulations

Community Infrastructure Levy (CIL) Regulations LEVY (CIL) REGULATIONS In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is 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; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified and only go part of the way to meeting the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

Representations

A small number of representations have been received in relation to the application, the majority of which supportive of the principle of the development with reservations and objections relating to traffic and parking. However, it is considered that the proposals are acceptable in highways terms subject to the proposed junction improvements and conditions and will not have a detrimental impact on the local highway network. Due to the sustainable location of the development, walking and the use of public transport is a realistic option which could reduce the demand of the private car on the site. Those comments relating to this scheme and its merits have been addressed in the main body of the report. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report.

Paragraph 14 of the NPPF states that should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

PLANNING BALANCE

The site is previously developed and the principle of development is acceptable in this location. The site is sustainably located within the town and the proposals represent an efficient use of a disused brownfield site. The principle of residential development of previously developed land is supported at all levels of planning policy where the Government's aims are clear. PDL and brownfield sites should be used to boost housing supply where appropriate, the housing and planning bill consultation paper sets out the Government's intention 'Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.' Clearly these proposals align with the intention of the Government to encourage the use of brownfield land to boost housing supply.

Cheshire East cannot demonstrate a 5 year supply of housing, therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or specific policies in the Framework indicate development should be restricted.

Following effective pre-application discussions, a suitable scheme was submitted which has required only alterations to the landscaping scheme, and the majority of information has been submitted reducing the need for numerous planning conditions. A robust viability exercise was carried out, which has demonstrated that the scheme cannot be fully policy compliant, however the scheme does make some provision for some affordable housing, a full education contribution and a partial contribution towards open space and outdoor sport. Unfortunately the proposals cannot bear the cost of a full contribution however, the viability outcome has been accepted by officers.

The proposal is considered to be sustainable in terms of social, environmental and economic sustainability.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, and benefits for local businesses.
- The proposal will not have an adverse landscape impact.
- Full Education Contribution of £45,000 for 1 SEN place.

The development would have a neutral impact upon the following subject to mitigation:

- Impact on the highway network is considered to be neutral following mitigation.
- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.
- No adverse impact on protected species/ecology subject to mitigation.
- A partial contribution towards open space, outdoor sport of £172,000 (57% of the full requirement)

The adverse impacts of the development would be:

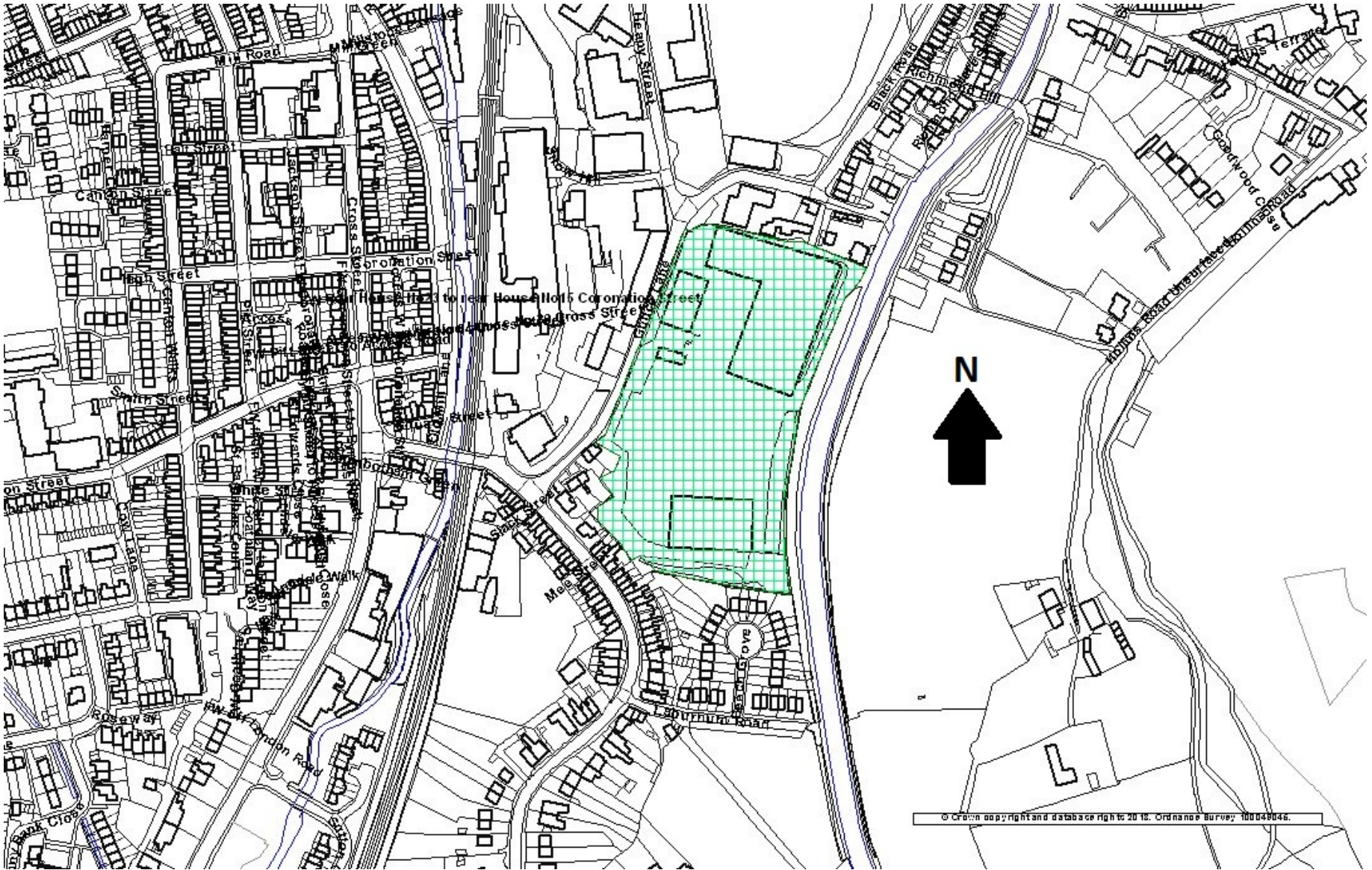
-No full affordable housing contribution however 10 intermediate units at 80% discount will be provided.

On balance, it is considered that the proposal represents sustainable development and accords with the development plan and national planning policy and guidance. The benefits of the scheme outweigh the disbenefits of granting approval. Therefore for the reasons mentioned above the application is recommended for approval.

RECOMMENDATION

Approve

1. Time Limit 3 Years
2. Approved Plan and document condition
3. Facing Materials to be agreed
4. Boundary treatment details
5. The development shall only be carried out in accordance with the approved Flood Risk Assessment and mitigation measures herein.
6. Sustainable drainage management and maintenance plan to be submitted.
7. Details of the foundations of the development to be submitted C&RT
8. Proposed Cross Sections a minimum of 10m beyond the boundary fence.
9. Canal embankment method statement to be submitted
10. Arboricultural works to be carried out in accordance with Arboricultural Impact Assessment received.
11. Remediation Strategy to be submitted.
12. No occupation to take place until a verification report demonstrating completion of remediation strategy approved.
13. Unsuspected contamination
14. No piling without prior consent of LPA to demonstrate no risk to groundwater
15. Prior to first occupation of the development, the footway improvements as shown on indicative plans '1270-F01 rev A' and '1270-04', should be complete.
16. Construction Management Plan
17. Finished Floor Levels to be submitted
18. Nesting Birds
19. Facilities for breeding birds
20. Badger survey
1. UU informative
2. EA informative
3. NPPF



Application No: 15/5800M

Location: Brickyard Farm, 25, ADLINGTON ROAD, WILMSLOW, CHESHIRE, SK9 2BJ

Proposal: Proposed 2 storey extension to existing farm house, erection of 3 number 2 storey detached properties & associated works.

Applicant: Mr Chris Williamson, David Wilson Homes North West / Mrs Marg

Expiry Date: 04-Mar-2016

REASON FOR REPORT

The application has been called to Committee by the local Ward Member, Cllr Fox, due to concerns about the emergency access.

SUMMARY

The site is located on land safeguarded under local plan policy GC7. The wider safeguarded site is currently being developed for 204 dwellings. The Macclesfield Borough Local Plan period ran for 7 years between January 2004 and 2011, and we are now therefore well beyond the plan period. Policy GC7 has also been identified by an Inspector as being out of date, and Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of additional market housing which would make a small contribution to the Councils delivery of a 5 year housing land supply. It would also provide economic benefits through the provision of employment during the construction phase and benefits for local businesses.

Whilst clarification is still required on the impact upon protected species, the impact upon other matters of public interest such as highway safety, residential amenity, trees, drainage implications, the character of the area is all considered to be broadly neutral subject to the imposition of appropriate conditions as required. The only adverse impact of the proposal arising from the development is the conflict with local plan policy GC7.

The comments received in representation relating to material planning considerations have been considered in the report. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme

are significantly and demonstrably outweighed by the benefits. Accordingly the application is recommended for approval subject to conditions.

RECOMMENDATION

Approve subject to conditions

REASON FOR DEFERRAL

The application was deferred from the Northern Planning Committee on 1 June for the following reasons:

- *Clarification on road safety points raised by objector*
- *Emergency access, including road safety audit (if appropriate) and its location in relation to approved layout on adjacent site*
- *Consultation period to expire*

Consideration of reasons for deferral

Clarification on road safety points raised by objector

Brickyard Farm (a single dwelling) is served by its own access drive from Adlington Road. This access drive is also the route of public footpath FP72, as it has been for many years. The access drive is also an emergency access for the adjacent development of 204 dwellings.

The existing Brickyard Farm access drive will be utilised by one of the proposed dwellings, with the other three utilising the main access through the adjacent development at Bollin Park. Therefore the access drive will still only be used by one dwelling. FP72 is unaffected by the proposed development, and there will not be a material impact upon the already approved emergency access arising from the additional three dwellings.

The road safety points raised by the objector relate to his continued dissatisfaction over how they were dealt with at the time of application 14/0007M, and the associated discharge of condition application. The proposed development does not raise any new highway safety issues.

Emergency access, including road safety audit (if appropriate) and its location in relation to approved layout on adjacent site

The approved emergency access is unaffected by the proposed development. No road safety audit is necessary as no works within the public highway are proposed by the current application.

Consultation period to expire

The publicity period expired on 23 June, and three additional letters of representation have been received objecting to the proposal on the following grounds:

- Dangerous access
- Unacceptable road safety hazard being created on Adlington Road by what is being planned for Brickyard Farm plus the adjacent Bollin Park developments. The two cannot be considered in isolation. They are two parts of a whole.
- Emergency lane is for that purpose alone and not as a public right of way

- Is or will be a public footpath and cycle track, endangering these users if motor vehicles use the lane
- Footpath users have to cross road on dangerous bend

Conclusion on reason for deferral

There is no materially greater impact upon highway safety compared to the previous approval on the adjacent site. Accordingly the application is recommended for approval

PROPOSAL

This application seeks full planning permission for a two-storey extension to the existing farm house, and the erection of 3no. two-storey detached properties & associated works.

SITE DESCRIPTION

The application site comprises the farmhouse and outbuildings of Brickyard Farm with front garden area and access driveway. The site is identified as safeguarded land in the Macclesfield Borough Local Plan.

RELEVANT HISTORY

14/0007M - Erection of 204 dwellings including demolition of outbuildings, public open space, highways works, entry statement signs and associated infrastructure – Approved 09.10.2014

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

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

Development Plan

The Development Plan for this area is the 2004 Macclesfield Borough Local Plan. The relevant Saved Policies are:

Macclesfield Borough Local Plan Policy

NE11 Nature conservation interests

NE17 Improvements to Nature conservation in the countryside

BE1 Design Guidance

GC7 Safeguarded Land

RT1 Areas of Open Space

RT7 Cycleways, Bridleways and Footpaths

H1 Housing requirement

H2 Environmental Quality in Housing Developments

H8 Provision of Affordable Housing

H13 Protecting Residential Areas;
T3 Pedestrians
T4 Access for people with restricted mobility
T5 Provision for Cyclists
T6 Highway improvements and traffic management
DC1 Design criteria for new build
DC3 Amenities of residential property
DC5 Design – natural surveillance
DC6 Circulation and Access
DC8 Landscaping
DC14 Noise mitigation
DC17 and DC18 Water Resources
DC35 Materials and Finishes
DC36 Road layouts and circulation
DC37 Landscaping in housing developments
DC38 Space, light and Privacy
DC40 Childrens Play Provision and Amenity Space
DC63 Contaminated land

Cheshire East Local Plan Strategy – Proposed Changes Version

Relevant policies of this document are:

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

CONSULTATIONS

Head of Strategic Infrastructure – No objections

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

Public Rights of Way – No objections subject to advisory note

Flood Risk Manager – No objections

United Utilities - No objections

Wilmslow Town Council – Raise strong reservations regarding access to and from the site and the highway due to this junction's close proximity to a bend in the road where accidents have occurred.

REPRESENTATIONS

At the time the application went to committee on 1 June, 7 letters of representation had been received objecting to the proposal on the following grounds:

- Concern about use of emergency access by entire development
- Impact on doctors, hospitals and schools
- The development will add to the obvious risks especially for young pedestrians and cyclists on the way to Vardon Bridge.
- The lane should only be used by Brickyard Farm and by Emergency Vehicles.
- The application should certainly not be granted without another independent Road Safety Audit report.
- In the submitted drawings the Emergency Access road is illustrated as a pedestrian and cycle route. This would create unacceptable dangers for young children using this route.

APPRAISAL

The key issues are:

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

Principle of development

The application site is allocated in the Macclesfield Borough Local Plan (2004) as Safeguarded Land. Safeguarded land is land that may be required to serve development needs well beyond the Local Plan period (2011). Policy GC7 of the Local Plan explains that the land is not allocated for development at the present time and policies relating to development in the countryside will apply. The reasoning for policy GC7 explains the land “may only be allocated in the future within the strategic planning context and following the guidance for the assessment of development sites contained in PPG3 Housing (2000)”. Policy GC5 deals with development in the open countryside, which “will not be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area”. The development does not fall into one of those categories.

As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether there are other material considerations associated with this proposal, which are sufficient to outweigh the policy concerns.

The extension to the existing farmhouse falls to be considered against policy GC12 of the local plan, which allows for extensions to existing dwellings of up to 30% of the original floorspace of the house. One of the exceptions to this policy is when the property lies in a group of houses or ribbon of development and the extension would not be prominent, as is the case here. The proposed extension is therefore considered to comply with the requirements of policy GC12.

In terms of the new dwellings, the site is now located between the housing development approved under 14/0007M, which was approved on safeguarded land, and is now a committed site in the Proposed Changes Version of the emerging local plan, and the predominantly residential area of Overhill Lane. This small section of safeguarded land therefore serves little strategic purpose. Furthermore, as noted at the time of 14/0007M the Macclesfield Borough Local Plan period ran for 7 years between January 2004 and 2011, and we are now therefore well beyond the plan period. Policy GC7 has also been identified by an Inspector as being out of date, and as such paragraph 14 of the Framework is triggered where it states:

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

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

ENVIRONMENTAL SUSTAINABILITY

Design / Character

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

The local area is characterised by a variety of buildings, which are predominantly two or three storeys. The modest extension to the farmhouse is in keeping with the existing building, and it is a positive aspect of the proposal that the attractive farmhouse is being retained. The design of the new houses will be similar to the house types approved in more significant numbers on the adjacent site and will therefore be in keeping with the local area.

Overall, the proposal is not considered to have any significant impact upon the character of the area, and therefore complies with the requirements of policy BE1 of the local plan.

Trees

The Forestry Officer has confirmed that there are no significant arboricultural implications associated with the proposed development, subject to a method statement for any resurfacing of driveway

Ecology

The nature conservation officer has provided the following comments on the application:

Bats

A minor bat roost was previously recorded within the buildings at this site. As we are now at the optimum time for bat surveys, an updated bat survey has been requested, and the findings will be available prior to the committee meeting. Further details will be provided as an update.

Hedgerows

Native species hedgerows are a priority habitat and hence a material consideration. Native species hedgerows are present upon the southern boundary of the application site. It was recommended that these hedgerows be retained as part of the proposed development, and as such the landscaping proposals have been amended to show this.

Nesting Birds

If planning consent is granted a condition requiring a nesting bird survey is recommended.

Residential Amenity

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

Brickyard Farm is located close to the rear boundary of 11 Overhill Lane, but the extension does not bring the building any closer. This relationship is therefore acceptable. Plots B1 and B2 both meet the separation distance guidelines to the adjoining neighbours on Overhill Lane. The garage of plot B1 comes within 8.5 metres of the rear elevation of Blackcomb (shown as Lindfield on the plans), however due to the scale and form of the proposed garage and the substantial boundary treatment along the southern boundary of the site, there is not considered to be any significant loss of space, light or privacy arising from the proposal.

No further amenity issues are raised.

Accessibility

Wilmslow train station and leisure centre are approximately 1.6km from the site, with the town centre a further 400m beyond these facilities. The town centre can be accessed on foot or cycle. The facilities at Dean Row are also an option for residents. No accessibility issues were raised at the time of the approval of the wider site. The site is therefore considered to be in a moderately accessible and sustainable location.

Highways

Three of the four dwellings that are the subject of this application will be accessed from the new Bollin Park development site. Only one property, plot B1 will be accessed along the emergency access route directly from Adlington Road. This is the same as the existing situation where Brickyard Farmhouse utilises this for their access. It is proposed that Brickyard Farmhouse utilises the access through the new Bollin Park development. The emergency access will not be used by other vehicles other than in an emergency. The access will be controlled by demountable bollards and a condition can be imposed to ensure that the emergency access is not used other than by plot B1 and emergency vehicles.

No highway safety issues are therefore raised.

Flood Risk

The Flood Risk Manager has raised no objections to the proposal.

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' 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. This is a matter that weighs in favour of the proposal.

Affordable Housing

The IPS: Affordable Housing states that for settlements with a population of 3,000 or more affordable housing is required on developments which are for 15 dwellings or more, or are over 0.4ha. As such there is no requirement for affordable housing.

Open Space

The proposal does not trigger any requirement for public open space, and the site will be well served by the existing open space at Browns lane and the additional open space approved as part of 14/0007M.

ECONOMIC SUSTAINABILITY

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

PLANNING BALANCE

The site is located on land safeguarded under local plan policy GC7. The wider safeguarded site is currently being developed for 204 dwellings. The Macclesfield Borough Local Plan period ran for 7 years between January 2004 and 2011, and we are now therefore well beyond the plan period. Policy GC7 has also been identified by an Inspector as being out of date. The Council cannot demonstrate a 5 year supply of deliverable housing sites and

therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of additional market housing which would make a small contribution to the Councils delivery of a 5 year housing land supply. It would also provide economic benefits through the provision of employment during the construction phase and benefits for local businesses.

Whilst clarification is still required on the impact upon protected species, the impact upon other matters of public interest such as highway safety, residential amenity, trees, drainage implications, the character of the area is all considered to be broadly neutral subject to the imposition of appropriate conditions as required. The only adverse impact of the proposal arising from the development is the conflict with local plan policy GC7.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, 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 the application is recommended for approval subject to conditions below.

RECOMMENDATION

Approve subject to conditions

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Pile Driving

5. Submission of construction method statement
6. Scheme to minimise dust emissions to be submitted
7. Nesting birds survey to be submitted
8. Emergency access to be utilised only by plot B1 and emergency services
9. Details of refuse storage facilities to be submitted
10. The submission of a remediation strategy (cont land)
11. Any materials to be brought to site for use in soft landscaping to be tested for contamination
12. In the event contamination not previously identified is found to be present, no further works shall be undertaken until LPA is notified
13. Implementation of submitted landscaping scheme
14. Arboricultural method statement for resurfacing of driveway to be submitted



Application No: 15/1955M

Location: YESTERDAYS HOTEL, HARDEN PARK, ALDERLEY EDGE, CHESHIRE, SK9 7QN

Proposal: The demolition of the existing nightclub building and for the erection of 12no. dwellings (C3), including 4no. affordable dwellings, with associated car parking, gardens and landscaping

Applicant: Mr Eliot Baker, Intro Developments Limited

Expiry Date: 10-Sep-2015

REASON FOR REPORT

The application is a major development, and has been advertised as a Committee item prior to the changes to the scheme of delegation. It is therefore appropriate for the application to be determined by the Committee.

SUMMARY

The application is recommended for approval as a high quality sustainable housing development, making good use of an unsightly brownfield site in the Green Belt.

The proposal is identified as an inappropriate form of development, which is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that local authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision in Alderley Edge, despite there being no policy requirement for any. This is a substantial social benefit of the proposal.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide contributions towards enhancements to existing public open space facilities in Alderley Edge for proposed and existing residents.
- The development would make effective use of a previously developed site.
- The proposal would remove the existing unsociable use of the nightclub, given the proximity of existing residential properties.

- The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.
- The development as a whole adopts a design approach that relates well to the site and will make a positive contribution to the character of the area.
-

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions and the s106 agreement to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity, noise, air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The harm to the Green Belt by reason of inappropriateness.
- Impact on openness

It is considered that the benefits identified above are collectively considered to clearly outweigh the harm to the Green Belt by reason inappropriateness in this case. Very special circumstances are therefore considered to exist, in accordance with paragraph 88 of the Framework.

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

Accordingly the application is recommended for approval.

SUMMARY RECOMMENDATION

Approve subject to conditions and a s106 agreement

PROPOSAL

The application seeks full planning permission for demolition of the existing nightclub building and for the erection of 12 residential dwellings, including 4 affordable units, associated car parking, gardens and landscaping.

SITE DESCRIPTION

The application site comprises a former nightclub building, a number of ancillary outbuildings and a car park area. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

RELEVANT HISTORY

15/3696M - Prior notification of proposed demolition – Approval not required 18.09.2015

11/0268M - Extension, refurbishment and alteration of the former Yesterdays night club, Harden Park, Alderley Edge to create a 68 bed hotel with ground floor bistro and spa together with associated car parking for 79 car parking spaces, landscaping and associated works – Withdrawn 21.09.2011

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development.

50 Wide choice of quality homes

56-68 Requiring good design

69-78 Promoting healthy communities

79-90 Green Belts

Development Plan

Macclesfield Borough Local Plan

NE11 Nature Conservation

BE1 Design Guidance

GC1 Green Belt – New Buildings

H1 Phasing Policy

H2 Environmental Quality in Housing Developments

H5 Windfall Housing Sites

DC1 New Build

DC3 Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC35 Materials and Finishes

DC37 Landscaping

DC38 Space, Light and Privacy

DC40 Children's Play Provision and Amenity Space

Cheshire East Local Plan Strategy – Proposed Changes 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
EG1 Economic Prosperity
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
CO2 Enabling business growth through transport infrastructure
CO4 Travel plans and transport assessments

Other Material Considerations:

National Planning Practice Guidance (NPPG)
Interim Planning Statement: Affordable Housing
Strategic Housing Market Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

CONSULTATIONS (External to Planning)

Manchester Airport – No objections subject to conditions to prevent the attraction of birds

United Utilities – No objections subject to conditions relating to foul and surface water drainage.

Network Rail – No objections subject to conditions relating to the protection of the railway line.

Environmental Protection – No objections subject to conditions relating to contaminated land, noise mitigation, pile foundations, dust control, and electric vehicle infrastructure.

Flood Risk Manager – No objections subject to conditions relating to surface water drainage.

Housing – No objections.

Head of Strategic Infrastructure – No objections

ANSA – No objections subject to financial contributions in lieu of on site provision

Education – No objections subject to financial contributions towards secondary provision.

VIEWS OF THE PARISH / TOWN COUNCIL

Alderley Edge Parish Council - No objection subject to the condition that the plans are amended to make this an open, not a gated community. The PC are supportive of this regeneration scheme and in the sensitivity demonstrated in its environmental / ecological considerations and non-intrusiveness of design.

OTHER REPRESENTATIONS

One letter of representation has been received from the neighbour at Harden Lodge noting their approval of the application. The Japanese Knotweed requires urgent and effective treatment.

Following the receipt of revised plans, further consultation has been undertaken. This period expires on 4 July 2016, and therefore any additional representations will be reported as an update.

APPRAISAL

The key issues to be considered in the determination of the application will be:

- Whether the proposal is acceptable in the Green Belt
- The impact upon the character and appearance of the area
- The impact on residential amenity
- The impact upon highway safety
- The impact upon nature conservation interests

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, and the public consultation expired on 15 April 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' 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 Sedgfield 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.

Further to this, the NPPF clearly states at paragraph 49 that:

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

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

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

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

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development, or whether specific policies in the Framework indicate the development should be restricted.

Affordable Housing

The Council's Interim Planning Statement on Affordable Housing states that the desired target percentage of all sites greater than 15 units or 0.4 hectares is 30%. This should comprise of

a ratio split of 65/35 between social rented and intermediate housing. The Housing Strategy & Needs Manager advises that there is a high need for one and two bed affordable apartments or houses in Alderley Edge.

During the course of the application, the numbers of dwellings have increased from 10 to 12, and as part of this revision 4 affordable units are now proposed on site.

The NPPG states that there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

These circumstances include:

- Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm

In this case, the proposal is for 12 units with a combined floorspace of 1765sqm. Based on these figures affordable housing can be sought from the development.

However, the NPPG also provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this case, the floorspace of the existing buildings is 1645sqm and the proposed floorspace is 1765sqm, an increase of 120sqm. The affordable housing contribution can therefore only be sought from the additional 120sqm as a proportion of what would normally be required. 30% of 120 is 36sqm, which is less than 1 dwelling, and therefore there is no affordable housing requirement for this development.

Notwithstanding the above, the applicants are still offering 4 of the dwellings as affordable units, all provided as discounted housing for sale. The level of discount required in the IPS is a minimum of 30%, and the proposed dwellings will be provided as 30% discount to open market value. This is considered to be a benefit of the proposal, however the affordable units will need to be subject to a satisfactory arrangement to ensure that the benefit of below market price housing is available in perpetuity to future occupants. This matter can be covered within a s106 agreement.

Open Space

The proposal is above the threshold identified within the Council's SPG on planning obligations for the provision of public open space and recreation / outdoor sport facilities. Normal requirements are for 40 square metres per dwelling. It appears that this cannot be provided on site and therefore financial contributions will be required for off site provision.

The contributions derive from the SPG which requires £3000 per family dwelling for public open space and £1000 per family dwelling for recreation and outdoor sports facilities. The recreation / outdoor sports contribution is normally waived for the affordable units.

The public open space contribution will be used for improvements, enhancements and additions to play and amenity provision at Alderley Park for new toddler play and social play items, and for new entrance and access features to the site, and for access improvements and accessible plots at Beech Road and Hayes Lane allotments sites for benefit of plot holders.

The recreation and outdoor sport contribution will be used for improvements, enhancements and additions to recreation and outdoor sports facilities at Alderley Park for improvements to the tennis and MUGA courts and at Chorley Hall playing fields for drainage and access improvements.

Education

The proposed development of 12 dwellings will generate 2 primary aged pupils and 2 secondary aged pupils.

Primary schools within 2 miles of the site (Alderley Edge, Ashdene, St Anne's Fulshaw, Gorsey Bank, Lacey Green, Lindow, Mottram St Andrew, Nether Alderley) have been considered for capacity, and forecasts show the additional pupils can be accommodated

Secondary within 3 miles of the site (Wilmslow High) have been considered for capacity and forecasts show that there will be insufficient capacity in Wilmslow High School to accommodate the pupils generated by the proposed development. Therefore financial contributions will be required towards accommodating these pupils.

This equates to $2 \times £17,959 \times 0.91(\text{regional weighting}) = \underline{£32,685.38}$

ENVIRONMENTAL SUSTAINABILITY

Green Belt

Paragraph 89 of the Framework identifies that the complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development is not an inappropriate form of development.

The key test for this aspect of Green Belt policy is not whether the proposal is materially larger than the existing; it is whether the proposal has a greater impact upon the openness of the Green Belt and the purpose of including land within it. For this reason, it is considered that the assessment should relate more to the overall scale, bulk and massing of the proposed development compared to the existing and the associated impact upon the openness of the Green Belt, rather than a comparative assessment of floorspace / footprint.

The main nightclub building sits towards the front of the site, with the smaller ancillary buildings positioned tightly against the northern boundary, The highest part of the nightclub building is approximately 11 metres in height, with the main lower section approximately 9.5

metres. The remaining ancillary buildings comprise a lower two-storey element and single-storey structures. The existing parking area is located to the south of the existing buildings, and is separated from the pond which occupies much of the eastern side of the site by an undeveloped area.

The existing buildings on the site have a floor area of 1,645sqm and the proposed dwellings have a combined floor area of 1,765sqm. There is also a relatively substantial car park within the site, which will have an existing impact on openness, and can therefore be included in the balancing exercise when assessing the impact of the proposal upon the Green Belt. In volume terms, the existing buildings have a combined volume of 5,860cu.m and the proposed buildings have a combined volume of 5,713cu.m, resulting in a reduction of 147cu.m.

Whilst it is acknowledged that the overall volume of buildings will be reduced, and due to the form of the dwellings their heights will be kept relatively low, they are much more spread across the site than the existing development. Openness is commonly referred to as the absence of built development, and the proposal does extend into an area that does currently have an absence of built development, beyond the car park. For this reason, it is considered that the proposal will have a greater impact on openness than the existing development. The proposal is not considered to have a greater impact on the purposes of including land in the Green Belt than the existing development. However, due to the loss of openness the proposal is considered to be an inappropriate form of development in the Green Belt.

Paragraphs 87 and 88 of the Framework state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has put forward the following factors, which they consider collectively amount to the required very special circumstances to outweigh the harm to the Green Belt:

- The site was last used as a nightclub which remains its lawful use. This use does not sit within a town centre location helping the vitality and viability of Alderley Edge. Rather, it is a use which is not conducive to its current environment given residential amenity, safety and highways considerations. It would not be desirable for a nightclub to reopen in this particular location given the above factors.
- The site is vandalised on a regular basis and is becoming an eyesore and a safety risk. Redevelopment for residential will remove the unsightly buildings resulting in a beneficial impact on the Green Belt.
- The proposed development will deliver 30% affordable housing on site which is significant given the issues surrounding affordable provision in the local area.
- The quality of the proposed development is exceptional. It not only has been designed specifically to reflect the characteristics of the site but it also incorporates a number of features which are considered to be exemplars in terms of sustainability including green roof/walls, ground source heat pumps etc.
- The whole design ethos and rationale is based on a spacious form of development rather than a compact form of development increasing height. To change the scheme to a 'standard' product would be significant step backwards in delivering a high quality form of development for the application site.

These matters are considered further in the planning balance section of the report below.

Residential Amenity

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property 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 proposal will result in the buildings being moved further away from the boundary shared with the residential property to the North of the site, which will improve the relationship of the buildings with this property.

The proposed dwellings all meet the distance guidelines set out in policy DC38 of the Local Plan. An adequate amount of space, light and privacy is retained between the dwellings. No further amenity issues are therefore raised.

Air Quality

Having regard to the relative scale of the proposal and the existing lawful use of the site, no significant air quality concerns are raised. Environmental Protection have recommended a condition for electric car charging points to be provided, in the interests of air quality and to encourage the uptake of sustainable transport options for future occupants of modern housing.

Noise

The application site is in an area of Alderley Edge which is subject to transport noise from the Railway and the B5349 Alderley Road (and to some degree the nearby A34). Without suitable mitigation there would be an adverse impact on future occupants due to noise. The applicant has submitted an acoustic report in support of the application showing the mitigation required to ensure acceptable internal noise levels within properties adjacent to the B5349 and the Railway. Other properties in the central area of the site will not require acoustic mitigation.

It is therefore recommended that the glazing of all habitable rooms of dwellings affected by noise from the B5349 and the nearby railway (as outlined in the acoustic report reference 6266527 dated 20 March 2015) shall achieve (as a minimum) 27dB Rtr acoustic reduction. This can be achieved with a glazing specification of 4mm-16mm-4mm, and can be dealt with by condition.

It is noted that no acoustic mitigation is recommended for external garden areas; however the report suggests that where fencing is provided between the site and adjacent road / railway it should be close boarded fencing. It is noted that Network Rail require a suitable boundary fence as part of the development and the applicant is therefore advised to consider the acoustic benefits when specifying the boundary treatment. A condition relating to boundary treatments is therefore recommended.

Trees

There are a number of trees along the boundaries of the site which are to be removed, none of which are formally protected. Comments from the arboricultural officer are awaited,

however the trees have been the subject of detailed discussions with the applicant on site and no significant issues are anticipated. Further details will be provided as an update.

Landscape

The application site is currently well screened in views from the north, south and east by mature trees within and around the site. The development would involve the removal of a 90 metre length of trees and scrub along the southern boundary adjacent to the Rileys playing field which would open up views in to the site from the playing fields and from the B5359 Wilmslow Road. These boundary trees are however in a very poor condition due to waterlogging and are unlikely to survive in the long-term. Following site discussions, the area available for replacement planting along this boundary has increased slightly and the specification has been enhanced to consist of a 2.5 metre high holly hedge for all-year screening plus a belt of semi-mature and heavy standard trees with an initial height of around five metres. The proposed bungalows are about four metres in height so the new boundary planting, although relatively narrow, should screen and filter views of the development from the outset.

The development would be visible initially from Harden Park Road with fleeting views from Wilmslow Road. The development would however be less conspicuous than the existing building and the proposed tree and shrub planting on the site frontage would screen and filter views and enhance the site entrance.

The large pond in the eastern part of the site would be reduced to about a third of its current size and the scrubby woodland vegetation surrounding the pond would be cleared. The remaining pond area would be cleaned up and enhanced to form an attractive feature for residents and each development plot would be planted with trees, hedges and shrubs to enhance the site.

Landscape conditions, including boundary treatments, levels, and a landscape and habitat management plan including long-term design objectives, management responsibilities and maintenance schedules for all areas that are not within residential curtilages (including the pond, the eastern woodland area, the new southern tree belt and the site frontage planting) are recommended.

Ecology

The nature conservation officer has provided the following comments on the application:

Bats

Evidence of bat activity in the form of roosts of two relatively common bat species has been recorded within the former nightclub. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is now present. The loss of the buildings on this site in the absence of mitigation is likely to have a low-medium impact upon on bats at the local level.

Great Crested Newts and ponds

A great crested newt survey has been undertaken, and it is noted that the first two survey visits were undertaken during very cold weather conditions which may have constrained the

accuracy of the survey results. A small population of great crested newts has been recorded at the pond on site.

The proposed development will result in the temporary loss and modification of the pond utilised by great crested newts and the loss of terrestrial habitat located in close proximity to the pond. As well as providing habitat for protected species, ponds are also a Local Biodiversity Action Plan (BAP) priority habitat. The proposed development would result in the reduction in size of the existing ponds from 0.3ha to 0.1ha. These impacts would result in a medium scale adverse impact upon great crested newts. The close proximity of housing to the pond would also increase the risk of post development interference with the ponds including the introduction of fish and invasive aquatic plant species. The proposed development would also pose the risk of killing or injuring any great crested newts present on site when the works are undertaken.

Habitats Regulations

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since European Protected Species have been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

A structural report has identified the building to be at risk of collapse and is a health and safety issue. The pond occupies a significant proportion of this Brownfield site, and it is likely for any viable re-development of the site to take place, the pond, and the scrub that surrounds it, would need to be amended / removed. Consequently, there are no known alternatives.

Overriding public Interest

Demolishing the unsafe building would remove the health and safety issue it currently presents, which is considered to be of overriding public interest. The proposed development

will allow for an improvement to the existing housing stock within the Alderley Edge area, and remove an unsociable use from the site, at the expense of the applicant together with the achievement of modern day energy efficiency standards.

Mitigation

The submitted report recommends the installation of bat boxes on the nearby trees as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. Conditions relating to the development being carried out with the proposed mitigation measures, and the submission of details of any lighting are recommended.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is broadly acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

In order to address the risk of great crested newts being killed or injured during the construction phase the applicant is proposing to remove and exclude amphibians from the footprint of the proposed development using standard best practice methodologies under the terms of a Natural England license.

The applicant is also proposing to compensate for the loss of terrestrial habitat through the enhancement of the remaining woodland and the provision of an additional pond and habitat creation on land within the adjacent school sports grounds.

The nature conservation officer advises that, considering the size of the newt population present and the availability of offsite habitat the proposed mitigation is likely to maintain the favourable conservation status of the species concerned.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

Conditions relating to the development being carried out in accordance with the great crested newt mitigation measures detailed in the submitted Ecological Impact Assessment, and a detailed design for the alterations to the on-site pond are recommended.

As the proposed pond is located on third party land a section 106 agreement will be required to secure the submission of its detailed design and its implementation.

Reptiles

A reptile survey has been completed of the application site. The nature conservation officer advises that some of the survey visits were undertaken under suboptimal weather conditions. However, based upon what is known about the distribution of reptiles in Cheshire East it is considered that reptiles are not reasonably likely to be present or affected by the proposed development.

Badgers

Evidence of badgers has been recorded on the application site. No evidence of a sett was however recorded on site. There will be a localised loss of badger foraging habitat associated

with the proposed development, but this is unlikely to be significant. If planning consent is granted it is recommended that a condition be attached to ensure that an updated badger survey is submitted prior to the commencement of development.

Common Toad

Common toad was recorded on site. This species is a priority species and hence a material consideration. The implementation of the proposed great crested newt mitigation strategy would also reduce the potential impacts of the proposed development on this species.

Woodland

An area of broadleaved woodland is present on site. The proposed development would result in the loss of a significant area of this woodland. The woodland is listed on the UK BAP inventory of priority lowland broadleaved woodland, however, much of the woodland on site is of recent origin and derived from maturing landscape/garden planting and recent colonisation since active management of the site ceased. It is therefore likely that only the mature woodland located to the east of the site adjacent to the railway line could be considered to be 'priority' woodland habitat. This area of woodland is shown as being retained on the submitted plans.

Landscaping works were shown on previous iterations of the layout within an area in the south eastern corner of the application site. This is an area of the woodland that has notable nature conservation value. The landscape plans were annotated to show that this area of the woodland should be allowed to regenerate naturally following the installation of the footpaths and this area should be confirmed on site by the Council's ecologist. Landscaping plans have not been updated to reflect the changes to the layout, therefore conditions are recommended to ensure:

- The areas of woodland allowed to regenerate naturally should be identified in the landscape scheme and confirmed on site by the Council ecologist prior to any works being undertaken in this area.
- Submission of proposals for the safeguarding of the retained woodland during the construction phase.
- Submission of a 10 year woodland management plan.

Highways

The Head of Strategic Infrastructure has commented on the proposal and the access road is of a sufficient width to serve the proposed number of units and there is sufficient parking provided for each of the units proposed. In terms of the traffic impact, there are no capacity issues that arise from the development of 12 units and it is far less than the consented use of the site.

There will be a requirement for a refuse vehicle to enter the site and therefore servicing arrangements will be required, which can be dealt with by conditions, together with a construction management plan. No highway safety issues are therefore raised, and the proposal complies with policy DC6 of the Local Plan.

Layout & Design

The area is characterised by a small number of substantial buildings in residential and commercial use, set in relatively large landscaped grounds. However, the application site

buildings and the County Hotel opposite have been vacant for some time, and are in some state of disrepair.

The proposal adopts a contemporary approach to the design of the houses aimed at retaining an open feel to the site. The dwellings are all flat roofed single-storey structures and comprise green roofs, living walls and a mix of natural stone, render and timber to the external elevations, in order to integrate the buildings with the landscaped spaces that surrounding them. The proposal works with the existing topography of the site with plots 1, 2, 5 and 7 being set at a higher level along the northern edge of the site, where the existing buildings are positioned, with the remainder being set at the lower level of the car park and pond.

The buildings will incorporate green / sedum roofs, rainwater will be collected in underground storage tanks to be used for flushing toilets, solar panels will be provided for heating water, and ground source heat pumps are proposed to maximise the sustainability of the dwellings.

Subject to appropriate landscaping and materials, the scheme has the potential to make a positive contribution to the local area, and the proposal is considered to comply with the objectives of policies BE1 and DC1 of the Macclesfield Borough Local Plan.

Contaminated land

Due to previous uses of the site and the contaminated land information submitted with the application, the contaminated Land officer recommends a condition requiring a site walkover and phase II contaminated land report to be submitted.

ECONOMIC SUSTAINABILITY

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

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Secondary education contributions of (£32,685.38)
- Open space contributions of £36,000 for public open space and £8,000 for recreation and outdoor sports.
- Provision and phasing of 4 affordable housing units to be provided at 30% discount to market value
- Provision of offsite GCN mitigation.

Community Infrastructure Levy (CIL) Regulations

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

- (a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing, public open space provision, and offsite newt mitigation is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the secondary school within the catchment area which are cumulatively over subscribed. In order to increase capacity of the schools which would support the proposed development, a contribution towards secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

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

PLANNING BALANCE

The proposal is identified as an inappropriate form of development, which is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that local authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision in Alderley Edge, despite there being no policy requirement for any. This is a substantial social benefit of the proposal.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide contributions towards enhancements to existing public open space facilities in Alderley Edge for proposed and existing residents.
- The development would make effective use of a previously developed site.
- The proposal would remove the existing unsociable use of the nightclub, given the proximity of existing residential properties.
- The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.
- The development as a whole adopts a design approach that relates well to the site and will make a positive contribution to the character of the area.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions and the s106 agreement to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.

- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity, noise, air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The harm to the Green Belt by reason of inappropriateness.

It is considered that the benefits identified above are collectively considered to clearly outweigh the harm to the Green Belt by reason inappropriateness in this case. Very special circumstances are therefore considered to exist, in accordance with paragraph 88 of the Framework.

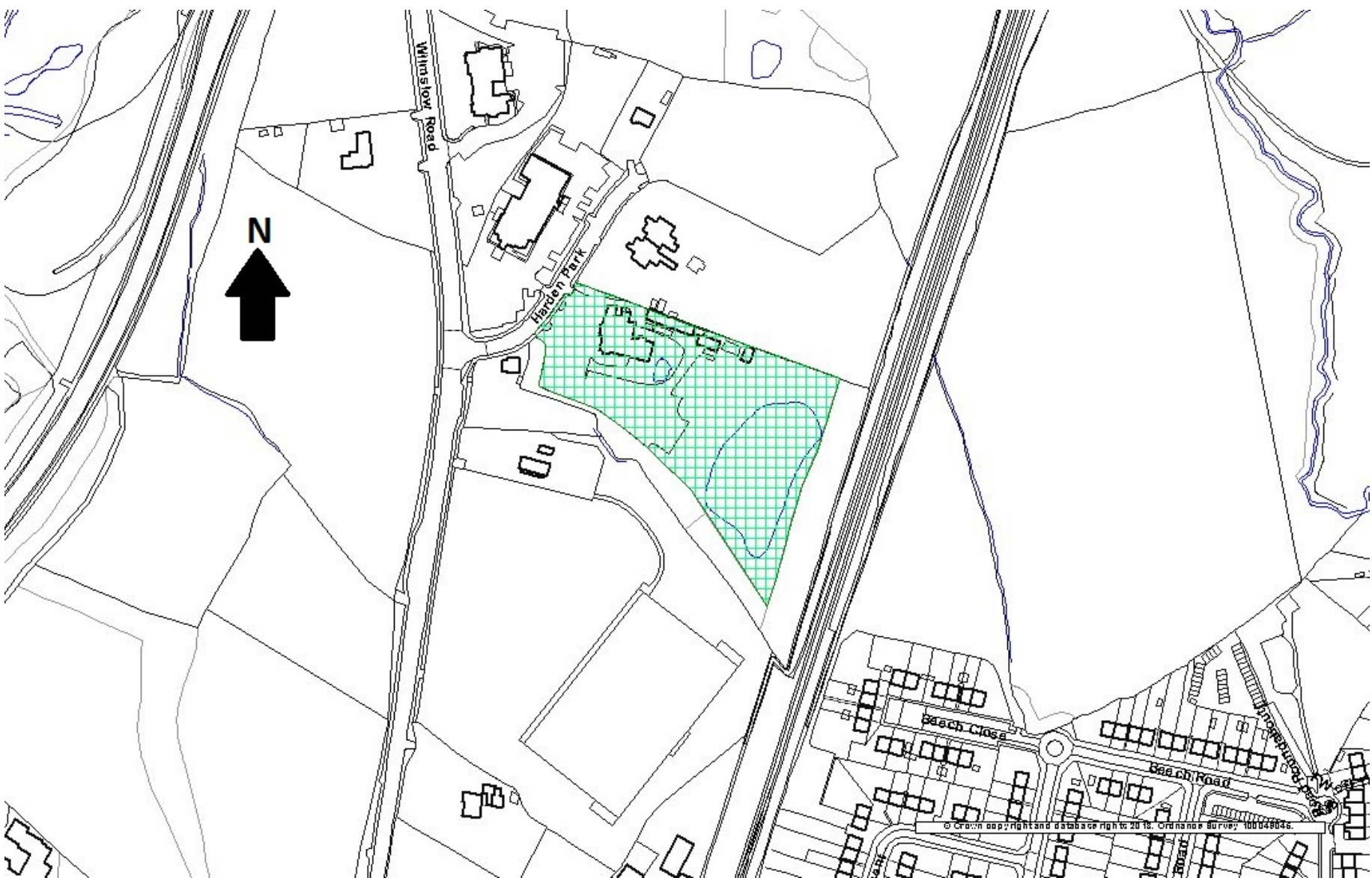
On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

Accordingly the application is recommended for approval.

RECOMMENDATION

Approve subject to conditions and a s106 agreement.

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



Application No: 15/4515M

Location: WARFORD HALL, WARFORD HALL DRIVE, GREAT WARFORD, ALDERLEY EDGE, CHESHIRE, SK9 7TP

Proposal: Change of use from dwelling with offices to dwelling with function room and ancillary facilities and overnight accommodation in association with functions including the construction of previously approved extension and glazed links.

Applicant: D Ward

Expiry Date: 06-Jun-2016

Summary:

The site is within the Green Belt and outside any settlement limits, where there is a presumption against inappropriate development. In this case the proposed development is deemed to represent appropriate development and is not contrary to Green Belt Policies.

In terms of residential amenity, it is considered that appropriate conditions could be framed to limit the impact of the use of the buildings to an acceptable level and thereby provide an acceptable impact on residential amenity.

On highway safety grounds, there are no objections to the proposed development in principle. The site is remote from public transport and has limited on-site parking. The offered solution is to provide a mini/midi bus service and to 'prevent' car access for some customers by the contract for major events. Whilst there would be some additional impact upon local residents, it is considered that the proposal would satisfy the environmental role of sustainability.

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

There would be no particular issues regarding the social role of sustainable development.

Overall it is considered that the proposal is acceptable and a recommendation of approval is made subject to conditions and a s106 agreement.

PROPOSAL

The application is for a change of use of the existing property to a mixed use comprising use as a residential dwelling and a conference / banqueting facility. The application includes construction of the approved extension and glazed links approved under planning permission 15/2496M, with some small amendments (see below).

The application includes a Planning Statement, Revised Travel Plan and acoustic report. It has been amended since first submitted, following a presentation to local residents, by:

1. setting limits on the hours of operation and the number of events per year:

Type of function/event	Number of participants	Number of events per year	Evening Use
Conferences/ seminars	30	30 (weekdays)	No
Bootcamps	20	10 (weekdays)	No
Weddings and other functions	Up to 130 with up to 38 staying overnight	60	Yes but not exclusively
TOTAL	Max 130 on site at any one time	100 events	

2. Alterations to the proposed function room to provide sound lobbies to avoid break out of noise.
3. Removal of one of the courtyards from the proposal and preventing use of the courtyard enclosed by buildings after 19.30.
4. An amended Travel Plan that would require all guests (except those staying overnight at Warford Hall and/or who are disabled) to use the park and ride scheme set out in the Travel Plan. The park and ride arrangement would be a condition of the booking with the sanction that the deposit paid on the booking would not be refunded if the arrangement was breached. It is stated that this Travel Plan has been proven to work for wedding and other functions elsewhere.
5. All guests to weddings and other celebratory functions to leave the premises by 00.30 and therefore the function would start to close at 23.30.
6. Agreement to hold a smaller, annual Charity Event and to hold it in the function room.

APPLICANT'S SUBMISSION

The supporting statement with the revised proposals notes that:

The Travel Plan is amended with more detail on the proposed 'park and ride' scheme whereby most guests at the wedding and other celebratory functions would be picked up by mini/midi bus arranged by the applicants at hotel(s) they are staying at or at the other designated car parks and brought to Warford Hall.

The principal guests would stay in the 19 double rooms that would be available within the house and outbuildings i.e. up to 38 of the 130 guests could stay on site. The balance of other guests (92) would use the 'park and ride' and be picked up and taken back to their hotel/cars.

This would be a worst case scenario as not all of the functions would have the maximum of 130 guests.

The other functions – conferences and seminars and boot camps would generate daytime traffic at a level well below the historic use of Warford Hall as an institution and offices.

Many objectors have confused the proposal with the annual charity event held on the site and have assumed that the noise levels would be the same. This is not the case as:

- The charity event is for up to 850 people compared with a maximum of 130 proposed in the application
- It is held in the marquee that is in effect in the open air and options for controlling noise emissions are limited. It finishes in the early hours – some objectors refer to 3.00am. The traffic is not controlled by a Travel Plan
- Noise would be generated from two sources: music and activity and by traffic movements. The technical considerations are set out in the report prepared by Hepworth Acoustics.

The following seeks to address the concerns which could be conditioned.

- The bi-fold doors are now removed from the scheme and replaced with solid wall construction with acoustically treated windows.
- A lobbied door arrangement would be fitted to the entrance/exit to the extension to provide a noise 'lock'; there would be two such 'locks'
- Therefore there would be no direct access to the courtyard from the extension.
- One of the courtyards has been removed from the proposal and only the courtyard within the complex of buildings would be used and this would not be open for use after 19.30 pm
- The venue would be wound down from 23.30 for the venue to be emptied by 00.30.

The applicant has referred to other cases where a Travel Plan has been used to address accessibility and parking issues including Colshaw Hall (12/3732M) Owen House Farm (14/4361M)

Guests are not permitted to travel by other methods than those approved in the travel plan.

Staff are allowed to walk or cycle to work, and overnight guests in the property will be allowed to arrive by car, as will contractors and suppliers delivering food and drink. There would also be entertainers and musicians bringing heavy equipment or costumes who could not be expected to use a minibus.

It is proposed that mini and midi-buses will be available to collect and drop-off guests from key transport interchanges including Manchester Airport, Knutsford, Macclesfield and Wilmslow. The buses will be used to ferry visitors between the site and local partner hotels when they are staying over after an event, and will also be used to collect and drop-off staff members in the local area.

SITE DESCRIPTION

Warford Hall is accessed off Warford Hall Drive and is 3km south-west of Alderley Edge. The site is within the Green belt and several trees are covered by a TPO. Public footpath 11 runs along the west site boundary.

RELEVANT HISTORY

Warford Hall has an extensive planning history, the following are a list of the most recent and relevant Planning applications:-

81999 - Conversion of outbuildings to two dwellings and the erection of new garages.
Approved August 1995

97/0261 - Change of use of outbuildings to dwelling, extensions and alterations.
Approved March 1997

97/0795- Change of use of outbuildings to offices, construction of link and new staff room, landscaping to courtyard and sundry site works. Approved June 1997.

97/2310 - Conversion of the east wing of the outbuildings to residential accommodation for visitors, ancillary to office use approved under 97/0795. Approved January 1998.

03/2490P - Part change of use to conference facility, creation of owner/manager's accommodation and erection of marque. Refused 26/11/2003

04/0288p - Change of use to 2 dwellings Refused 2004 app/c0630/a/04/1147171 Allowed 2005

04/1169p - Change of use to a single dwelling Refused 2004 app/c0630/a/04/1154555 Allowed 2005

05/1972p - Single storey rear link extension to form swimming pool and rear bay window extensions to ground and second floor Approved with conditions 2005

06/0297p - Two storey rear and single storey side Approved with conditions 2006

08/1297p - Positive certificate of lawful existing use/ development lawful development certificate for use as dwelling

08/2760P - Proposed Two storey rear extension and single storey side extension Approved 12th March 2009

11/3381M - two storey rear and single storey side extensions. Approved subject to conditions 22/01/12

15/2496M - Extensions to Dwelling Comprising Swimming Pool Building and Glazed Links Granted 6/8/2015

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14, 19, 89 and 90.

Paragraphs 28 and 70 support the retention and development of local services and community facilities including wedding venues.

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.

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

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)

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:

CO4 Travel Plans and Transport Assessments

PG3 Green Belt

SC3 Health and well-being

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

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

EG1 Economic Prosperity

CONSULTATIONS:

Highways:

The Strategic Highways Infrastructure Manager (SIM) raises no objections subject to conditions restricting the use and a s106 agreement for the implementation and monitoring of the travel plan.

Environmental Protection:

No objection subject to a condition relating to odour and noise control

Great Warford Parish Council

Object following consideration at an open meeting. Thirty-five properties will be most affected by the proposed change of use, but the increase in noise and traffic will also affect a large part of Great Warford and neighbouring parishes. Additional traffic problems will occur with the single track private drive shared with seven other residences and a farm, causing traffic build-up and restricting access for emergency vehicles to access properties further down Warford Hall Drive.

The formation of new access track was refused in 2007 due to inappropriate development in the Green Belt. A previous Application in 2003 proposed a similar change of use with the erection of a marquee rather than a permanent building for the main venue. That application

was refused on various grounds which the Parish Council feel are not only still applicable but even more so due to the size of the proposed new build. This is considered to be over-development in the Green Belt. The proposed courtyard would also lead to a reduction in openness in this rural community.

Serious doubts were raised on the Travel Plan that guests attending a wedding would be prepared to travel by train to Wilmslow or Chelford and then by a minibus to Warford Hall.

The promotion of walking or cycling to the venue is also considered doubtful with many of the lanes having few or no footpath and some 3.5 miles from Alderley Edge. A travel plan when dealing with individual one-off events such as weddings and conferences with a new client each time, is bound to have failures.

The number of vehicle movements, car door slamming and the voices of revellers being heard in a rural, residential area at unsociable hours would be unacceptable. Even if the event closed at 12.30am the time taken by guests to finish their drinks, say their farewells, gather their belongings, find their vehicle, in the winter have the engine running whilst they defrost the windows etc would lead to traffic movements at very unsociable hours.

Details of the sound assessment statement were noted but the Parish Council felt that on a warm summers evening the temptation to open the large folding doors from the venue to the courtyard would be hard to resist.

There is nothing to indicate this change of use would enhance or benefit the community. In essence the Parish Council consider this is excessive over-development in the Green Belt impinging even more on the character and nature of Great Warford to the detriment of the community who have made a lifestyle choice by deciding to live in the village.

The Parish Council suggests Warford Hall could successfully be converted into a number of luxury apartments.

It is very much hoped by the Great Warford Parish Council and the Community of Great Warford that this application is refused.

If refusal is not possible certain conditions would seem fair and reasonable to expect, as follows:

- Removal of Permitted Development Rights
- Cessation of any other commercial Events held at the venue other than permitted under this consent
- Cessation of the current business currently being carried on at the premises
- Restrictions to be imposed on actions on site or movements of vehicles associated with the permitted events which would cause any noise or disturbance after 12.30am and not before 7.30am
- No Fireworks or other pyrotechnics to be allowed in connection with permitted events. No helium balloons or Chinese lanterns to be released from the premises.
- No live or recorded music/singing to be allowed outside any of the building

Comments on revised documents:

Over the period that this application has been in-progress, there have been several iterations of the plans and associated policy documents. The overall approach from the Applicant has been to change the documents inline with comments from residents to counteract the criticisms as they arise. This approach only covers over the issues one by one and does not address the underlying concerns of residents that the use of the site for the stated purpose will impose significant changes to their lives and their environment.

At this time in the planning process and with so many comments and changes to the plans, the real issue to be confronted if this application is approved is, how are the various restriction on the use of the property for these functions to monitored and policed and by whom? Considering the above and the overwhelming response of the local residents against this development, the Great Warford Parish Council requests that the Planning Committee refuse the application.

Little Warford Parish Council (adjoining)

The proposed development would create an ongoing noise nuisance which would adversely affect the local area and population. It would create serious traffic issues around the area as visitors arrive & depart. The entrance to the hall is on a very sharp corner in the road with poor visibility in one direction.

Parking at the venue would also be an issue as there does not currently appear to be sufficient parking for large events - for other events that have taken place, temporary parking has been in fields alongside the property.

This is excessive overdevelopment in the Green Belt impinging even more on the character and nature of Great Warford to the detriment of the wider community

Nether Alderley Parish Council (adjoining)

Nether Alderley Parish Council has considered this planning application, due to the property's close proximity to the Nether Alderley Parish boundary and the potential impact upon the parish.

The Parish Council respects that the applicant has revised the plans for this application but maintains its response, as follows:

1. The proposed development would cause significant noise and light pollution in the wider rural, Green Belt setting, including nearby areas of Nether Alderley.
2. The proposed development and purpose is not suitable in the midst of an area of residential properties.
3. The proposed development will impact significantly upon neighbouring dwellings in terms of noise, light, activity and traffic.
4. Such a development would be unfair on neighbouring properties.
5. The building is accessed along a shared residential drive which it considers appears inappropriate for use by additional commercial/delivery and events traffic.
6. The Parish Council has grave concerns that the proposed travel plan is unachievable and unenforceable and, as a consequence they cannot support this application and recommend refusal.

REPRESENTATIONS:

At the time of report writing 237 representations have been received from a total of 95 identified and 15 unidentified addresses, which can be viewed in full on the Council website. All but one object to the application on grounds including adverse impact on the Green Belt, residential amenity, highway safety and general traffic conditions. The other one is a letter of support on grounds of employment creation and compliance with planning policies, but this representation is qualified by the observation from a subsequent owner a few days later that it was sent just before contracts were exchanged.

The residents have also appointed a planning consultant to act for them, and the main points are set out below:

Highway safety

- Located away from public transport services, and accessed by a private driveway shared with residential properties, the site is fundamentally unsustainable in highway terms
- Car parking could be forced off the site into the village, which would have a detrimental impact on rural character. It could cause major disruption to existing residents, hinder access to the farm on Warford Hall Drive for agricultural vehicles, and create a safety hazard by blocking accesses for emergency vehicles.

Travel Plan.

- The suggested pick up and drop off times in the revised Travel Plan are overly optimistic. Parking spaces would be required for larger buses. Overall the Travel plan is unrealistic and fails to provide an adequate solution to the site's sustainable location.
- The Revised Travel Plan fails to provide adequate comfort that a realistic alternative to the private car is available

Out of character

- The change of use of this domestic extension into a function room to be used by over 130 public guests and staff would carry with it a requirement for additional associated development in the Green Belt.
- Associated uses are also likely to include additional lighting to help guests navigate the site late at night. Increased artificial lighting could disturb natural habitats for wildlife, and have an urbanising effect on the rural area affecting its character.

Impact upon living conditions

- The site is not large enough to adequately accommodate an operation of the scale proposed, and at the hours and frequency proposed, without a detrimental impact on its residential neighbours. This is unacceptable and contrary to national policy and local policy, notably saved Policy DC3, which seeks to protect amenity.
- The proposed change of use, particularly the intensification of the use of the site in the evening and at night time, would have a serious detrimental impact on residential amenity. This is contrary to one of the Core Planning Principles within The Framework.
- As the noises generated from the proposed change of use would be most intense when nearby residents may be reasonably expected to be asleep, this would have a material detrimental impact on quality of life and residential amenity.
- Noise generated by guests leaving the venue in the early hours is not the only potential impact on neighbouring uses. Whilst restrictions to 00.30 hours could be conditioned, this would only relate to the function itself. It would not relate to staff movements, nor would it affect those guests who were staying overnight.
- The properties off Warford Hall Drive which are closest to the proposed function building have no acoustic screening to protect them from this increased activity.

Inappropriate development in Green belt

- The proposed change of use to a large function venue is unsuitable for an unsustainable and sensitive Green Belt location. It would have a serious detrimental impact on residential amenity, and the associated uses could impact on the openness of the Green Belt and the character of this rural area, in conflict with national and local planning policy.

Inconsistencies in plans.

- There is inconsistency with regard to the number of existing car parking spaces on the site. There is inconsistency on the number of guests who would be able to reside at the site overnight.

Previous refusal in 2003 for a conference centre.

- This is a material consideration and there should be consistency in the decision process.

Trees.

- It is essential that adequate protection would be provided to TPO trees from any associated uses that would arise as part of a proposed change of use.

Difficulties with enforcement.

- The enforcement of terms and conditions would be extremely difficult.

The objections are very detailed and can be viewed in full on the website.

APPRAISAL

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

ENVIRONMENTAL SUSTAINABILITY

Green Belt

The site lies in the Green Belt as designated in the adopted Macclesfield Borough Local Plan, where there is a presumption against inappropriate development. The operational development proposed as part of this application is the same as that approved under the recent planning permission 15/2496M for extensions to the dwelling comprising swimming pool building and glazed links. No additional hard surfacing or buildings are proposed.

Under the provisions of adopted Green Belt policies as set out above, and in particular paragraph 89 of the National Planning Policy Framework, the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building is regarded as an exception to inappropriate development. This requirement is met in this case, as the extensions proposed are less than 30% of the original building and do not involve extension into the countryside beyond the approved building envelope. This conclusion is also demonstrated by the granting of planning permission in 2015, which represents a valid 'fall-back' position.

Whilst the representations on this issue are noted it is considered that the impact of the development on the openness of the Green Belt is limited by its location within a group of dwellings. The reuse of buildings within the Green Belt are also not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it than the existing development, as is the case here.

Overall the proposal is an appropriate form of development in the Green Belt, and will comply with policies GC1 and GC8 of the local plan and paragraphs 89 and 90 of the Framework.

Residential Amenity

The nearest properties to the site are within 150 metres to the north-east, 75 metres to the south-west and 130 metres to the north-east. The main village is 300 metres to the north. The impacts would be traffic, mainly affecting properties to the north and north-west, and potential noise from late-night events (up to 00:30 hours).

The recommendations of the Council's Environmental Protection Officer did not recommend refusal of the original application but instead referred to conditions to address noise concerns. The revisions to the application are accepted as assisting with these concerns with regard to the change of use and the proposed extension. Subject to the limitations on use proposed in the revised planning statement, it is considered that the overall direct impact of the operational development and change of use on residential amenity is capable of being mitigated to an acceptable level by suitable planning conditions.

The applicant is agreeable to a condition to prevent the siting of marquees within the area edged red.

Whilst there would be some impact upon residential amenity in terms of the traffic generated by the development, which has to pass close by several dwellings on its way to the main highway network, this is considered to be acceptable in terms of the previous and existing use of the property as an office.

Highways

The SIM has reviewed the highways report submitted by the applicant in support of the development proposals and finds the following:

Historic Traffic Generation

In terms of the previous uses, from a traffic generation perspective, the office use would have been the most intensive use, which based on a gross floor area of 1,765sqm would have been expected to generate around 30 two-way commuter peak hour trips per peak hour and around 210 daily two-way trips.

Proposed Use Traffic Generation

In terms of the Conferencing and Bootcamp uses, given the limited number of attendees i.e. no more than 30 people and having regard for the historic site use, the proposals would not be expected to have a material impact on the adjacent or wider highway network.

In terms of the wedding use, the conversion of the Hall includes the provision of 19 bedrooms to provide overnight accommodation for up to 38 guests. These guests would be expected to arrive by car which would be expected to generate around 16 arrival trips on the day of the wedding and, around 16 departure trips the following day.

The revisions to the Travel plan have clarified concerns that 2 minibuses would not be adequate to transport all the guests from a major function to and from the site within the time

frames set out in the application. The pick-up/drop off points would vary according to the function. The points are generally within a 10 mile radius and a time of 20 minutes each way would be a reasonable estimate of the travel time in times when there was no congestion or major road works. An allowance of 10 minutes per trip for entry and exit and checking guest names and details, making each two-way trip take approximately 1 hour.

To ensure strict adherence to the above, as a condition of planning consent, the applicant has offered to impose travel related booking terms and conditions on anyone wishing to hold a Wedding/Banquet at Warford Hall.

Furthermore, a Travel Plan has been submitted to enable the highway authority to monitor and agree further measures should they be deemed necessary once the facility is operational.

In summary it is expected that a wedding event would be unlikely to generate in excess of 40 trips over the duration of a wedding event, which is significantly less than the 210 daily trips associated with the previous office use and would not be expected to have a material impact on the operation of the adjacent or wider highway network.

Access

The Warford Hall Drive / Merryman's Lane junction is situated on a 90 degree bend, visibility along Merryman's lane, in both directions of view, for drivers of vehicles exiting Warford Hall Drive to Merryman's Lane is good, although forward visibility along Merryman's Lane for drivers of vehicles turning right into Warford Hall Drive is restricted by the bend, which serves as a traffic calming feature. As a result, observed speeds during a site visit were generally well below the 30mph speed limit.

Personal Injury Accident Statistics

A review of the most recent available Personal Injury Accident (PIA) statistics reveals there have been no reported accidents associated with the junction during the five year period 2010 – 2014.

Given the limited level of traffic generation associated with the development proposals, it is unlikely there would be a negative material impact on the good safety record of the junction.

Highways Conclusion and Recommendation

The SIM is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the SIM has no objection to the planning application subject to a prior legal agreement to provide for the monitoring of the Travel Plan, and to conditions including compliance with the Travel Plan and restrictions on the maximum number of guests and types of events as set out in the application.

The site is not considered to be in a sustainable location by reason of being remote from public transport. The one positive feature about the location in transport terms is the very good network of footpath and cycle routes, and staff will be able to use these travel methods.

Previous refusal of planning permission

The refusal of planning permission for a conference centre in 2003 is a relevant consideration. However the decision was made solely on grounds of access and travel, and

there is reference to the lack of a proposal to demonstrate sustainability in access terms. The revised travel plan seeks to address this issue, and is agreed by the highway authority.

Heritage assets

The building is of some local interest and the proposals are acceptable from a design point of view.

ECONOMIC SUSTAINABILITY

The development would have positive benefits in terms of income generation through the creation of 8 full time jobs in addition to the additional employment and local spending generated. This is accepted and is a positive benefit of the proposed development.

SOCIAL SUSTAINABILITY

The proposed development would have a neutral impact on social sustainability.

OTHER ISSUES

The impact of the development on the built environment, trees, protected species and nature conservation is acceptable.

Conclusion – The Planning Balance

The site is within the Green Belt and outside any settlement limits, where there is a presumption against inappropriate development. In this case the proposed development is deemed to represent appropriate development and is not contrary to Green Belt Policies.

In terms of residential amenity, it is considered that appropriate conditions could be framed to limit the impact of the use of the buildings to an acceptable level and thereby provide an acceptable impact on residential amenity.

On highway safety grounds, there are no objections to the proposed development from the highway authority subject to conditions and a s106 agreement. The offered solution to the lack of sufficient parking for major events is to be secured through a Travel Plan, and would involve a mini/midi bus service and to 'prevent' car access in some cases by agreement with the customers. This is a tried and tested approach to dealing with such issues and would limit nuisance and difficulties to local residents and other road users. For these reasons the proposal would satisfy the environmental role of sustainability.

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

There would be no particular issues regarding the social role of sustainable development.

Overall it is considered that the proposal is a sustainable form of development and a recommendation of approval is made, subject to conditions and a s106 legal agreement.

Heads of terms for the legal agreement:

1. Submit a Travel Plan monitoring report annually for five years and to pay the total sum of £5,000 to the Council to monitor the reports (1,000 for each report).

Community Infrastructure Levy (CIL) Regulations.

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

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

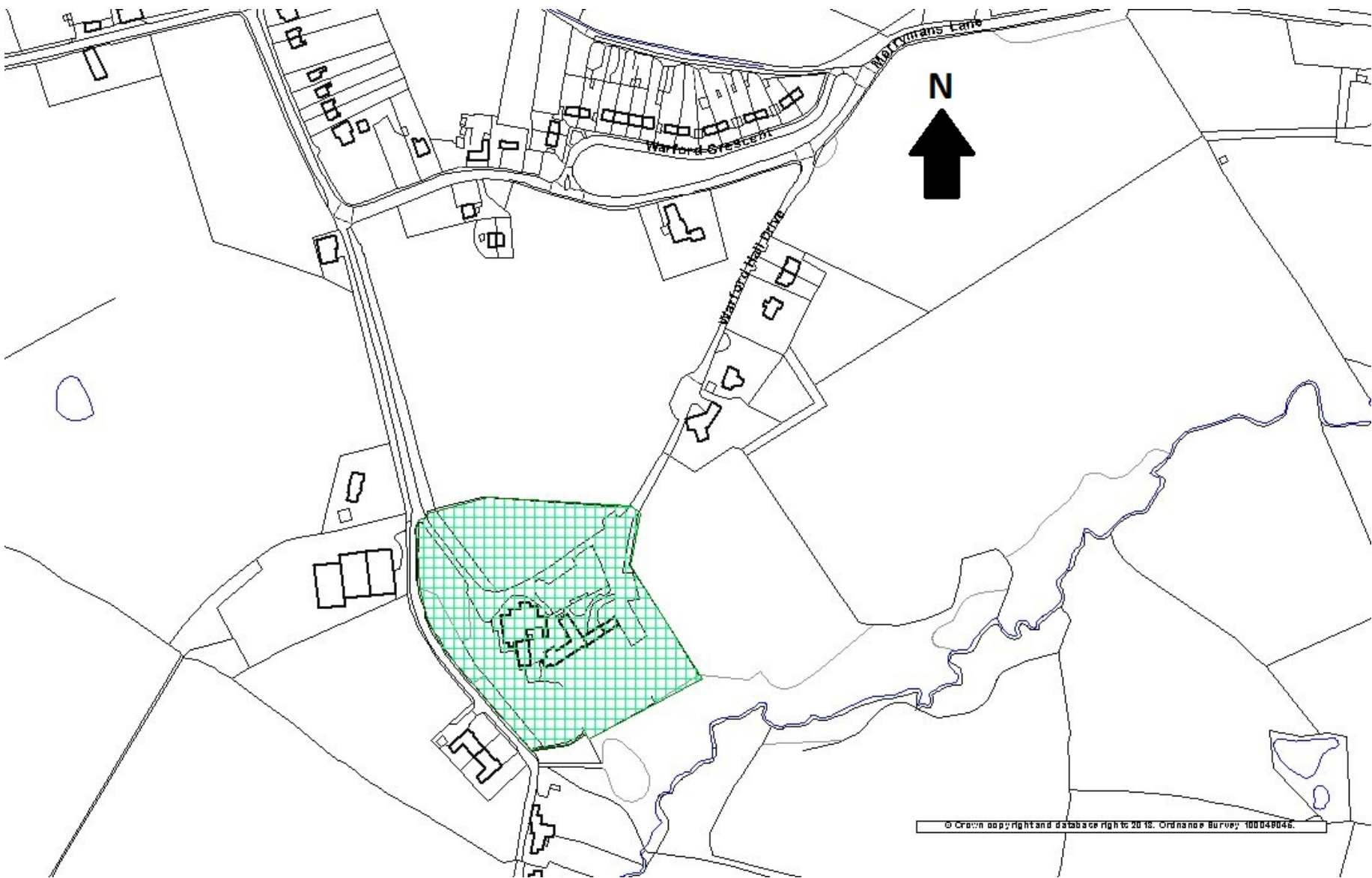
The Travel Plan is an essential management feature of the proposed development, to ensure that effective and sustainable travel arrangements are in place. The requirement to provide an annual payment to monitor the Travel Plan is necessary to enable the highway authority to monitor and agree further measures should they be deemed necessary once the facility is operational. This work would place an additional resource burden on the Local Authority for which no alternative funding is available.

This element of the proposed legal agreement is necessary, directly related to the development and is fair and reasonable in relation to the scale and kind of the development.

RECOMMENDATION

Grant permission subject to a prior section 106 agreement and the following conditions:

1. 3 year time limit
2. Development to comply with submitted and amended plans
3. Compliance with the submitted noise report
4. That all windows and doors to be kept closed at all times of noise generative activities
5. No speakers or other amplification equipment or live music to be located outside
6. All building services to be installed shall have a combined noise effect as per the limits set out in para 4.12 table 2 of the noise report
7. The use shall not operate other than in complete accordance with the submitted Revised Travel Plan (ref: GW/15120/TP/3) including the items relating to the schedule, targets, Travel Plan Administration, penalty measures and monitoring proposed therein, unless otherwise agreed in writing by the Authority.
8. The use to host evening functions (after 1930 hours) shall not take place on more than 60 occasions in any one calendar year and, the total number of guests (not including staff) shall not exceed 130 at any time and all functions shall finish no later than 00:30 hours at any time.
9. The use to host Conferences shall not take place on more than 30 occasions in any one calendar year and, will be held on weekdays only and the total number of guests (not including staff) shall not exceed 30 at any time.
10. The use to host Bootcamps shall not take place on more than 10 occasions in any one calendar year and, will be held on weekdays only and the total number of guests (not including staff) shall not exceed 20 at any time.
11. No marquees to be sited within area edged red
12. No use of courtyard or gardens for functions after 19:30pm.



Application No: 15/2354M

Location: BOWLING GREEN, INGERSLEY VALE, BOLLINGTON, CHESHIRE

Proposal: Outline application for proposed 11 no. 2.5 storey and 2 no. 2 storey residential housing - resubmission of 15/0669M

Applicant: Tullis Russell

Expiry Date: 16-Dec-2015

REASON FOR REPORT

The application is a major development and was deferred at the previous Committee meeting for the following reasons;

- Heritage Impact Assessment to be carried out (having particular regard to policy BE3)
- Assessment of open spaces available to residents of Bollington and Rainow.
- Assessment of value of the land in terms of aesthetic and functional open space
- Investigate alternative design

SUMMARY

The site is allocated as 'Existing Open Space' in the Local Plan and is currently in use as bowling green. An improved bowling green has already been approved and will be tied to this application as part of a s106 agreement. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The loss of the bowling green is compensated by the creation of a new bowling green elsewhere in Bollington of a higher quality. Sport England and ANSA have no objections to the proposal.

The scale of the development reflects the character and appearance of the area with matters relating to appearance and landscaping being reserved for future consideration. The development raises no issues in respect of residential amenity, noise, ecology or trees.

Balanced against this are the adverse impacts of the development including the loss of open space, but this is mitigated to a degree by a £39,000 financial contribution in lieu of replacement on-site provision.

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

SUMMARY RECOMMENDATION

Approve subject to conditions and a s106 agreement.

PROPOSAL

The application seeks outline approval for 11 no. 2.5 storey and 2 no. 2 storey residential properties.

The application is in outline with access, layout and scale for approval at this time. Appearance and landscaping have been reserved for future approval.

SITE DESCRIPTION

The application site is located on the eastern side of Ingersley Vale and consists of a bowling green, a clubhouse and a small parking area. The site has some mature vegetation along the western and northern boundaries.

To the south of the site is a row of cottages of a traditional appearance, open land is located to the west and some large three storey properties are located to the north of the site. On the opposite side of Ingersley Vale are a reservoir and a garden serving a residential property. Beyond these land uses is the River Dean.

RELEVANT HISTORY

15/0669M - Outline application for 19no 2 bed apartments & 1no 2 bed bungalow. Withdrawn 8 April 2015.

38350P – Extension to existing clubhouse to form lounge. Approved 23.08.1984

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

100. Flood risk

Development Plan

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)
DC9 (Tree Protection)
DC17 (Water Resources)
DC35 (Materials and Finishes)
DC38 (Guidelines for space, light and privacy for housing development)
DC40 (Children's Play Provision and Amenity Space)
DC41 (Infill Housing Development or Redevelopment)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing)
RT1 (Protection of Open Spaces)

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
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
SC4 Residential Mix
SE1 Design
SE2 Efficient use of land

Other Material Considerations:

National Planning Practice Guidance (NPPG)

CONSULTATIONS (External to Planning)

Environment Agency – No objection.

United Utilities – No objection. Conditions have been requested requiring that the site be drained on separate systems and that a surface water drainage scheme be submitted prior to development commencing on the site.

Flood Risk Manager – No objection. Conditions have been requested with regard to a scheme for the surface water drainage from the site and that the surface water run off from the site shall not exceed current rates.

Environmental Health – No objection. Conditions have been requested relating to bin storage, contamination and submission of a construction environmental management plan.

Head of Strategic Infrastructure – No objection.

Sport England – No objection subject to the replacement bowling facility is available for use before the development on the existing bowling green is commenced.

ANSA (open space) – No objection. A financial contribution of £36,000 is required in lieu of any on-site open space being required and that the replacement bowling facilities are available and ready for use before the use of the existing bowling green is ceased.

VIEWS OF THE PARISH / TOWN COUNCIL

Comments have been received from Bollington Town Council and Rainow Parish Council.

Bollington Town Council

*The Town Council debated this matter at some length with input from members of the public and **RESOLVED** to recommend refusal on the following grounds:*

- 1) Loss of local open space because the proposed replacement bowling green was distant from the current location.*
- 2) Loss of a local bowling green*
- 3) No replacement planned, only a donation to a new green, which could be provided on land at Kerridge Cricket Club. However, this sum would fall well short of the cost of a new bowling green.*
- 4) Land ownership of the new development appeared to be in dispute in that a resident of one of the existing three-storey houses adjacent to the proposed development pointed out that some of this land was land within the red line of his deeds.*
- 5) Insufficient Neighbourhood Notification*
- 6) 61 homes had already been approved in Ingersley Vale, which would if constructed add significantly to traffic congestion on the approaching narrow streets. This development would add to that.*

Rainow Parish Council

Rainow Parish Council object to this application:

The application is contrary to Saved Policy RT1 of the Macclesfield Borough Local Plan. The site is designated in the Plan as an open space and Policy RT1 states that public and private open spaces should be protected from development. It is understood that Policy RT1 will be retained within the proposed new Cheshire East Local Plan and thus will apply for the foreseeable future. Thus the application, by applying for development on a designated open space, is in direct contravention of Policy RT1 and this will Policy continue to apply under the proposed future Local Plan.

The green is an important community feature and well used by residents.

Road access is limited to narrow roads which already suffer congestion and parking issues and together with the approved development at Ingersley Vale Mill would, if this development goes ahead, make the area congested.

The three story development is very large and would affect the amenity of the cottages nearby.”

OTHER REPRESENTATIONS

A total of 21 representations have been received as a result of the application, 13 of which are objections and 8 are in support.

The points of objection relate to;

- The proposals adjoin a conservation area and harm the character and appearance of this conservation area.
- The development is out of scale with its surroundings.
- The layout results in an overdevelopment of the site.
- The proposal will lead to an excessive amount of traffic making the road very dangerous.
- Lack of parking within the site for the new dwellings.
- Traffic restrictions are required along Ingersley Vale.
- The Application is contrary to Saved Policy RT1, Protection of Open Spaces of the Macclesfield Borough Local Plan 2004, and would result in the loss of a valuable area of recreation and amenity open space.
- The application is contrary to the National Planning Policy Framework (paragraph 128) and policies in the Macclesfield Borough Local Plan and the submitted Cheshire East Local Plan as it would adversely affect the heritage asset which is the Bollington Conservation Area which immediately adjoins the application site on two sides.
- The presumption in favour of sustainable development does not apply to this site as there are adverse impacts, namely the loss of the protected area of local open space and the adverse effect on the Bollington Conservation Area as a heritage asset which outweigh any benefits from this development.
- Loss of a community facility and a valuable greenspace.
- The proposal will cause overlooking and impact on privacy.

The points of support relate to;

- The development provides much need housing.
- The proposals will assist Tullis Russell in their growth plans to the benefit of the local economy.
- Improved bowling facilities will be built elsewhere and the current facilities are underused.
- Local businesses will benefit from additional residents moving to the area.
- The widening of Ingersley Vale will benefit new and existing residents.
- The Members of the bowling club support the proposals

APPRAISAL

The main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply, loss of existing open space, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, design / character and sustainability.

Principle of Development

The site is allocated as an area of 'Existing Open Space' as identified in the Macclesfield Borough Local Plan 2004 where policy RT1 states the following;

Areas of recreational land and open space as shown on the proposals map will be protected from development. Redevelopment of a building footprint which does not harm the integrity of the open space will normally be permitted. Open space uses will be enhanced as appropriate. Additional or replacement educational buildings may be permitted provided that the integrity of the open spaces is not harmed.

At a national level the relevant paragraph within the National Planning Policy Framework is paragraph 74, this reads as follows;

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

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

This is supported by national planning practice guidance.

A planning application has been submitted and subsequently approved for a replacement bowling facility, the application reference being 16/0214M. This site is located at Kerridge Cricket Club and results in an uplift in terms of the bowling facilities available in the area. The existing bowling green is not of a sufficient size and shape to meet Sport England requirements and the replacement bowling green will alleviate this issue. Also of benefit is that the larger bowling green will be able to accommodate more matches and therefore has a greater capacity than the existing bowling green.

In order to ensure that the replacement bowling green will be delivered and ready for use before the cessation of the use of the existing bowling green the applicant has agreed to enter a s106 agreement that will set out this approach. The agreement will also set out the terms of the management of the new bowling green going forward in the future and how it will be made available for public use.

Sport England have been consulted throughout this process and support the proposals to improve bowling provision in the Bollington area on the basis that there is no break in the availability of bowling provision in the area.

In respect of the loss of the open space the applicant has submitted details of areas of open space in the Bollington and Rainow areas. This has set out the public parks, playing fields and school facilities that are present in the area and related these areas back to the Council's Green Space Strategy. It sets out a number of improvements that are recommended in this

strategy. What is clear is that the site enjoys no public access and is run by the membership of the bowling club and the site is leased from Tullis Russell. It is private ownership and the public has no right of access. Whilst this is not a requirement in itself for an area of open space to be maintained the site only performs a limited function as open space and serves only a small area.

As part of the s106 agreement a financial contribution of £36,000 is required to improve areas of open space with the Bollington area. This is in lieu of any on-site provision. This approach has been fully agreed with ANSA who support the proposals.

An assessment of the aesthetic value of the site has also been carried out. This concluded that the site is enclosed on two sides by existing development and on another side by a steep banking and as such any views into the site are limited. It is also noted that a bowling green is not something that one would normally expect to see as an individual piece of open space. The site will be subject to an extensive landscape scheme and as a result the some views of the site from the north and east will hardly change.

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. This is an important material consideration in support of the proposal.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

SOCIAL SUSTAINABILITY

Residential Amenity

Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank

elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

The application is in outline and appearance is a matter that has been reserved for approval at a future date. The layout is orientated in a way that any overlooking or impact on privacy can be avoided with suitably designed elevations.

The layout does not afford any opportunity for any overshadowing to neighbouring properties. Plot 13 is sited next to 52 Ingersley Vale and the front and rear elevations are almost on a level with each other. Therefore no overshadowing will occur nor will the property have an overbearing impact. Plots 1 and 2 are set at a lower height than the rest of the proposed properties and reflect the height of the properties to the south, Rainow Mill Cottages.

The proposals are for residential use in a residential area and therefore this will raise no impacts in terms of noise or other environmental impacts. The construction process may raise some issues and as a result a condition will be imposed on the decision notice.

ENVIRONMENTAL SUSTAINABILITY

Highways

The application has been supported by a Transport Statement and subsequent tracking information to demonstrate that vehicles varying in size can manoeuvre within the site.

Each property has provision for two parking spaces when taking the garages into account and this is in compliance with the relevant standards.

A key part of the proposal is the widening of Ingersley Vale which allows vehicles to pass along the length of the site with an additional 1.8 metre footpath. Cars travelling to the site from the north will have to give way at the edge of the site as the road narrows at this point. This results in a significant improvement of the current pedestrian and vehicular situation along this section of Ingersley Vale, this is particularly important given the existing and proposed development to the south of the site.

The Strategic Highways Manager (SHM) has no objections and the proposal is therefore considered to be acceptable in highway safety terms and in compliance with the relevant policies in the adopted and emerging local plans.

Layout & Design

The layout of the site is essentially a row of 11 three storey properties with two smaller properties at the southernmost part of the site. The layout of these properties follows the character of the built form along Ingersley Vale both in building line and scale of the properties. The reduction in height of plots 1 and 2 reflects the reduction in scale of the dwellings to the south of the application site.

The site adjoins the Bollington Conservation Area but no part of the site is within the Conservation Area. The applicant has submitted a brief Heritage appraisal addressing this issue that has been considered by and accepted by the Council's Conservation Officer.

Whilst concerns have been raised in respect of the impact of the development on the Conservation Area it is considered that views into and from the conservation area to the site are limited to the west. Any relationship will be the identical to the three-storey properties to the north of the site as they are similar in character. To the south the views are more prominent; however the design of the dwellings reflects the scale of the buildings within the Conservation Area. Details of the materials and fenestration of the properties will be considered as part of any subsequent reserved matters application.

The small area of open space proposed benefits from good natural surveillance from the proposed properties and helps in providing some visual relief from built development along Ingersley Vale. Details of the landscaping are a matter that has been reserved for future consideration.

Trees / Ecology

Trees

The application is supported by an Arboricultural Implications Assessment and Arboricultural Method Statement by Mulberry.

Given the present usage the existing tree cover is associated with the periphery of the site, and in the main the northern and western boundaries. The tree survey identifies the trees as being of low to moderate (Category C – B) amenity value, with no significant specimens (Category A) present and the Council's arboriculturist has agreed with this assessment.

The site stands on the edge of the Conservation Area, with none of the trees currently formally protected. The absence of any specimens which contribute significantly to both the amenity of the immediate area and the wider landscape precludes their consideration for formal protection.

The absence of formal protection does not prevent some of the existing trees being retained and assimilated within any final development layout. The line of Cypress associated with the northern boundary and the mature Oak and Ash (T1 & T2) stand to the rear of an existing retaining wall which has acted as a root barrier in terms of root migration to the south. This feature should be retained with any final development layout accommodated to the south.

A further Arboricultural Implications Assessment will be required taking into account the landscape proposals at that time and this will be included as a condition on the decision notice.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey and Bat Report. This has been fully assessed by the Nature Conservation Officer who has accepted the findings of the reports and recommended a condition is attached to the decision notice that requires protective measures to be put in place should any bird nests be discovered.

Flooding

Both the Environment Agency and United Utilities have been consulted on the application and no objections have been raised subject to conditions for surface water and foul water drainage.

Contaminated land

A condition is recommended requiring submission of phase I contaminated land investigation to assess the contamination risks. The condition will also require more detailed site investigations depending on the findings of the phase I report.

ECONOMIC SUSTAINABILITY

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Bollington 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.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Delivery of the replacement bowling facilities and its management going forward.
- £39,000 in lieu of on site public open space.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the 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 public open space contribution and requirements to provide the replacement bowling green are fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

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

PLANNING BALANCE

The site is allocated as 'Existing Open Space' in the Local Plan and is currently in use as bowling green. An improved bowling green has already been approved and will be tied to this application as part of a s106 agreement. Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at

paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would result in an improvement in facilities for bowling in Bollington.
- A length of Ingersley Vale will be widened allowed vehicles to pass.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of .
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The loss of open space.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly the application is recommended for approval subject to conditions below and the Heads of Terms listed above

RECOMMENDATION

The application is recommended for approval subject to the completion of a s106 agreement and conditions:

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

Application for Outline Planning

RECOMMENDATION:

1. Commencement of development
2. Submission of reserved matters
3. Development in accord with approved plans
4. Materials to be submitted with reserved matters
5. A08OP - Ground levels to be submitted with reserved matters application
6. A32HA - Submission of construction method statement
7. Submit Arboricultural Impact Assessment
8. Foul drainage / surface water drainage
9. Contaminated land, requirement for surveys
10. Submission of habitat survey if tree clearance in bird nesting season
11. site to drain on separate systems



Application No: 16/1269M

Location: The Royal British Legion, STATION ROAD, HANDFORTH, SK9 3AB

Proposal: Demolition of existing building and erection of 10 townhouses with associated infrastructure and landscaping.

Applicant: Mr Tom Loomes, Jones Homes (North West) Limited

Expiry Date: 06-Jul-2016

REASON FOR REPORT

The application is a major development and Councillor Burkhill has requested that the application be determined by Northern Planning Committee. The application was called in for the following reason;

This is a large, prominent site adjacent to Handforth Station. There has been in the past considerable public interest in this site and this continues on in the present due to its location next to the busy station and fronting onto Station Road.

There is also a lot of public interest and a long running campaign by the "Friends of Handforth Station" for the provision of an access for the elderly and disabled onto the station, particularly since the closure of the lay-by at the entrance point where the elderly, disabled and Mums with young children have to struggle up or down 35 steps to the platforms. The developers have gone some way to provide this much needed access within this application but agreement has not yet been reached. There is also the problem of the retaining wall belonging to the site which is causing the hedge and well used footpath to slowly collapse into the site and the possibility of an out of control vehicle running down onto the railway. For these reasons we believe that this application should be decided at the Northern Committee where residents and interest groups can have their say.

SUMMARY

The site is identified as being within a predominantly residential area and is considered to be in a highly sustainable location. As such the principle of residential development on the site is accepted.

As Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The scale of the development reflects the character and appearance of the area with details of the materials and landscaping being dealt with through conditions on the decision notice. The development raises no issues in respect of residential amenity, noise, ecology or trees. Some matters will be dealt through conditions.

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

SUMMARY RECOMMENDATION

Approve subject to conditions.

PROPOSAL

The application is for the demolition of vacant social club and erection of 10 townhouses with associated infrastructure and landscaping.

The 10 properties are split into 2 blocks of 5 and each has three storeys with garages at ground floor. Each property will have 4 bedrooms.

SITE DESCRIPTION

The application site consists of a former social club that currently stands vacant. The building on the site is single storey and constructed in brick with a flat roof, a car parking area is located at the front of the building in the northern part of the site. To the west the site is adjoined by Handforth railway station that runs for the entire length of this boundary. To the south of the site is a care home within a three storey building.

To the east a private access road runs along the length of the boundary, this serves as the access to the care home and vehicular access into the application site is also taken from this road. Dormer bungalows are located on the opposite side of this access road. Station Road forms the northern boundary of the site and this becomes elevated above the site as it rises to cross the railway line. A public house is located on the opposite side of Station Road.

RELEVANT HISTORY

The site has been subject to previous applications; however they do not have any relevance to the consideration of this application.

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities
100. Flood risk

Development Plan

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)
DC35 (Materials and Finishes)
DC38 (Guidelines for space, light and privacy for housing development)
DC40 (Children's Play Provision and Amenity Space)
DC41 (Infill Housing Development or Redevelopment)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
SC4 Residential Mix
SE1 Design
SE2 Efficient use of land

Other Material Considerations:

National Planning Practice Guidance (NPPG)

CONSULTATIONS (External to Planning)

United Utilities – No objection. Conditions have been requested requiring that the site be drained on separate systems and that a surface water drainage scheme be submitted prior to development commencing on the site.

Environmental Health – No objection. Conditions have been requested relating to noise, contamination and submission of a construction environmental management plan.

Head of Strategic Infrastructure – No objection.

Network Rail – No objection. It would be recommended that the disabled access be provided and then subsequently given to appropriate railway authority. This matter is dealt with later in this report.

VIEWS OF THE PARISH / TOWN COUNCIL

Members of the Handforth Parish Council Planning & Environment Committee agreed to oppose application 16/1269M the former Royal British Legion site as they considered it over development of the site. This council did not consider that it could support any development for three storey homes at this location. Concern was also expressed about increased traffic levels in this area.

OTHER REPRESENTATIONS

A total of 27 representations have been received as a result of the application, 26 of which are objections and 1 is in support.

The points of objection relate to;

- The development will cause overlooking and an impact on privacy.
- The new building will overshadow neighbouring properties.
- Inadequate pedestrian link into Handforth station.
- Too many dwellings are proposed and the site will be overdeveloped.
- The site is better used as a car park for the station.
- The site is not suitable for residential use as it is adjacent to the railway line.
- The proposed dwellings are out of scale and character with those of the surrounding area.
- The proposal would be detrimental to the safety of the local highway network.
- The development will place additional stress on local schools and doctors.
- Disturbance will occur through the development process.

The representation in support was in agreement that the development would improve the appearance of the site and area in general. It also stated that the support was conditional based on a disabled access to the platform being provided.

The issue relating to the level access to Handforth Station has been raised by a significant number of objectors as well as the supporter of the application. An area of the site alongside the platform has been set aside to provide this but the developer will not be carrying out the works. It must be pointed out that this disabled access is not a requirement of this planning application and is not something that must be provided to make the application acceptable in terms of the policies in the Local Plan or at a national level.

APPRAISAL

The main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, design / character and sustainability.

Principle of Development

The application site is a previously developed site that enjoys excellent access to public transport opportunities with Handforth Station being alongside the site and bus services running along Station Road. The site is also with easy walking distance of local shops and services.

Therefore being a previously developed site in a highly sustainable location the use of the site for residential purposes is acceptable in principle.

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 Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgpool' 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. This is an important material consideration in support of the proposal.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

SOCIAL SUSTAINABILITY

Residential Amenity

Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

New residential developments proposing three storey properties should generally achieve a distance of between 28m and 32m between principal windows and 16.5m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

In this instance no properties are located facing the rear elevation as the station is located along this boundary. Some properties are location on the opposite side of the railway but they are some distance away from the site.

The properties facing the front of the property are located on Thornton Drive. 12 Thornton Drive is located closest to the site, however it has a blank gable facing the site and this is 29 metres from the proposed dwelling, and as such the required 16.5 metre requirement is easily met.

Both numbers 3 and 5 Thornton Drive have habitable room windows that overlook the site. However these properties are located 36 metres from the front elevation of the proposed dwellings and therefore the required 28 metre separation distance is met.

As these separation distances are met it is considered that the proposed development will not result an unacceptable loss of amenity in respect of privacy or overshadowing and the proposals comply with the above mentioned policies.

The proposals are for residential use in a residential area and therefore this will raise no impacts in terms of noise or other environmental impacts. The construction process may raise some issues and as a result a condition will be imposed on the decision notice that will take steps to reduce any impact.

The proposals meet the requirements of Local Plan policies DC3, DC38 and H13.

ENVIRONMENTAL SUSTAINABILITY

Highways

The application has been supported by a Transport Statement that demonstrates adequate visibility is available on the junction on to Station Road and that the local highway network can comfortably accommodate the level of development proposed for the site.

Each property has provision for two parking spaces as well as an integral garage. This is an acceptable level of parking provision and space exists in private drives to the front of the properties to allow for adequate manoeuvring of vehicles into and out from these spaces.

The Strategic Highways Manager (SHM) has no objections and the proposal is therefore considered to be acceptable in highway safety terms and in compliance with the relevant policies in the adopted and emerging local plans.

Layout & Design

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 materials.

The proposed dwellings are three-storey in height with integral garages. Give the scale of the buildings brickwork is proposed for the ground and first floors with the second floor being rendered. A contrasting brick bond between the ground and first floors will also offer additional visual interest. As part of the application the plans have been amended to lower the eaves height so the second floor windows extend above the eaves.

The mix of materials used on the elevations will ensure that the buildings have some visual interest and are not overly dominated by one single type of material. The lowering of the eaves helps to prevent the roof appearing over utilitarian, breaks up the mass of the roof and provides additional visual interest on this part of the building.

The design of the properties is considered to be acceptable and in keeping with the mixed character of the area. Details of the proposed materials will be agreed before works on the dwellings commence and this will be done through a condition on the decision notice.

The local area is characterised by a variety of buildings which are predominantly two or three storeys in height. The properties to the east of the site are dormer bungalows whilst the care home to the south is a more modern three storey building.

The proposed dwellings will have the same overall height as the three-storey care home building to the south of the site. An 8.25 metre gap is maintained between plot 1 and the care home and this is considered a sufficient gap to ensure that the buildings have an acceptable relationship and do not appear as a single mass.

The relationship between the proposed houses and those existing has been raised by objectors during the course of the application. This relationship is near identical to that which already exists between the care home and the properties opposite. Therefore the relation is considered not to be out of character with the area.

Trees / Ecology

Trees

A row of mature trees were previously located within the site, however these were removed before this application was submitted. No trees are currently present on the site.

The development will be subject to a full landscape plan that will be required through a condition on the decision notice. This will ensure that trees are planted within the site to mitigate against this previous loss.

Ecology

The Council's Ecologist has visited the site and has confirmed that the site has no ecological value and it is highly unlikely that any protected species are present on site.

It has been requested that the hedge on the site boundary with Station Road is requested. This is shown as being retained on the site layout and appropriate improvement of the hedge will be secured through the landscape plan required through a condition on the decision notice.

Contaminated land

A condition is recommended requiring submission of phase I contaminated land investigation to assess the contamination risks. The condition will also require more detailed site investigations depending on the findings of the phase I report.

Noise

The application has been accompanied a noise survey relating to the impact of surrounding land uses (primarily the railway) on the proposed development. A condition will be included on the decision notice requiring that the mitigation measures be implemented in full before the properties are occupied and subsequently maintained thereafter.

ECONOMIC SUSTAINABILITY

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Handforth 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.

RECOMMENDATION

The application is recommended for approval.

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

Application for Full Planning

RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Landscaping - submission of details
4. Landscaping (implementation)
5. Submission of construction method statement
6. Submission of samples of building materials
7. Details of drainage

8. Standard contaminated land condition
9. - importation of soil
10. Unexpected contamination
11. Nppf
12. Ensure recommendations are implemented



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Application No: 16/2276M

Location: Gardens To The Rear Of 19 To 23, COTTAGE STREET, MACCLESFIELD

Proposal: Construction of pair of semi-detached houses.

Applicant: Mr Luiz Nascimento

Expiry Date: 06-Jul-2016

SUMMARY

This application seeks full planning consent for the construction of two new dwellings in the rear gardens of numbers 19 -23 Cottage Street.

The Council cannot currently demonstrate a 5 year housing land supply. The development would provide 2no. new houses, which would make a small but beneficial contribution to meeting an acknowledged shortfall within the Borough.

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

RECOMMENDATION: Approve subject to conditions

REASON FOR REPORT

The application has been 'called-in' for determination by the Northern Planning Committee at the request of Cllr Janet Jackson on the 6th June due to concerns that *"the application is an unacceptable, cramped backland development. It impacts on the local amenity of the neighbouring residents. The access to the site is narrow. The parking area is constricted and will cause difficulty for the parked cars to turn round and exit the parking area"*.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of an area of land within the rear gardens of numbers 19-23 Cottage Street. Residential properties surround the site to the east, south and north with a row of 7no. single storey, flat roof private garages to the west. The existing gardens are within a Predominantly Residential Area as defined in the Macclesfield Borough Local Plan.

The existing sections of garden relating to the application site are overgrown and in the main disused. The surrounding properties consist of a variety of semi-detached and terraced properties.

DETAILS OF PROPOSAL

Full planning permission is sought for the construction of two new two and a half storey dwellings in the rear section of the gardens of numbers 19-23 Cottage Street. Access would be taken from Horseshoe Drive to the south with the access drive running between the side elevation of number 7 Horseshoe Drive and the rear of numbers 1-6 Horseshoe drive with parking for 6 no. cars.

RELEVANT HISTORY

02/2568P DETACHED DWELLING
Refused 28 January 2003

98/0362P OUTLINE PERMISSION FOR THE ERECTION OF A DWELLING
Refused 15 April 1998

97/1982P DWELLING (OUTLINE APPLICATION)
Refused 17 December 1997

56266P OUTLINE PLANNING PERMISSION PRIVATE DWELLING
Refused 08 February 1989

POLICIES

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)
DC1 (High quality design for new build)
DC2 (Design quality for extensions and alterations)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Landscaping)
DC9 (Tree Protection)
DC38 (Guidelines for space, light and privacy for housing development)
DC41 (Infill Housing Development or Redevelopment)
RT1 (Protection of Open Spaces)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing)
H13 (Protecting residential areas)

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

ther Material Considerations

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

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 1, 4, 5, 6, 7, and 10.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

CONSULTATIONS (External to Planning)

Forestry: no objections

Environmental Protection: no objections subject to conditions

Highways: no objections

VIEWS OF THE PARISH / TOWN COUNCIL

Macclesfield Town Council: Object on the following grounds:

- i. DC1 – over development
- ii. DC3 – loss of privacy
- iii. DC5 – over development
- iv. DC36 - Adverse impact on highways congestion
- v. DC38 – over development

OTHER REPRESENTATIONS

Representations from 12 no. properties have been received. A summary of the relevant points can be viewed below:

- Constrained site, narrow access and inadequate parking facilities.
- To the front the outlook would be poor, looking out onto the rear wall of the garage block.
- Overdevelopment.
- Negative impact on the amenity of the existing dwellings.
- Follows previous refusals for similar developments.
- Loss of light to number 21 Cottage Street.
- Would add to the parking issues.
- Some good trees would be lost.

- Back land development.
- Not 'highly sustainable' or 'predominantly residential' site.
- Increase in noise levels to neighbours, together with the car fumes adjacent to the residential properties.

OFFICER APPRAISAL

Key Issues

- Impact on the character of the area,
- Impact on trees,
- Impact on the amenity of neighbouring properties,
- Highway safety implications

Principle of Development

The application site lies within a predominantly residential area where the principle of new residential development is acceptable, subject to design, impact on neighbour amenity and highways issues which are will be considered further.

ENVIRONMENTAL SUSTAINABILITY

Visual Impact

Existing properties in the area consist of a variety of two-storey detached, semi-detached and terraced dwellings. The application site comprises the rear gardens to terraced properties along Cottage Street with a semi-detached property directly to the south at number 1 Horseshoe Drive.

The proposal is for a pair of semi-detached two and a half storey dwellings. Although set back from Horseshoe drive behind the existing garage block, due to the low level of the flat roof garages the front elevation would form part of the street scene along Horseshoe Drive. Due to the setback from the road, the dwellings would not be prominent. However, they are designed to complement the dwellings along Horseshoe Drive with similar design features such as the front gables and canopies over the front doors. The fenestration dimensions and configuration would also complement these properties. No other public views of the proposed dwellings would be visible.

Comments have been received from neighbours stating that the three storey nature of the properties would be out of keeping with the surrounding development. The second storey within the roof means that the height is commensurate with the surrounding properties and therefor the scale is found to be acceptable within its context..

The proposed development would not be prominent or harmful or out of keeping with the scale and appearance of other buildings in the locality.

Amenity

Objectors have expressed concerns about the potential impact on residential amenity. Policy DC38 of the Local Plan sets out guidelines for space between building in relation to space, light and privacy. To the north of the proposed dwelling the rear of the properties along Cottage Street are located approx. 16.5 metres from the side elevation of the proposed dwellinghouses. This is in excess of the 14 metres advised in Policy DC38 for the distance between habitable windows and non-habitable windows for two storey dwellings with a further 2.5 metres for each additional storey so even if considering the proposed dwellings as three storey the distance would comply. The distances in Policy DC38 are for the consideration of spaces between buildings and do not take into consideration the distance from new buildings to the neighbouring gardens. In this instance there would be a buffer of approx. 5.7m to the boundary with the properties along Cottage Street.

Any impact on the rear gardens of the properties along Cottage Street would be exacerbated with the position of the proposal to the south and also with the slight rise in ground level from north to south so that the proposal is positioned at a higher level than the rear of the properties on Cottage Street. However, this impact would not be so significant to warrant a refusal.

To the west the site is bordered by the rear elevation of the row of garages and to the east there lies the extremely long rear gardens of properties along Cottage Street with the rear elevations of properties along Crompton Road, some 53 metres distance away from the proposed development.

Concerns have been raised regarding the use of Juliet balconies to the rear at first floor. Juliet balconies do not function like standard balconies and have a similar impact to large windows. These would look out onto the large rear section of the gardens of Cottage Street. There is an oblique angle from the balconies to the rear elevations of the properties along Cottage Street, with a minimum distance of approx. 20 metres from the closest property. The majority of the mostly used gardens of these properties are either well screened with the boundary treatments or a sufficient distance so as not to cause a significant amenity issue. It must also be noted that the existing closely positioned terrace properties already suffer from a degree of overlooking from the neighbouring properties and so it is considered that any overlooking would be commensurate to the existing situation.

Due to the nature of the proposal and the number of vehicle movements associated with two proposed dwellings, there would be relatively little noise and disturbance to the residents of the properties along Horseshoe Drive.

Local Plan Policy DC41 states that *'infill development 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.'*

The front elevation would be positioned approx. 5 metres from the rear elevation of the garage block fronting onto Horseshoe drive. The garage block is low level at approx. 2.8 metres and so the first floor would look out onto the tops of the garage and the street beyond.

To the rear, while the outlook is onto gardens, these gardens are unusually long and do form an open outlook.

It has been mentioned that there have been previous refusals for new dwellings on the site; however there are significant differences in the positioning of the current proposal over these refusals. The previous refusals did not relate to the same size of site as the current application and due to this had a more significant impact on the amenity of the neighbours. This proposal no longer creates the same impact and would not materially harm neighbouring amenity by reason of loss of light, overlooking or visual intrusion.

Highways

Sufficient parking spaces would be provided for both the existing and proposed dwellings with six spaces for two four bedroom properties. A turning area is included within the site and the access would be onto the lightly trafficked cul-de-sac to the south of Horseshoe Drive. Accordingly no objections are raised by the Strategic Infrastructure Manager (Highways).

Sustainability

The site is located within walking distance (approximately 600 metres) of Macclesfield Town Centre to the east which provides a wide range of shops and services. It is also within walking distance (approximately 1km) of Macclesfield Train Station which provides regular services to wider areas including Manchester City Centre. Macclesfield College and Macclesfield Academy is less than 700 metres from the application site on Park Lane. The site is also within 100 metres of frequent bus routes along Chester Road and Oxford Road. The site is therefore considered to be in a highly sustainable location where residential development is acceptable in this regard.

Trees

There are no significant arboricultural constraints associated with this site. The majority of the trees present are small inconsequential specimens Those with high canopy potential present a poor social proximity to existing properties.

SOCIAL SUSTAINABILITY

The development would make a positive albeit small contribution to delivering housing within a sustainable location.

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. However, it is only for two dwellings and therefore the impact is limited but offers a positive benefit in the planning balance.

PLANNING BALANCE

Whilst the objections are noted, the site is located in a predominantly residential area and would make efficient use of land in an accessible location. It would add to the stock of housing and its construction and occupation would result in social and economic benefits.

There would be an impact on the rear garden/elevation of the properties along Cottage Street, however, the distances between the proposed dwellings and the rear elevation of the properties along Cottage Street does comply with Local Plan Policy DC38. While there have been refusals on the site previously there are significant differences to this proposal, along with the introduction of the National Planning Policy Framework in 2012 that states at paragraph 14 that sustainable development should be approved without delay unless there is significant and demonstrable harm caused by the proposal. This is not considered to be the case here.

The Strategic Infrastructure Manager raises no objections on highway safety grounds.

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

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Complies with development plan
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Removal of permitted development rights
5. Protection from noise during construction (hours of construction)
6. Submission of landscaping scheme
7. Landscaping (implementation)
8. Submission of construction method statement
9. Dust control
10. Phase II Investigation Required

- 11. Pile foundations
- 12. Electric Vehicle Charging Sockets
- 13. Imported top soil to be sested
- 14. Contaminated Land



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Application No: 16/1652C

Location: Land Adjacent To 2, TANHOUSE YARD, CONGLETON

Proposal: Demolition of single detached domestic garage and construction of 3no. two storey terraced cottages including rear gardens and parking forecourt with formation of vehicle access off antrobus public car park.

Applicant: Mr Valentino Martone

Expiry Date: 01-Jun-2016

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES:

- Principle of the development
- The impact of the design / Impact upon Conservation Area
- The impact upon archaeology
- The impact upon neighbouring amenity
- The impact upon highway safety
- The impact upon flooding and drainage

REASON FOR REFERRAL

The application has been 'called in' to planning committee by Cllr Gordon Baxendale for the following reasons;

'Over intensification in a conservation areas, access for existing houses, loss of car parking spaces on Antrobus street car park'

DESCRIPTION OF SITE AND CONTEXT

The site comprises of a backland site to the rear (north) of Quigley's Wine Bar on West Street, beyond a pair of cottages (No's 1 and 2 Tanhouse Yard), Congleton within the Congleton Settlement Zone Line and Congleton Conservation Area.

On the site at present is a pre-fabricated domestic detached garage and hard standing. The site is un-maintained, overgrown and appears to be being used for fly tipping.

DETAILS OF PROPOSAL

Full planning permission is sought for;

- The demolition of a single detached domestic garage
- Construction of x3 dwellings

Revised plans have been received during the application process to address concerns raised by the Council's Planning, Heritage and Highways Officer's.

As a result of these raised concerns, the following changes to the scheme have been made;

- Removal of vehicular access and parking provision
- Elevational changes to the dwellings
- Creation of further garden space

RELEVANT HISTORY

16/0267C – (adjacent site) To demolish a former commercial (Carpet/floor covering etc) warehouse vacant for some 3 years following extensive fire damage and construct three one bed apartments – Approved 8th March 2016

28314/3 - Two Storey Extension (1 and 2 Tanhouse Yard) – Approved 20th September 1996

7123/3 – Car park – Approved 31st May 1978

POLICIES

Local Plan Policy

PS4 – Towns, H1 – Provision of New Housing Development, H4 – Residential development in Towns, BH9 – Conservation Areas, GR1 – New development, GR2 – Design, GR4 – Landscape, GR6 – Amenity and Health, GR9 – Accessibility, Servicing and Parking Provision, NR1 – Trees, NR2 – Wildlife and Nature Conservation – Statutory Sites

SPG2 - Provision of Private Amenity Space in New Residential Development

Cheshire East Local Plan Strategy – Submission Version (CELP)

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, IN1 – Infrastructure and IN2 – Developer Contributions

National Policy

National Planning Policy Framework (NPPF)

CONSULTATIONS (External to Planning)

Archaeology (Cheshire East Council) - No objections, subject to a condition that prior to commencement of development a programme of archaeological work shall be submitted to and approved in writing by the LPA

Head of Strategic Infrastructure (HSI) – No objections

Flood Risk Manager – No objections, subject to a condition that a detailed surface water drainage strategy be submitted to and approved in writing by the LPA

Environmental Protection – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission of a dust mitigation scheme; hours of construction; the prior submission of the soil detail to be imported to the site for landscaping; that works should stop if contamination found. Informatives relating to contaminated land is also sought

United Utilities - No objections

Congleton Town Council – Object to the proposal on the following grounds;

- Unauthorised / unlawful construction on Conservation Area
- Loss of parking

OTHER REPRESENTATIONS:

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. In response, a joint letter of representation from 2 households/interested parties has been received objecting to the proposal. The main areas of objection are:

- Impact upon the Conservation Area/Historic environment
- Impact of the design
- Impact upon amenity
- Impact upon highway safety

SUPPORTING INFORMATION:

Design and Access Statement

OFFICER APPRAISAL

Principle of development

The application site is located within the Congleton Settlement Boundary and is therefore subject to Policy PS4 (Towns) of the Local Plan. Within Policy PS4 it is advised that within settlement boundaries, there is a general presumption in favour of development as long as the use is appropriate to the character of its locality and other relevant Local Plan policies.

Policy H4 states that new dwellings in towns are considered to be acceptable where the following criteria is satisfied; the proposal does not utilise a site allocated for another use in the Local Plan; the proposal complies with Policies GR2 and GR3; the proposal accords with all other relevant Local Plan policies and that the proposal does not have a detrimental impact upon housing supply totals.

In response, the application site is not allocated for any particular use in the local plan and as it would result in the addition of 2 new dwellings only, it would not have a significant impact upon housing land supply totals. Furthermore, given that the Council cannot currently demonstrate a 5-year housing land supply, the provision of further dwellings in a settlement boundary would represent a significant planning benefit.

Assessment against Policies GR2 and GR3 and other Local Plan policies are considered later in the report.

Policy H4 further states that in considering planning applications for housing in towns, regard should be given to; the availability of previously developed sites; the sustainability of the location and the impact upon local infrastructure.

The application site relates to a former domestic garden comprising of a former chicken compound, pre-fabricated garage and sections of hard standing. The site has become unused, overgrown and untidy. As such, there would be planning benefit in terms of tidying up the plot and would utilise an existing residential site. The unit is located close to the Congleton town centre within walking distance of its public facilities and jobs. Given that the proposal relates to 2 dwellings only, it would not have a detrimental impact upon local infrastructure in a wider sense.

As such, subject to the adherence of the proposal with other relevant Local Plan policies, it is considered that the proposal would adhere with Policy H4 of the Local Plan and be acceptable in principle.

Conservation Area / 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.

Policy BH9 advises that development within the Conservation Area will only be permitted where the proposal would not have a detrimental impact upon the special architectural and historic character or appearance of the Conservation Area.

The proposed development seeks the erection of 3 terraced units with dual-pitched roofs fronting in a westerly direction adjacent to, and following a similar building line of No.2 Tanhouse Yard to the south.

The Council's Heritage Officer originally had concerns regarding the appearance of the proposed dwellings.

As a result of these comments, the applicant provided revised plans. In response, the Council's Heritage Officer has advised that the appearance of these dwellings now reflects the adjacent existing properties. The local vernacular is Cheshire brick properties, of varying size, most with simple design details such as brick arches over doors and simple eaves details. The predominant roofing material is slate. The Heritage Officer concludes that *'The revised design reflects the adjacent terrace with brick arches over the door and stone lintels and cills. The scheme will now fit within the character of the area and blends'*.

The Heritage Officer has advised that should the application be approved, the following conditions should be included; Prior approval of brick and roofing samples, prior approval of bonding and mortar colour, prior approval of details of external windows and doors including arches, lintels and cills, that all rainwater goods shall be black uPVC or aluminium and the prior submission of proposed boundary treatments - railings or brick.

It should also be noted that the layout of the development was also amended removing the vehicular access and parking provision and replacing this with garden space.

It is considered that subject to the proposed conditions recommended by the Council's Heritage Officer, the proposed development would be of an acceptable design and not have a detrimental impact upon the existing special architectural and historic character and appearance of the Conservation Area. The scheme would adhere with policies GR2 and BH9 of the Local Plan and Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Archaeology

The Historic Town Survey Archaeological Assessment for Congleton formed part of a national research priority to examine the origins and development of medieval small towns and rural markets. The application site lies in an area of the town (COM 14) described as:

"COM 14 and COM 15, to the north and south respectively of West Street, contain tenements of irregular size. From the 18th century onwards this area was developed with large houses, which may mask the earlier settlement plan. However, there is insufficient evidence to determine whether this area was developed during the medieval period or later."

The Congleton Archaeology Strategy, further determined the area to have the potential to contain below-ground archaeological deposits associated with later medieval settlement and Post-medieval industrial sites, and the site's location, it lies off Tannery Yard as recorded on the 1875 1:500 plan of Congleton, suggests that evidence for such industrial activity may be expected to be encountered. Later 18th or 19th century development of the site is considered unlikely to have resulted in the total destruction of earlier deposits but rather to have caused varying levels of damage.

The Council's Archaeology Officer has advised that any surviving deposits would therefore, in all likelihood, not be worthy of preservation in situ, but would be of sufficient local or regional significance as to merit preservation by record (archaeological excavation and recording).

Consequently, should the Council be minded to grant planning permission to this, or any similar scheme, the Archaeology Planning Advisory Service would recommend that the

applicants be required to undertake a programme of archaeological work, and that such works be secured by means of the following condition:

'No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.'

Amenity

Policy GR6 of the Local Plan advises that planning permission will only be permitted so long as no detrimental impacts are created with regards to loss of light, visual intrusion, loss of privacy or environmental disturbance.

The closest neighbouring properties to the application site would be the occupiers of No.2 Tanhouse Yard located immediately to the south of the proposed cottages.

As the proposed development would lie immediately adjacent to this neighbouring property and not project significantly forward or to the rear of this neighbour and because No.2 Tanhouse Yard include no windows within its relevant side elevation, it is not considered that the occupiers of this neighbouring unit would be detrimentally impacted by the proposed development with regards to loss of privacy, light or visual intrusion.

There are no other neighbouring dwellings within close enough proximity to the site to be impacted by the above considerations.

In relation to environmental disturbance, the council's Environmental Protection Officer (EPO) has advised that he has no objections, subject to conditions including; the prior submission of a piling method statement; the prior submission of a dust mitigation scheme; hours of construction; the prior submission of the soil detail to be imported to the site for landscaping; that works should stop if contamination found.

Informatives relating to contaminated land is also sought.

In consideration of the future occupiers of the proposed development, the proposed developments would be all attached, so would not create any amenity concerns for each other with regards to loss of privacy, light or visual intrusion. Furthermore, it is considered that sufficient private amenity space for each dwelling would be provided.

As a result of the above, it is considered that subject to the conditions proposed by the Council's Environmental Protection Officer, the proposal would adhere with Policy GR6 of the Local Plan.

Highway safety

The proposal is for 3 dwellings which initially proposed off-road parking and vehicle access via Antrobus St public car park, with the loss of 2 public car parking spaces.

After discussing with Parking Services, it became apparent that the loss of these 2 spaces would not be accepted. The layout was then amended with the removal of both the vehicle access and the off-road parking provision.

There is an existing pedestrian access from Tanhouse Yard into Antrobus St car park that is used by the existing dwellings on this street. This pedestrian access would remain, providing pedestrian access to the wider Congleton area.

The Council's Head of Strategic Infrastructure (HSI) has advised that whilst the car parking provision falls below the usual CEC parking standards of 2 spaces per dwelling, following the amendment of the layout, this is considered acceptable in this instance due to the footway access and proximity to services, amenities and employment sites, public car parks and public transport.

It is further advised that Car ownership levels for this area are low, reflecting the sustainable location, and the development is of small scale of which the impact would be low. The lack of parking provision also mirrors that of other properties in the area.

As a result of the above reasons, the HSI raises no objections from a highways perspective and the scheme is considered to adhere with Policy GR9 of the Local Plan.

Flooding 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.

The Council's Flood Risk Manager has advised that he has no objections, subject to the prior approval of a surface water drainage strategy, which can be secured via condition.

United Utilities raise no objections to the proposal on drainage grounds.

Other Matters

Concerns have been raised regarding matters of ownership. It should be noted that such matters are not considerations of the planning application assessment.

Pedestrian access to No's 1 and 2 Tanhouse Yard would remain.

CONCLUSIONS

The application unit is located within the Congleton Settlement Boundary so is therefore subject to Policy PS4 (Towns) of the Local Plan. Within Policy PS4 it is advised that within settlement boundaries, there is a general presumption in favour of development as long as the use is appropriate to the character of its locality and other relevant Local Plan policies.

Policy H4 states that new dwellings in towns are considered to be acceptable where the following criteria is satisfied; the proposal does not utilise a site allocated for another use in the Local Plan; the proposal complies with Policies GR2 and GR3; the proposal accords with all other relevant Local Plan policies and that the proposal does not have a detrimental impact upon housing supply totals.

It is considered that the proposed development adheres with the above requirements subject to its adherence with all other relevant planning policies. These policies include; design, amenity and highway safety.

It is considered that the design of the proposed development would be respectful to the character and appearance of the application site and the existing special architectural and historic character and appearance of the Conservation Area.

With regards to amenity, subject to the conditions proposed by the Council's Environmental Protection Officer, it is not considered that this development would create any significant amenity concerns.

No highway safety issue would be created. Nor would any issues relating to archaeology, trees, ecology or flooding and drainage subject to conditions where necessary

As a result of the above, it is considered that the proposal is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials – Prior approval of facing and roofing**
- 4. Prior approval of bonding and mortar colour**
- 5. Prior approval of details of external windows and doors including arches, lintels and cills**
- 6. All rainwater goods shall be black uPVC or aluminium**
- 7. Prior submission of proposed boundary treatments - railings or brick**
- 8. Prior submission of a programme of archaeological work**
- 9. Prior submission of a piling method statement**
- 10. Prior submission of a dust mitigation scheme**
- 11. Hours of construction**
- 12. Prior submission of the soil detail to be imported to the site for landscaping**
- 13. Works should stop if contamination found**
- 14. Prior approval of a surface water drainage strategy**
- 15. Removal of PD Rights – Part 1 A-E and Part 2 Class A**

Informatives

- 1. NPPF**



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CHESHIRE EAST COUNCIL

NORTHERN PLANNING COMMITTEE

Date: 6th July 2016

Report of: Nick Hulland – Senior Planning Officer

Title: Update following the resolution to approve application 16/0604C – 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

Site: Land Adjacent To, Padgate, Twemlow Lane, Cranage

1.0 Purpose of Report

1.1 Planning application 16/0604C was referred to Northern Planning Committee on 4th May 2016. This report is to consider a recent Court of Appeal has ruled that a 2014 ministerial statement introducing the 'vacant building credit' and exempting small sites from affordable housing contributions was not unlawful.

1.2 The minutes from the meeting are as follows:

'RESOLVED

That authority be DELEGATED to the 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:

- *Confirmation from the Council's Education Department of any contributions required.*
- *A 21 day notification period to Jodrell Bank (Manchester University) of the intent to grant planning permission; and*
- *A Section 106 Agreement to secure the provision of three on-site affordable dwellings – to be split as per IPS into two Affordable Rent and one for Intermediate Tenure*

And the following conditions:

Time – 2 years

1. *In accordance with approved plans*
2. *Materials – Prior submission/approval*
3. *Site drained on a separate system*
4. *Prior approval of a surface water drainage and maintenance plan*

5. *Prior approval of a Flood Risk Assessment*
6. *Prior approval of a Piling Method Statement*
7. *Prior approval of a dust mitigation scheme*
8. *Prior approval of soil testing results for imported material*
9. *Works to stop if contamination encountered*
10. *Prior approval of a scheme for Archaeological works*
11. *Prior approval of a Landscaping scheme*
12. *Landscaping – Implementation*
13. *Prior approval of tree/hedgerow protection*
14. *Prior approval of a 'No dig' method statement of any areas of hard surfacing in tree root protection areas*
15. *Prior approval of boundary treatment*
16. *Implementation of protected species mitigation*
17. *Prior approval of Electromagnetic Screening*
18. *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*
19. *Completion of a Section 278 for road widening prior to commencement of development.*
20. *Construction Management Plan*
21. *Gable ends*
22. *Visibility splays to be maintained within site*
23. *Tree landscaping*

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 there 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:

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

2.0 Decision Required

- 2.1 Since the resolution above, the Court of Appeal has ruled that a 2014 ministerial statement introducing the 'vacant building credit' and exempting small sites from affordable housing contributions was not unlawful (*Secretary of State for Communities and Local Government v West Berkshire District Council and Another* [2016] EWCA Civ 441 (11 May 2016)).

3.0 Background

- 3.1 The application site is a green field site located to the northern side of Twemlow Lane, Cranage, Cheshire within the Open Countryside.

- 3.2 Northern Planning Committee resolved to approve the development of 9 dwellings on this site on the 4th May 2016 under application 16/0604C, subject to conditions and a S106 Agreement.

4 Proposed Development

- 4.1 The proposal still seeks full planning permission for the construction of dwellings. However, as a result of the Court of Appeal decision the number of dwellings sought for approval has changed from 9 to 8 units.
- 4.2 The scheme will comprise of x5 detached 4/5 bed dwellings and x1 Mews property comprising of x2, 2 bed units and x2 3 bed units.
- 4.3 Minor external alterations to the Mews property are also sought to account for the loss of a 1-bed unit.

5 Officer Comment

- 5.1 This Committee resolution includes the requirement that the developer enters into a S106 Agreement to ensure that the on-site affordable housing provision is secured.
- 5.2 Following the Court of Appeal judgement referred to above the Planning Practice Guidance has been amended and this states that the in the following circumstances contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development;
- *Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000sqm*
 - *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development.*
- 5.3 In this case it is clear that the development is of 10 units or less and the maximum combined gross floor space of no more than 1000sqm is sought (984sqm). On this basis the Council is unable to require affordable provision on this site.
- 5.4 It should also be noted that the site is not located within a rural area as described under Section 157(1) of the Housing Act 1985 and the second point above does not apply.

6 Conclusion

6.1 On the basis of the above, the Council is unable to require the developer to enter into a S106 Agreement to secure affordable housing on this development and this should be removed from the committee resolution.

6.2 A revised plan condition will be required to account for the change in plans.

7 Recommendation

7.1 The Heads of Terms for the S106 Agreement are removed from this resolution and a revised approved plans condition is attached to the recommendation.

8 Financial Implications

8.1 There are no financial implications.

9 Legal Implications

9.1 No S106 Agreement now required.

10 Risk Assessment

10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

11.1 To reflect the recent Court of Appeal judgement.

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: Nick Hulland – Senior Planning Officer
Tel No: 01270 686759
Email: nick.hulland@cheshireeast.gov.uk

Background Documents:

- Application 16/0604C