

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 30th November, 2016  
**Time:** 10.00 am  
**Venue:** The Assembly Room - Town Hall, Macclesfield SK10 1EA

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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 in the report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **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 3 - 6)

To approve the Minutes of the meeting held on 2 November 2016 as a correct record.

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**Please Contact:** Sarah Baxter 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto: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. **WITHDRAWN-16/4388M-Proposed demolition of existing building and erection of a new building (for A1 and A3 use), 127, Wellington Road, Bollington for Mr S Price, Cheshire Taverns Retirement Benefit Scheme (Pages 7 - 28)**

To consider the above application.

6. **16/4861M-Demolition of existing 2 storey house to provide two new detached dwellings, 4, Little Meadow Close, Prestbury for Atherton (Pages 29 - 42)**

To consider the above application.

7. **16/4651M-Demolition of detached bungalow and the construction of two two-storey detached dwellings with associated accesses and detached garages (resubmission of 16/1983M), 5, Harefield Drive, Wilmslow for Herring, Herring Properties Ltd (Pages 43 - 54)**

To consider the above application.

8. **16/4749C-Resubmission of application 15/3586C - Single building with 4no. one bedroom flats, Land off Spring Street, Congleton for Mr S Landstreth (Pages 55 - 66)**

To consider the above application.

9. **16/1636M-Erection of a two storey side extension, Clumber House Nursing Home, 81, Dickens Lane, Poynton for Mr B Owen, United Care South (Pages 67 - 78)**

To consider the above application.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 2nd November, 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,  
H Gaddum, S Gardiner, A Harewood and M Warren

### **OFFICERS IN ATTENDANCE**

Mr R Croker (Planning Officer), Ms P Evans (Senior Planning and Highways  
Lawyer), Mr K Foster (Principal Planning Officer), Mr P Hooley (Planning &  
Enforcement Manager) and Mr N Jones (Principal Development Officer)

Prior to the start of the meeting a one minute's silence was held in respect of  
Lucas Carter who tragically died in a house fire in Sandbach at the weekend.

### **50 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors L Durham and N  
Mannion.

### **51 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interests of openness in respect of application 16/4064M, Councillor  
S Gardiner declared that he was known to a number of people speaking  
on the application in particular Adam Keppel-Garner, Brian Chaplin and  
Rick Dallimore. Rick Dallimore was in the process of selling his house for  
him, therefore after taking Legal advice he stated that he would not take  
part in consideration of the application and indeed would leave the room  
prior to the application being considered.

In the interests of openness in respect of applications 16/4064M and  
16/4527M, Councillor H Gaddum declared that she and the majority of  
Members on the Committee knew Councillor H Bradshaw-Wells who was  
the Ward Councillor speaking on application 16/4064M and Parish  
Councillor Mrs T Jackson who was a former Cheshire East and  
Macclesfield Borough Councillor speaking on application 16/4527M.

In the interests of openness in respect of application 16/4064M, Councillor  
G Walton declared that a number of people speaking on the application  
were known to him and that he owned an allotment close by to the  
application site.

In the interests of openness in respect of application 1616/4527M, Councillor G Walton declared that a resident approached him whilst he was on the site visit who also happened to be a former Borough Councillor. He also knew one of the speakers in connection with the application.

**52 MINUTES OF THE MEETING**

**RESOLVED**

That the minutes of the meeting held on 5 October 2016 be approved as a correct record and signed by the Chairman.

**53 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**54 16/4064M-CONSTRUCTION OF PARENT/SPECTATOR COVERED STANDING AND COVERED SEATING AREA TO 3G PITCH AND PITCH 7, ERECTION OF PITCH LIGHTING TO PITCH 7 AND CONVERSION OF SECTION OF GARAGE BUILDING TO FORM WC FACILITIES. (RESUBMISSION OF 16/1874M), EGERTON YOUTH CLUB, MEREHEATH LANE, KNUTSFORD FOR MR T O'DONNELL, EGERTON FOOTBALL CLUB**

Consideration was given to the above application.

(Councillor H Wells-Bradshaw, the Ward Councillor, Adam Keppel-Garner, representing Knutsford Town Council, Brian Chaplin, representing South Knutsford Residents Group and North Knutsford Community Group, Rick Dallimore, representing the Egerton Youth Club, Ollie Strauss, representing the Knutsford School Sports Partnership, Tom Horner, representing the Knutsford Studio School and Tom O'Donnell, representing Egerton Football Club attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the verbal update to the Committee the application be approved subject to the following conditions:-

1. Commencement of development
2. Development in accord with approved plans
3. Lighting details to be approved
4. Hours
5. Provision of a cycle rack

6. Paths to be widened in order to accommodate wheelchair access
7. Marking out grasscrete area of the car park
8. Additional screening at the Northern end of the pitch (eastern end of the site) and where available
9. Hours of floodlighting to be restricted between the hours of 9am and 10pm

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 Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**55 16/4527M-DEMOLITION OF THE EXISTING HOUSE TO BE REPLACED WITH TWO NEW BUILD DETACHED DWELLINGS, 1 ORME CLOSE, PRESTBURY, CHESHIRE FOR MR & MRS BRYANT**

Prior to consideration of the application the Chairman advised that whilst he attend the site visit he had been approached by a local resident who discussed the site visit. On the basis that this was a clear breach of protocol and that the impression of bias could be given he declared that he would leave the meeting prior to consideration of the application.

Councillors C Browne and P Findlow declared that they had also been present but had not been in any discussions with the local resident, however they understood that there could be a perception of bias and in line with the advice of the Planning Lawyer they agreed to leave the room prior to consideration of the application. Councillor P Findlow exercised his right to speak as the Ward Councillor under the public speaking procedure which he did and then he left the room. As the Chairman and Vice Chairman would not be participating in the debate it was moved and seconded that Councillor H Gaddum should be appointed as the Chairman for the item.

Consideration was given to the above application.

(Councillor P Findlow, the Ward Councillor, Parish Councillor Mrs T Jackson, representing Prestbury Parish Council, Ian Bright, an objector and Gary Earnshaw, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reason:-

The proposal would result in an overdevelopment of the site causing an almost complete built up frontage which would appear cramped within the street scene that is detrimental to the character and appearance of the

area. The proposal is therefore contrary to policies DC1 and BE1 of the Macclesfield Borough Local Plan, the Prestbury Village Design Statement, and paragraph 64 of the NPPF.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Northern Planning Committee to ensure the following conditions are agreed:-

1. Submission of a detailed drainage scheme
2. Details of retaining wall

In the event of any changes being needed to the wording of the Committee's decision (such as to debate, 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.

(This decision was contrary to the Officer's recommendation of approval).

The meeting commenced at 10.00 am and concluded at 12.16 pm

Councillor G M Walton (Chairman)

Application No: 16/4388M

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

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

Applicant: Mr S Price, Cheshire Taverns Retirement Benefit Scheme

Expiry Date: 04-Nov-2016

**SUMMARY**

The application site is allocated within the Macclesfield Borough Local Plan as a Local Shopping Centre, therefore as previously established in application 15/3674M retail use on this site is considered to be acceptable in principle.

This application seeks to address the reasons for refusal, as dictated by the committee on highways grounds relating to insufficient parking to cater for the proposed development including the design and layout and also potential to encourage on street parking leading to visibility problems at the site's access to the detriment of road safety and free flow of traffic. The Head of Strategic Infrastructure has been consulted on this application and raises no objections, subject to conditions. As with the previous application for the site (15/3674M), the proposed off street car parking provision (21 no. spaces currently proposed, 14 no. spaces previously proposed in application 15/3674M), access, visibility and service requirements are considered acceptable taking into account the existing servicing and parking arrangements and also taking into account that the existing building could be converted into a retail use (A1) under Permitted Development Rights.

The existing building is a non-designated heritage asset and holds limited significance. Taking this into account the demolition of the existing building is considered acceptable. The design of the replacement building is of a character and appearance that will not have an adverse impact on the character and appearance of the existing street scene and is therefore considered to be acceptable.

Subject to conditions, the impact of the proposals upon existing residential amenity and environmental matters are considered to be acceptable.

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

**RECOMMENDATION:** Approve subject to conditions

### REASON FOR REPORT:

This application has been called in to Committee by Councillor Stott for the following reasons:  
*'The revised plan does not address the reasons for refusal on the previous application 15/3674M.*

- *Clause DC6 of the Macclesfield Local Plan has not been addressed.*
- *Visibility of traffic entering and leaving the site and causing detriment to road safety and interference with the safe and free flow of traffic at an already busy junction.'*

### DESCRIPTION OF SITE AND CONTEXT

The site is located on a highly prominent location in Bollington centre, adjacent to the B5090 more commonly known as Wellington Road and Grimshaw Lane, centred to the T-junction. The site is located within an existing shopping area in the Macclesfield Borough Local Plan.

The application site forms an almost triangular plot of land measuring 0.126ha and is presently occupied by a large, two storey, building and rear car park serving the existing Indian restaurant 'Bay Leaf Lounge'. The application site has been amended from the previous application (15/3674M) to incorporate the rear car park and service area of the neighbouring butcher's shop.

### RELEVANT PLANNING HISTORY

**15/3674M** – *'Proposed demolition of existing building and erection of a new building (for A1 and A3 use)'* – Full Planning - Refused at committee – 20<sup>th</sup> January 2016. Reasons for refusal are as follows:

1. *'The proposal does not include sufficient car parking within the site to cater for the proposed development. This, combined with the design and layout of the proposed car park, will lead to inappropriate parking in locations near to the site, the potential blocking of the access and vehicles reversing onto Wellington Road, which would be detrimental to Highway safety. The proposal will therefore be contrary to policy DC6 of the Macclesfield Borough Local Plan, policy SD1 (7) and Appendix C of the Cheshire East Local Plan Strategy, Submission Version and Chapter 4 of the National Planning Policy Framework.*
2. *The proposed development will encourage on-street parking on Wellington Road and cause visibility problems at the site access to the detriment of road safety and interfering with the safe free flow of traffic. The proposal therefore fails to comply with policy DC6 of the Local Plan and policy SD1 (7) of the Cheshire East Local Plan Strategy, Submission Version and Chapter 4 of the National Planning Policy Framework.'*

**06/2874P** – *'Various externally illuminated and non illuminated signage (retrospective advertisement consent'* – Advertisement Consent – Approved with conditions – 12<sup>th</sup> March 2007

**99/0370P** – ‘Porch and minor external alterations’ - Approved with conditions – 27<sup>th</sup> April 1999

### DETAILS OF THE PROPOSALS

This application seeks Full Planning Permission for the ‘*proposed demolition of existing building and erection of a new building (for A1 and A3 use)*’. The new building will have retail to the ground floor and a restaurant to the first floor.

### POLICIES

#### National Planning Policy Framework (NPPF)

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.
- 23 - Ensuring the vitality of town centres
- 56-68 - Requiring good design
- 126, 131, 132 and 135 - Conserving and enhancing the historic environment

#### Macclesfield Borough Local Plan Saved Policies 2004 (MBLP)

NE1 – Nature Conservation

S1 – Shopping Developments

S4 (3) – Shopping

S7 – Guidance for location of new local shops

BE1 – Design Guidance

BE2 – Historic Environment

DC1 – New Build

DC3 – Amenity

DC5 – Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC14 and DC15 – Noise

DC17, DC18, DC19 and DC20 – Water Resources

DC36 – Road Layouts and Circulation

DC37 – Landscaping

DC38 – Space, light and privacy

DC48 – Shop Front design

DC49 – Shop Front security measures

DC54 – Restaurant, cafes and hot food takeaways

DC63 – Contaminated Land

T1, T2, T3, T4 and T5 – Integrated Transport Policy

IMP1 - Development Sites

IMP2 – Transport Measures

#### Cheshire East Local Plan Strategy Submission Version (March 2014)

Policy C01 Sustainable Travel and Transport

Policy C02 Enabling business growth through Transport Infrastructure

Policy SD1 Sustainable Development in Cheshire East  
Policy SD2 – Sustainable Development Principles  
Policy SE1 – Design  
Policy SE9 – Energy Efficient Development  
Policy EG1 – Economic Prosperity  
Policy PG2 – Settlement Hierarchy

### **Other Material Considerations**

Town and Country (General Permitted Development) (England) Order 2015  
SPD for Bollington (January 2006)  
Bollington Neighbourhood Plan – regulation 7 stage reached – Neighbourhood area designated

### **SUMMARY OF CONSULTATIONS**

**Flood Risk** – No objection subject to conditions relating to managing surface water and site levels.

**Manchester Airport** – No safeguarding objections

**Nature Conservation** – No objections

**Head of Strategic Infrastructure** – No objection subject to informatives and conditions relating to section 278 agreements, restaurant opening time not to be earlier than 6pm Monday to Sunday and restricted HGV lengths.

### **Environmental Protection**

No objections are raised subject to conditions relating to demolition and construction phase times and details of work etc., dust control, floor floating, hours of use, hours of delivery, noise assessment and mitigation, odour control, air quality and contaminated land.

### **Untied Utilities**

United Utilities have no objection to the proposed development provided that conditions relating to foul water drainage, surface water drainage and the management and maintenance of sustainable drainage systems alongside general informatives.

### **VIEWS OF BOLLINGTON TOWN COUNCIL**

The Town Council considered the application and have the following comments regarding the proposals – **Strongly Object to proposals:**

- Highway safety in terms of visibility issues when exiting and entering the car park to the rear of the site and when delivery vehicles use the loading bay proposed.
- Highway safety in terms of children and vulnerable people using courtesy crossings expecting vehicles to stop leading to accidents
- Inadequate provision of parking spaces taking into account both proposed uses and peak operating hours.
- Overloading of the existing highway network.
- Noise and odour from the plant equipment and general uses of the proposed units.

## OTHER REPRESENTATIONS

**Cheshire East Constabulary Crime Reduction Officer/ Architectural Liaison Officer –**  
Cheshire East Constabulary were previously consulted as part of 15/3674M with comments carried through to this current application – No objections subject to conditions

### **Consultation responses from members of the Public;**

45 letters of objection and 1 letter of support have been received from members of the public. The letters received are summarised as follows:

#### **Highway safety**

- Wellington Road is already a busy road and additional traffic generated by the development would adversely effect and create dangerous situations for road users and pedestrians.
- The figures provided for the number of parking spaces required have been made up.
- Insufficient parking for customers, staff and delivery vehicles for both proposed site uses.
- Concerns about the additional car parking spaces in comparison to the previous application that they are located on land owned by a third party and that these spaces may not be available for the lifetime of the development.
- Customers, staff, construction workers and delivery vehicles will park on the double yellow lines/ illegally outside the property or on nearby streets within the immediate area, if parking spaces are unavailable.
- Vehicle parking provision does not allow for people collecting takeaway orders.
- Poor visibility splays for those entering and exiting the car park.
- Not clear where residents residing above Barrow's Traditional Butchers and the Takeaway will park.
- The access road into the car park reduced from 4.8m to 4.3m which will have parking running down the southern boundary of the site would not allow safe two-way passage of cars and parking contrary to supporting information provided.
- Turning space within the car park is too small and will cause traffic incidents.
- Issues exiting the rear car park onto Wellington Road when delivery vehicles are loading/ unloading in the loading bay to the proposed buildings to the property's frontage along Wellington Road as visibility will be reduced.
- The footfall figures given within supporting documents is not a true reflection of reality. Many residents reference Bollington Town Council's footfall study conducted on CO-OP Bollington.
- The route delivery vehicles will take through Bollington in order to turn round safely once exiting the development from the loading bay or otherwise will significantly add to traffic on an already busy road.
- No turning area for delivery vehicles is provided and this will be a safety hazard for road users and pedestrians if vehicles attempt to turn around on the junction.
- Construction vehicles servicing the site during the buildings erection will add to road traffic in an area of existing traffic issues.
- The junction of Wellington Road and Grimshaw Lane is already very busy and dangerous, especially during peak times.

- Concern over drivers speeding close to the access of this site which could lead to traffic incidents when pedestrians and vehicles are entering and exiting the site.
- The proposed crossings in front of the proposal are uncontrolled which may lead to people, including school children who use the bus stop opposite the site walking into the road expecting vehicles to stop to allow safe passage.
- When the delivery vehicles are present this will block the safe view of pedestrians attempting to cross Wellington Road which may lead to dangerous situations.
- The crossings proposed would lead to neighbouring commercial uses having to manoeuvre from their vehicular access directly onto pedestrian crossings.
- The raised/courtesy crossings proposed would cause traffic to slow down and result in traffic building up.
- The raised/courtesy crossings proposed would be dangerous as vehicles would speed up to go over them and this may cause problems with lorries that could topple over.
- The existing haulage company nearby and the vehicle movement generated from this will create traffic flow problems and gridlock at the junction when articulated lorries turn.

### **Amenity**

- Noise pollution of delivery vehicles servicing the store affecting residential amenity.
- Demolition will cause noise and dust related issues within the local area.
- Construction works will cause noise and dust related issues within the local area.
- Lighting installed within the parking area will cause light pollution for properties immediately neighbouring the site.
- Refrigeration, air condition and mechanical plant will have an adverse effect on residential amenity mainly from 24hr noise produced by the units.
- All year round 24/7 use will be detrimental to local residents disturbing a way of life they presently enjoy.
- The proposals would create overlooking and effect the privacy of neighbours.

### **Character**

- The proposed building is of great interest locally and a historic focal point in Bollington.
- The proposed building does not look right on this main junction of Bollington as it is of modern architectural style.
- The development will contribute to the loss of local character already being experienced within the surrounding areas of Bollington.

### **Economic**

- Negative effect on local businesses due to construction of a convenience store which may take away existing business and profits.

### **Other**

- Nothing has really changed between this application and its predecessor.
- Other sites are more appropriate to incorporate developments such as this.
- The site should be used to create retirement properties or housing for local people.
- Crime and littering will increase causing aesthetical and safety issues arising from the development.

## **APPLICANT'S SUPPORTING INFORMATION**

The following information was submitted in support of the application:

- A Revised Planning Statement
- A Design and Access Statement
- Condition Survey
- Bat survey
- A Flood Risk Assessment
- A Transport Statement including a Delivery Management Plan

All the above documents can be viewed in full on the application file.

In addition to this, following concerns raised during the course of the application, supplementary highways details and additional information including a Flood Risk Response have been submitted.

### **OFFICER APPRAISAL**

#### **PRINCIPLE OF DEVELOPMENT**

The key issues with this application, as with the previous application (15/3674M) are as follows:

- The principle of retail development within this particular location;
- Impact on the character of the area
- Residential Amenity
- Highway Safety

#### **Retail Impact**

Chapter 2 of the NPPF '*Ensuring the vitality of Town Centres*' seeks to ensure the vitality of Town centres. It advises that planning policies should be positive, promote competitive Town Centres environments in doing so authorities are advised to;

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

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

Within the Emerging Local Plan Strategy Submission Version (March 2014) Bollington is allocated as Local Service Centre, and policy PG2 advises that

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

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

There are two shopping area allocated in Bollington within the MBLP. The largest being the Palmerston Street/High Street which is sited to the East of Bollington settlement and the Grimshaw Lane/Wellington Road shopping centre which serves the residents to the West.

The existing building currently operates as an Indian restaurant'. The existing restaurant building will be replaced by a new building accommodating a convenience store (A1 retail use) on the ground floor and the Indian restaurant (A3 use) to the first floor. The scheme includes:

- 370sqm of Retail (A1 use) encompassing ground floor customer facing area 278sqm and first floor storage area 83sqm (excluding staircases)
- 173sqm of Restaurant space (A3 use) at first floor level (excluding staircases)
- Difference between existing building floorspace and proposed floorspace is 134sqm.

At present, and unlike the previous application, a tenant has not been confirmed to occupy the A1 retail unit.

Having regard to the existing Local Plan policies and the site's position within a Local Service centre, it is considered that the proposed development would bring back an acceptable retail use, which may assist in renewing the vitality and viability of the Grimshaw Lane shopping centre. The principle of a dual use of the site of A1 and A3 use classes was established as being acceptable within the report and proceedings of the previous application for the site (15/3674M) as they conform to relevant shopping policies within the MBLP.

### **IMPACT UPON CHARACTER OF THE AREA**

#### **Principle of demolishing the existing building**

The existing building was originally known as the Waggon and Horses Public House erected in 1907. The building was converted into an Indian restaurant in 2006. The existing building is located on Grimshaw Lane and Wellington Road T-junction and has a noticeable frontage occupying a prominent location acting as a landmark building within Bollington Town. The existing two storey building is constructed in stone and has been the subject of a number of single-storey side and rear extensions constructed in stone and brick. The main feature of this building is predominantly the front façade with its two peaked gable features, mullion windows, castellated bay window and bow windows which offer some aesthetic appeal. With this said the building, is however considered to have limited architectural merits of historical significance. Whilst the building may have had some association as a traditional public house, this has however, been eroded when the building was converted into an Indian restaurant. The property is not a Listed Building or registered on the Council's Local List of Important Buildings and the site is not located within a Conservation Area or under Article 4 direction. The front façade and historical context of this building is what sets this building apart from surrounding properties and for this reason the existing building is considered to be a non -designated heritage asset.

Para 135 of the NPPF advises that;

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

A Condition Survey forms part of the supporting documents for this planning application. The reports details that the existing building has suffered due to the lack of maintenance. Several aspects of the property are outlined as requiring replacement such as windows, doors, collapsing outbuildings electrical and mechanical installations and damp proof course. It is also advised that it is likely that the stone works on the Northern elevation will require extensive re construction. Potentially loose coping stones are identified on the front elevation and the first floor is not considered to comply with fire safety concerns. It is concluded that the existing building may have potentially reached its end of life and a new building would be considered to be a viable alternative. The Conservation Officer stated during the consideration of the previous application (15/3674M) that *‘although there is loss of existing fabric this has been justified within the Condition Survey, I believe the overall balance of the building as proposed has been maintained with this proposal’* and the *‘overall contribution that this new building will make to the street scene is maintained’*. Having regard to the above and the poor state of repair of the existing building the demolition of the existing building is considered to be acceptable. This was also accepted by members at the time of the previous application (15/3674M).

### **Design /character of the proposed replacement building**

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

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

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

The proposed building is the same as that considered in the previous application and has been designed in an ‘L’ shape and will cover a footprint of approx. 370sqm. The building is to be set further into the site from Wellington Road than the existing but retaining a car parking area to the rear of the property. Cycle storage and loading bay is to be sited along the front elevation.

The proposed building is larger in terms of its scale and massing than the existing building. The building however has been designed to incorporate a more traditional frontage and will include a pitched roof, linking two gable features, as well as mullioned windows at first floor, which are of a similar character and style to the existing building. The proposed building has been designed so to incorporate features of the existing building and on overall balance, it is considered that the traditional character of this area will be maintained with the construction of the new building.

The primary retail frontage is to be located on the front elevation and side facing elevations facing the proposed vehicular access. The proposed building is to be constructed in natural stone along the side and front elevations with slate roofing. Plans detail that fair faced blockwork is proposed along the north and west elevations. Should planning permission be granted, a condition is recommended to ensure a more appropriate facing material is secured for these elevations.

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

### **Design/Crime Prevention**

The Cheshire East Constabulary Crime Reduction Officer provided input on the previous application (15/3674M) and initially raised the following concerns;

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

The applicant was made aware of the abovementioned concerns. After meeting with the Crime Advisor the applicant addressed the above concerns by making the following adjustment's to the previous application which have in turn been carried through to this present planning application;

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

The Crime Reduction Advisor was satisfied that the amendments addressed concerns and no further objections were raised.

### **IMPACT UPON RESIDENTIAL AMENITY**

#### **Noise /Disturbance.**

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

The proposed opening times are as follows, Monday to Sunday including Bank Holidays:

- Retail (A1) – 07:00 to 23:00
- Restaurant (A3) - 18:00 to 24:00

Environmental Protection have been consulted on the application and have raised no objection to the proposed use in term of loss of noise or disturbance subject to conditions, which restrict hours of operation to the following in order to protect residential amenity;

Retail Unit -08:00 to 23:00

Restaurant – 19:00 to Midnight

Whilst the proposed hours are generally considered to be reasonable, a restriction on the restaurant opening at 19:00 for amenity reasons is not considered to be justified.

Environmental Protection advised that that in addition to the above and in order or to preserve existing levels of residential amenity deliveries to and from the site should be restricted to between 08:00 and 19.00 hours on Monday to Saturday with further restrictions to deliveries on Sundays & Bank Holidays.

The applicant has proposed that any air conditioning, plant equipment, extractor fans and ducting associated with be located on the roof screened behind the parapet wall. In order to ensure the proposed ventilation system, extraction fans and air conditioning units propose will not have a harmful impact upon residential amenity Environmental Protection Officer has recommended conditions requiring the submission of a noise impact assessment and a scheme for odour and noise control.

### **Loss of Light**

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

The distance from these windows and the existing northern elevation of the 127 Wellington Road measures approx. 5.4m. The proposed building is to be sited within closer proximity of these two windows (around 1m spacing), however a light well has been designed into the proposed northern side elevation of the proposed building in order to mitigate against the harm to the existing neighbouring windows, in term of loss of light.

The relationship of the proposed building and 125 Wellington Road will fall below the standards set out within Policy DC38 of the Local Plan which advises a guideline distance of 14m habitable room to non habitable room or blank wall. Although it is acknowledged that the proposed development will have some impact upon these windows in terms of loss of light,

having regard to the existing sub-standard relationship, the fact that the larger of the windows is obscurely glazed restricting outlook and that the first floor accommodation would appear to be ancillary function to the takeaway, the impact of the proposed development is not considered to be so significantly adverse to justify a refusal of planning permission.

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

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

At first floor, on the rear elevation of 1 Henshall Lane, there are two kitchen windows. The proposed development will not fall within the 45 degree angle when taken from the centre of these windows; therefore the proposed development will have an acceptable impact upon current levels of residential amenity, as was established during the previous application.

### **HIGHWAY SAFETY**

As existing there are two means of vehicular and undefined pedestrian access to the rear car park of the restaurant both of which are cobbled, situated to the northern and southern elevations. The adjacent butcher's shop has right of access to the southern access. Both of these accesses allow entrance and egress from the site in single file form. Visibility onto Wellington Road is poor from both accesses, particularly when vehicles are exiting the site from the rear car park due to boundary walls and the immediate neighbouring properties gable walls. In front of the property along Wellington Road double yellow lines are in place and directly opposite the existing building is a bus stop.

Compared with the previous application, which was refused due to insufficient car parking and car parking layout, this proposal has been designed to accommodate 21 car parking spaces in total including 1 disabled parking space, which is 7 more than the refused scheme. The additional spaces are the result of an agreement made with the neighbouring butcher's shop and will result in the 7 additional spaces being provided on land within the ownership of the butcher's. Access and egress to the site car park remains unchanged from the previous application and is to be gained from Wellington Road from the south eastern corner of the site.

Highways have been consulted on this application and as with the previous application have raised no objections, and provide the following comments on the proposal: *'This planning application is essentially identical to an earlier application (reference 15/3674M) for this site to which, subject to conditions, the Strategic Infrastructure Manager had no objection.'*

*However, it was subsequently refused at planning committee on the grounds of insufficient parking and impact on highway safety resulting from an expectation that vehicles would be parked on Wellington Road.*

*To address the above reasons for refusal, this latest application proposes a further seven parking spaces in addition to the 14 spaces that were previously proposed, to provide a 21 space car park.*

*Having reviewed this revised application in detail, the SIM notes that the land ownership plan submitted with the planning application (Architects & Designers drawing number AP21), indicates that the additional parking spaces are provided on land owned by a third party and, therefore, their provision can not be guaranteed in perpetuity.'*

### **Context of the Local Highways network**

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

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

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

### **Traffic generation**

The Transport Statement submitted in support of the application provides an assessment of the morning and evening commuter period peak traffic generating potential for both the restaurant and the retail unit.

	Arrivals	Departures	Total
08:00-09:00 AM Peak time	22	20	42
17:00 -18:00 PM Peak time	35	34	69

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

### **Access**

The proposed access is to incorporate a visibility spays of 2.4m x 35m to the South and 2.4 X 34m to the north, the former of which is considered to be a significant improvement on the existing 2.4m x 21m visibility splay to the south of the site.

Concerns raised by third parties with regard to visibility splays are acknowledged. However, as previously noted by the Highways:

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

*Using 28mph as a proxy for vehicle speeds in both directions on Wellington Road, equates to a normal visibility splay requirement of 2.4m x 40m. Having regard for the current and previous use of the site and its existing access arrangements, the shortfall in visibility of just 5.0m and 6.0m to the south and north of the site access would not be expected to have a material impact on road safety.'*

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

### **Car Parking /layout**

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

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

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

Using the above standards, approximately 51 parking spaces would be required for the development. However, the existing restaurant has a parking requirement of 33 spaces, which is more than are currently provided within the existing site.

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

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

Located within the settlement area of Bollington Town and located within a Local Service Centre which is accessible by both public forms of transport, cycle and in walking distance for

a number of residents within the Local Area the application site is in a sustainable and accessible location.

Within the supporting Travel Statement the results of a car parking utilisation analysis have been presented, which have indicated that under normal working operational conditions the proposed car park would have sufficient capacity to serve the proposed retail and restaurant uses. As with the previous application the Head of Strategic Infrastructure is satisfied that the car park would be expected to meet demand during the daytime, the busiest time of the day being between 4pm and 6pm when around 12 vehicles would be expected to be parked.

As stated in the accompanying Transport Statement it is expected that the busiest period for parking is when both the restaurant and retail unit are in simultaneous operation between 8pm and 9pm. The increased amount of parking compared with the previously refused application from 14 to 21 spaces, results in a surplus of car parking available during this time, unlike the previous application which would likely have resulted in the car park being fully occupied.

Due to the potential conflict of the opening hours of the two proposed uses on site along with parking ratios it is recommended that the restaurant is conditioned to opening no earlier than 18:30 to 24:00 Monday to Sunday. In order to allow the peak time for the retail unit to pass prior to the restaurant opening.

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

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

Following concerns raised during the previous application with regard to the position of the proposed ATM machine on the front elevation, amendments were received relocating the machine within the store therefore discouraging patrons to park at the front of the property. This has been carried through within this application.

The applicant has submitted a swept path to illustrate a car turning within the proposed car park and also how two vehicles can pass each other within the access route which measures between 4.8m at the opening and 4.3m further into the site.

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

The Head of Strategic Infrastructure confirms that the proposed parking layout is acceptable.

### **Servicing**

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

Swept paths of service lorries accessing and exiting the proposed service bay have been provided to the Authority and a Delivery Service Plan has been produced to ensure that the service bay is kept free of obstruction prior to deliveries. The service plan includes the following measures;

- cones to be placed within the loading bay 30 minutes before the delivery and removed immediately prior to the arrival of the delivery vehicle;
- The largest vehicle to visit the site is 11.6m in length ;
- Staff of the store will encourage pedestrians and vehicles to clear the application site access to prevent conflict;
- The service lorries will approach the site from the south and leave in a northerly direction.

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

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

### **Mitigation**

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

During the course of the previous application, concerns were raised by officers with regard to the pedestrians crossing Wellington Road from the bus stop to the proposed store and negotiating the vehicular junction. Consequently, it was requested that the applicants explore the potential for introducing a pedestrian crossing facilities within this area.

Following consultation with Highways the following crossing were examined and provided the following feedback;

- Signalised crossing - likely to cause queues and operational difficulties and unlikely to affect vehicle speeds when the crossing is not in use
- Zebra crossing - A zebra crossing is already located further north of the site. An additional zebra crossing in this area likely to sterilise the frontage and conflict within

the existing bus stop. It could potentially result in the relocation of the bus stop which is the perceived need for the crossing.

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

Having regard to the above the Councils Head of Strategic Infrastructure is satisfied that the proposed development will not have a significantly harmful impact upon highway safety.

### **OTHER ISSUES**

#### **Environmental considerations**

The Environmental Protection Officer has advised that in order to ensure the cumulative impact of the development upon air quality in particular, the impact of transport related emissions on Local Air Quality. Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow charging of electric vehicles, in new modern, sustainable developments. An appropriate condition is therefore recommended.

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

#### **Landscape**

The applicant proposes shrub planting along the boundaries of the proposed car park. Conditions are recommended requiring a full landscaping scheme to be submitted to ensure proposed planting and hardstanding are in keeping with the character of the local area.

#### **Ecology**

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

#### **Flood Risk**

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

The applicant has submitted a Flood Risk Assessment, and the Flood Risk Manager was consulted on this and has no objection given that the proposed new building will not incorporate a basement and due to additional flood resilience measure which are to be incorporated into the scheme subject to pre-commencement conditions.

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

### CONCLUSIONS

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

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

- The application site is located within the centre of Bollington in an accessible location;
- The proposed development would bring back an appropriate retail use to the existing shopping area which would provide economic benefit to the local community and create customer choice;
- The proposed building has been designed to incorporate architectural features which will replicate the existing building. The proposal would provide a more energy efficient building which would not have a harmful impact upon the character of the existing street scene;
- It is considered that the proposal would not have a significantly harmful impact on neighbouring residential amenity;
- The proposal would bring environmental improvements in terms of flood risk;
- Concerns raised by members of the public and the Town Council with regard to highway safety have been considered. The off site parking provision to the rear of the site is considered to be acceptable and has been enhanced taking into account the previous refusal. Also having regard to the site's accessibility and additional information submitted illustrates that vehicles are able to manoeuvre and egress the site in a forward gear. The means of access and visibility splays are considered to present an improvement on two existing means of access to the site. Subject to condition restricting the length of the lorries and securing the delivery management plan and hours restricting the delivery of goods it is considered that the proposed location of the service bay is unlikely to have a harmful impact upon highway safety. The proposed trip generation to the proposed development is not considered to have a material impact upon the operation of the adjacent highway. The Head of Strategic Infrastructure therefore considered that the proposed development will have an acceptable impact upon highway safety subject to conditions.

Paragraph 14 of the NPPF emphasis that there is a presumption in favour of sustainable development and when making decisions Local Planning Authorities should approve development that accords with the development plan without delay.

### Sustainability

Overall, the proposed development will provide a more energy efficient building, incorporate flood risk measure and improve the appearance of the application site. In economic terms the proposed development will assist in contributing to the local community inter of jobs and creating competitive business, and socially, the proposed development will provide a beneficial and accessible service to the local Community.

The proposed development is considered to represent a sustainable form of development for which there is a presumption in favour. The proposed development is considered to comply with policies within the Development Plan and NPPF in the planning balance there are no material planning considerations or impact which are considered to be so significantly adverse to suggest otherwise.

A recommendation for approval is therefore made subject to conditions.

### Application for Full Planning

#### RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. External facing materials to be agreed in writing - prior to commencement.
4. Hard and soft landscaping details to be agreed - prior to commencement
5. Car Parking Space availability and retention - lifetime of development.
6. Car park operation details - prior to commencement
7. Courtesy pedestrian crossings - lifetime of development
8. Air Conditioning units specification to be confirmed - prior to commencement
9. Visibility splays - provided prior to commencement and retained for lifetime of development.
10. Plant and Extract equipment specification - prior to commencement and retained thereafter.
11. Hours of operation of the restaurant (A3) and retail unit (A1)
12. Delivery times
13. Delivery vehicles length restriction
14. Vegetation
15. Fast electric vehicle charge point - retained for life of development.
16. Flood Risk Mitigation
17. Foul and surface water drainage
18. Surface water drainage scheme to be agreed in writing - prior to commencement

19. Sustainable drainage management scheme to be agreed in writing - prior to commencement then retained and maintained for lifetime of development
20. Surface water drainage scheme including existing and finished floor levels - prior to commencement
21. Construction hours
22. Pile foundations details and methods to be agreed in writing - prior to commencement if applicable
23. Floor floating
24. Noise Impact Assessment - prior to commencement
25. Crime Prevention methods - retained and maintained for lifetime of development
26. Odour/ Noise control details and method to be agreed in writing - prior to commencement
27. Secure bin storage to be agreed in writing - prior to commencement.
28. Section 278 agreement with CEH- prior to commencement

**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 Chairman (or in their absence the Vice Chairman) of the 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.**



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Application No: 16/4861M

Location: 4, Little Meadow Close, Prestbury, SK10 4HA

Proposal: Demolition of existing 2 storey house to provide two new detached dwellings.

Applicant: Atherton

Expiry Date: 30-Nov-2016

**SUMMARY**

The proposals are in accordance with the NPPF, Macclesfield Borough Council Local Plan and Prestbury VDS and Prestbury SPD.

Highways have no objection to the proposal. The site can accommodate the 5 parking spaces required for 2 dwellinghouses of this size and the access to the site is not changing. Therefore there are no substantial highways concerns.

The Council's Forestry Officer has no objection to the proposals. All the trees identified for removal are considered to be low value inconsequential ornamental suburban garden trees, none of which are considered worthy of formal protection under a Tree Preservation Order.

Ecology have concluded the only potential impacts of the scheme relate to the presence of nesting birds. A condition is therefore to be included to safeguard nesting birds.

In addition Environmental Health, Flood Risk Team and United Utilities have no objection to the proposal.

The design is deemed acceptable and there are no substantial amenity issues to be caused. The plot division will result in two plots which are a similar sqm to surrounding sites with a similar density.

**RECOMMENDATION**

Approve subject to conditions

**REASON FOR REPORT**

The application has been called into committee by Councillor J. Paul Findlow for the following reasons:

*Widely expressed local concern, including a "strong objection" from the Parish Council, on the grounds of:*

- 1.gross over-development.*
- 2.out of place and character for the area, together with inappropriate design.*
- 3.the un-neighbourly nature of the proposal, overlooking and invasion of privacy.*
- 4.loss of trees.*
- 5.contrary to the Village Design Statement.*

### **PROPOSAL**

This application seeks full planning permission to demolish a 2 storey dwellinghouse and erect 2 new 2 storey detached dwellings with the same orientation as the existing dwellinghouse. The site will contain 5 parking spaces (3 spaces allocated to dwelling 4 and 2 spaces allocated to dwelling 4a).

The proposal will result in the removal of 10 trees. The access to the site is staying the same.

The proposed dwellings are to measure:

- Dwelling 4 – approx. 13m deep (maximum), 11.3m wide (maximum) 5m eaves and 6.8m to the ridge. 135sqm ground floor area (including area labelled garage) and 135sqm at first floor. Equating to approx. 270sqm in total.
- Dwelling 4a - 13.3m deep (maximum), 10.8m wide (maximum) 4.5m eaves and 6.8m to the ridge. 114sqm ground floor area (including area labelled garage) and 99sqm and first floor. Equating to approx. 213sqm in total.

### **SITE DESCRIPTION**

4, Little Meadow Close is located within a predominantly residential area of Prestbury as defined in the Macclesfield Borough Local Plan.

Little Meadow Close is a quiet, two lane residential cul-de-sac which serves 9 dwellinghouses that all vary in design, scale and mass. The site is large and measures at it's widest point approximately 44m and deepest approximately 66m, the site is at its narrowest to the east/front of the dwellings. The current dwellinghouse is sited towards the eastern edge of the plot and is accessed via a private tarmac drive that leads to the property with double garage and driveway parking. The existing access is currently ungated.

The site is relatively flat, falling just 0.75m over 30m across it's width and 2m over 66m along its length. The front of the site is bounded by a low height stone wall with mature hedgerows and trees along the boundary. The remaining frontage to the house consists of lawns with various mature trees and is heavily planted with mature trees towards the rear and along the boundary.

The existing property is set back from the frontage by approximately 23m. The siting of the property and the extent of landscaping makes for a relatively private site, particularly at the rear.

The appearance of the existing house is an equal mix of Cheshire red brickwork, coloured cement render and dark grey roof tiles / flat roofing. The fenestration is predominantly softwood painted (white) with a mix of 1950s large fixed panes with side hung opening lights. These materials are typical of the surroundings with most properties nearby built from a mix of brickwork and render with an occasional use of timber cladding on the upper storeys. The forms are mainly traditional consisting of two storey, rectilinear properties with large pitched roofs often utilising dormer roofs but not exclusively.

### **RELEVANT HISTORY**

None

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of good design. Of particular relevance are paragraphs: 56-67

#### **Development Plan**

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

BE1 (Design principles for new developments)  
DC1 (High quality design for new build)  
DC2 (Extensions and alterations)  
DC3 (Protection of the amenities of nearby residential properties)  
DC5 (Design out crime)  
DC6 (Circulation and Access)  
DC8 & DC37 (Landscaping)  
DC9 (Tree Protection)  
DC38 (Guidelines for space, light and privacy for housing development)  
DC35 (Materials)  
DC41 (Infill housing development or redevelopment)  
DC46 (Demolition)  
H5 (Windfall housing)  
H13 (Predominantly residential)  
NE11 (Nature Conservation)

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

### **Other Material consideration**

Cheshire East Local Plan Strategy – Submission Version (CELP)  
Prestbury Village Design Statement  
Prestbury Supplementary Planning Document

### **CONSULTATIONS**

Highways – No objections however informative requested

Forestry – No objection subject to conditions relating to submission of an Arboricultural Implications Assessment and method statement.

Environmental Health – No objection however conditions relating to pile foundations (if required) and dust suppression measures are recommended

United Utilities – No objection

Flood Risk – No objection

Ecology – No objection however condition relating to the protection of nesting birds recommended

### **PARISH/TOWN COUNCIL**

Prestbury Parish Council - The Committee strongly object to this application as it is a gross over development in a cul-de-sac. It does not comply with the Village Design Statement and the design is out of character with the area. They are also concerned about the loss of trees.

### **REPRESENTATIONS**

21 objections have been received. The objections in full can be located on file. A summary of the objections can be located below.

- Overdevelopment and cramped appearance
- Design and appearance is completely out of context and cedar board is out of keeping
- Streetscape Elevation is misleading – does not show how close the properties are to the boundaries and trees which are to be felled are on the streetscape elevation
- overshadow the adjoining properties and gardens. Loss of sunlight/daylight
- a substantial loss of garden land and shared open aspect of the adjoining back gardens
- Proposed landscaping not acceptable
- Intrusion of privacy of adjoining dwellings including to dwelling behind 4, Little Meadow Close due to large proposed windows and balcony
- The plot sits at a higher elevation than the houses directly behind it, which are dormer type bungalows
- Poor access to the site
- Increase Pollution - car fumes/carbon monoxide
- Increase in traffic/vehicular movement
- Only two parking spaces per property
- Believe the practice of garden division to be contrary to the National Policy Planning framework
- Footprint of 4a is encroaching forward from the existing sightline
- Loss of approx. 15 trees
- Loss of natural habitat for wildlife
- Concerns over waterlogging of site and drainage
- Concerns over bin storage

## APPRAISAL

The key issues relate to 1) design/impact on the character and appearance of the area and relationship with the street-scene; 2) impact on neighbour amenity; 3) trees; 4) highway safety; 5) flood risk / waterlogging; 6) ecology

## 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 Prestbury Village Design Statement (VDS) was adopted by Macclesfield Borough Council in 2007. The VDS states any new development should:

- Have regard to the different densities within the different parts of the parish - This has been considered and the proposal is deemed acceptable as outlined further below
- Respect the settlement pattern of the parish, particularly open spaces and avoid inappropriate development in the Green Belt – Site is not in the Green Belt and respects the pattern, as acceptable distances between properties have been retained and the sub-division of the plot is in keeping as outlined further below
- Respect local heritage and distinctiveness and the historic part played by the Rivers Bollin and Dean in defining the settlement pattern- Site is not in the historic areas
- Take account of flood risk and not develop or re-develop parts of the river valleys susceptible to flooding other wildlife habitats should be preserved and retained, and enhanced where appropriate- The site is not near the river and Cheshire East Council’s flood risk department and United Utilities have no objection
- Have regard to any relevant planning policies for restricting the supply of housing land – CEC cannot currently demonstrate a five year housing land supply and so the one additional dwelling would have a positive effect. Any policies restricting the supply of housing are out of date in the absence of a five year housing supply.
- Have regard to the impact it would have when viewed from outside the immediate location and/or from the Bollin Valley and the impact it would have on the settlement as a whole – Deemed no negative impact as the site is in a residential cul-de-sac
- Include appropriate tree and/or hedge planting in keeping with the established character of the area.- 13 trees are to be retained on site and as outlined further below is deemed to be acceptable
- Consider the relationship between the size, form and mass of a building, as well as the space surrounding it - This has been done and deemed acceptable as outlined further below

- Consider its impact on neighbours to maintain the quality of a particular environment - Amenity assessed and meets all amenity policies as outlined further below
- Avoid over-development of the site, which contrasts poorly with the characteristics of the area and is out of proportion with nearby properties – deemed in keeping and is not classed as overdevelopment of the site as detailed below
- Respect and retain the limited number of open spaces within the village which contribute to the feeling of space, openness and rural quality of the parish – The site is situated at the top of a residential cul-de-sac and so is deemed to have no negative impact to the feeling of space, openness and rural quality. The plots are to remain large
- Consider existing infrastructure and local services, including utilities, sewage and drainage systems, and the implications of the proposal – Deemed to have no negative effect. United utilities and flood risk have no objection to the proposal. A condition is to be inserted to ensure broadband services are installed and drainage will be assessed further when an application is submitted to Building Control

The proposal is therefore deemed to be in accordance with Prestburys VDS, and specific details are expanded upon below.

The following table assesses the dimensions of the proposal. It concluded the maximum height at 6.8ms is only a 300mm increase above the existing dwellinghouse. To reduce any impact this increase may cause, flat roofs have been utilised. Therefore 4a has flat roof to the northeast of the dwelling to reduce the impact on number 2 Little Meadow Close which is set lower than number 4 Little Meadow Close. The existing dormers, current carport and nearby properties all contain flat roof aspects and so this design approach is considered to be in keeping with the character of the area.

In addition the width of the front elevation of the existing dwellinghouse and attached carport is approx. 18.8m at ground floor. The proposed 2 dwellings will result in a combined front elevation of approx. 22.1m at ground floor. Whilst it is noted the proposed dwellings will result in an approx. 3.3m increase in building width overall, it is also noted the plot is wide and can accommodate the increase. The proposed dwellings have also been staggered at both ground and first floor which helps to minimise their impact. In addition the dwellings are set back from the highway by a distance which is commensurate with other properties on the street .

Dwelling	Ground floor sqm	First floor Sqm	Total floor area	Depth (max.)	Width (max.)	Ridge Height (max.)
Existing	130 (147 Inc. carport)	84	214sqm	10.2m	15.9m (18.8 Inc. carport)	6.3m
4	135	135	270sqm	13m	11.3m	6.8m
4a	114	99	213sqm	13.3m	10.8m	6.8m

It is noted objections have been raised stating the site is situated in a low density area and in a semi rural area. However, as noted above the site is located within a predominantly residential area, which is not an identified low density housing area in the local plan.

Concerns have also been raised with regard to setting a precedent. However it is confirmed that each application would be assessed on its own merits at the appropriate time.

It is also noted concerns were raised with regard to a substantial loss of garden land and shared open aspect of the adjoining back gardens. All 9 sites have been assessed on Little Meadow Close (see below table) and number 4 Little Meadow Close currently comprises the largest plot. The sub-division of the application site would result in two plots of approximately 984sqm. Due to the fact that the area is classed as predominantly residential (not low density) a plot size of 984sqm is still a large plot which can easily accommodate a dwelling without resulting in undue harm to the character of the area.

In terms of the wider area the property directly behind 4 Little Meadow Close (Number 32 Meadow Drive) has been assessed. The site is approx. 1055sqm with the footprint of the dwelling equating to approx. 145sqm. Therefore the proposed 4 and 4a Little Meadow Close sites would contain a slightly smaller site area per dwelling compared to the neighbour to the rear (984sqm in comparison to 1055), however the proposed dwellings have a smaller footprint (135sqm and 114sqm. respectively) than number 32 Meadow Drive and so are consistent with local character.

Plot size	
Site	Plot size
4 Little Meadow Close	1968sqm
1 Little Meadow Close	1417sqm
2 Little Meadow Close	1409sqm
3 Little Meadow Close	1367sqm
5 Little Meadow Close	1624 sqm
6 Little Meadow Close	1719sqm
7 Little Meadow Close	1126 sqm
8 Little Meadow Close	1182sqm
9 Little Meadow Close	1114 sqm

The existing dwelling occupies 7% of its plot by area. When assessing the wider area dwellings occupy between 8% and 20% of their plots, with the average being 13% for those measured. The proposed dwellings will occupy 11% of the site for No 4 and 13% of the site for No 4a. These figures are considered to demonstrate that the dwellings and plot sizes are commensurate with the established character of the area.

Some of the letters of representation refer to the proposal being contrary to the NPPF due to the division of garden land. It is acknowledged that paragraph 53 of the NPPF states Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. However, in this case the development would not cause harm to the local area. Furthermore, there are no adopted local plan policies that seek to impose such restrictions.

As you enter Little Meadow close, due to the location of the site which is situated at the top right of the cul-de-sac and the fact that the dwellings are to be set back within the plots, the proposed dwellings will not be instantly in view and therefore the visual impact is reduced.

Any reduction in plot width can also be accommodated within Little Meadow Close due to the varying width of all the plots. Many of the existing plots are at their narrowest at the front.

The proposed red Cheshire brickwork for the main elevations, dark grey slate-like roof tile, dark grey aluminium windows, smooth through colour render, dark grey stone-like cladding to the dormer windows to merge with the roof scape, large glazed areas to the garden elevation, vertical western red cedar boarding are all considered to be acceptable materials in this area. Little Meadow Close currently contains a varied mix of materials including render and timber cladding and varying window frame and door materials and colours. A mix of materials is considered to be acceptable and in this case it is believed the mix in materials will help reduce any massing that may be evident.

It is therefore considered that the sub division of the existing plot and the 2 proposed dwellings are in keeping with the character and appearance of the area. The proposal is therefore in accordance with the requirements in policies BE1, DC1, and DC2 of the Macclesfield Borough Local Plan.

### **Residential Amenity**

Policies DC3, DC38 and H13 seek to protect the residential amenity of nearby properties having regard to space, light and privacy etc.

#### Plot 4

The proposed dwellinghouse is to contain three side windows on the south west elevation. At ground floor these serve a study and WC and an en-suite at first floor. boundary treatment and the first floor window is recommended to be obscurely glazed. In addition due to the orientation of number 4 and number 6 its deemed there to be no further significant amenity issues caused.

On the proposed north east side elevation there is to be one utility window at ground floor and glazed doors that serve the living room and enter onto the patio area. There are no windows at first floor. Again the utility is a non-habitable room and the lounge window is approx. 7.8m to the boundary line and due to the staggered effect of the two proposed properties it is deemed there are no significant privacy issues

The front of the proposed dwelling at first floor is to contain an approx. 60cm deep balcony. The balcony is set into the front elevation and so appears flush to the front elevation, and will therefore have a similar impact to a window. The two additional windows to this elevation at first floor are to serve a gallery and stairs and so again there is no substantial amenity concerns caused. The ground floor is to contain the front door and a window to serve the garage and again will not result in any substantial amenity issues. The dwelling opposite (3 Little Meadow Close) is at the closest point approx. 72m away and therefore well within the suggested 21m guideline as detailed in policy DC38.

Number 30 Meadow Drive is approx. 48ms away from the proposed rear elevation and so well within the suggested guideline of 25m as stated under policy DC38. The proposed rear elevation is to contain two rear first floor windows which serve two bedrooms and a balcony which is approx. 1.5m deep. The balcony is set into the rear elevation and so appears flush to

the rear elevation, and will again have a similar impact to a window, which raises no significant overlooking concerns.

### Plot 4a

The proposed south west side elevation contains one window at ground floor which serves a dining room. This looks at a blank gable approx. 2.5ms away and so will not overlook the adjoining property. The dining room is a through room so contains light from the front and back windows also and so is deemed acceptable in amenity terms with an acceptable amount of light. The proposed north east side elevation contains two windows at ground floor, one is to serve a garage and the other serves a kitchen / sitting area. The kitchen / sitting area is approx. 6.9m from the boundary line and due to the staggered rear boundary of number 4a in comparison to number 2 and, there is to be no substantial amenity issues caused.

At first floor the proposed south west side elevation contains 2 windows. One is a secondary window to a bedroom and the other serves a study. It is noted the proposed study does result in a shortfall in the distances outlined in policy DC38 and this matter has been raised with the applicant's agent. Further details will be provided as an update. The proposed north east side elevation is to contain one window at first floor which is to serve the entrance to a bedroom facing a bedroom storage area (this is the secondary window to the bedroom). It is recommended that this window is obscurely glazed to prevent overlooking of neighbouring property.

The dwellinghouse opposite (3 Little Meadow Close) is at the closest point approx. 68m away and therefore well within the suggested 21m guideline as detailed in policy DC38. The proposed front elevation is to contain two windows at ground floor which serve a living room and WC. At first floor there are to be three windows that serve two bedrooms and the stairs. All proposed windows are deemed acceptable and not to cause a substantial amenity issue. It is noted a full length bedroom window faces the flat roof garage. This flat roof is to be conditioned so that it is not used at any point without permission from the LPA to be used as a balcony.

Number 32 Meadow Drive is approx. 59m away from the proposed rear elevation and so well within the suggested guideline of 25m as stated under policy DC38. The proposed rear elevation is to contain two doors and one window at ground floor all of which are deemed acceptable. The first floor is to contain one bedroom balcony which again will not cause any substantial amenity issues.

### General Amenity

The proposed dwellings have been specifically positioned with staggered elevations to ensure the 45 degree line of site is not compromised from number 2, 4a, 4 and 6 Little Meadow close and therefore again the proposal is acceptable in terms of impact upon outlook and light.

Policy DC38 states 'each dwelling should be set back at least 1 metre from the site boundary'. The proposed dwelling on plot 4 is at its closest point approx. 2.5m from the boundary line to the south and approx. 1.7m to its north boundary line. The on plot 4a is approx. 1m from its south boundary line and approx. 1.2m from its north boundary line. Therefore both proposed

dwelling meet the suggested criteria in policy DC38. It is noted other sites on Little Meadow close do not adhere to this 1m guideline.

Given the nature of the proposed dwellings and the immediate neighbouring properties, overall the proposal would not significantly impact on neighbouring amenities. Bearing the above points in mind the proposal is in accordance with policies DC3, DC38 and H13 of the Macclesfield Borough Council Local Plan

### **Trees**

The Council's Forestry Officer has no objection to the proposal. The application is supported by an Arboricultural Implications Assessment and Arboricultural Method Statement.

All the trees identified for removal are considered to be low value inconsequential ornamental suburban garden trees, none of which are considered worthy of formal protection under a Tree Preservation Order. The moderate value trees identified for retention including those forming the rear boundary of the site can all be protected in accordance with current best practice.

It is noted that the Arboricultural Method Statement confirmed 15 trees on site are to be removed. The agent has since confirmed in writing this is not the case and only 10 trees are to be removed. Revised plans and streetscape elevations have therefore been received to clearly evidence the removal of the correct trees. 5 trees on the front elevation were initially labelled to be removed which would have an effect on the streetscene, however this was incorrect and only one tree on the front elevation is to be removed resulting in 5 trees being retained resulting in a minimal impact on the streetscene.

13 trees will therefore be retained on site but again as mentioned above all trees on site are considered to be low value. In addition the site is not in a conservation area nor are there any tree preservation orders on the site.

The proposal is therefore in accordance with the requirements in policies DC9 of the Macclesfield Borough Local Plan and the loss of the trees are deemed acceptable and will not have any substantial affect on the streetscene.

### **Highways**

A 4 bed dwellinghouse requires 3 parking spaces and a 3 bed dwellinghouse requires 2 parking spaces. Each space should measure a minimum 4.8m x 2.5m per space if on a drive or 2.7m x 5.5m per space if within a garage. It is noted there is a shortfall in the integral garage dimensions, however as each site can accommodate the spaces externally the parking requirements are met.

The Strategic Infrastructure Manager has been consulted on the proposal and has no objection to the planning application. There are no material highway implications associated with this proposal; the proposal for access is satisfactory and off-street parking provision is in accordance with CEC minimum parking standards for residential dwellings.

It is noted an objection has been made regarding poor access to the site. However, the site entrance is not changing and as mentioned above the Strategic Infrastructure Manager has no objections and therefore the access and egress to the site is deemed acceptable.

Furthermore, as the site is to only accommodate one additional dwelling, it is not considered the proposal will result in any significant increase in pollution, carbon monoxide levels or traffic/vehicular movement.

The proposal is therefore in accordance with the requirements in policy DC6 of the Macclesfield Borough Local Plan and Cheshire East Local Plan parking standards.

### **Flood Risk**

Concerns over drainage and waterlogging have been noted. As detailed above United Utilities and Cheshire East Council's Flood Risk team have been consulted and both have confirmed they have no objection. Therefore the removal of the trees and any increase in hardstanding is deemed acceptable and will not cause any substantial issues in this area. In addition drainage for the dwellings will also be assessed by Building Control at the appropriate time. The proposals are therefore considered to be acceptable and there are no substantial concerns with regards to waterlogging or flooding on the site or surrounding area.

### **Ecology**

An Ecological Assessment has been conducted (dated 26 October 2016) by a suitable qualified Ecologist.

The Ecologist has concluded the only potential impacts of the scheme relate to the presence of nesting birds. In addition Cheshire East Council's Ecologist has also assessed the proposals and concluded the same. An appropriate condition is therefore recommended. Subject to this condition the proposal is in accordance with policy NE11 of the Macclesfield Borough Council Local Plan.

### **Other matters**

Comments have been noted with regards to wheelie bin storage. A revised plan has therefore been received to evidence the wheelie bins can be safely stored on site at the side and rear of the proposed dwellings.

Objections are also noted with regards to the misleading streetscape elevation as it does not show the close proximity the properties are to the boundaries and trees which are to be felled are on the streetscape elevation. As the proximity is evidenced on the proposed site plan there is no need to also evidence this aspect on the streetscape elevation. In addition a revised streetscape plan has been submitted to taken into account the removal of the trees.

A comment has been made with regards to consulting Adlington Hall Properties due to covenants on the dwellings. These covenants are not taken into consideration by the planning authority as part of this process, this will need to be addressed as a separate matter.

An objection received states the neighbours have not been consulted. The Council has followed the relevant consultation process. A Site Notice was erected on the 20/10/16 and letters to neighbours who fall within the designated consultee area were sent on 10/10/2016.

### **PLANNING BALANCE**

The proposals are in accordance with the NPPF, Macclesfield Borough Council Local Plan and Cheshire East Local Plan Strategy – Submission Version (CELP) and Prestbury VDS and Prestbury SPD.

Highways have no objection to the proposal. The site can accommodate the 5 parking spaces required for 2 dwellinghouses of this size and the access to the site is not changing. Therefore there are no substantial highways concerns.

The Council's forestry officer has no objection to the proposals. All the trees identified for removal are considered to be low value inconsequential ornamental suburban garden trees, none of which are considered worthy of formal protection under a Tree Preservation Order.

The nature conservation officer advises that the only potential impacts of the scheme relate to the presence of nesting birds. A condition is therefore to be included to safeguard nesting birds.

In addition Environmental Health, Flood Risk Team and United Utilities have no objection to the proposal.

The design is deemed acceptable and there are no substantial amenity issues to be caused.

The plot division will result in two plots which are a similar size to surrounding sites with a similar density.

Officers are aware that members have previously raised concerns and refused planning permission on other sites where the sub-division of a plot has been proposed. However this proposal has been assessed on its merits and it has been concluded that the proposed development has an acceptable impact on the character of the area, living conditions of neighbouring properties and all other matters of public interest.

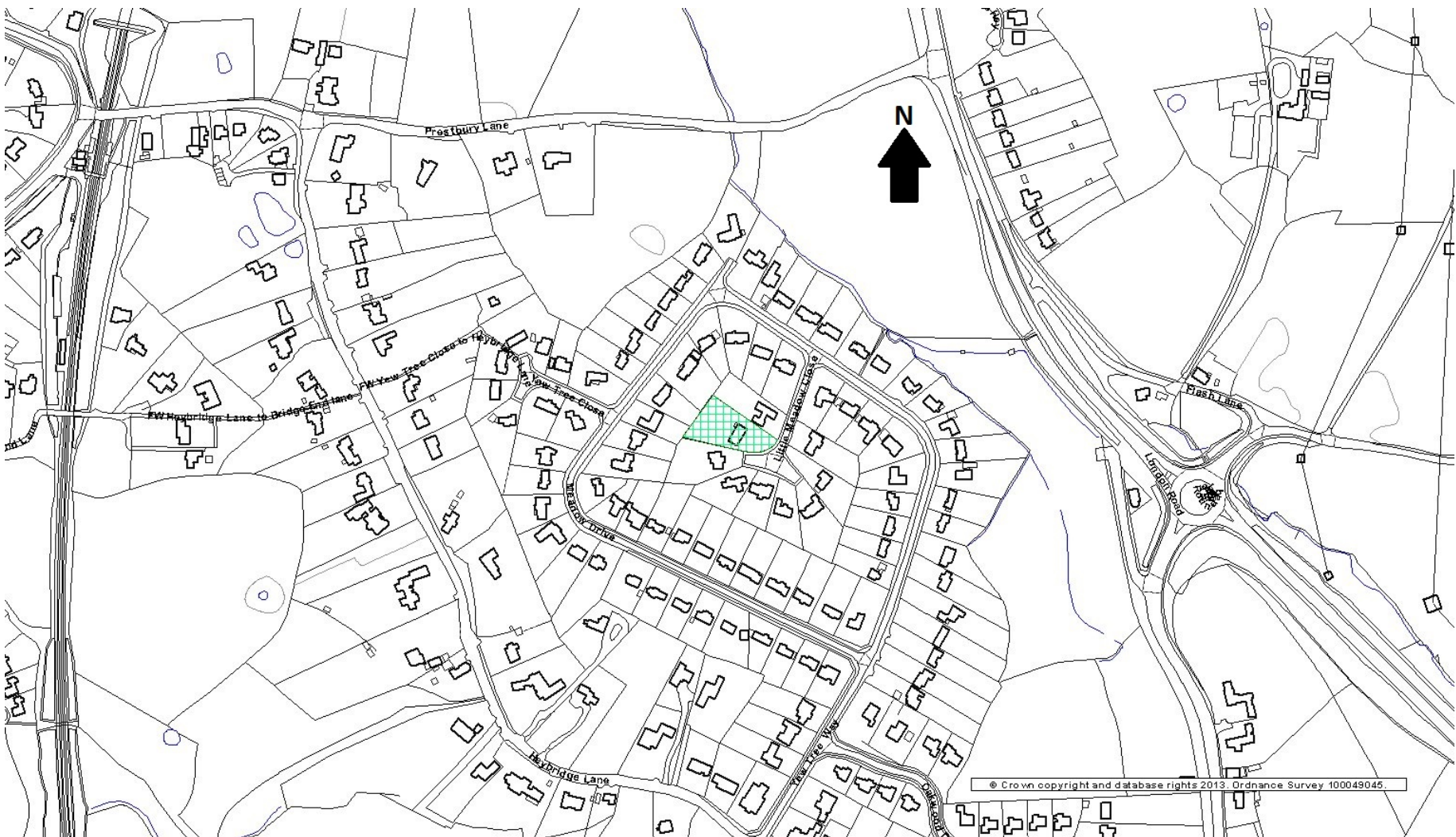
The proposal is therefore considered to be a sustainable form of development and a recommendation of approval is made.

Application for Full Planning

**RECOMMENDATION:** Approve subject to following conditions

1. Commencement of development (3 years)
2. Details of materials to be submitted
3. Development in accord with approved plans
4. Provision of car parking
5. Prevention of use of flat roof as balcony
6. Details of ground levels to be submitted
7. Obscure glazing requirement
8. Arboricultural works
9. Pile Foundations
10. Dust suppression measures to be submitted
11. Broadband
12. Nesting Birds
13. watercourses
14. Hours for piling operation
15. Land Contamination
16. Hours of Operation
17. Drainage
18. Water Mains
19. United Utilities
20. New vehicular crossing

**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 Chairman (or in their absence the Vice Chairman) of the Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**



Application No: 16/4651M

Location: 5, Harefield Drive, Wilmslow, Cheshire, SK9 1NJ

Proposal: Demolition of detached bungalow and the construction of two two-storey detached dwellings with associated accesses and detached garages (resubmission of 16/1983M)

Applicant: Herring, Herring Properties Ltd

Expiry Date: 17-Nov-2016

### **SUMMARY**

The proposed scheme is considered to have addressed the reasons for the refusal of the previous application and the subsequent appeal which was dismissed. The proposals constitute an appropriate development that would be of a design and scale which would have an acceptable impact on the character and appearance of the locality. The development would not have an adverse impact on neighbouring amenity, the highway network, trees or protected species, subject to conditions. The proposed development plan complies with the relevant development plan policies and is considered to be sustainable in the social, environmental and economic sense. The application is therefore recommended for approval.

### **MAIN ISSUES**

- Principle of Development
- Design/ Scale/ Impact on the character and appearance of the locality
- Highway Issues
- Arboricultural Implications
- Ecology
- Sustainability

### **SUMMARY RECOMMENDATION:**

**Approve subject to conditions**

### **REASON FOR REPORT**

The application has been called in to Committee by the Ward Councillor due to concerns of overdevelopment of the site and the proposals being out of keeping with the established

character of the area with a significant adverse impact on the streetscene. The open aspect of this established residential area will be reduced with inadequate space separating the properties,

The previous application (15/1278M) was considered by the Northern Planning Committee.

### **SITE DESCRIPTION**

The application site relates to a large corner plot occupied by a detached bungalow. It is located within a predominantly residential area of Wilmslow. The locality is characterised by dwellings of a variety of architectural styles and scale, with bungalows on the opposite side of the street, and two storey dwellings adjacent and on nearby roads.

### **PROPOSAL**

The proposed development is for the demolition of the existing 7.2m high bungalow and the erection of a pair of two storey detached dwellings, with the formation of an additional access, hardstanding and landscaping.

As requested by Highways, in order to improve visibility the front boundary hedge is required to be removed and replaced with a 1m high brick boundary wall to the front of the site.

### **RELEVANT HISTORY**

15/1278M - Demolition of existing bungalow and the construction of two two-storey detached dwellings with accesses. Refused and appeal dismissed 29.06.2016

16/1983M - Demolition of existing bungalow and the construction of two two-storey detached dwellings with associated accesses (resubmission of 15/1278M) Withdrawn.

### **LOCAL AND NATIONAL POLICY**

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

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

#### **Macclesfield Borough Local Plan (2004)**

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

BE1 (Design Guidance)

H2 (Environmental Quality in Housing Developments)  
H5 (Windfall Sites)  
H13 (Protecting Residential Areas)  
DC1 (Design & Amenity – New Build)  
DC3 (Design & Amenity – Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC35 (Materials and Finishes)  
DC37 (Landscaping)  
DC38 (Space, Light and Privacy)  
DC41 (Infill Housing Development or Redevelopment)

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

Policy SD1 (Sustainable Development in Cheshire East)  
Policy SC2 (Sustainable Development Principles)  
Policy SE1 (Design)  
Policy SE2 (Efficient Use of Land)  
Policy SE4 (The Landscape)  
Policy SE5 (Trees, Hedgerows and Woodland)  
Policy SE9 (Energy Efficient Development)  
Policy SE12 (Pollution, Land Contamination and Land Instability)  
Policy IN1 (Infrastructure)  
Policy PG1 (Overall Development Strategy)  
Policy PG2 (Settlement Hierarchy)

### **National Policy**

The National Planning Policy Framework (NPPF) (2012) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7 (Achieving Sustainable Development)  
14 (Presumption in Favour of Sustainable Development)  
17 (Core Planning Principles)  
32 (Promoting Sustainable Transport)  
47-50 (Wide Choice of Quality Homes)  
56-68 (Requiring Good Design)  
69-78 (Promoting Healthy Communities)  
109-11 (Conserving and Enhancing the Natural Environment)

### **National Planning Practice Guidance (NPPG)**

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

### **CONSULTATIONS**

**Strategic Infrastructure Manager-** No Objection - Amended plans have ensured that the driveway accesses from Harefield Drive are of sufficient width and each have sufficient visibility ensuring there would be no highway safety issues as a result of the development.

**Environmental Health-** No Objection.

**Nature Conservation** - No objection subject to conditions regarding mitigation for bats and nesting birds.

**Tree Officer-** No Objection subject to tree protection conditions.

### VIEW OF THE TOWN COUNCIL

Wilmslow Town Council - Objects on the following grounds:

*Recommends refusal of this application on the grounds of the proposal being out of keeping with the street scene and character of the neighbourhood, on the grounds of the resultant loss of privacy to neighbours, the unnecessary loss of hedging detrimental to the character of the neighbourhood and on the grounds of the creation of an additional driveway and its proximity to a blind bend.*

### REPRESENTATIONS

22 objections have been received. The planning related objections are on the following grounds:

- Issues raised in the appeal decision and refusal reasons of 15/1278m have not been addressed
- The scale, bulk and form of the houses would significantly detract from the character and appearance of the street scene along Harefield Drive, contrary to Local Policies BE1 and DC1, the emerging local plan and the NPPF.
- Loss of boundary hedge and replacement with boundary wall out of keeping with the character and appearance of the street scene
- The proposal fails to maintain the established standards of Harefield Drive with regard to space between properties and privacy.
- Trees have been removed alongside the site boundary and this will result in a loss of privacy to No.3 Harefield Drive due to overlooking from upper floor windows of plot 5
- To prevent overlooking of No.3 Harefield Drive, windows to landing and bedroom four in of plot 5 need to obscure glazed
- The existing and proposed street scenes are misleading as dwellings are drawn set back from existing properties and therefore look smaller and less obtrusive;.
- Development will result in increased noise to neighbours
- Details of boundary fencing is not provided
- Inadequate parking arrangements
- Proposed driveway to Plot 5A will exit on to a bend of a busy road, and increase traffic in close proximity to a dangerous junction on a corner plot
- Adverse impact on highway safety particularly for pedestrians

- Harefield Drive is narrow and on street parking is very limited. The positioning of two new drives will result in the loss of at least one marked parking bay
- Loss of trees
- Adverse impact on bats and loss of wildlife habitat
- Precedent for future development in this area

Wilmslow Civic Trust objects on the following grounds:

- Little difference from application which was refused and dismissed on appeal
- This proposal still fails to satisfy the requirements of policies BE1 and DC1 of the local plan, and the NPPF
- Adverse effect on the character and appearance of the streetscene along Harefield Drive, especially with the removal of the high hedges
- Vehicular accesses too near the corner apex will result in reduced road safety.
- Limited off street parking.
- Difficulties will result from occupants 'Swapping cars' for priority exiting, with temporary parking on the apex and visitor parking likely to be roadside.

## **APPRAISAL**

### **Key Issues**

- Principle of development;
- Design considerations/ Character of the area
- Impact upon amenity of neighbouring properties
- Highway Safety Implications
- Ecology Implications
- Arboricultural Implications
- Sustainability

### **Principle of Development**

The application site is lies within an area designated as predominantly residential (as defined by the Macclesfield Borough Local Plan, 2004). Within this designation, the principle of development is considered acceptable by the development plan and national policy. The NPPF strongly emphasises, at paragraph 14, there is a “presumption in favour of sustainable development” and that this is vital in decision-taking. With reference to decision-taking, this means approving development proposals that accord with the development plan without delay, unless there are significantly adverse reasons for doing so.

A recent appeal relating to the refusal (15/1278M) of a previous scheme for two detached houses on this site was dismissed. The appeal Inspector's concerns principally related to the scale and appearance of the proposed dwellings and their impact on the character and appearance of the street scene along Harefield Drive. The Inspector concluded;

*The site is located in a convenient position with ready access to an extensive range of services and other facilities. To that extent it is a sustainable location for people to live and an additional house would be a contribution, albeit limited, to the current shortfall in the area of land for housing. However, these factors do not outweigh my concerns that the scale and form of the houses would significantly detract from the character and appearance of the street scene along Harefield Drive, contrary to LP Policies BE1 and DC1 and NPPF.*

As set out below, it is considered that the proposed scheme is of a design which has addressed and overcome the concerns raised by the appeal Inspector and consequently the site can satisfactorily accommodate the pair of dwellings now proposed in accordance with the Local Plan and objectives of the NPPF.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design / Character**

The objections from neighbours and the Town Council and Wilmslow Civic Trust have all been carefully considered. However, the revised development is considered to have addressed the Inspectors reasons for dismissing the appeal scheme, and accords with all national and local planning policy objectives regarding the requirements for good design.

It is considered that the plot is capable of accommodating two dwellings without harm to the character and appearance of the area. The Inspector raised no objections to the principle of subdivision of the plot, and as regards the character and appearance of the area its was concluded that;

*“Harefield Drive serves a small residential area that has developed over the years, and leads into Whitehall Close. It also leads to older buildings connected with Fulshaw Hall and Harefield Farm. The incremental nature of the enclave is reflected in the variety of property in the area with bungalows and houses, detached and semi-detached, of differing size, scale, architectural style and design. The layout of the more modern development is informal with dwellings grouped along winding access-ways. Directly opposite, across Harefield Drive, is a row of bungalows, whilst No 3 Harefield Drive, next door, is a detached house.”*

It is therefore accepted that an important characteristic of the locality is the variety of houses types of different size and design. Therefore the replacement of the existing bungalow with a development of two detached houses would not in itself be out of keeping with the appearance and character of the locality. The principal concerns raised in the inspector's appeal decision with regard to the scale and design of the previous scheme were that;

*The houses, reflected in their height, width and depth and their relative closeness to the boundaries on either side, would be seen as an uncharacteristically bulky and substantial block stretching across the plot. The development would have a cramped appearance at odds with the attractive and generally low density, spacious environment of the small enclave of properties served by Harefield Drive.*

Whilst the proposed development application still relates to two detached houses with a similar alignment and orientation to Harefield Drive, in comparison to the appeal scheme they are of reduced scale, massing, and footprint. This has resulted in the spacing between them being increased to 4m. In addition the distance of the side elevation of Dwelling 5A from the southern site boundary with the corner of Harefield Drive has been increased to over 7m, which also enables existing trees to be retained. The dwellings would also be well set back from the main site frontage onto Harefield Drive, albeit in positions slightly forward of the existing bungalow.

Furthermore when compared to the appeal scheme, the proposed dwellings have been individually designed to be of different scale and appearance, including the use of different materials (one being in brick and the other in render). Plot 5, would have a ridge height that would be identical to that of No.3 Harefield Drive but would incorporate a lower eaves height. Plot 5A would have a ridge height about 0.6 metres lower than Plot 5 and also have a correspondingly lower eaves height. Plot 5A is designed to utilise the roof space at first floor level and include dormer windows, which is characteristic of several properties in the area.

It is considered that the overall reduction in the height, width and depth of the houses, and the greater spacing between and around the proposed dwellings, ensures that the development would be of a density and appearance which would achieve an acceptable relationship adjacent properties. Revised street scenes and comparative drawings have been submitted which demonstrate that the development would not be of cramped appearance or constitute an overdevelopment of the site and is therefore be in keeping with the character of Harefield Drive.

Furthermore, whilst the loss of the hedge is noted, which is a relatively uniform characteristic of the boundary treatment in the locality, it is noted that boundary trees would remain and that in any case a 1m high wall could be built along the site frontage without the need for planning permission.

Conditions are proposed to remove Permitted Development Rights to ensure that extensions, dormers or other large roof extensions cannot be achieved without planning permission. This will prevent any significant harm to the character of locality.

All things considered, on balance, the revised development addresses the appeal Inspectors concerns and accords with all design objectives within this predominantly residential area as designated in the local plan in accordance with policies BE1, DC1 and DC41 of the local plan.

### **Residential Amenity**

The objections have been considered. The nearest property opposite the development is a bungalow at No.8 Harefield Drive. A distance of approximately 23m would remain between the front elevation of No 8 and the proposed houses. Taking into account the difference in height between the buildings, this would still allow a commensurate degree of space, light and privacy to remain between the properties in accordance with policy DC38.

The side elevation of dwelling 5a would be approximately 20.4m away from the front elevation bedroom window to 10 Harefield Drive, which would be the only window affected on this

property. This, coupled with the orientation of the respective properties in relation to the sun's path, would mean that there would not be an adverse impact in terms of overshadowing to this bedroom that would be substantial enough to warrant refusal of the development.

The gable end of Plot 5 is sited in front of existing windows within the side of No.3 Harefield Drive which serve a lounge. However, this room is served by a larger window within its rear elevation, and consequently these windows are secondary, ensuring that the development would comply with Policy DC38.

The proposed dwelling on Plot 5 is of a siting and design which would not be unduly dominant or overbearing, when viewed from habitable windows or rear garden of No.3 Harefield Drive. Furthermore, given the positioning of the new dwelling, any potential overlooking of the rear garden of No.3 from its upper floor windows would not result in an unacceptable loss of privacy.

Overall the development would not have an adverse impact in terms of loss of light, overbearing impact or overlooking and the scheme accords with policies DC3, DC38.

Sufficient amenity space for the occupiers of the proposed dwellings would exist and the development would not result in an adverse impact in terms of overlooking of neighbouring gardens in accordance with policy DC41.

### **Highways**

The objections regarding highway safety are noted. However the revised plans are considered to achieve sufficient visibility for vehicles accessing / egressing the site and the development would accord with local plan policy DC6. Sufficient on-site parking would be provided and at least 3 spaces would be provided for each dwelling.

The Strategic Infrastructure Manager has been consulted and raised no objection to the proposed access and parking arrangements as amended.

### **Arboricultural Implications**

The application is supported by a Tree Survey Report providing information on the number, status and quality of trees within the application site. The Tree Survey has identified trees within the site, of which one, a Sycamore is protected by the Macclesfield Borough Council (Wilmslow - Harefield/Fulshaw Hall) Tree Preservation Order 1975 to the south east corner of the site.

The application proposes the removal of a number of unprotected trees (predominantly Cypress) along the northern boundary of the site, with the majority of trees along the southern boundary, including the protected Sycamore to be retained.

Whilst trees have been removed alongside the boundary with No.3 Harefield Drive these were not protected.

As with previous application, the Tree Officer has advised that the protected Sycamore is not directly affected by the proposal and the relationship/ of the development with the protected tree is acceptable

The Tree Officer raises no objections to the proposals subject to conditions including the submission of a Tree Protection Plan relating to retained trees would be required.

### **Ecology**

The Nature Conservation Officer has reviewed the submitted Ecological Appraisal and Bat Surveys Report and is satisfied with their findings including the assessment of risks to protected species.

Evidence of limited bat activity in the form of a minor roost of a relatively common bat species has been recorded within the bungalow. The demolition of the building will result in the loss of the roost, and an application to Natural England for a European Protected Species Licence is required.

In these circumstances the Nature Conservation Officer is satisfied that should such a licence application will be made it would be approved. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The demolition of the existing dwelling and erection of a pair of dwellings would make some contribution to the Borough's housing supply. There are no suitable alternatives.

Mitigation measures to avoid harmful disturbance to bats and provide new roosting opportunities are proposed and is likely to reduce the potential adverse impacts of the development to a negligible level. The submitted report recommends the installation of bat boxes on the nearby trees and a replacement 'bat loft' 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.

The Nature Conservation Officer has raised no objections, subject to conditions regarding the implementation of bat mitigation methods as detailed in the submitted survey and regarding nesting birds.

The development accords with Policy NE11 of the Local Plan.

### **Sustainability**

#### ***Environmental sustainability***

Taking into account the above sections the proposal is considered to represent an appropriate form of development in the context of the area, and one which would preserve the

environmental merits of the immediate and wider locality and uphold the existing residential amenities. The visual amenities which contribute to the street scene would be preserved and There would be no significant highway issues, harm to the wellbeing of any significant trees, or harm to the biodiversity of the area. The scheme is therefore deemed to be environmentally sustainable.

### **SOCIAL SUSTAINABILITY**

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The Council currently remains unable to demonstrate a 5 year supply of housing land.

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 indicated development should be restricted.”

The key issue of this scheme, is therefore, whether there are any significantly adverse impacts that would weigh against the presumption in favour of sustainable development or whether specific policies in the Framework indicate development should be restricted.

It is recognised that the provision of one additional house within the site would provide a small social benefit and a small contribution to the housing requirements of the Borough. The scheme would help to provide family housing with Cheshire East, which both locally and nationally is shown to be in demand.

### **ECONOMIC SUSTAINABILITY**

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

### **PLANNING BALANCE**

On balance, whilst the objections are noted the proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the mixed residential character of the

area, would not harm neighbouring amenity and appropriate landscaping, protected species mitigation is provided. The highway safety concerns are also noted, however the revised scheme would have an acceptable impact in terms of highway safety.

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

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

### **RECOMMENDATION**

#### **Approved subject to conditions:**

1. Standard Time Limit (3 years)
2. Development to be carried out in accordance with approved plans
3. Details of Materials
4. Levels details to be submitted
4. Removal of Class A and B Permitted Development Rights
5. Bird Nesting
6. Bat Mitigation
7. Parking to be provided and made available prior to occupation
8. Landscaping to be submitted
9. Landscaping Implementation
10. Details boundary treatment
11. Drainage Scheme to be submitted
11. Tree Protection
12. Tree Retention
13. Construction Method Statement
14. Piling details to be submitted
15. Dust control measures to be submitted

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



Application No: 16/4749C

Location: LAND OFF SPRING STREET, CONGLETON

Proposal: Resubmission of application 15/3586C - Single building with 4no. one bedroom flats

Applicant: Mr S Landstreth

Expiry Date: 25-Nov-2016

**SUMMARY**

The application site lies within the Congleton settlement boundary where Policy PS4 of the Local Plan advises that new development in principle is accepted.

Policy H6 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an unused and unallocated employment site, the site appears to have been derelict for a number of years and given the need for housing in Cheshire East and the site's location within close proximity of Congleton town centre, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

No highway safety, design, amenity, drainage or flooding concerns would be created, subject to conditions where necessary.

As such, it is considered that the development would adhere with all relevant planning policies and would represent sustainable development.

The application is therefore recommended for approval.

**RECOMMENDATION**

**APPROVE** subject to conditions

**REASON FOR REFERRAL**

The application has been 'called-in' to Northern Planning Committee by Councillor Glen Williams for the following reasons;

*'The proposal would result in a cramped and intrusive form of development. It would be out of character with the existing industrial properties in the immediate vicinity of Spring Street and Roe Street contrary to the Congleton saved local plan. The parking places and access proposed as shown on the plan would be substandard for the parking of motor vehicles. Consequently the development would be detrimental to the interests of highway safety through an increase in vehicle traffic. Contrary to GR6 it would lead to vehicles obstructing access to the houses and tv aerial business in Moor Street. The adjacent public car park is fully utilised by the doctor's surgery patients and parents taking children to Ruby's Fund play area. It is in any case limited to 3 hours maximum stay.'*

## **PROPOSAL**

This application seeks full planning permission to erect a block of 4 x1 bedroom apartments.

An application (ref: 15/3586C) for 3 dwellings on the plot was refused and recently dismissed at appeal due to amenity reasons.

## **SITE DESCRIPTION**

The site lies on the southern side of Spring Street within the Congleton Settlement Zone Line.

The site is largely rectangular in shape and measures approximately 19 metres by 13.5 metres. It is located to the rear (east) of No's 15, 17, 17A, 19 and 19A Moor Street and to the north of Lawton House doctor's surgery.

The application site was formerly used as a builder's yard but is currently vacant.

There are no designations affecting the site.

## **RELEVANT HISTORY**

**15/3586C** - Construction of three apartments land off Spring Street resubmission of 15/1876C – Refused 29<sup>th</sup> September 2015 for the following reasons;

- 1. The proposed development by reason of its proximity to the occupiers of No's 17, 17A and 19A Moor Street would have an unacceptable impact upon neighbouring amenity with regards to visual intrusion and loss of light. The proposed development would therefore be contrary to Supplementary Planning Guidance 2 (Private Open Space) and Policy GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review 2005 and the NPPF.*

This decision was appealed and the appeal was subsequently dismissed by the Planning Inspectorate for the following reasons;

*'...the close proximity of the proposal to Nos 17, 17A and 19A Moor Street, would have an unacceptably harmful effect on the occupiers of those properties, in that the development would appear visually overbearing in the outlook from the windows concerned and cause a loss of*

*light to them. The harm would be substantial and contrary to SPGN and LP Policy GR6 which would not permit development near to residential property that would be unacceptably detrimental to, among other matters, loss of privacy, sunlight or daylight, or visual intrusion.'*

**15/1876C** - Use of vacant site for construction of four 1 bed apartments including integral single garage – Refused 12<sup>th</sup> June 2015

### **NATIONAL & LOCAL POLICY**

#### **Development Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as town.

The relevant Saved Policies are;

PS4 (Towns), GR1 (New Development), GR2 and GR3 (Design), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision), GR20 (Public Utilities), GR21 (Flood Prevention), H1 (Provision of New Housing Development), H4 (Residential Development in Towns) and E10 (Re-use or Re-development of Existing Employment Sites).

Supplementary Planning Document 2 (Private Open Space)

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

#### **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 and 56-68 - Requiring good design

#### **Emerging Cheshire East Local Plan Strategy**

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

SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient Use of Land), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), IN1 (Infrastructure) and IN2 (Developer Contributions)

### **CONSULTATIONS**

**Head of Strategic Highways (HSI)** – No objections, subject to the inclusion of an informative advising that the applicant should enter into a Section 184 Agreement for the new crossing

**Environmental Protection** – No objections, subject to conditions relating to; the prior submission of a piling method statement, the prior submission of a dust mitigation scheme, the

prior submission of a phase 2 contaminated land survey, the prior submission of a soil verification report, that works should stop if contamination identified and informatives relating to hours of construction and contaminated land

**United Utilities** - No objections to the development, but recommend that the site be drained on a separate system and surface water be drained in a sustainable way

**Congleton Town Council** – No objections, subject to officer checking that sufficient parking spaces and landscaping would be provided

### **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. In response, letters of objection have been received from the owner/occupiers of 6 neighbouring premises. The main areas of objection include;

- Principle – Residential development in this area not in character
- Amenity – Overlooking
- Design – Over-intensification of site
- Highway safety – congestion, parking, visibility

Concerns have also been raised regarding the conflict the proposal would have with plans to extend the doctor's further.

### **APPRAISAL**

The key issues are:

- The principle of the development
- The sustainability of the proposal giving consideration to; Environmental, Economic and Social factors
- Planning Balance

### **Principle of Development**

As the site falls within the Congleton Settlement Boundary, the proposal is subject to Policy PS4 of the local plan. Policy PS4 advises that within such settlement boundaries there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies in the local plan.

#### New dwellings

For the erection of new dwellings on site, Policy H4 is the relevant principal policy to assess residential development.

Policy H4 advises that proposals for residential development within settlement boundaries shall only be permitted if a number of criteria are adhered to. These include;

- I. The proposal does not utilise a site which is allocated or committed for any other purpose in the local plan;
- II. The proposal complies with Policies GR2 and GR3;
- III. The proposal accords with other relevant local plan policies
- IV. The proposal does not detrimentally impact upon the council's housing supply totals

In response to this policy, the site is not committed for any other purpose in the local plan and the provision of 4 new 1-bedroom apartments would not have a detrimental impact upon the council's housing supply totals.

As such, new housing in the settlement boundary would be deemed to be acceptable in principle, subject to its adherence with all other relevant local plan policies.

### Loss of commercial site

Policy E10 of the Local Plan refers to the re-use or re-development of existing employment sites. Policy E10 advises that development for non-employment purposes on such sites shall only be permitted if it can be shown that the site is no longer suitable for employment purposes or there would be substantial planning benefits in permitting alternative uses which would outweigh the loss of the site.

Within the submitted Design and Access Statement submitted with the previous application on this site (ref: 15/3586), it was advised that *'...a long time ago, the site accommodated a dairy, more recently it has been used as a storage area for timber and scaffolding etc. for a local builder, who is the applicant and site owner.'*

From the site visit it did appear that the site has been vacant for some time. Therefore, its re-use for an alternative, active use would provide positive planning benefits given that it provides no benefits in its current state.

The second aspect of Policy E10 refers to; the location of the site, the adequacy of the supply of employment sites in the area and whether reasonable attempts have been made to let or sell the premises for employment uses.

In response, no information has been submitted in support of the application outlining that the site has been marketed for sale for further employment use. However, given that it is clear that the site appears to have been vacant for some time and given that the council are in need of further housing and given the site's location within walking distance of Congleton town centre, it is considered that in principle, the loss of this unused and unallocated employment site would be acceptable.

## Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

### **Environmental role**

#### Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features

Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The application seeks the erection of a detached residential block comprising of 4, 1-bedroom flats which will have a semi-detached appearance as a whole.

The layout plan shows that the block would be sited predominantly to the east of the plot with parking proposed to either side totalling 4 spaces. Vehicular access to the proposed parking spaces would be taken directly from Spring Street.

The units would front onto Spring Street in a northerly direction.

The submitted plans demonstrate that at its maximum points, the block would measure approximately 7.6 metres in height, 9 metres in width and 9 metres in depth.

A small yard/rear garden for each unit is proposed to the south of the site as is a shared gardens space and bin store to the west.

With regards to appearance, the proposal would be largely square in shape, and comprise of a half-hipped roof. x2 pedestrian doors, x2 double ground floor windows and 2 single windows are proposed on the principal elevation.

Art stone cills, lintels and soldier courses are proposed which adds a degree of interest.

Patio doors from the proposed 2 ground-floor flats would access individual garden spaces to the rear.

It is advised within the submitted Design and Access Statement form that the development would comprise of; Ibstock Red Cheshire Weathered Brick walls, plain Staffordshire tiles and white uPVC fenestration.

Given the character of the surrounding area which comprises of either blocks of terraced properties or blocked commercial premises, it is considered that the form and appearance of the development would be acceptable.

The proposal would front onto the highway, would be largely centrally located and comprise of small rear yards. As such, it is considered that the layout of the scheme would be acceptable.

With regards to scale, the height of the proposal would approximately 7.6 metres. In comparison to adjacent units, the terraced block of flats to the west is approximately 7 metres in height whereas the doctor's surgery to the south is single-storey.

It is not considered that the height of the development (which is 0.2 metres lower than the previous proposal) would appear incongruous within the streetscene.

As such, it is considered that the proposed design would adhere with Policy GR2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

### Highway Safety

Each 1-bedroomed flat would benefit from 1 designated off-street parking space.

The Head of Strategic Infrastructure (HSI) has reviewed the application and advised that he has no objections.

As such, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

### Flood Risk and Drainage

The application site does not fall within a Flood Zone that requires the submission of a Flood Risk Assessment.

United Utilities have reviewed the submission and advised that they have no objections, but recommend that the site is drained on a separate system and surface water be drained in a sustainable way

As such, subject to the above recommendations, it is not considered that the proposed development would create any significant flooding or drainage concerns and would adhere with Policies GR20 and GR21 of the Local Plan.

### Conclusion

The proposed development would not create any significant issues in relation to highway safety, drainage or flooding. The design of the dwelling is also considered to be acceptable. As such, it is considered that the proposed development would be environmentally sustainable.

### Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Congleton 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, predominantly during the construction phase.

### Social Role

#### *Residential Amenity*

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

The closest neighbouring residential properties to the application site include; No's 17, 17A and 19A Moor Street to the west of the application site.

The proposed development would be constructed directly parallel to the rear elevations of these neighbouring properties. At its closest point, the development would be approximately 8.8 metres away from a ground-floor rear outrigger on No.19 and approximately 13.8 metres away from the extended rear wall elevations of No's 17, 17A and 19A.

Within the relevant side elevation of the proposed apartment block (west), 1 ground floor door and 1 first floor window is proposed. The proposed door would serve a hallway and the first floor window would serve a landing.

Neither of these are considered to be sole windows to principal habitable rooms.

Should the application be approved, it is recommended that these openings be conditioned to be obscurely glazed to prevent any overlooking concerns.

Within the relevant rear elevations of these neighbouring properties are numerous windows to habitable rooms.

As the relationship between the proposed development and the above properties is side to rear, the standard minimum 13.8 metre separation distance applies.

As this minimum distance is just adhered to, it is considered that matters of loss of light and visual intrusion upon these closest neighbouring properties would not be significant.

The previous proposal which was dismissed at appeal was just 11.9 metres away from these closest neighbouring properties and as such, was in breach of the Council's policy.

As such, as a result of the above reasons, it is considered that the proposed development would adhere to the SPG and Policy GR6 of the Local Plan and therefore have an acceptable impact upon neighbouring amenity, subject to an obscure glazing condition.

The proposed development would also be located approximately 14.4 metres away from Lawton House Surgery.

Within the relevant elevation of the proposed development facing this neighbouring unit, all the openings proposed would serve as the sole windows to principal rooms.

Within the relevant side elevation of the doctor's surgery are 6 windows to clinical rooms.

Given that the surgery is single-storey and because the impacted surgery windows are obscurely glazed, it is not considered that either the occupiers of the surgery or the future occupiers of the dwellings would be detrimentally impacted by the proposal with regards to privacy, light or visual intrusion. The Planning Inspector on the recently dismissed appeal agreed with this conclusion.

It is considered that the proposed yard areas and shared garden to the west would be sufficient in size for the developments proposed. Furthermore, the units would have access to the public facilities of the Congleton town centre.

In relation to Environmental disturbance, the Council's Environmental Protection Team have advised that they have 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, the prior submission of a phase 2 contaminated land survey, the prior submission of a soil verification report, that works should stop if contamination identified and informatives relating to hours of construction and contaminated land.

### **Other material considerations**

Concerns have been raised about the conflict of the application proposal with plans to extend the adjacent Lawton Gate Surgery.

It is noted that an application for this development (15/5522C) was refused by Cheshire East Council in February this year and there are no other live planning applications currently under consideration. As such, at this present moment in time there is no potential conflict to consider.

### **Planning Balance**

The application site lies within the Congleton settlement boundary where Policy PS4 of the Local Plan advises that new development in principle is accepted.

Policy H6 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an unused and unallocated employment site, the site appears to have been derelict for a number of years and given the need for housing in Cheshire East and the site's location within close proximity of Congleton town centre, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

No highway safety, design, amenity, drainage or flooding concerns would be created, subject to conditions where necessary.

As such, it is considered that the development would adhere with all relevant planning policies and would represent sustainable development.

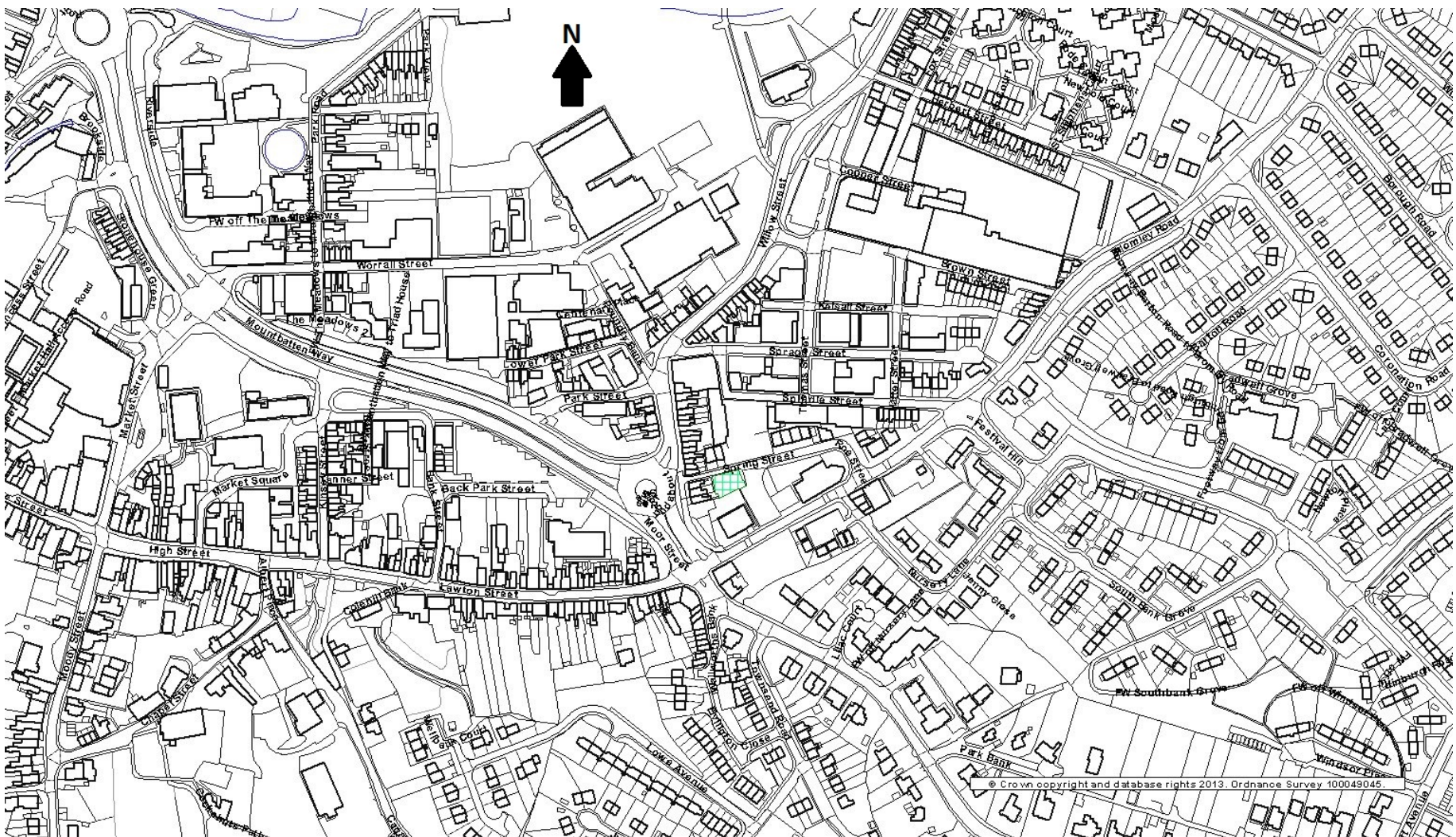
The application is therefore recommended for approval.

### **RECOMMENDATION**

#### **APPROVE subject to conditions**

1. Time (3 years)
2. Plans
3. Materials as per application
4. Site to be drained on a separate system
5. Prior submission/approval of a surface water drainage scheme
6. Obscure glazing to all openings on western side elevation
7. Prior submission/approval of a piling method statement
8. Prior submission/approval of a dust mitigation scheme
9. Prior submission/approve of a Phase II contaminated land report
10. Prior submission/approval of a soil verification report
11. Works to stop if contamination identified
12. Prior submission/approval of boundary treatment
13. Prior submission/approval of existing/proposed levels

**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 Chairman (or in their absence the Vice Chairman) of the 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.**



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Application No: 16/1636M

Location: Clumber House Nursing Home, 81, DICKENS LANE, POYNTON, STOCKPORT, CHESHIRE, SK12 1NT

Proposal: Erection of a two storey side extension

Applicant: Mr B Owen, United Care South

Expiry Date: 31-May-2016

### REASON FOR REPORT

The application was deferred from the Northern Planning Committee meeting on 10 August for the following reason:

*“To consider a suitable robust landscaping scheme to be developed in consultation with the local residents and local Ward Members prior to the scheme being brought back to Committee.”*

Subsequently, a site meeting took place on site which involved:

- The case officer;
- the Council’s landscape architect;
- a resident of Orchard Cottage;
- a resident of Clumber Cottage;
- the applicant’s agent/ architect; and
- a landscape architect acting on behalf of the applicant.

A landscape scheme has now been submitted to the council, which has been forwarded to the residents of Clumber Cottage and Orchard Cottage, as well as the local ward councillor for their comments.

### REPRESENTATIONS

The following representations have been received since the submission of the landscape scheme:

Clumber Cottage - Maintain their objections to the proposed development on the following grounds:

- The proposed landscape plan is weak and will take 10 years to mature and provide any protection and shows insufficient details with regard levels/distances;
- The scheme as a whole will result in insufficient distance between a commercial property and residential buildings;
- Intrusion to the main bedroom within the existing adjacent property;
- Light pollution;

- Noise pollution;
- Insufficient parking;
- Site access being located on a busy pedestrian route for schoolchildren and more commercial servicing traffic is likely to enhance the dangers of reversing lorries;
- Loss of trees.

The majority of these issues were dealt with by the original report, which is attached below.

Orchard Cottage - the arrangement shown in the plans associated with the landscaping scheme would be the best compromise if the proposed extension is to be built.

## LANDSCAPE

The Council's landscape officer has noted that 11 semi-mature trees of 4.5m in height would be planted on the western and northern boundaries of the site surrounding the proposed extension. These trees will increase in height to 5.5m after 7 years and 6.5m after 15 years.

The proposed tree species are holly which is evergreen and a narrow form of beech with a dense, upright branch structure which is good for screening. A new 1.75 to 2.0 metres high laurel hedge would be planted along the northern boundary. The existing mature shrubs along the western boundary would be retained where possible and would be supplemented with additional evergreen shrubs.

Neighbour comments regarding the time it will take for the proposed landscaping scheme to mature on noted. Whilst at the point of implementation the proposed landscaping scheme will not completely screen the proposed extension, it will soften its impact to a point at which it is considered to be acceptable. Therefore the scheme as a whole is in compliance with Macclesfield Local Plan Policy DC8 and it is considered that the proposed scheme remains in line with Macclesfield Local Plan Policy DC3: Amenity.

As in the original report (attached below) the application is recommended for approval subject to conditions.

\*\*\*\*\*

## **ORIGINAL REPORT PREPARED FOR NORTHERN PLANNING COMMITTEE MEETING 10 AUGUST 2016. INCLUDING UPDATES PREPARED 08/08/2016 AND 09/08/2016.**

The application has been called to Committee by Cllr Saunders for the following reasons:

1. It is proposed that there will be 8 more rooms, yet no increased parking for the additional staff and visitors.
2. Threat to protected trees.
3. Adverse impact of the extension of a commercial and communal living facility on neighbouring dwellings, including overbearing affect and extra noise. This growth of a non-residential building will not be appropriate in scale and will adversely affect the residential amenity and character of the housing area.

## **SUMMARY**

The proposed development will provide an additional eight residential care places that will help to serve the ageing population in the Borough. Whilst the proposed development is located close to neighboring properties existing and proposed additional screening will prevent it from resulting in any significant negative impact upon the living conditions of neighboring properties or the surrounding area. Therefore a recommendation of approval is made, subject to conditions.

## **RECOMMENDATION**

Approve subject to conditions.

## **PROPOSAL**

This application seeks full planning permission to erect a two storey extension to Clumber House Nursing Home. The extension will project from a previous extension to the building, creating a new wing to the nursing home.

## **SITE DESCRIPTION**

The proposed site comprises of the original house built around 1904 and a more modern extension constructed following planning approval 49498P in 1998. The site slopes in a north-easterly direction away from Dickens Lane and Clumber Road, and is accessed from Dickens Lane. There is a large car park to the south of the site; further parking is also available close to the site's eastern boundary. There is a small out building to the rear.

The boundaries of the site are defined by large trees, and there is a large group of trees to the west of the site. The site is located within a Predominantly Residential Area as identified in the Macclesfield Borough Local Plan, and the majority of the site is subject to a Tree Preservation Order.

## **RELEVANT HISTORY**

29338P: Change of use from flats to residential rest home. Approved: 14-Apr-1982.

39002P: Proposed erection of elderly persons 12 bed unit. Approved: 19-Nov-1984.

48254P: Extension to rest home. Refused: 10-Apr-1987.

49498P: Extension to provide additional rooms within Class XIV usage. Approved: 16-Feb-1988.

71905P: Conversion of existing dwelling and extensions to form additional accommodation for the nursing home. Refused: 02-Dec-1992.

13/4593M: Retrospective application to create a metalled front car park and entrance gates. Approved: 18-Mar-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.

56-68 Requiring good design

### **Development Plan**

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

NE11 Nature conservation;

BE1 Design Guidance;

H13 Protecting Residential Areas;

DC1 and DC2 Design;  
DC3 Residential Amenity;  
DC6 Circulation and Access;  
DC8 Landscaping;  
DC9 Tree Protection;  
DC35, DC36, DC37, DC38 relating to the layout of residential development;  
T3 Pedestrians;  
T4 Access for people with restricted mobility;  
T5 Provision for Cyclists.

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

### **Cheshire East Local Plan Strategy – 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  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SE1 Design  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland

### **CONSULTATIONS (External to Planning)**

**Environmental Health-** No Objection

**Cheshire East Council: Flood Risk** – No objection subject to condition ensuring the effective management of surface water is submitted to and approved by the Council.

### **Poynton Town Council:**

Object to the application on the following grounds:

- Lack of parking.
- Possible threat to protected trees
- Impact on neighbouring residential properties, especially Orchard Cottage, Clumber Cottage and 89 Clumber Road.

### **REPRESENTATIONS**

Six letters of representation have been received objecting to the proposal on the following grounds:

- the proposals being located too close to residential properties;
- loss of light;
- loss of privacy;
- removal of trees resulting in loss of privacy and noise pollution;

- in an increase in beds resulting in more visitors and delivery causing increased noise pollution;
- overdevelopment of the proposed site;
- overbearing effect on nearby properties;
- loss of visual amenity;
- issues regarding surface water flooding;
- increase traffic congestion;
- lack of increased parking;
- tree loss/damage to trees;
- the scale of the proposed extension;
- the proposals resulting in a mismatch with surrounding properties.

### **APPRAISAL**

The key issues are:

- Impact upon amenity of neighbouring property;
- Impact upon nature conservation interests;
- Protected trees;
- Impact upon character of the area;
- Highway safety;
- Nature conservation.

### **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

Policy H13 states that development which would adversely affect the character of a housing will not normally be permitted.

Comments received from the Town Council and neighbouring properties are noted. However, the proposed extension reflects the scale and design of the existing extension, from which it projects. Whilst the site is surrounded by residential properties that differ in design and scale from the proposed extension. The extensive boundary treatments surrounding the site create division between the residential properties and the nursing home to which this application relates. This screens the existing nursing home, and would also screen the proposed extension preventing it being viewed from both the street and neighbouring properties.

Based upon the size of the site in relation to the scale of the buildings proposed to be located within it, the proposals are not considered to be overdevelopment of the site. On this basis the proposed development is considered to be in line with the above planning policies, and is therefore considered to be acceptable on design grounds, and will have an acceptable impact upon the character of the area.

### **Forestry and Landscaping**

#### Trees

The Forestry Officer has made the following comment on the application, which is supported by an Arboricultural Statement.

The majority of the Clumber House Rest Home excluding the north east corner of the site is subject of a Macclesfield Borough Council Tree Preservation which was served in 1974. The designation only protects the trees and species listed which were present on site when the order was served.

The Arboricultural Statement identifies the felling and removal of five individual trees (T3, 4, 5, 6, & 7) and four groups of trees (G2, 3, 4, 5, & 6) in order to facilitate development. Only the young Horse chestnut (possible replacement planting) identified within Group 4, and the Silver Birch within Group 5 form any part of the existing 1974 Tree Preservation Order (TPO); all the remaining trees by virtue of their age (less than 42 years old) and / or the absence of the species listed within the Order are not formally protected.

None of the trees identified for removal, which are not currently protected, are considered worthy of formal protection; and those which are protected already by the TPO are both considered to be low value inconsequential specimens. A condition is recommended to ensure the physical protection of all trees on site.

On this basis it is considered that the proposals are acceptable with regards Macclesfield Local Plan Policy DC9: Tree Protection.

#### Landscaping

The removal of the trees and shrubs associated with the central aspect of the development and the western boundary have the potential to open up views into the private residential properties on Clumber Road and their respective residential gardens.

The proposed site plan shows three new trees to be planted along this boundary. The extent to which these trees are able to protect the visual amenity of the adjacent properties is dependent on their species and height. Therefore, a condition is recommended to ensure that all trees that are to be removed are replaced with appropriate specimens and that and evergreen understorey shrubs are planted along the site's western boundary to improve screening.

Views into the site from the Dickens Lane are significantly restricted especially through the Summer months by the mature Lime Trees which form the Dickens Lane frontage. The proposals do not involve any works to these trees.

Overall, the proposals are considered to comply with Macclesfield Local Plan Policy DC8: Landscaping.

### **Ecology**

The Council's Nature Conservation Officer has advised that a Protected Species Survey is required to enable the full impact upon any protected species to be considered. This survey remains outstanding, and further details will be provided as an update.

Update prepared 08/08/2016

The applicant has submitted a report detailing the findings of an Ecological Scoping Survey of the site undertaken in August 2016. Indicating at there was evidence of a protected species being found onsite. The Council's Nature Conservation Officer is satisfied with the surveyors procedures and assessments of the risks to protected species. And following the findings within the Survey Report has recommended conditions be include within the decision notice requiring:

- an appropriate mitigation statement, with regard the protected species; and
- the protection of nesting birds during clearance work or works to trees.

### **Residential Amenity**

Policy H13 states that development which would adversely affect the amenities of the occupiers of adjoining or nearby houses will not normally be permitted. Whilst Policy DC3 of the local plan 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 with regards space light and privacy. It suggests that these distances are increased when a habitable room faces a non-residential building. Both local residents and Town Council have suggested that Clumber House Nursing Home is not residential use. However, a nursing home falls within the use class C2: Residential Institutions, and therefore is considered to be a residential building.

The closest relationship between the proposed building and neighbouring residential properties will take place where the western elevation will face existing properties at Clumber Cottage and Orchard Cottage. There is an incline between the rear garden of Clumber and Orchard Cottage towards the location of the proposed extension. As a result the ridge level of the proposed extension would sit approximately 3.80m above the ridge height of the closest section of Orchard Cottage to the proposed extension. There are a number of windows on the east elevations of both Clumber Cottage and Orchard Cottage that face in a north east direction towards the site of the proposed extension.

None of the first floor windows on the west elevation of the proposed extension serve habitable rooms.

#### *Space, Light and Privacy*

Macclesfield Local Plan Policy DC38 suggests that there should be minimum of 14m distance between windows serving habitable rooms that face directly onto windows serving non-habitable rooms or blank elevations within one and two storey buildings. This figure should be increased by 2.5m for every additional storey. The incline between Clumber Cottage and Orchard Cottage and the location of the proposed extension, has created a situation whereby the proposed extension will sit approximately one storey above the existing residential properties. The proposals will result in a distance of approximately 11m between four

windows serving habitable rooms on the North East elevation of Clumber Cottage (two on the ground floor and two on the first floor) and the south-western corner of the proposed extension. The recommended distance in policy DC38 would be 16.5m. However, there is a large amount of screening provided by the trees (that exceed the ridge height of the existing extension at Clumber House Nursing Home) and shrubbery that make up the extensive boundary between the two residential properties and the proposed site. The Landscape Section of this report recommends a condition to ensure the density of this boundary screening is increased should this application be approved. Therefore, it is considered that the proposals will not result in any significant loss of light or privacy to these windows, or any other window within Clumber Cottage or Orchard Cottage, when compared to the existing situation. Furthermore, the windows in question are all serving rooms that are served by additional windows. This is the case for all the windows located on the north-east elevations of Clumber Cottage and Orchard Cottage that serve habitable rooms. With the exception of one window serving a living room on the ground floor of Orchard Cottage. This window is located 19m from the proposed extension and is set within an alcove. Therefore, it is again considered that the proposals will not result in any significant loss of light to this window when compared to the existing situation

### *Overbearing effect*

Whilst the ridge height of the proposed extension will stand at approximately 12.1m above the rear gardens of Orchard Cottage and Clumber Cottage. Due to the extensive screening separating the nursing home from the effected dwellings and the way in which the ridge of the proposed extension slopes away from these boundaries, it is not considered that the proposed extension will result in an overbearing impact upon Orchard Cottage or Clumber Cottage.

### *Noise*

The proposals will result in an increase in bed spaces within Clumber House Nursing Home, but no significant increase in noise levels is anticipated. Should the proposed development, or any other aspect of the operation of Clumber House Nursing Home, result in unacceptable levels of noise this is a matter to be dealt with by the council's Environmental Protection Team, who have been consulted regarding this application and not raised any objection on grounds of noise.

### **Highways**

*Cheshire East Council: Highways Development Management- Standing Advice for Local Planning Authorities* (April 2015) states that the Highway Authority should not be consulted on certain proposed developments (not involving the formation or alteration of a vehicular access to the public highway). These include extensions to residential institutions for up to 30 residents beds. In such instances the planning officer is required to check that:

- parking provision on site meets that within Appendix C of the Cheshire East Local Plan Strategy Submission Version (March 2014); and that

where loading/unloading facilities are required sufficient area must be provided within the development site to allow vehicles to load/unload together with appropriate manoeuvring areas.

### Site Access

The proposals do not involve formation or alteration of a vehicular access to the public highway.

### Parking

Parking standards set out within Appendix C of the Cheshire East Local Plan Strategy (Submission Version) March 2014 recommend the following parking provision:

- Residents – one per three beds; and
- Staff – one per resident staff and one per two non-resident staff.

The table below sets out the parking requirements for the proposed site based on the above guidance:

	Existing		Proposed	
	Beds/Staff	Parking Spaces Required	Beds/Staff	Parking Spaces Required
<b>Beds</b>	32	11	40	14
<b>Resident Staff</b>	0	0	0	0
<b>Non Resident Staff</b>	16	8	18	9
<b>TOTAL</b>		19		23

Whilst neighbour and town council comments regarding the lack of increased parking provision are noted, the proposals will still provide 24 onsite parking spaces, which will meet the parking requirements for the extended building.

#### Loading/unloading facilitates

Neighbour and town council comments are noted however, there are no loading/unloading facilities associated with this development.

A condition is recommended that a Construction Management Plan including use and parking of motorised vehicles or construction machinery.

#### **Flood Risk**

The flood risk manager has raised no objections to the proposal subject to a condition requiring a scheme for the provision and implementation of a surface water regulation system to be submitted.

#### **SOCIAL SUSTAINABILITY**

##### **Need for the development**

Paragraph 6.24 of the Cheshire East Strategic Housing Market Assessment (SHMA) update published in September 2013 states:

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

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

The 2011 Census identifies:

- The percentage of people aged 65 or over in England and Wales is 16.4%
- The percentage of people aged 65 and over in Cheshire East is 25.9% which is 37% higher than the average in England & Wales

- The percentage of persons in England & Wales who live in a Communal Establishment is 0.18%
- The percentage of people in Cheshire East who live in a Communal Establishment is 0.14% which is 23% lower than the average in England & Wales

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

### **ECONOMIC SUSTAINABILITY**

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

### **PLANNING BALANCE**

The proposed development will provide 8 additional care beds which will help to serve the ageing population in the Borough. Whilst the proposed development is located close to neighbouring residential dwellings, the existing and additional screening will prevent it from resulting in any significant negative impact upon the living conditions of neighbours or the surrounding area. Therefore a recommendation of approval is made, subject to conditions.

### **RECOMMENDATION**

The application is recommended for approval.

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 to match existing.
4. Obscure glazing requirement
5. Prior to the commencement of development a scheme for the protection of the retained trees shall be produced and approved by the Local Planning Authority.
6. Criteria by which the approved landscaping plan shall be completed.
7. Protection of breeding birds during works to trees.
8. Provision and implementation of a surface water regulation system
9. Submission of construction method statement
10. Protected species report to be submitted and approved by the Council.
11. Details of proposed lighting to be approved prior to construction.

Informative: Environmental Health considerations regarding noise and odour disturbance.

**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 Chairman (or in their absence the Vice Chairman) of the 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.**

