

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 7th June, 2017  
**Time:** 10.00 am  
**Venue:** Council Chamber - 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 3 May 2017 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. **17/1531M - Bowling Green, Ingersley Vale, Bollington, Cheshire: Variation of condition 3 (approved plans) of 15/2354M - Outline Application for Proposed 11 no. 2.5 storey and 2 no. 2 storey Residential Housing for Mr Chris Bowman, Ingersley Crescent Ltd (Pages 7 - 14)**

To consider the above application

6. **17/0346M - Alderley Edge Cricket Club, Moss Lane, Alderley Edge SK9 7HN: Installation of 9 x 8m high floodlight columns and lights, to serve 4 tennis courts. Installation of 4 x 6.7m high floodlight columns and lights to serve 1 tennis court. Lights to be installed on 2 existing columns to 1 adjacent court for Alderley Edge Cricket Club (Pages 15 - 28)**

To consider the above application

7. **17/1607M - Iron Gate Farm, Chelford Road, Nether Alderley, Macclesfield, SK10 4SZ: Demolition of existing buildings and construction of replacement buildings to form a furniture shop including showroom, store and associated car parking for Alex Rubin, Furnibarn Ltd (Pages 29 - 38)**

To consider the above application

8. **17/1676M - Land at Park Lane, Poynton: Proposed demolition and redevelopment for 4 no. detached houses plus associated infrastructure for Mr J Hill, Henderson Homes Ltd (Pages 39 - 50)**

To consider the above application

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 3rd May, 2017 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1EA

**PRESENT**

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

Councillors E Brooks, T Dean, L Durham, S Edgar (Substitute), P Findlow,  
H Gaddum, J Jackson (Substitute), N Mannion and M Warren

**OFFICERS IN ATTENDANCE**

Mr R Croker (Planning Officer), Mr K Foster (Principal Planning Officer), Mrs N  
Folan (Planning Solicitor) and Miss N Wise-Ford (Principal Planning Officer)

**108 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors C Andrew, A  
Harewood and S Gardiner.

**109 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 17/0841M, Councillor  
C Browne declared that one of the speakers was known to him, however  
this would not influence his decision.

Councillor G Walton declared he had received correspondence in respect  
of applications 17/0841M and 17/1052M.

In the interest of openness in respect of application 16/3647M, Councillor  
G Walton declared that he was acquainted with one of the speakers and  
the applicant as they were both Parish Councillors and he attended Parish  
meetings of the Parish Council they belonged to. However he made it  
clear he had not pre determined the application.

In the interest of openness in respect of application 17/0841M, Councillor  
E Brooks declared that she sat on a separate Committee with one of the  
people speaking on the application.

In the interest of openness in respect of application 17/0841M, Councillor  
H Gaddum declared that she knew Rawdon Gascoigne who was speaking  
on the application as a Planning Officer in the National Park a number of  
years ago.

110        **MINUTES OF THE MEETING**

**RESOLVED**

That the minutes of the meeting held on 5 April 2017 be approved as a correct record and signed by the Chairman.

111        **PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

112        **16/3647M-DEVELOPMENT OF FORMER GARDEN CENTRE TO  
26NO. DWELLINGS, COMMUNITY SHOP, PUBLIC OPEN SPACES  
INCLUDING ASSOCIATED LANDSCAPE WORKS, OLLERTON  
NURSERY, CHELFORD ROAD, OLLERTON FOR BRIGHOUSE HOMES  
(MOBBERLEY) LTD**

Consideration was given to the above application.

(Parish Councillor Neil Hanlon, representing Ollerton with Marthall Parish, Jane Martin, representing an objector and Mr Fryman, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1.        The proposal represents an inappropriate form of development within the Green Belt, the proposed redevelopment of the previously developed site would have a greater impact on openness of the Green Belt and the purposes for including land within the Green Belt through encroachment. The proposal is therefore contrary to paragraph 89 of the National Planning Policy Framework.
2.        The proposed development is environmentally unsustainable, the layout of the proposed development does not create a good relationship with the Oak trees on the site in respect of social proximity and could lead to pressure for removal in the future contrary to saved policy DC9 of the Macclesfield Borough Local Plan. Furthermore, the layout does not create a vibrant and healthy community by creating a high quality inclusive built environment due to gated and cul-de-sac clusters of development. Therefore the proposal is contrary to saved policy BE1 of the Macclesfield Borough Local Plan and paragraph 57 of the NPPF which encourages inclusive development.

3. The proposed affordable housing provision is unacceptable as no units have been provided for social or affordable rent, the mix of homes proposed does not sufficiently meet the local need identified in respect of the lack of 2 bedroom properties, and the distribution of the affordable units on the site leads to segregation of the affordable units. Therefore the proposals would not represent a socially sustainable development and are contrary to guidance set out in the Cheshire East Interim Planning Statement: Affordable Housing and policies H8 of the Macclesfield Borough Local Plan, SC5 of the Emerging Cheshire East Local Plan and guidance set out in paragraph 50 of the NPPF.

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 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.

113      **17/0841M-DEMOLITION OF DETACHED BUNGALOW AND THE CONSTRUCTION OF TWO TWO-STOREY DETACHED DWELLINGS WITH ASSOCIATED ACCESSES AND DETACHED GARAGES. RESUBMISSION OF 16/4651M, 5,HAREFIELD DRIVE, WILMSLOW FOR MR HERRING, HERRING PROPERTIES LTD**

Consideration was given to the above application.

(Stuart Kinsey, an objector and Rawdon Gascoigne, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report the application be delegated to the Head of Planning (Regulation) in consultation with the Chairman of Northern Planning Committee to approve subject to the following 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 to include retention of the hedge where possible or replacement of the hedge

9. Landscaping Implementation to include retention of the hedge where possible or replacement of the hedge
10. Details boundary treatment to include retention of hedge or replacement hedge
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
16. Broadband connection
17. Bin storage provision

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 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.

114      **17/1052M-DEMOLISH POULTRY BUILDING AND REPLACE WITH STEEL PORTAL FRAME BUILDING TO BE USED FOR BUSINESS STORAGE, MERE HALL FARM, BUCKLOW HILL LANE, MERE FOR MESSRS IAN & ANDREW FAULKNER**

Consideration was given to the above application.

(Councillor O Hunter, the Ward Councillor and Mr Stuart Ashton, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be deferred in order for the Planning Officer to enter into negotiations with applicants, to explore options that have less impact on the Green Belt and to carry out a sequential exercise in relation to alternative sites.

The meeting commenced at 10.00 am and concluded at 11.55 am

Councillor G M Walton (Chairman)

Application No: 17/1531M

Location: BOWLING GREEN, INGERSLEY VALE, BOLLINGTON, CHESHIRE

Proposal: Variation of condition 3 (approved plans) of 15/2354M - Outline application for proposed 11 no. 2.5 storey and 2 no. 2 storey residential housing.

Applicant: Mr Chris Bowman, Ingersley Crescent Ltd

Expiry Date: 28-Jun-2017

### **SUMMARY**

The application is to vary the previously approved layout to allow for a change to the approved layout.

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

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

### **SUMMARY RECOMMENDATION**

Approve subject to conditions and signing of the s106 agreement.

### **REASON FOR REPORT**

Councillor Gaddum has requested the application be determined by Planning Committee.

### **PROPOSAL**

The application is to vary condition 3 (approved plans) of 15/2354M to allow for an amendment to the previously approved properties.

The proposed change centres on a change to the approved siting of the houses on the site and are detailed later in the report.

### **SITE DESCRIPTION**

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

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

### **RELEVANT HISTORY**

15/2354M - Outline application for proposed 11 no. 2.5 storey and 1 no. 2 storey residential housing. Approved 2 December 2016.

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

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

#### **Development Plan**

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC9 (Tree Protection)

DC38 (Guidelines for space, light and privacy for housing development)

DC40 (Children's Play Provision and Amenity Space)

DC41 (Infill Housing Development or Redevelopment)

H2 (Environmental Quality in Housing Developments)

H5 (Windfall Housing)

RT1 (Protection of Open Spaces)

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

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions



SC4 Residential Mix  
SE1 Design  
SE2 Efficient use of land

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

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

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

Highway Engineer – No objection. This issue is addressed later in this report.

Public Rights of Way - *The proposed development is adjacent to **Public Footpath No. 39 Rainow** as recorded on the Definitive Map held at this office (working copy extract enclosed). It appears unlikely, however, that the proposal would affect the public right of way, although the access into the development would be along part of the public footpath it is noted that the developer intends to improve this section. The developer would need to consult the Rights of Way Network Management Officer regarding any alteration to the surface of the right of way.*

### **VIEWS OF THE PARISH / TOWN COUNCIL**

**Bollington Town Council** – Object on the following grounds;

- Overbearing and Overshadowing caused to neighbouring properties
- Relationship to the Conservation Area
- Insufficient Parking Provision
- Lack of Accurately Defined Boundaries
- Safe Traffic Access
- Trees and Screening

**Rainow Parish Council** – Object on the following grounds;

- Lack of car parking
- Inappropriate materials proposed
- Impact on residential amenity

### **OTHER REPRESENTATIONS**

A total of 29 objections have been received in respect of the application and the points of objection relate to;

- Increase in on-street parking and traffic along Church Street and Ingersley Vale
- Brownfield sites should be built on first
- Impact on wildlife in the area
- The design of the properties is inappropriate
- Impact on the character of the conservation area
- Lack of car parking on the site.

- The site location plan does not reflect the applicants land ownership
- Impact on amenity caused by overshadowing and overlooking
- No details of the number of bedrooms.
- Over development of the site

### **APPRAISAL**

The application is for a variation to the previously approved plans to allow for an increased footprint of the proposed properties. Therefore the principle of 12 properties on the site has been previously established and the report will deal with the increase in footprint only.

The changes to the layout are summarised as follows;

- The block of townhouses have been split into two separate blocks.
- Plots 1-6 have been moved forward from their approved position.
- Plots 7-11 are moved back slightly and further away from existing properties.
- Amendment to shape of plot 12.

### **Layout & Design**

The layout of the site now forms a block of 6 terraced properties, a block of 5 terraced properties and a detached property at the southern end of the side. The layout of these properties follows the character of the built form along Ingersley Vale both in building line and scale of the properties.

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

Detail of the landscaping for the site is a matter that has been reserved for future consideration.

### **Residential Amenity**

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

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

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

The layout does not afford any opportunity for any overshadowing to neighbouring properties. Plot 1 is sited next to 52 Ingersley Vale and the rear elevations are almost on a level with each other. The front elevation now projects further forward than previously but given the distance between the properties no overshadowing will occur, nor will the property have an overbearing impact.

Plot 12 is set at a lower height than the rest of the proposed properties to reflect the height of the properties to the south, Rainow Mill Cottages. The changes to the layout mean that the 2.5 storey properties have been moved a further 1 metre away from Rainow Mill Cottages. Details of appearance will be considered as part of any future reserved matters application and it will be ensured at this stage that no overlooking of neighbouring properties will occur.

The scale of the properties has been approved as part of application 15/2354M and this application does not propose any changes to the height of the buildings.

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

### **Highways**

Following the submission of additional information in the form of swept path analysis for the revised parking layout the highway Engineer has no objection to the revised layout.

The traffic generation will not increase as a result of the proposals and the highway improvements along Ingersley Vale must be carried out in accordance with the details previously agreed.

The applicant has confirmed that any subsequent reserved matters application will not have any more than three bedrooms and therefore the two spaces per property provided and some additional visitor parking is considered an acceptable level of off-street parking.

### **Trees / Ecology**

Application 15/2354M was supported by an Arboricultural Implications Assessment and Arboricultural Method Statement by Mulberry. The tree survey identified the trees on site as being of low to moderate (Category C – B) amenity value, with no significant specimens (Category A) present and the Council's arboriculturist has agreed with this assessment.

The proposal to amend the layout of the site does not result in the removal of any additional trees to those specified in the outline application.

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

A condition will be included on the decision requiring that if trees are removed between March and August that the site is surveyed for nesting birds.

### **COMMENT ON OBJECTIONS**

A number of the points of objection have been addressed in the main body of the report with the remaining points addressed below.

- The design of the properties is inappropriate.

The design and appearance of the dwellings will be considered as part of any subsequent reserved matters application.

- The site location plan does not reflect the applicants land ownership

The applicant has submitted title details with the application and the land registry records have been checked by the case officer. These details are fully consistent with the red edge plan submitted by the applicant.

- No details of the number of bedrooms.

This is not required to be submitted as part of this application as it relates only to the changes on the approved layout. The parking provision is not reduced as a result of these changes and is in fact improved. Nevertheless the applicant has confirmed that the properties will be three bedroom properties.

- Over development of the site

The level of development has been approved previously and the number of dwellings is not increased as a result of this amendment to the layout.

### **CONCLUSIONS**

The application is for amendments to the layout only. The level of accommodation, highway impact and the principle of development have all been previously established and are not for consideration at this point. The increase in footprint of the properties is not a significant and will not have any greater impact on the amenity of neighbouring properties or on the character or appearance of the area.

### **RECOMMENDATION**

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

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with*

*the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*

### Application for Variation of Condition

#### RECOMMENDATION:

1. Commencement of development
2. Submission of reserved matters
3. Development in accord with approved plans
4. Materials to be submitted with reserved matters
5. Ground levels to be submitted with reserved matters application
6. Submission of construction method statement
7. Foul drainage / surface water drainage
8. Contaminated land, requirement for surveys
9. Submission of habitat survey if tree clearance in bird nesting season
10. site to drain on separate systems
11. Submit Arboricultural Impact Assessment
12. Electrical Vehicle Charging Points
13. details of bin store
14. Re-use of the stone on the front boundary wall in the new boundary treatment
15. Retention of the stone retaining wall
16. 2 spaces
17. Numbers



Application No: 17/0346M

Location: ALDERLEY EDGE CRICKET CLUB, MOSS LANE, ALDERLEY EDGE, SK9 7HN

Proposal: Installation of 9 x 8m high floodlight columns and lights, to serve 4 tennis courts.  
Installation of 4 x 6.7m high floodlight columns and lights to serve 1 tennis court.  
Lights to be installed on 2 existing columns to 1 adjacent court.

Applicant: Alderley Edge Cricket Club

Expiry Date: 21-Mar-2017

### **Summary**

The NPPF (2012) strongly promotes sustainable development. The fundamental aim being to secure and promote social and economic growth, whilst preserving and enhancing both the built and natural environment.

This development would considerably enhance the existing sports facilities through external flood lights which would facilitate suitable outdoor play into the evenings. This could encourage more residents of Alderley Edge to play sport, provide after school coaching for younger members, and would generally modernise the existing grounds whilst promoting a healthy community

Officers are satisfied that the flood lights would not adversely affect residential amenity within this locality, nor would the lights significantly harm the character of this local environment. The lights are directed down towards the courts with light spillage not considered to be significantly adverse. A condition shall be attached regarding the attachment of cowls to further control light spillage.

All objections raised by members of the public, and the Parish Council, have been considered. However, the presumption in favour of sustainable development is a strong material planning consideration. The social benefits of this development would demonstrably outweigh the small environmental harm, ensuring the health, activeness and opportunities for recreation within the existing community, whilst reinforcing Alderley Edge as an attractive place to live.

Thusly it is recommended that this application be approved.

### **RECOMMENDATION**

**Approve subject to conditions.**

## REASON FOR REFERRAL

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor (Cllr Browne) for the following reason:

*“Owing to the relationship between the proposed site and the adjacent Conservation Area, as well as residential properties on Orchard Green, this application would benefit from a site visit and discussion by members of Northern Planning Committee.”*

## PROPOSAL

This application seeks planning permission for the erection of permanent floodlights, to courts 1, 2, 4, and 5 and court 14, and to remain in operation until 9.30pm. The justification provided is as follows:

- Proposal has been designed in accordance with LTA guidelines
- Further requirements for playing time so to accommodate increasing demand
- Will enable play during winter months during non-daylight hours
- Further develop coaching programmes (through enhanced playing conditions) and more court availability
- Will help to deliver social and recreational benefits for the community.

The lights shall be LED, and fixed on steel columns 6.7m above ground level. 9 x flood lights would be installed between courts 1, 2, 5, and 4, and 5 x flood lights to court 14 (directed away from the side boundary).

This application has been submitted alongside 17/0345m (approved 18<sup>th</sup> May 2017), which sought to replace the existing grass courts with astro-turf courts

Full consultation has been carried out on the plans submitted with the application and the revised plans.

## SITE DESCRIPTION

The application site comprises Alderley Edge Cricket Club (AECC), a sports ground within a Predominantly Residential area of Alderley Edge. The site contains a sports pavilion, tennis courts and a cricket pitch across approximately 2.3 hectare . An area of parking is located to the north-east corner of the site, accessed off Moss Lane. The accompanying D&A statement states that the club has co-existed within the local community since 1870 and has been used as cricket and tennis club for almost 150 years, similarly evident through historic mapping.

The existing courts to the western side are 3 x astro turf, and 5 x grass courts. To the eastern side are a further 6 astro-turf tennis courts with the main cricket ground residing in between. The clubhouse provides changing facilities and a bar/food facility. Some courts are presently floodlit through temporary lighting and courts 9, 11, and 13 through permanent floodlights.

Bordering the site to the south is Mottram Road which sits at a slightly higher land level, and the Alderley Edge Conservation Area with this section allowing views over the grounds.



Some residential properties contain rear gardens which directly abut the AECC grounds, (including those from Moss Lane and Orchard Green).

### **CONSTRAINTS**

Predominantly Residential  
Existing Open Space  
Adjacent to Alderley Edge Conservation Area  
Alderley Edge Neighbourhood Plan

### **RELEVANT SITE HISTORY**

Various.

Of particular relevance:

17/0346m - Installation of 9 x 8m high floodlight columns and lights, to serve 4 tennis courts. Installation of 4 x 6.7m high floodlight columns and lights to serve 1 tennis court. Lights to be installed on 2 existing columns to 1 adjacent court. *Approved with conditions 18<sup>th</sup> May 2017.*

03/2068P – Floodlighting of tennis courts 9, 11 and 13 – 14 x 6.7m columns – *approved 06/10/03.*

01/1684P – Installation of 18 floodlighting columns on courts 11-14 – *refused 15/08/01.*

64210P – Three synthetic tennis courts – *approved 29/08/90.*

### **LOCAL AND NATIONAL POLICY**

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

BE1 – Design and Guidance  
DC1 – New Development  
DC3 – Amenity  
DC6 – Circulation and Access  
DC8 – Landscaping  
DC35 – Materials and Finishes  
DC37 – Landscaping  
DC64 – Floodlighting  
RT1 – Protection of Open Space

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

Policy PG1 (Overall Development Strategy)  
Policy SD1 (Sustainable Development in Cheshire East)  
Policy SD2 (Sustainable Development Principles)  
Policy SC2 (Indoor and Outdoor Sport Facilities)  
Policy SE1 (Design)  
Appendix C (Parking Standards)

## **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)

8 (Promotion Healthy Communities)

The National Planning Practice Guidance (NPPG) (as updated online)

## **CONSULTATIONS**

### **Alderley Edge Parish Council (16<sup>th</sup> February 2017):**

By a vote of 3:2 the Parish Council recommends refusal on the grounds that the development will have a significant and detrimental impact to adjoining houses with regard to light and noise.

### **Alderley Edge Parish Council (16<sup>th</sup> May 2017) – Revised Plans:**

The Parish Council recommends refusal on the grounds that it would have a significant and detrimental impact to adjoining houses with respect to light and noise and also request that it is called in to the North Planning Committee.

*Noted.*

## **Environmental Health:**

### Lighting

This service can only make comment where it considers that light nuisance may be caused i.e. lights shining directly into a property. The applicant has submitted information which details that the lighting of the courts may not be intrusive to residents of neighbouring dwellings, particularly as the proposed floodlit courts are separated from residential properties by another court (apart from court 14 where it is understood that temporary lighting is already in place). Consequently, this Service is unable to make an objection. However, there is likely to be some 'amenity' issue in respect of residential neighbours 'looking out' on to a lighted area where there was no lit area beforehand. This 'residential amenity' issue is a matter for the consideration of the planning department.

### Noise

Additional noise may be caused from players voices and from the impact of tennis balls on racquets etc. The application states that the proposed use of the lighted tennis courts would be 3.30pm to 10pm on a daily basis. In order to minimise the degree of disturbance to neighbouring residents from noise, this Service would recommend that a maximum 9pm termination time on any night is imposed as a condition of an approval.

## Highways Officer:

The development is unlikely to increase peak demand. It may increase visitor numbers during darker hours or when the weather isn't as good. If anything, it is likely that this development would spread demand. A transport statement is not required.

## Conservation Officer:

No objection. This development would not detract from the significance or setting of the Conservation Area.

## REPRESENTATIONS

### Original Plans

5 x letter of support have been received summarised as follows:

- Only three flood courts resulting in very little opportunity for play in evenings during winter
- Demand for play during winter and coaching and general play by members is constrained as a result of insufficient lighting
- Scheme is beneficial to the future of the club
- Additional lighting will not unduly harm residential amenity
- Proposed lighting complies with Institute of Lighting Professionals requirement for light intrusion limits. Meets the recommended pre-curfew light levels for both a 'Suburban' environment (E3) and a 'Rural' environment (E2).
- Guards will be installed on the lights ensuring that the spillage is at least 50% lower than that shown on the diagrams
- Apart from court 14 (which already has temporary lights), the play will be at least a courts width away from the club boundary.
- Proposals are required by members of both AECC and the local community.
- Proposal complies with planning policy.
- Club has approximately 650 members (450 adult, 200 junior) and 200 non-members who are coached at the club. Club is currently unable to meet demand
- Proposal would enhance the facilities the club can offer.
- No harm to residential amenity
- Safer conditions
- The development is socially sustainable.
- Noise increase will not be significant
- Club is an important component of the local community
- Modernisation of the tennis club
- Benefits to youth members and local schools
- Lighting shall be very focused
- Curtains will be closed when flood lights are in use

15 x letters of objection (including two from the same property) have been received, summarised as follows:

- New proposal increases the number of floodlights, and size of floodlights in comparison to a previous approval.

- Poor design of lights
- Harm to the character of the area
- Inappropriate relationship with housing.
- Lights proposed to be on till 10pm instead of the current 9.30pm
- Mobile lights installed on-site, which currently illuminate garden
- Proposal detrimental to character of the Conservation Area
- Plans would suit the perceived business needs of AECC to the detriment of Alderley Edge.
- Play during winter would benefit only a few to the detriment of the surrounding residents
- Light pollution
- Will poles be retracted when not in use?
- Light glare into houses
- Impact on parking
- Traffic survey should be requested
- Condition should be attached regarding max. operation times (9pm – winter, 10pm - summer)
- Proposal will encourage the switch from a modest club to a large sporting facility
- Loss of privacy
- Harm of the view over the cricket pitch
- Request assurance of the behaviour of tennis players i.e. quietness at later hours
- Noise pollution
- Cows not indicated on the flood lights
- No retraction of lights will harm visual amenity of the site
- Proposal would conflict with previous decision notice
- Development must meet guidance notes set by the Institute of Lighting Professionals.
- Extending the parking period outside of summer months (when members are more likely to drive) could exacerbate parking issues.
- Similar applications have failed.

PETITION (Original Plans)

44 x signatures of **support**

46 x signatures of **objection**.

**Revised Plans**

0 x letters of support

12 x letters of objection (including 2 from one property).

Issues raised largely echo the objections for the original plans although some additional objections raised include:

- Minimal change between original and revised plans
- Lack of communication between neighbours and AECC
- Negative impact on Open Space designation
- Clutter of cricket ground through infrastructure (nets, fences etc).

*All comments are noted. See appraisal.*

*Two site inspections have been carried out. Public consultation has been carried out in accordance with statutory requirements.*

### **APPRAISAL**

#### **Key Issues**

- Principle of development;
- Design considerations
- Character of the area
- Alternative Scenario / Fall-back position
- Highway Implications
- Sustainability

#### **Principle of Development**

The application site is set within the settlement boundary as defined by the Local Plan (2004). Within these limits, development is normally acceptable in principle subject to all other material considerations being satisfactory.

The Councils strategic approach to recreation is:

*“To improve recreational provision for the benefit of all residents and visitors whilst ensuring that conservation and restraint policies are not undermined.”*

Similarly, the NPPF emphasises the important contribution that open spaces, and opportunities for sport and recreation, can make to the health and well-being of communities. At paragraph 70, the NPPF is clear in its guidance that planning decisions should plan positively for the provision and use of shared space and community facilities (such as sports venues) as these can enhance the sustainability of communities. Further to this Policy RT1 of the MBLP (which is consistent with the NPPF) emphasises the protection which must be afforded to these spaces.

AECC provides approximately 2.3ha of combined private playing fields (some 64% of the total within Alderley Edge) and provides significant outdoor recreational space for the local community through opportunities to play both tennis and cricket.

The social benefits of the development would include the Council supporting a sports club which provides recreational and health benefits to residents of Alderley Edge and the wider Cheshire East population. The club also works with local schools supporting both playing and coaching opportunities for children and younger adults encouraging them to engage in sport from an earlier age. The scheme would inevitably benefit the business needs of AECC, but the success of this enterprise is directly beneficial to the community needs of Alderley Edge. By investing in floodlights the development would adapt to modern requirements, with further opportunities afforded to local residents and further strengthening Alderley Edge as an attractive settlement to both reside, and to visit.

Further to the above, future housing provision within Alderley Edge and Wilmslow will increase demand of such facilities and by providing opportunities to play throughout both the

day, and year, the increased demand can be spread without intensifying the use of the site and associated car park/road network.

This development fully accords with both policy RT1 of the MBLP (2004) and paragraph 70 of the NPPF (2012). The principle of supporting the 'Existing Open Space' designation and success of AECC, which as above, contributes significantly to the social aspect of sustainable development, is a significant weight in favour of this development.

In determining this application strong weight is afforded to Policy DC64 (Floodlighting), which states (inter alia) that: proposals should

- Have no significant adverse impact on the landscape character
- No significant adverse impact on the amenity of residents
- Not compromise the safety of transport
- Should not represent an unacceptably adverse intensification of use of the application site.

The various details of this policy are assessed in the following sections.

### **Design assessment and effect on the character of the area**

In respect of the public realm, the proposed floodlights would be most visible from Mottram Road, which itself resides within the Alderley Edge Conservation Area (CA). The proposal would therefore have an impact on the setting of this designation.

During daytime hours, the lighting columns would be visible, although these features would be set on land below the level of Mottram Road and some soft screening, albeit non-continuous, adjacent to Mottram Road would help to screen these features. They would also be set to the sides of the grounds and thus not prominent within the main setting. Perspectives of these features would be viewed against the backdrop of other built forms (mostly houses) and would not harmfully detract from the setting of the CA. The lighting to court 14 would be set approximately 14m from Mottram Road, and the floodlights to courts 4 and 5, approximately 38.0m. The land level differences, coupled with the modest height, screening and distance, would result in an acceptable impact on the surrounding area. Other perspectives of the floodlights would not be available due to the residential developments surrounding the other three sides.

During evening hours, notably during winter months, the lighting would certainly have the greater impact. Whilst the floodlights would be directed downwards towards the courts, this would still create an illuminous field which would be prominent from Mottram Road. The agent has, however, provided detailed spillage diagrams viewable within the supporting plans, which highlight the focused nature of the lighting, and its mostly negligible illumination of areas outside the target area.

The Environmental Zone for Alderley Edge (ILP Guidance Notes) is E2, which is classified as 'Rural' and generally represents a low district brightness environment. The plans submitted indicate compliance with the ILP criteria for assessing light pollution and in respect of light spillage the development would comply with E2 regulations. The main impact is therefore not so much the lighting of the surrounding external environment, but the prominence of the lit courts.

Whilst the lit courts would be a prominent feature, it is not considered that this would be to the significant adversity of the areas character. Alderley Edge Cricket Club has been established in this location for at least 140 years and can be considered a valuable attribute to the local community. This is not a new type of development for the area which remains to be seen as to the degree of assimilation. The sports grounds are both a permanent, and significant, feature within Alderley Edge. The illumination of the courts in the evening would encourage viewing of the grounds from Mottram Road, and would portray members of the community engaging in sport. Whilst fairly prominent, this view would not be harmful to the character of the Conservation Area and would simply represent an active and healthy part of the population. A benefit could arguably be put forward that the visibility of the grounds could encourage further members of the community to partake in sport. It is expected that when the courts are not in use, the lights would be switched off, both to preserve the character of the area, and in terms of energy conservation. Moreover, it is generally expected that most play would occur during daytime hours.

Further contributions of artificial light within the area include street lighting along Mottram Road, internal lighting through windows of dwellings, and headlights of vehicles along one of the main routes into Alderley Edge. The grounds are also in close proximity to the town centre where again artificial lighting is generally expected. The concerns raised by neighbours have been noted, and it is accepted that the development would have a greater impact on the setting of the CA than at present. However, this impact is not considered significantly harmful in that conflict with policies BE1 or BE3 (Conservation Areas) would be raised.

It can be further noted that the Conservation Officer has been consulted on the development and has not raised any objection.

### **Alternative scenario / fall-back position.**

The alternative scenario must also be considered, in which should development be refused, the applicant could simply continue, or expand, the use of mobile flood lights. Such provisions would fall outside the development criteria and would not be subject to strict planning control. The light spillage of these lights would likely be far greater than those proposed, would not be controllable through planning conditions, and could ultimately have a greater impact on both the setting of the conservation area, and residential amenity. This would also compromise the playing quality of Alderley Edge Cricket Club.

Should this application be approved, a condition would be added to ensure that temporary flood lights are removed and do not provide additional illumination to courts 1, 2, 4, 5, or 14.

Conditions will be added regarding the finish of the lighting columns, and a post implementation assessment of the level of lighting to ensure compliance with the approved plans.

### **Residential amenity**

Concerns have been raised about the level of lighting and associated noise from play up to 10pm, which is 30 minutes later than the existing hours of operation. Following discussions

with the applicant, the opening hours have been reduced to 9.30 (in accordance with the existing agreement)). A condition is recommended for attachment to any positive decision ensuring that the lights are switched off no later than 9.30pm.

The applicant has submitted detailed plans clearly highlighting the light spillage at a number of heights (ground level, 2m and 4m). In all scenarios, it shows the light spillage terminating quite abruptly before the respective site boundaries. The lit courts would also be one court width away from gardens of Orchard Green, approximately 18.0m.

Concerns were initially raised about the direction of lighting adjacent to Arden House (Mottram Road) with only the trees/hedges preventing significant lighting of their rear garden. The applicant has agreed to re-orientate the floodlights to direct light away from the boundary with the proposed relationship now acceptable.

Further to this, it is widely expected that during evening/darker hours, curtains/blinds would be drawn and the garden would not be occupied as an external amenity space. In most scenarios, therefore, the illuminated courts would not be unduly prominent from any habitable rooms.

Tennis is not a particularly noise generative sport, although the LPA would expect AECC to advise members playing later in the evening to be respectful of neighbouring residents.

Again, some weight is afforded to the existing scenario in that players could use the approved all-weather courts with mobile flood lights which would have a greater impact on terms of light spillage.

The consultation from Environmental Health has been noted. However, it is generally expected that residents would not be overlooking the tennis courts during evening hours and the light glare would not compromise the internal amenity of the dwellings regardless of whether curtains or blinds were drawn. Should curtains be drawn, however, the impact on sleeping patterns would be negligible. Notwithstanding the above, external lighting would be shut off at 9.30pm (ensured strictly via condition) which is considerably before the recommended 11.00pm curfew time outlined in the ILP 'Guidance notes for the reduction of obtrusive light' and would be <5 lux in accordance with this document.

Whilst a very slight impact exists regarding the visibility of these courts from any rear 1<sup>st</sup> floor windows, they would not be overbearing, nor unduly dominant. This impact would not significantly detract from the amenity of the occupiers. The proposal accords with policy DC3 of the MBLP (2004).

### **Highway safety and Parking**

The development is not likely to significantly increase peak demand. The existing on-site parking provision is considered sufficient during daytime within the summer months, which is arguably when demand is highest. By encouraging play later in the evening, this would help to spread the demand and could arguably reduce pressure on the existing car park at peak times.



Play during winter is likely to be less than during summer, and again it is considered that the car park could cope with the increased numbers during times outside of summer. The Highways Officer has been consulted and has raised no objection to the development.

### **Sustainability**

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

Slight impacts are acknowledged to both the character of the area, and some slight impact to the residential amenity of dwellings along Orchard Green. These impacts are however not considered to be significantly harmful. The applicant has undergone detailed research and consultation with lighting technicians to reduce light spillage as much as possible. The development would accord with the Guidance Notes for the Reduction of Obtrusive Light (ILP) and the light spillage beyond the courts would not be excessive. Cowls to be attached to these lights (details of which shall be conditioned) shall further help to reduce light spillage. The objections received have been considered and assessed on-site, but the proposal is recognised as environmentally sustainable.

#### ***Social sustainability***

The proposal would notably provide social benefits for both Alderley Edge, and the wider Cheshire East population. By strengthening and modernising the existing sports grounds, AECC would remain a key feature within Alderley Edge. The encouragement of evening play would benefit existing members, promote membership to non-members (who would otherwise be unable to play in winter due to work commitments), and help children and younger members through after-school coaching programs. Both at a national and local policy level, the activeness and health of a community is promoted (RT1 of the MBLP, and section 8 of the NPPF). This development would be in direct accordance with the direction of these policies.

#### ***Economic sustainability***

There would be some benefits to the business aspect of Alderley Edge Cricket Club through potential income from additional memberships / and uptakes of coaching programs. These benefits to AECC, however, are directly linked to the social benefits for the residents of the community.

Other small economic benefits include those to local business within Alderley Edge/Wilmslow which may receive additional commerce via the purchase of sports equipment / attire.

### **Summary and Planning Balance**

The objections have been noted and considered, however the presumption in favour of sustainable development is a significant material consideration in the determination of this application. Taking into account the merits of the application, and compliance with both local and national planning policy, the proposal satisfies the criteria for sustainable development. In respect of the tests of Paragraph 14, the benefits of the scheme significantly and demonstrably outweigh the increased impacts on the built environment, which are not considered significantly adverse. The social benefits of this development would demonstrably outweigh the small environmental impact, ensuring the health, activeness and opportunities

for recreation within the existing community, whilst reinforcing Alderley Edge as an attractive place to live. Following assessment of the plans, this development would comply with policies DC64 and RT1 of the MBLP.

Paragraph 14 of the NPPF requires development proposals that accord with the development plan to be permitted without delay. Thusly this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

*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.*

### **RECOMMENDATION**

Approve subject to conditions:

- Plans
- Three year timescale
- Materials
- Finish of columns (prior to commencement)
- Cowls (prior to commencement)
- Post implementation assessment of light spillage
- Lighting shut off implementation system (prior to commencement)
- Courts in use no later than 9.30pm.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Assessment of light
2. Plans
3. Standard 3 years
4. Materials in accordance with application
5. Prior to commencement, details of the finish of the columns to be submitted.
6. Details of Cowls (prior to commencement)
7. Lighting shut off implementation systeme (prior to commencement)
8. No use later than 21.30
9. NPPF Informative



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Application No: 17/1607M

Location: Iron Gate Farm, Chelford Road, Nether Alderley, Macclesfield, SK10 4SZ

Proposal: Demolition of existing buildings and construction of replacement buildings to form a furniture shop including showroom, store and associated car parking

Applicant: Alex Rubin, Furnibarn Ltd

Expiry Date: 22-Jun-2017

**SUMMARY**

The site is located within the Green Belt where there is a presumption against inappropriate development. Policies GC1 of the Macclesfield Borough Local Plan, PG3 of the Cheshire East Local Plan and paragraph 89 of the NPPF set out the circumstances where development can be acceptable.

The site is in B8 use and is therefore considered previously developed land. The replacement of a building is acceptable as long as it is not materially larger than the building it replaces and the proposal is considered not to have an unacceptable impact on the amenity of neighbouring properties.

The design of the building is considered acceptable and the access will require improvement before the wider development can commence.

The development raises no issues in respect of flooding, noise, or ecology. Some matters will be dealt through conditions.

**SUMMARY RECOMMENDATION**

Approve subject to conditions.

**REASON FOR REPORT**

Councillor Walton has requested that the application be determined by Northern Planning Committee for the following reason;

*Highway concerns regarding the access to the site from the A537 together with egress from the site back onto the A537 utilising the same 'access' being located adjacent to the extremely busy Monks Heath crossroads.*

**PROPOSAL**

The application is for the demolition of the existing buildings and construction of replacement buildings to form a furniture shop including showroom, store and associated car parking.

## **SITE DESCRIPTION**

The application site consists of a group of buildings that were formally in agricultural use. The buildings include an open sided metal clad building with a small lean-to and a brick built single storey building. The access to the site is taken from Chelford Road alongside the existing car showroom. The buildings are located in the centre of the site whilst an existing parking area extends northwards along Congleton Road.

A row of terraced properties are located to the south of the existing buildings, a car showroom is located to the west, Congleton Road forms the eastern boundary whilst to the north of the buildings is a site currently undergoing development.

## **RELEVANT HISTORY**

16/0606M - Prior Approval for a Change of Use of an agricultural building to a flexible use. Prior approval not required 11-May-2016.

15/3254M - Prior Approval of Proposed Change of Use of Agricultural Building to a flexible use for Storage or Distribution associated with [www.furnibarn.co.uk](http://www.furnibarn.co.uk). Prior approval not required 26 August 2015.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

79-92. Protecting Green Belt land

### **Development Plan**

BE1 (Design principles for new developments)

GC1 (Green Belt – New buildings)

DC1 (High quality design for new build)

DC3 (Amenity)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Landscaping)

DC13 (Noise)

NE11 (Nature Conservation)

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

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy  
PG3 Green Belt  
EG2 Rural Economy  
SE1 Design

## **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

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

Environmental Health – No objection. A number of conditions have been requested relating to a construction management plan, restriction in hours of deliveries and opening times, dust management plan, details of lighting and contamination.

Head of Strategic Infrastructure – No objection. The highway comments are discussed in detail later in the report.

Nature Conservation – No objection. Conditions have been requested relating to the timing of vegetation clearance and a scheme for bird nesting opportunities on the site.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Nether Alderley Parish Council – Object on the following basis;

- 1. The site is too small and tight for the proposed use by large delivery vehicles.*
- 2. The site is too close to traffic lights at its entrance off Congleton Road/A34 and exit on Chelford Road for safe ease of movement into and out of the site.*
- 3. The Parish Council perceives that the entrance and exit points, from the highways, are too tight for entrance and egress without the need for a large vehicle to encroach on the opposite highway.*
- 4. It is inconceivable that the combination of large vehicle usage and a children's day nursery should be combined on site and the Parish Council asserts that safety should be of primary concern.*

## **OTHER REPRESENTATIONS**

No other representations have been received.

## **OFFICER APPRAISAL**

### **Principle of Development**

Macclesfield Borough Local Plan, PG3 of the Cheshire East Local Plan and paragraph 89 of the NPPF sets out the circumstances where development can be acceptable and these are;

- i. buildings for agriculture and forestry;*

- ii. provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- iii. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- iv. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- v. limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- vi. limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Part (iv) set out above permits the replacement of a building within the same use as long as the building is not materially larger than the building it replaces. Part (vi) permits the limited infilling or re-development of previously developed sites that do not have a greater impact on the openness of the Green Belt.

The first issue to establish is the lawful use of the building. This also directly relates to the issue of the site being a defined previously developed site or not.

The buildings were formally in agricultural use and consent was granted for A1/B8 use through a prior notification application. The retail use has not formally commenced, however the buildings are in B8 use as they are being used by the applicant to store furniture and materials for the applicant's business. The associated works on the car park have also commenced.

As it has been established that the B8 use has been implemented the site meets the NPPF definition of being a previously developed site. The proposal therefore meets the two criteria set out in paragraph 89 of the NPPF as long as the proposals do not have a greater impact on the openness of the green Belt.

The following table compares the footprint and volume of the existing and proposed building;

	Footprint	Volume
Existing Building	456m <sup>2</sup>	1,654m <sup>3</sup>
Proposed Building	380m <sup>2</sup>	1,432m <sup>3</sup>

As a result of the proposal the building footprint is reduced by 16.7% and the volume by 13.45%. This when coupled with the fact the proposed building will have a slightly lower eaves and ridge height demonstrate the building will not have a greater impact on the openness of the Green Belt than existing buildings.

The proposals are therefore considered to be compliant with the requirements of Policy GC1 and the NPPF.



## Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

## ENVIRONMENTAL SUSTAINABILITY

### Design

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

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

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

The majority of the building is proposed to be a single storey building with a higher part of the building being located close to the boundary with Congelton Road to emphasise the retail part

of the building. The scale of the building is considered to be appropriate and in keeping with the character and appearance of the area.

The building will be constructed from brick, metal cladding and large areas of glazing for the retail part of the building. These materials are in keeping with the mix of materials evident in the immediate area and are considered acceptable subject to the exact details of the materials used being agreed through a condition in the decision notice.

The proposal therefore complies with Policies BE1 and DC1 of the Local Plan the NPPF.

### **SOCIAL SUSTAINABILITY**

#### **Residential Amenity**

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

No overlooking will occur as a result of the development. One window is proposed at ground floor in the rear elevation, however this will not cause an overlooking issues as it is 5 metres from the boundary and will be screened from view by the boundary treatment to the residential properties and an existing outbuilding. No other windows are proposed in this elevation.

The majority of the building is single storey and as such will not cause any issues of overshadowing or have an overbearing impact. The taller element of the building will be located 18 metres from the rear of the existing properties. This is considered an appropriate distance from the residential properties.

There is potential for noise from deliveries and customers to become an issue for the occupiers of the existing properties. It is appreciated there is an existing external use, and as such the householders will be used to a certain level of activity there is experience that a change to what may be a more intense use can cause complaint and issues with noise, resulting in business facing enforcement action. As such conditions are required to ensure the opening hours and delivery times are carried out at appropriate times and these are proposed to be as follows;

- There shall be no deliveries outside of the following hours:

Monday – Friday    08:00 - 18:00  
Saturday            09:00 - 15:00  
With no Sunday or Bank Holiday deliveries]

- Opening hours shall be restricted to:

Monday – Friday    08:00 - 22:00  
Saturday and Sunday 08:00 - 21:00

It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does

not occur. In any event a condition will be included on the decision notice requesting details of a construction method statement in order to minimise any disturbance.

The proposals meet the requirements of Local Plan Policy DC3 subject to the conditions outlined above.

### **Highways Impact**

The proposals for access into the site, which include the widening of the access from the A537 to accommodate the swept path of a rigid heavy goods vehicle, are satisfactory and car parking provision is in accordance with the Council's parking standards.

The development proposals comprise a floor area of just 380m<sup>2</sup> thus, any traffic generation associated with the proposed use will be limited and not expected to have a material traffic impact on the adjacent or wider highway network.

This application is for a similar scale of development to the previous application (16/0606M) to which the Strategic Infrastructure Manager (SIM) had no objection. From a highways perspective the key changes in this application are:

1. A small reduction in the gross floor area (GFA) of the B8 storage element of the proposal down from 230sqm to 200sqm; and
2. A revised parking layout (18 spaces as previously consented).

Accordingly, the Head of Strategic Infrastructure has no objection to the planning application subject to a condition requiring the access to be implemented before the remainder of the development can commence.

### **ECONOMIC SUSTAINABILITY**

It is accepted that the construction of a development of this size would bring the usual economic benefit to the closest shops in the area 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 potential customers spending money in the area and using local services. There are also potential employment opportunities for local residents.

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

### **CONCLUSIONS**

The proposals are considered to be acceptable in Green belt terms as the site is a previously developed site and the building is replacing one in the same use in which it is currently used. The design of the building is acceptable and will not have an unacceptable impact on the openness of the Green Belt.

Access issues have been resolved in the course of the application and subject to a condition requiring the implementation of these improvements the proposal is acceptable in highway terms.

The impact on residential amenity is considered acceptable subject to the conditions listed at the end of the report.

### **RECOMMENDATION**

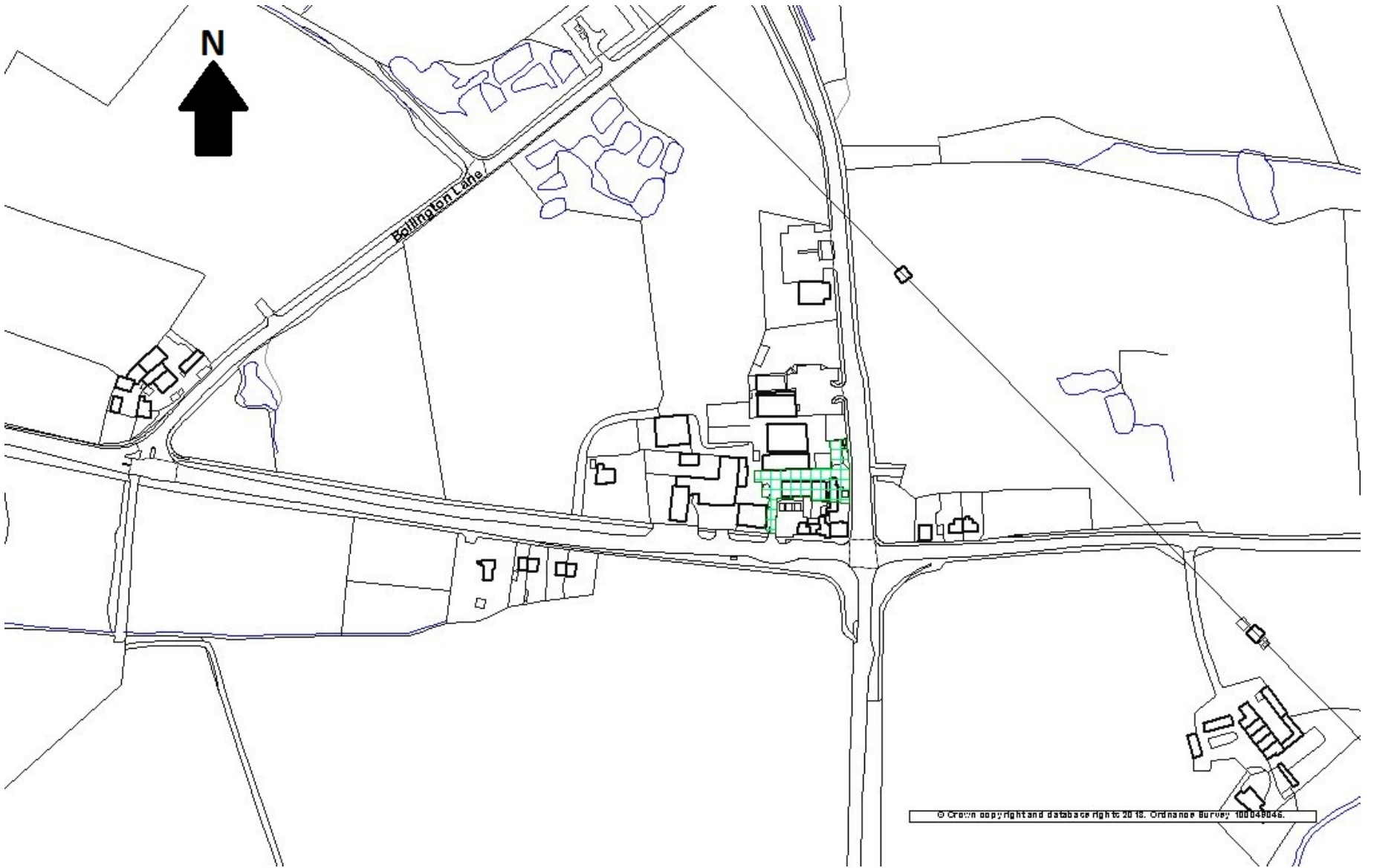
The application is recommended for approval subject to the conditions listed below.

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

Application for Full Planning

### **RECOMMENDATION:**

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of drainage
4. Construction specification/method statement
5. Submission of samples of building materials
6. Implement access improvements
7. Contamination
8. Bird nesting season
9. Scheme for bird breeding opportunities
10. Restriction on deliveries
11. Restriction in opening hours
12. Lighting details



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Application No: 17/1676M

Location: LAND AT PARK LANE, POYNTON

Proposal: Proposed demolition and redevelopment for 4 no. detached houses plus associated infrastructure

Applicant: Mr J Hill, Henderson Homes Ltd

Expiry Date: 09-Jun-2017

**SUMMARY**

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

In any event the site has the benefit of previous planning permission for 4 detached houses and whilst this was granted some time ago the development has been formally commenced and therefore remains able to be completed.

The site is a previously developed site located in a highly sustainable location. The scale of the development reflects the character and appearance of the area and materials will be dealt with by way of a condition.

The development raises no issues in respect of highway safety, residential amenity, flooding, noise, or ecology. Some matters will be dealt through conditions.

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

**SUMMARY RECOMMENDATION**

Approve subject to conditions.

## REASON FOR REPORT

Councillor Murray has requested that the application be determined by Northern Planning Committee for the following reason;

*One area of concern is access. That is along Footpath 79, the public footpath which connects Park Lane to Yewtree Lane. This is well used, both by local residents (many elderly) and pupils going to Poynton High School. These houses may have more vehicle movements when the path is busy.*

*Another issue is flooding. The applicants, Henderson Homes, have submitted a Planning Statement. This contains the statement: "The site does not lie within an area of flood risk." (Page 9, paragraph 4.2). In fact the stream immediately next to the site flooded badly on 11 June 2016. This is not a question of "flood risk", but "flood certainty" - it has happened.*

*Finally, it is unclear from the plans provided if there will be any overlooking. The site is lower than the houses bordering it on Yewtree Lane and Maple Avenue and their gardens. The proposed houses are 3 storeys high. This might lead to embarrassing overlooking, where people in their gardens could be at eye level with bedroom windows in the new houses? It is not clear from the plans.*

## PROPOSAL

The application is for the demolition of the existing commercial units and redevelopment for 4 no. detached houses plus associated infrastructure.

## SITE DESCRIPTION

The application site consists of single storey commercial units that appear to be in limited use at the time of the site visit. The units are brick built and are of a functional design. The site is accessed from an opening between 234 and 234a Park Lane, the access is quite narrow and only allows for one vehicle to use this at any one time.

The site is located in a predominantly residential area. To the south the site adjoins the rear gardens of the properties on Maple Avenue, these properties sit on a slightly higher ground level and are partially screened from the application site by mature planting along the boundary. The same can be said about the properties to the east on Yewtree Lane.

To the west of the site is the Grade II listed Brook House Farmhouse and to the north the site is bounded by a stream that separates the site from the rear gardens of the terraced properties fronting Park Road.

## RELEVANT HISTORY

The site has been subject to numerous applications in the past, most of which have no relevance in considering this application. Two applications that are highly relevant are;

04/3111P - 4 DETACHED DWELLINGS (RESERVED MATTERS) FOLLOWING APPROVAL OF 01/2872P. Approved 28 February 2005.



01/2872P - 4 DETACHED DWELLINGS (OUTLINE APPLICATION). Approved. 14 January 2002.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan**

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC38 (Guidelines for space, light and privacy for housing development)

DC41 (Infill housing development or redevelopment)

H2 (Environmental quality in housing developments)

H5 (Windfall housing sites)

H13 (Protecting residential areas)

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

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SC4 Residential Mix

SE1 Design

SE2 Efficient use of land

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

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

Highways – No objection.

Nature Conservation – No objection. A condition has been requested relating to the timing of works in relation to bird nesting season.

Flood Risk Management – No objection. The site is in flood zone 1 and a condition is requested requiring details of how surface water will be drained from the site.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

Poynton Town Council - *Recommends objection to this development on the following grounds:*

- 1. That the access road includes a public footpath which is well used by residents of the Yew Tree Lane area and by pupils attending Poynton High School*
- 2. That contrary to the statement in the applicant's supporting documents, there is a severe flood risk from the stream and the area flooded extensively on the 11<sup>th</sup> June 2016.*
- 3. That bearing in mind that the development is at a lower level than adjacent houses on Yew Tree Way and Maple Avenue there is a potential risk of overlooking and would be unneighbourly as a consequence*

### **OTHER REPRESENTATIONS**

Three representations have been received in relation to the application. One of these relates to a land ownership issue that has since been resolved and the followings points have also been made;

- The development should not restrict use of the public footpath.
- The site should be protected from flooding.
- The proposed access is inadequate and will cause hazards for the users of the public footpath.
- The proposal will increase on-street parking in the area.

### **APPRAISAL**

#### **Principle of Development**

The site is in an area that is identifies as being 'predominantly residential' and as such the redevelopment of sites for further residential use are generally acceptable. The site is within walking distance of local shops and services and public transport links. The site is considered to be a sustainable location.

Planning approval 04/3111P was for a very similar development to this one proposed. It was confirmed in a letter from the then Macclesfield Borough Council on 24 January 2007 that the excavations for the foundations of plot 2 constituted a commencement of the development. As the development had commenced within the required timescales it ensured that the planning approval remains extant and can be completed at any time. The current proposals are slightly different from those previously approved and this will be addressed later in the report.

The principle of residential development on the site is considered to be acceptable.

### **Housing Land Supply**

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

### **SOCIAL SUSTAINABILITY**

#### **Residential Amenity**

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

New residential developments proposing three storey properties should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

The distance between the existing properties on Maple Avenue and plot 1 are in excess of 18 metres and the distance from the properties on Park Lane to the side elevation is over 19 metres. No windows are located on either of the side elevations facing the existing properties and therefore comply with the 14 metre requirement.

No habitable room windows are located in the elevation of Brook House farmhouse and therefore the distance of 18 metres between this property and plots 3 and 4 meet the standards.

The properties on Yewtree Lane and over 38 metres away from the front elevations of the proposed properties, therefore this comfortably meets the requirement of 25 metres.

It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does

not occur. In any event a condition will be included on the decision notice requesting details of a construction method statement in order to minimise any disturbance.

The proposed layout ensures that all the required separation distances set out above are met and therefore no overlooking will occur to a level at which permission could be withheld and the requirements of Local Plan policies DC3, DC38 and H13 are met.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Layout & Design**

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

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

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

The design and layout of the proposed properties is similar to that previously approved. The two main differences are that a single storey rear projection has been added and the ridge height of the properties has been increased by 1 metre to allow for additional accommodation within the roofspace.

The immediate area is characterised by a range of house types from a listed farmhouse, Victorian terraced properties and typical 1960's/1970's housing. Therefore the area has little in the way of a dominant vernacular and the proposed dwellings will not have a detrimental impact on the character or appearance of the area. The details of the materials used for the dwellings will be agreed through a condition on the decision notice.

The proposal will not have a detrimental impact on the setting of the nearby listed building taking into account the implemented planning permission and the already restricting views of the building from the public footpath.

The proposal therefore complies with Policies BE1 and DC1 of the Macclesfield Local Plan.

#### **Highways**

There are no highway implications associated with this development proposal; off street parking provision is in accordance with the required minimum standards and space exists within the site so vehicles can leave and enter the site in forward gear.

The traffic associated with four dwellings is likely to be lower or not materially different from than that associated with the current on-site commercial use. The access arrangements are not proposed to change and as the proposal will not generate more traffic the access is considered appropriate. The proposal for refuse collection at the front of plot 4 is acceptable.

The site is located next a public footpath and this runs alongside the access between the site and Park Road. It is not considered the proposals will have a detrimental impact on the users of the footpath. The level of trip generation will not be any more than the existing uses on the site and it is an important consideration that the site has an implemented planning permission. Therefore the proposal will not have a worse impact on the public right of way than either the consented scheme or the existing use of the site.

There are no other material highway considerations associated with this proposal; accordingly, the Strategic Infrastructure Manager has no objection to the planning application. The proposal therefore complies with the requirements of Local Plan Policy DC6.

### **Flood Risk**

The site is located within flood zone 1 and therefore is considered by the Environment Agency to be at a low risk of flooding. The Brook to the north of the site is not classified as a main river.

It is acknowledged that the area was subject to flooding to June 2016, however the Council's Flood Risk Manager has not raised any objections to the application subject to a condition on the decision notice requiring details of surface water drainage to be submitted before works can commence.

Again it must be acknowledged that although the site has previously flooded the fact the site has an implemented planning permission for residential properties. Given that no changes in flood zone for the site following the flooding event it is considered the application is acceptable in respect of flood risk.

### **ECONOMIC SUSTAINABILITY**

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

### **PLANNING BALANCE**

The site is located within a Predominantly Residential Area where the principle of redeveloping the site for residential purposes is acceptable. The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted. The benefits in this case are:

- The development would provide benefits in terms of market housing which would help in the Councils delivery of 5 year housing land supply.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

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

- The character of the area is not detrimentally harmed but it cannot be necessarily stated that the character of the area is improved.
- There is not considered to be any significant environmental implications raised by this development.
- Highway impact would be broadly neutral due to the scale of the development.
- Residential amenity is not harmed but the impact is neutral as it cannot be demonstrated it is necessarily improved.

No adverse impacts of the development have been identified.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. The potential for overlooking is increased but as noted above, this is not beyond what would be expected in a residential area. Accordingly the application is recommended for approval subject to conditions.

### **RECOMMENDATION**

The application is recommended for approval subject to the conditions listed below.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Implement in 3 years
2. Carry out development in accordance with the approved plans
3. sample of materials

4. Details of boundary details
5. Remove permitted development rights
6. Details of surface water drainage
7. Construction management Plan
8. details of levels
9. Details of refuse storage
10. bird nesting
11. broadband





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