

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 12th July, 2017  
**Time:** 10.00 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

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

3. **Minutes of the Meeting** (Pages 5 - 10)

To approve the Minutes of the meeting held on 7 June 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. **17/2129M-Erection of two semi-detached dwellings alongside the existing detached bungalow, 18, Shrigley Road North, Poynton for Keith Farrell** (Pages 11 - 20)

To consider the above application.

6. **17/2236M-Demolition of Existing Public House and erection of 8 townhouses, The Riflemans Arms, 113, Moor Lane, Wilmslow for New Moor GB Ltd** (Pages 21 - 30)

To consider the above application.

7. **16/5610M-Change of use of land from a former petrol filling station to a hand car wash and valet business with associated single-storey building and canopy, Kings Arms Service Station, Alderley Road, Wilmslow for Mr Isa Dajci, Shines** (Pages 31 - 42)

To consider the above application.

8. **17/0763M-Demolition of one two-storey detached dwelling and the construction of two two-storey detached dwellings with associated accesses (Resubmission of 16/3674M), 49, Carrwood Road, Wilmslow for Billy Herring, Herring Properties Ltd** (Pages 43 - 56)

To consider the above application.

9. **17/1977M-Erection of a single detached dwelling and creation of a new access to the existing dwelling, Netherbrook, Chorley Hall Lane, Alderley Edge, Wilmslow for Alderley Edge 1 GB Ltd** (Pages 57 - 66)

To consider the above application.

10. **17/1607M-Demolition of existing buildings and construction of replacement buildings to form a furniture shop including showroom, store and associated car parking, Iron Gate Farm, Chelford Road, Nether Alderley, Macclesfield for Alex Rubin, Furnibarn Ltd (Pages 67 - 78)**

To consider the above application.

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## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 7th June, 2017 at Council Chamber - Town Hall,  
Macclesfield, SK10 1EA

### PRESENT

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

Councillors C Andrew, E Brooks, L Durham, S Edgar (for Cllr Gardiner),  
P Findlow, H Gaddum, N Mannion, B Roberts (for Cllr Harewood) and  
M Warren

### NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors J Nicholas and A Stott

### OFFICERS PRESENT

Russell Croker (Planning Officer)  
Patricia Evans (Senior Planning and Highways Lawyer)  
Kevin Foster (Principal Planning Officer)  
Neil Jones (Principal Development Officer)  
Julie Zientek (Democratic Services Officer)

### 1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T Dean, S Gardiner  
and A Harewood.

### 2 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

All Members of the Committee declared that they had received email  
correspondence with regard to application numbers 17/1531M and  
17/1676M.

Councillor G Walton declared that he had called in application number  
17/1607M, which was in his Ward. He would vacate the Chair in favour of  
the Vice-Chairman and exercise his separate speaking rights as the Ward  
Councillor, then withdraw from the meeting for the duration of the  
Committee's consideration of this item.

With regard to application number 17/0346M, Councillor C Browne  
declared that he had called in the application at the request of the parish  
council. He had taken part in discussions regarding the matter but had  
kept an open mind.

With regard to application number 17/1531M, Councillor N Mannion declared that he had been a member of the bowling club and had played on the site. However, he had not played there since last summer and had not made up his mind. Councillor Mannion also declared that he had been approached by some members of the public prior to the start of the meeting but that his discussion with them had not been related to planning matters.

**3 MINUTES OF THE MEETING**

RESOLVED – That the minutes of the meeting held on 3 May 2017 be approved as a correct record and signed by the Chairman.

**4 PUBLIC SPEAKING**

RESOLVED – That the public speaking procedure be noted.

**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**

Note: The Principal Planning Officer drew Members' attention to two errors in the report:

- The application was for 11 no. 2.5 storey and 1 no. 2 storey properties
- Councillor Gaddum had not requested the application be determined by the Northern Planning Committee. It had been referred to Committee by the Head of Planning (Regulation) in view of the history of the site and the interest logged in respect of the application.

Note: Councillors A Stott and J Nicholas (Neighbouring Ward Councillors), Town Councillor K Edwards (on behalf of Bollington Town Council), Ms H Whiteley and Ms K McHale (objectors), and Ms C Payne (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposal by virtue of the increase in footprint results in an over development of the site resulting in an unacceptable impact on the

character and appearance of the area. Therefore the proposals are contrary to Policies BE1 and DC1 of the Macclesfield Borough Local Plan and paragraph 58 of the National Planning Policy Framework.

- (b) That, 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) be granted delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**6 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**

Note: Parish Councillor M Garbett had registered his intention to address the Committee on behalf of Alderley Edge Parish Council but was not in attendance at the meeting.

Note: Ms M Robertson (objector) and Ms R Samuels (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

**RESOLVED**

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the 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 systems (prior to commencement)
  8. No use later than 21.30
  9. NPPF Informative
  10. Details of boundary treatment along boundary with Orchard Close
  11. Removal of temporary floodlights
  12. Floodlights shall be switched off on courts 2 and 5 at 9pm

- (b) That, 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) be granted 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.

**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**

Note: Councillor G Walton vacated the Chair in favour of the Vice-Chairman and exercised his separate speaking rights as the Ward Councillor prior to withdrawing from the meeting for the duration of the Committee's consideration of this item.

Note: Mr N Smith attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED – That the application be DEFERRED for the following:

- A traffic operational plan.
- Clarity regarding the access arrangement through the nursery car park.

**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**

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the 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
  12. Foul drainage details
  13. Electric Charging Point
- (b) That, 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) be granted 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.

The meeting commenced at 10.00 am and concluded at 12.52 pm

Councillor G M Walton (Chairman)

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Application No: 17/2129M  
Location: 18, SHRIGLEY ROAD NORTH, POYNTON, SK12 1TE  
Proposal: Erection of two semi-detached dwellings alongside the existing detached bungalow.  
Applicant: Keith Farrell  
Expiry Date: 16-Jun-2017

**Date Report Prepared: 22 June 2017**

### **SUMMARY**

This application is for the erection of 2no. infill dwelling with onsite parking.

Consideration has been had regarding a recent appeal decision which considered whether the site is in a village. The site is considered to comply with the MBLP definition of infill which states that infill is 'the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)'.

The key issue therefore is whether the site can be classed as 'limited infill'. The size of the plot is considered to be suitable to be able to accommodate limited infilling in the form of 2no dwellings. The principle of the proposal is therefore in accordance with paragraph 89 of the National Planning Policy Framework.

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

**RECOMMENDATION: Approve, subject to conditions**

### **REASON FOR REPORT**

This application has been called in to committee at the request of Cllr Jos Saunders on the 9<sup>th</sup> May 2017 due to the following concerns:

*"The garden where it is proposed that these 2 houses should be built is in the green belt. This development would be contrary to policies set out in the Macclesfield Local Plan and the*

*National Planning Policy Framework, in relation to the green belt and in particular to the openness of the green belt. It is not a brownfield site it is in the garden of an existing building. The proposed buildings are out of character for the remainder of the area and would be very overbearing in respect of the existing bungalow.”*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises the side garden of number 18 Shrigley Road. Number 18 comprises a bungalow with the surrounding properties comprising a mix of semi-detached and terraced two storey dwellings. Opposite the application site to the east is a single storey ‘workshop’ building which is positioned adjacent to a block of 5no. two storey terraced properties. Adjacent to the site, to the north, is the detached bungalow at number 18 followed by a pair of semi-detached properties. Adjacent to the site to the south is a pair of semi-detached two storey properties with open agricultural fields to the rear.

Development along this this part of Shrigley Road North is varied with two storeys the predominant feature. Due to the topography, the houses on the same side of the road as the application site are at a lower level than the road with the application site positioned in a dip which means that the site is at an even lower level than the surrounding development.

The site is within the North Cheshire Green Belt.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of a pair of semi-detached infill dwellings. The dwellings would be two storeys from the front, with rear dormers on each of the properties to the rear.

## **RELEVANT HISTORY**

17/0624M   Erection of 5 no. new dwellings  
Refused 18 April 2017

A pre-application (PRE/0851/16) was responded to and was positive in terms of the principal of the site as an exception under paragraph 89 of the NPPF as an infill within a village.

## **POLICIES**

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)  
H1 (Phased Housing Policy)  
H2 (Environmental Quality in Housing Developments)  
H5 (Windfall Sites)  
H13 (Protecting Residential Areas)  
DC1 (Design – New Build)  
DC3 (Protection of the amenities of nearby residential properties),  
DC6 (Circulation and Access)  
DC8 & DC37 (Landscaping)

DC38 (Space, Light and Privacy)  
DC41 (Infill Housing Development)  
GC1 (Control over new buildings in the Green Belt)  
NE11 (Nature Conservation)

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

Other Material Considerations

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

### **Emerging Cheshire East Local Plan Strategy (CELP)**

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

MP1 (Presumption in Favour of Sustainable Development)  
PG3 (Green Belt)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)

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

**United Utilities:** recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined in consultee response

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

**Poynton Town Council:** *“recommends rejection on the basis of:*

*The development is sited in the Green Belt and the development is contrary to the policies set out in the Macclesfield Local Plan and the National Planning Policy Framework relating to the Green Belt and in particular the principle of openness in the Green Belt.*

*RO3HW additional turning movements due to Shrigley Road North being a narrow road and would be contrary to highway safety.*

*The plans seem to show fewer parking spaces than would be required for properties of this size. There are only two parking spaces per house, despite them having four bedrooms.*

*The proposed 3 storey development is out of character with neighbouring properties including the remaining bungalow on the site.”*

### **OTHER REPRESENTATIONS**

Representations from 75no. different properties have been received for the original submission. A summary of these can be viewed below:

- Highway safety issues - Insufficient parking.
- Not an infill or brownfield site.
- Not in keeping with other properties.
- Inappropriate development within the Green Belt.
- Overdevelopment.

- Would reduce the openness.
- Increasing burden on local infrastructure.

## **OFFICER APPRAISAL**

### **Key Issues**

- Principle of Development in the Green Belt
- The design of the proposed development
- Highway Issues
- Potential impact on amenity

## **ENVIRONMENTAL SUSTAINABILITY**

### **Principle of Development**

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

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

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

### **Green Belt**

There is a recent appeal decision on Coppice Road, which is located around the corner from the proposed site, that explored the issue regarding whether the site is within a village. The following excerpt is taken from that decision:

*‘The site is outside any defined settlement boundaries of the Macclesfield Borough Local Plan 2004 (LP), including the urban boundary of Poynton. At the Hearing the Council confirmed that only a few settlements within the LP have defined boundaries. Although development along Coppice Road extends directly from Poynton, on my site visit I saw that on leaving the more compact and dense urban environment of the town, the character of development along the road changes to a more open and rural setting. Whilst dwellings line both sides of the road along some of its length, in parts open fields directly abut the road. There are also views of the open countryside beyond these houses, with grass verges, hedgerows and trees being*

*more prominent within the streetscene than within Poynton. To my mind, this more rural setting results in the area having a village character and as such it appears reasonable to me to consider that the site is within a village. The lack of an agreed name for the area does not mean that it cannot be defined as a village.'*

With this in mind it is considered that the site is situated within a village for the purposes of the NPPF.

### **Infill?**

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

At approximately 20m wide the plot is comparable to other plot sizes in the area for two properties.

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

With the above in mind it is my opinion that the proposal site would constitute an infill development and so would be compliant with guidance within the NPPF.

### **Openness of the Green Belt**

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

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

### **Design**

Development along this part of Shrigley Road North is varied with two storeys the predominant feature. Due to the topography, the houses on the same side of the road as the

application site are at a lower level than the road with the application site positioned in a dip which means that the site is at an even lower level than the surrounding development.

The heights of the properties along Shrigley Road vary and it is accepted that the height would be greater than the immediately adjoining neighbours to the south-west and the bungalow to the north-east. The property to the north-east of the bungalow is at a comparable height to the proposed semi-detached properties and it is considered that this variety would ensure that the increase in height would not be unduly noticeable within the street scene.

The general features of the semi-detached properties would ensure that the development would not detract from the existing character of the area. To the rear it is proposed to have dormer windows within the roof space creating a third storey. The dormers are relatively small and the dwellings would still appear as two storey properties with accommodation within the roof, rather than three storey properties.

Overall it is considered that, on balance, the proposal is considered to comply with policies BE1 and DC1 of the Local Plan and the requirements of chapter 7 of the NPPF.

### **Amenity**

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

There is no breach of the interface distances between dwellings set out in policy DC38. In order to prevent overlooking of the adjoining properties from the proposed balconies to the rear a condition will be included so that a screen of 1.8m in height should be erected on the side elevation of the balconies.

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

### **Highways**

The proposal includes a new access and provision would be made for 3 parking spaces per property within the site.

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

## **SOCIAL SUSTAINABILITY**

### **Housing Land Supply**



On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy the Plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

*"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"*

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richborough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

*“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”*

This conclusion was reached before the Inspector’s Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

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

### **Contributions**

Due to the size of the development no contributions are sought in respect of education, public open space or affordable housing.

### **ECONOMIC SUSTAINABILITY**

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

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

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

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

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

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

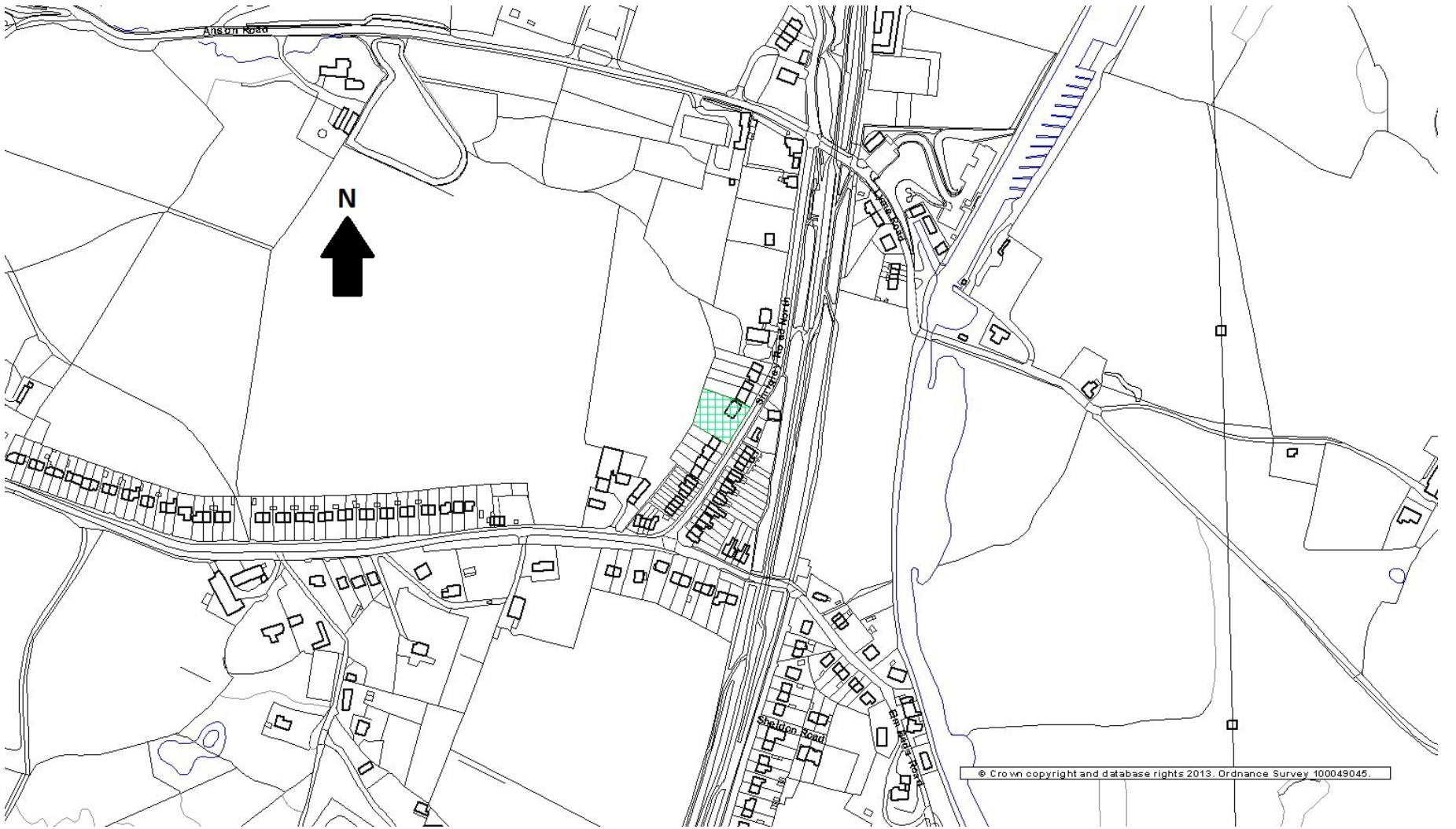
Therefore, a recommendation of approval is made subject to conditions.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Landscaping - submission of details
5. Submission of landscaping scheme
6. Landscaping (implementation)
7. Hours of operation
8. Contaminated Land
9. Electric Vehicle Infrastructure
10. Dust management Plan



Application No: 17/2236M  
Location: THE RIFLEMANS ARMS, 113, MOOR LANE, WILMSLOW, SK9 6BY  
Proposal: Demolition of Existing Public House and erection of 8 townhouses  
Applicant: New Moor GB Ltd  
Expiry Date: 14-Jul-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.

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

*I believe that there is a public interest case to be heard as this application will result in the loss of a local asset. The application will also increase parking problems in the area as it will result in the loss of off-road parking spaces currently in use on the site.*

## **PROPOSAL**

The application is for the Demolition of the existing Public House and erection of 8 townhouses.

## **SITE DESCRIPTION**

The application site consists of the Rifleman's Arms public house and is located in a predominantly residential area in the western side of Wilmslow. The site is located on the junction of Moor Lane and New Street and consists of the large public house building, outdoor seating areas and car park. A number of mature trees are located on the site boundaries. Residential properties on Moorfield Drive adjoin the site to the south and west. Semi-detached residential properties are located to the north on the opposite side of Moor Lane whilst terraced properties are located on the opposite side of New Street.

## **RELEVANT HISTORY**

The site has been subject to applications in the past; however they are not relevant to the consideration of this application.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68. Requiring good design

### **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)**

Environmental Health – No objection. A number of conditions have been requested relating to piling, provision of electric vehicle charging point, and contamination.

United Utilities – No objection. Conditions relating to details of surface water drainage and that the site is drained on separate systems.

Highways – No objection.

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

Wilmslow Town Council - *recommend refusal of this application on the grounds of overdevelopment of the site and being out-of-keeping with the streetscene and that the proposed buildings will be overbearing on neighbouring properties due to their height and the proposed living space in the roof.*

### **OTHER REPRESENTATIONS**

7 letters of objection have been received in respect of the application and the points of objection relate to;

- Over-development of the site
- Overlooking of properties on Moorfield Drive
- The properties are too high
- Impact of the proposals on trees
- Disturbance caused by building works
- The public house should be retained
- Development not in character with the surrounding area
- Off-street parking for existing residents will be lost
- On-street parking is a problem in the area

### **APPRAISAL**

#### **Principle of Development**

The site is in an area that is identified 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.

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

### **Housing Land Supply**

On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy, the Plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

*"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"*

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.



Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richbrough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

*“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”*

This conclusion was reached before the Inspector’s Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

### **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 28m between principal windows and 14m between a principal window and a blank elevation, plus an additional 2m for any difference in level that exceeds 2.5m . This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

The plans have been amended during the course of the application to improve the relationship between the proposed properties and those on Moorfield Drive. An amendment has been made to reduce the scale of plot 8 to ensure the required interface distance is met.

In respect of the properties to the south of the site the plans have been amended to remove the balcony features within the roofspace and replace these with rooflights. On this basis the proposal meets the required separation distances set out in Policy DC38.

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.

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 area in which the site is located has a range of dwelling types, sizes and designs. Terraced properties are located on the opposite side of New Street, semi-detached properties opposite and detached houses to the west. When looking at the properties along Moor Lane the design can vary between neighbouring properties as can the height of the properties.

The dwellings proposed are higher than those surrounding the site but the difference in height is not at a level that makes the properties to be unduly prominent and the height of the dwellings are comparative to those around the site and the area in general.

Given the variation in design of the properties in both the immediate and wider area the design of the properties is acceptable. The facing materials are shown to be mostly brick and details of the materials will be agreed through a condition on the decision notice.

The layout of the site allows for the required parking standards to be met and the properties enjoy gardens of a size expected for properties of the size proposed.

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

### **Highways**

There are no highway implications associated with this application. The proposal for vehicular access to each plot and the parking spaces to the rear of the site is acceptable and there is sufficient space allocated to each plot for off-street parking provision to be in accordance with CEC standards. The proposals for refuse collection are acceptable.

It appears that the site is used by existing residents for parking. This is a benefit that could be removed by the site owner at any time and therefore the loss of the parking provision is not a material consideration in determining this application.

There are no other 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.

### **Impact on Trees**

A number of self seeded Sycamore and Ash standing adjacent to the western boundary of the car park on New Street (some within the site edged blue on the location plan) and two early mature Sycamore located on a small grass verge within the car park present a low to medium contribution to visual amenity within the immediate surrounding area. The trees are not considered to be significant in terms of their contribution to the wider public realm and their current form and position in relation to existing structures is such that long term retention is considered undesirable.

A group of Flowering Cherry located adjacent to the boundary with 1 Moorfield Drive present a modest contribution to the Moor Lane frontage and present some degree of screening to adjacent property. Whilst the trees are shown for retention on the submitted layout plan there is no supporting Arboricultural Assessment which should identify the relevant tree constraints and inform the layout design and address above and below ground conflicts. In this regard, the position of the westernmost plot on Moor Lane is likely to impact upon the root protection area (RPA) and present a less than satisfactory social proximity to these trees.

Notwithstanding this, the contribution to the wider amenity of the area is not considered significant. Therefore formal protection by a TPO is not expedient. Conditions will be attached to any planning permission requiring agreement of tree protection measures and the replacement of any trees that are removed.

### **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 Wilmslow 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.
- 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**

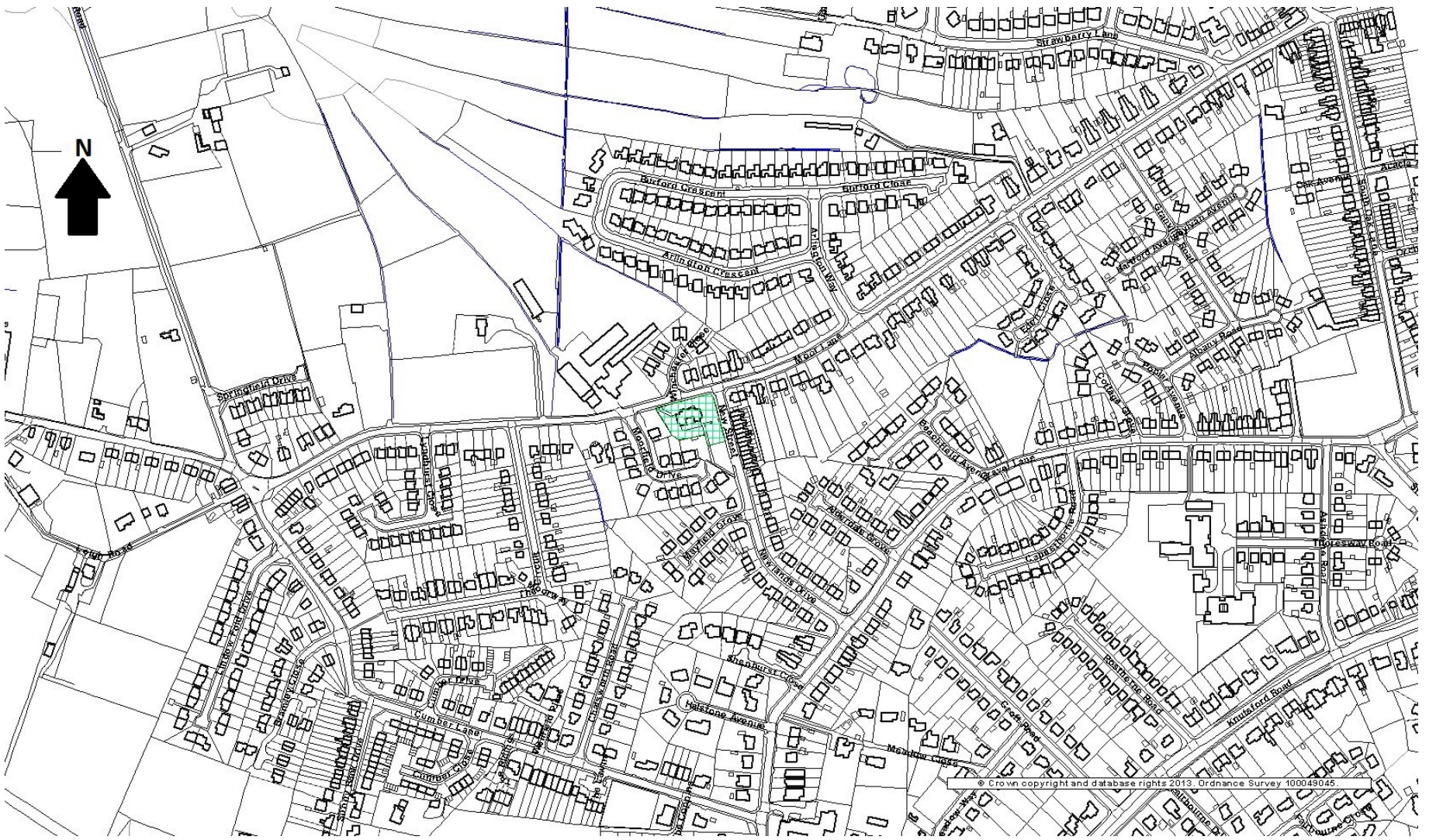
The application is recommended for approval subject to the conditions listed below.

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

Application for Full Planning

### RECOMMENDATION:

1. nppf
2. Commencement of development
3. Plans
4. Details of drainage
5. Tree retention
6. Contaminated Land Condition
7. Submission of samples of building materials
8. Tree protection
9. surface water drainage
10. provision of bat roost
11. Electrical Vehicle Charging Points



Application No: 16/5610M

Location: KINGS ARMS SERVICE STATION, ALDERLEY ROAD, WILMSLOW, CHESHIRE, SK9 1PZ

Proposal: Change of use of land from a former petrol filling station to a hand car wash and valet business with associated single-storey building and canopy

Applicant: Mr Isa Dajci, Shines

Expiry Date: 13-Jan-2017

#### **SUMMARY:**

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

The development would make use of a vacant, previously developed site which was formerly occupied by petrol filling station and is adjoined by existing commercial premises. A core principle of the framework is to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”

The proposals are of a siting and design which would not represent a discordant or unacceptable feature within the street scene of this part of Alderley Road which is of a mixed residential and commercial character. It is also considered that the proposed operation of the premises will not have significantly detrimental impact on neighbouring amenity subject to conditions.

Whilst it is recognised that Alderley Road is a busy, main route, the Strategic Infrastructure Manager considers that the level and nature of traffic movements arising from the proposed reuse and operation of the site will not have a detrimental impact on highway safety or traffic conditions.

This proposal has been assessed on its merits and it is concluded that the proposed development has an acceptable impact on the character of the area, living conditions of neighbouring properties, highway conditions and all other matters of public interest.

It is therefore considered that proposed development of this former petrol filling station site represents a sustainable form of development within the Wilmslow urban area supported by local

policy and the NPPF, and that the planning balance weighs in favour of supporting the development subject to conditions.

**SUMMARY RECOMMENDATION: APPROVE subject to conditions**

## **REASON FOR CALL IN**

The application is a resubmission of 16/3309M which was withdrawn, and has been called in to Committee by the Ward Councillor, Cllr Rod Menlove, for the following reasons:

*“the proposal has adverse implications for the amenities of existing residents due to the nature of the activities likely to occur as a result of the Proposal and general nuisance and disturbance caused by the activities at the site.*

*The site is too small for the intended activity leading to queueing on Alderley Road resulting in blocking the cycle lane, creating a traffic hazard and danger to High School pupils who cross the road at the point”.*

## **PROPOSAL**

This application seeks full planning permission for a change of use of land of a former petrol filling station to a hand car wash and valet service business with single-storey building and canopy.

The site will contain two car wash bays, with both bays consisting of a spraying area and a valeting area for the car washing services to be undertaken. Clear Perspex screening (2.3m high by 14m long) will be positioned along the frontage of the site, to prevent over spray of water onto the adjacent footway and adjacent properties.

This application is a resubmission of application 16/3309M which was withdrawn prior to determination on 20 September 2016 due to the need to address concerns relating to matters including highway safety and lack of information regarding noise impact and land contamination.

## **SITE DESCRIPTION**

The application site comprises a vacant parcel of land which was formerly occupied by a petrol filling station on the western side of Alderley Road, south of Wilmslow town centre. The structures, petrol tanks and hardstandings of the filling station have been removed and on the site contamination has been remediated.

The site is located within a ‘Predominately Residential Area’ as identified in the local plan. It is adjoined by Travis Perkins building supplies to the south and west. The King Arms Public house and Panthong Thai restaurant lie to the north. Residential properties of Paxford Place are sited approximately 25m to the east of the site on the opposite side of Alderley Road.

## **RELEVANT HISTORY**



16/3309M - Change of use from Ex-petrol station to Hand Car Wash- Valeting service, Manager's Office, Staff Room; Customer waiting room and Storage Room. Withdrawn 20.09.16

There is an extensive planning history associated with former petrol filling station on the site throughout 1980s and 1990s.

## **NATIONAL AND LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework (NPPF) (2012) establishes a presumption in favour of sustainable development.

### **Macclesfield Borough Local Plan:**

BE1 – Design Guidance  
DC1 – New Build  
DC3 - Amenity  
DC6 - Circulation and Access  
DC13 – Noise  
DC38 - Amenity  
H13 - Protecting Residential Areas

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

SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
EG1 - Economic Prosperity

**Wilmslow Neighbourhood Plan** - plan under preparation

### **Other Material Considerations**

The Three Wilmslow Parks – Supplementary Planning Guidance

### **CONSULTATIONS:**

**Environmental Protection** : No objection, subject to conditions restricting operating hours, temporary approval for 12 months, implementation of Noise mitigation measures, remediation of contamination (if found), details of lighting

**Highways**: no objection

**United Utilities:** No objection subject to conditions.

**Flood Risk:** No objection subject to a condition requires details of drainage scheme.

**VIEW OF THE TOWN COUNCIL :**

**Wilmslow Town Council:** Objects on the following grounds;

*The amendments made to this application do not address its earlier concerns and recommend refusal on the grounds of the likely impact on the highway caused by vehicles queueing to access the facility thereby causing a hazard to other traffic and pedestrians. The Planning Committee also raised concerns over the adequacy of the drains and treatment of waste water from the car wash, the impact on the surrounding businesses and residential properties and the visual impact on the character of this high quality residential area.*

**REPRESENTATIONS:**

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

- This application is not fundamentally different from the previous application (16/3309M) and contrary to the objectives of Local Plan policies BE1, H13, DC1, DC3 and DC13;
- Located on the approach to a busy, congested roundabout;
- Will generate additional traffic congestion, with queuing traffic on Alderley Road;
- Too many (6 in all) entrances and exits all on the same side of the road between Donkey Lane and the Kings Arms roundabout;
- The site is too small to fit this kind of operation and will lead to cars queuing onto Alderley Road detrimental to highway safety;
- Inadequate staff parking;
- Cars travelling south, wishing to turn right into car wash from Alderley Road will interrupt traffic flow considerably;
- Cars leaving this facility and turning right across the flow of traffic will create an unacceptable hazard to cars exiting the Kings Arms Public house;
- Inaccurate traffic survey. Traffic conditions have deteriorated since use of site by petrol filling station which closed over 3 years ago;
- The traffic survey seems to have been carried out during an unusually quiet period
- increased risk of accidents;
- Increased dangers to cyclists using the existing cycle lane and users of bus stop;
- Increased danger to pedestrians, particularly school children crossing Alderley Road to access Wilmslow High School;
  - Increased traffic will make it difficult customers / deliveries to access/exit Kings Arms Public house Car Park;
- The proposed design of the car wash and associated structures are totally out of character with the residential area;
- Creation of visual blight in street scene at this important entrance into Wilmslow;
- Low quality development of poor design;
- Adverse impact on setting of nearby listed buildings, and historic Fulshaw Park area contrary to The Three Wilmslow Parks SPG;
- Adverse impact on residential amenity;

- Reduction in quality of life;
- Excessive noise pollution from high pressure washers, hoses and vacuuming machines;
- Noise will be continuous all day and every day of the week;
- The adjacent Travis Perkins site, is unobtrusive with no continuous day long noise or weekend working and not comparable with operation of proposed car wash;
- Inadequate noise survey;
- Disturbance from customers and their vehicles;
- Increase in air pollution;
- Adverse noise Impact on Kings Arms Public House and beer garden;
- Light pollution;
- Proposed screen unsightly and inadequate to prevent overspray;
- Potential pollution from overspray containing chemicals;
- Drainage network will be unable can cope with volume of excess water running off site and exacerbate existing problems;
- Potential pollution of surface water drainage system from chemicals/detergents;
- The site has been unoccupied for 3 years due to a restriction placed on it that prohibited its usage do to having large fuel storage tanks;
- Facility is not needed. There are many other car wash facilities in the Wilmslow area;
- Development appears to be opportunistic profiteering on behalf of the applicant and will bring no benefit to the town;
- Inappropriate and excessive signage.

Wilmslow Civic Trust: Object on the following grounds;

*- Utilitarian design using cheap looking materials with the office, staff room and customer waiting reminiscent of the design of a shed on an allotment.*

*- The effect on the immediate surroundings of by the noise generated by the spray lances and the overspray generated which when combined with any wind effect will either effect the work area or storage in the Builders Merchant behind the site or make life very miserable for those waiting for or alighting from buses on the frontage.*

*- The plastic panel screen due to its size and position will be only partially effective as a barrier.*

*- Although some effort has been made to park waiting vehicle off the main road, at peak times there are bound to be cars queuing On the road, bus stops for the regular bus service plus school Collection and drop offs will create an almost impossible traffic Situation, combine this fact with the existing a bottleneck at Peak will create a situation where regular accidents are waiting to happen. Add on regular movement in and out of the Builders Merchant with conflicting traffic movements, this site can hardly be considered suitable for such car wash use.*

The full content of the objections is available to view on the Council's website.

## **APPRAISAL**

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

### **Key Issues**

Principle of development  
Character and Appearance  
Highways  
Amenity  
Drainage

### **Principle of Development**

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

The development would make use of a vacant, previously developed site which was formerly occupied by petrol filling station and is adjoined by existing commercial premises. A core principle of the framework is to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value” In addition the framework also includes a strong presumption in favour of economic growth. Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

Policy H13 of the local plan states that development which would adversely affect the character of a housing area or the amenities of the occupiers of adjoining or nearby residential houses will not be permitted. In addition to the impact on highways and drainage. These matters are addressed later on in this report.

### **Character and Appearance**

Policy BE1 of the Macclesfield Borough Local Plan requires development to reflect local character and respect form, layout, siting, scale and design of surrounding buildings their setting. Policy DC1 requires development to be sympathetic to its surrounding and the street scene.

The application site lies within a predominantly residential area, and alongside a main route towards Wilmslow town centre. However, this vacant site is adjoined by commercial premises including a builder’s yard (Travis Perkins) to the west and south, and also the car park of the

Kings Arms Public House to the north. This part of Alderley Road is consequently of a mixed residential and commercial character.

The application proposes to construct a small, flat roofed, single-storey building in the northwest corner of the site against an existing boundary wall, and a canopy (5m high) over the courtyard where operational car cleaning activities would take place. The proposed canopy would be similar in appearance to that which would be typically associated with a petrol filling station and which previously existed on the site

Given their modest size and scale, and location adjacent to commercial uses and adjacent flat roof structures, it is not considered that either the proposed ancillary buildings or canopy would constitute unduly dominant or inappropriate features within this part of street scene of Alderley Road. In particular, the proposals would be being viewed against the backdrop of storage buildings and operational areas of Travis Perkins.

The site lies within the north eastern corner of the Fulshaw Park area as defined within the Three Wilmslow Parks – Supplementary Planning Guidance document. However, as the Travis Perkins premises effectively screen the site from Donkey Lane and Knutsford Road to the south and west. The development would therefore have no visual relationship and consequently no adverse impact on the intrinsic and historic character of Fulshaw Park. The site is also located a sufficient distance from the locally listed building at 96 and 97 Alderley Road positioned adjacent to the Fulshaw Cross Roundabout, and also Fulshaw Hall (grade 2 listed) well to the south west, to have any adverse impact on their historic setting.

In summary, given the context of the site, it is considered that the proposals are of a siting and design compatible with the character of this location, and are therefore considered to comply with the Policies BE.1, DC1 and H13 of the Macclesfield Borough Local Plan.

### **Highways**

The site has existing separate entry and exit points from/to Alderley Road associated with the previous petrol filling station use. The proposal facility will utilise the existing site access arrangement, with on-site parking for up to nine cars including three for staff.

The Strategic Infrastructure Manager (SIM) has reviewed the Transport Statement (TS) and supplementary technical note submitted and by the applicant in support of the development proposals.

#### Local highway network

Alderley Road has a carriageway width of approximately 11m including advisory cycle lanes in both directions of travel and good footway provision. There is also a bus stop located outside the site between the entry and exit points. The speed limit of Alderley Road outside the site is 30mph, although this increases to 40mph around 150m to the south of the site.

Alderley Road links the Bedells Lane roundabout located to the north of the site with the A34 roundabout to the south of the site.

#### Access

The proposal for access is presented in SCP drawing number SCP/16425/SK01, which also presents the internal site layout.

The access arrangement is the same as that associated with the previous petrol filling station use, which includes a shared exit with the adjacent Kings Arms public house. The SIM has advised that the proposed layout is acceptable for the proposed use.

Traffic impact

Traffic surveys have been undertaken at a similar hand car wash site located on Mobberley Road in Knutsford. The surveys were undertaken on Wednesday 3<sup>rd</sup> May and Saturday 6<sup>th</sup> May between the hours of 0800 and 1900.

The survey results demonstrate that the development proposal would be anticipated to generate the following weekday commuter peak hour and daily traffic flows.

**Table 1 Traffic generation associated with the development proposal**

Peak Hour		
	Arrivals	Departures
AM	11	1
PM	8	14
Daily	106	96

The survey results also demonstrate that there was no queueing externally to the site and that the maximum recorded queue on both days of the survey was three vehicles. This level of queueing could easily be accommodated within the proposed site.

The SIM recognises that whilst the survey results are likely to represent normal operating conditions, there may be occasions of exceptional demand that may result in drivers of vehicles queueing on Alderley Road, whilst waiting to access the site. This would normally raise highway safety concerns, however, Alderley Road has a wide carriageway which would allow vehicles to pass queuing vehicles and the applicant has submitted evidence to demonstrate that there is adequate forward visibility for drivers of vehicles on Alderley Road approaching the tail of a queue (see SCP drawing number SCP/16425/F03).

Whilst the concerns raised by local residents and Wilmslow Town Council are understood it is nevertheless the case that in order to resist this application, the Highway Authority would have to prove that there is “severe” harm arising from the increase in traffic on the local highway network resulting from the development proposal. The SIM considers that given the modest level of traffic generation and queueing predicted to impact on the local highway network cannot be considered to be “severe”.

The SIM is satisfied that the traffic generation associated with development proposals can be safely accommodated on the local and wider highway network; accordingly, the SIM has no objection to the planning application.

**Amenity**

Although the site is located within a predominantly residential area, the Kings Arms Public House, Phanthong Thai Restaurant and associated car parking lies to the north and the Travis Perkins Builders yard adjoins the western and southern site boundaries. The site fronts onto Alderley Road which is a main route into Wilmslow.

As a result the nearest residential properties to the site lie on the eastern side of Alderley Road (off Paxford Place). However, these dwellings do not front onto Alderley Road and are screened by 2m high boundary walls/fences and mature trees.

The Council's Environmental Protection Officer has assessed the impact of the proposals on nearby residential properties in terms of noise generation; particularly in relation to the vacuum cleaners and jet-washing operations, and also potential over-spray and general disruption.

A noise impact assessment (NIA) has accompanied the application. It incorporates a noise survey which was carried out at an existing Shines car wash adjacent to Monks Heath petrol filling station, to establish source noise levels associated with proposed equipment and activities at the application site (NIA, section 3.7). This enables an assessment of predicted noise levels arising from the proposed carwash at this location against the background noise levels.

The Environmental Protection Officer concurs with the findings of the noise impact assessment (NIA) that noise levels arising from the operation of the proposed facilities will be below existing background noise levels arising from road traffic, and therefore would not result in any unacceptable noise impact at the nearest dwellings.

This is subject conditions being imposed requiring the implementation of the noise mitigation measure set out in the NIA concerning the management of the site and the provision of a 2.3m high by 14m long free standing clear Perspex/acrylic screen being erected alongside site boundary with Alderley Road. This screen will provide effective acoustic screening of the noisiest activities to the nearest dwellings on Paxford Place and also be an effective barrier to carwash overspray.

The Environmental Protection Officer also suggests that a condition be imposed limiting the hours of operation from Monday to Saturday use, but the site should not operate on Sundays and Bank Holidays to further protect residential amenity. However the nature of the proposed business is one which would not be viable if it did not open on Sundays or bank holidays and it is typically the case that such facilities operate at these times. Furthermore conditions have been imposed on similar facilities elsewhere which restrict their operation on Sundays/bank holidays to the hours of 09:00 to 12.30.

The following hours of operation are thereof recommended;

Mondays – Saturdays	09:00 – 18:00
Sunday/Bank holidays	09:00 – 12:30

Given the concerns raised by the Environmental Protection Officer as regards the operation of the facilities on Sundays, a temporary permission would enable the LPA to monitor and re

assess the impact of the hand car wash on neighbouring amenity after two years of the development being operational.

In summary , given existing noise background levels coupled with the implementation of noise mitigation measures, it is considered that the proposals will not adversely affect the amenities of nearby properties. However, to further assess the impact of operations at the premises on neighbouring amenity, it is considered that a 2 year temporary permission, along with a condition to control hours of operation will allow for this to issue to be considered further.

### **Drainage**

Whilst the site is located in Flood Zone 1, the Council's Flood Risk Officer has advised that there are some areas of significant areas of surface water risk to the east of the site and to the west on Knutsford Road. The surface water drains in this area run south towards an area of known flooding. The foul/combined sewer appears to run north around the Kings Arms then south down Alderley Road.

The applicant has provided details of on-site drainage arrangements. These indicate that discharges from the vehicle wash down areas will drain through an interceptor and then into the foul sewer in accordance with the requirements united utilities. In addition the drainage system to deal with surface water from other hardstanding's within the site will use on-site storage methods and soakaway arrangements.

The Council's Flood Risk Officer and United Utilities have raised no objections to the proposals, subject to a condition requiring full details of a drainage scheme to be submitted prior to commencement of development. In addition United Utilities require a condition to be imposed stating that foul and surface water must be drained on separate systems.

### **Conclusion – The Planning Balance**

The proposals are of a siting and design which would not represent a discordant or unacceptable feature within the street scene of this part of Alderley Road, particularly as the development would be viewed against the backdrop of existing commercial uses and buildings. As a result the development is not considered to result in adverse impacts upon the character and appearance of the locality. It is also considered that the proposed operation of the premises will not have significantly detrimental impact on neighbouring amenity subset to conditions.

Whilst it is recognised that Alderley Road is a busy main route, the Strategic infrastructure Manager considers that the level and nature of traffic movements arising from the proposed reuse and operation of the site will not have a detrimental impact on highway safety or traffic conditions.

It is therefore considered that proposed development of this former petrol filling station site within the Wilmslow urban area represents a sustainable form of development supported by



local policy and the NPPF, and that the planning balance weighs in favour of supporting the development subject to conditions.

## **RECOMMENDATIONS**

**APPROVE** subject the following conditions:

- 1. Temporary 2 year**
- 2. Plans**
- 3. Materials as proposed**
- 4. Drainage scheme**
- 5. Hours of operation**
- 6. Site to operate in accordance with noise mitigation measures**
- 7. Provision of overspray screens**
- 8. Details of external lighting**
- 9. Remediation of Contamination if found to present**

***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.***



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Application No: 17/0763M

Location: 49, CARRWOOD ROAD, WILMSLOW, CHESHIRE, SK9 5DJ

Proposal: Demolition of one two-storey detached dwelling and the construction of two two-storey detached dwellings with associated accesses (Resubmission of 16/3674M)

Applicant: Billy Herring, Herring Properties Ltd

Expiry Date: 14-Jul-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.

The site is in a pre-dominantly residential area 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, flooding, noise, or ecology. Some matters will be dealt through conditions.

Following amendments to the proposals it is clear the impact on the amenity of the neighbouring property is no worse than it is currently and bedroom on the neighbouring property should enjoy more light than it does currently.

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

*The planning application is contrary to the local conservation area order.*

## **PROPOSAL**

The application is for the demolition of one two-storey detached dwelling and the construction of two two-storey detached dwellings with associated accesses

## **SITE DESCRIPTION**

The application site consists of a detached residential property fronting Carrwood Road, Wilmslow. The dwelling is of a more modern construction than the properties on the opposite side of the road. The property directly to the north is also a large detached house of more modern construction. To the south of the site are tennis courts that appear to be used by Pownall Hall School. To the east is a wooded area that separates the site from the residential properties on Kings Road.

The site is elevated from the street and vehicular access is taken from Carrwood Road, which is an unadopted road. The site contains a significant number of trees, some of which appear to be mature specimens and the site is subject

## **RELEVANT HISTORY**

The site has been subject to applications in the past, however they are not relevant to the consideration of this application.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **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)

DC46 (Demolition)

RT1 (Open Space)

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)  
The Three Wilmslow Parks (SPG)

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

Manchester Airport – No objection.

United Utilities – No objection. A condition has been requested for the submission of surface water drainage details.

Highways - *This is a full application for the development of two residential dwellings in lieu of the demolition of an existing dwelling, with existing access and proposed access taken from Carrwood Road in Wilmslow, which I note is an unadopted private road.*

*Use of the existing access to serve plot 49 is acceptable and the proposed access to plot 49a is also acceptable; furthermore, I am satisfied there is sufficient space within each plot for off-street parking provision to be in accordance with CEC minimum parking standards.*

*Accordingly, the Strategic Infrastructure Manager has no objection to the planning application.*

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

Wilmslow Town Council - *The Planning Committee of Wilmslow Town Council recommend refusal of this application on the grounds of overdevelopment of the plot, being out of keeping with the streetscene and contrary to the Three Parks Guidance document.*

## **OTHER REPRESENTATIONS**

2 letters of objection have been received in respect of the application and the points of objection relate to;

- The proposals are out of character with the area and do not comply with the SPG for the area.
- Loss of sunlight.
- Impact on privacy and overlooking

### **APPRAISAL**

#### **Principle of Development**

The site is in an area that is identified 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 in a sustainable location.

A small part of the site is designated as being within an area of protected open space that covers the school site to the south. This area appears already to be garden curtilage and this will not change as a result of the proposal.

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

#### **Housing Land Supply**

On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy The Plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On

adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

*“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”*

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richborough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

*“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”*

This conclusion was reached before the Inspector’s Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

### **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 proposal meets the required interface distances to the front and rear. The issue requiring careful consideration is the relationship between 51 Carrwood Road and the proposed dwelling alongside it, shown as 49A on the plans. The relationship is somewhat complicated by the fact 51 Carrwood Road has a bedroom window in the side elevation and this appears to be the only window serving this bedroom. The plans originally submitted included a bedroom window in this elevation, this has since been removed from the plans and replaced with a rooflight. Therefore the issue of overlooking has been addressed.

At present the relationship between the bedroom window in 51 Carrwood Road is 3.5 metres from the side elevation of the existing property at 49 which is at full two-storey height at this point. It is key that the relationship between the proposed house and this window is no worse than the existing relationship. No part of the proposed dwelling is closer than the existing dwelling to this window and rather than a gable roof alongside the boundary the roof is hipped away from the neighbouring property therefore allowing more light to this window than it



enjoys currently. It is acknowledged that the length of the property is increased, however being located further away from the existing property and the roof sloping away from the existing window result in an overall improved relationship. Therefore the relationship between the existing house and the proposed property is an improvement when compared to how it is currently.

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.

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 site is within an area identified in the Wilmslow Parks Supplementary Planning Guidance as being of a particular character (Pownall Park) and therefore any proposal must respect the provisions within this document.

The general character of the area is stated as being;

*Pownall Park is a residential area built in the 1930's in the grounds of Pownall Hall, which is now a school. It consists mostly of 2-storey, detached houses with an occasional pair of semi-detached houses or a detached bungalow. The estate is a relatively quiet, leafy suburb with wide boulevards, grass verges and mature, mellow, well-kept dwellings that have been little altered from their original house type.*

The SPG then goes on to describe the features of the area in some detail before outlining some considerations for future development against which the proposal will be considered, these are;

- Density
- Roof design
- Materials
- Proximity to the road

It is also made clear that the housing in the area is perceived as being medium/large, detached or semi-detached, single family dwellings.

Turning firstly to the layout and issues surrounding density, the application site is larger than a number of plots in the area and the provision of two dwellings will result in a density consistent with properties along Kings Road, Woodlands Road and Vale Road. It is also a common feature throughout the area that properties take up almost the full width of the plots in which they sit. On that basis the layout is considered acceptable as the density of development is keeping with the in the local area.

The design of the properties is considered acceptable. It is clear that the property on the site, and the neighbouring property, are not 1920's properties and do not form part of the original residential development in the area and therefore the application does result in the loss of one of the original properties. The two proposed properties incorporate features seen in the area such as the low eaves levels, gable features and the mix of facing materials. The exact details of the materials will be agreed though condition on the decision notice. The proposed properties are located 11.2 metres and 16 metres from Carrwood Road. This is a typical of the characteristics of the area and this is considered acceptable.

Following careful consideration it has been found the proposal complies with Policies BE1, DC1 and DC41 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.

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.

### **Impact on Trees**

The site is subject to Tree Preservation Orders under 'The Wilmslow U.D.C. Carrwood Road, Wilmslow. Tree Preservation Order 1971 (A2)'.

The application is supported by a Supplementary Arboricultural Statement which seeks to address the arboricultural concerns previously raised. An independent Daylight and Sunlight Assessment (Brooks Development dated 11/11/2016) has been provided to assess the daylight and sunlight levels broadly in accordance with guidance set out in BRE Report 209 Site Layout Planning for Daylight and Sunlight.

The impact of the driveway to Plot 49 has been assessed and it is agreed that the overall incursion into the root protection area of this tree is unlikely to exceed more than 10%. Given the species tolerance and vitality it is accepted that there will be no adverse long term health implications for the tree (guidance a section 7.1.2 and 7.4.2.3 of BS5837:2012 apply). A condition requiring the submission of a construction specification/method statement will enable suitable control and protection of the trees root protection area.

The width of the proposed dwellings have been reduced to 8.7 metres and moving the proposed retaining wall by 600mm to the north (para 2.4 of the Supplementary Statement) which reduces the Root Protection Area Incursions to the protected Silver Birch (T4) and Oak (T6). have been reduced to 1.4% and 4.5% respectively. The implementation of suitable ground protection, utilisation of existing hard standing and tree protection fencing by way of a suitably worded method statement should now minimise any adverse impacts to the trees.

Section 2.5 of the Supplementary Statement deals with the proposed spatial relationship to retained tree cover. The scheme has been amended by reducing the depth of the proposed dwellings by 1 metre from 19 metres to 18 metres which has increased the rear gardens of Plot 49 by 5% (to 230m<sup>2</sup>) and Plot 49a by 8% (to 359m<sup>2</sup>).

It is appreciated that when assessing the shading and utilisable amenity space of the rear gardens there will be benefits by removal of two Moderate B category Silver Birch (referenced G2/1 and G2/2) colonised by Ivy to the rear of Plot 49. The removal of these two trees is not disputed and it is further suggested that two other trees within this group (Silver Birch G2/3) and (Silver Birch G2/5) both of which are poor specimens could be removed to provide some improvement to the spatial relationship and garden of Plot 49.

The Daylight and Sunlight Assessment Report has evaluated the amended development in accordance with current good practice for site layout planning for daylight and sunlight provided by the Building Research Establishment (BRE) and concludes all the rooms with the exception of the study achieve the recommended average daylight target factors. Windows to the main living rooms receive overall slightly less annual sunlight hours than recommended throughout the year, but slightly more during the winter.

The Daylight and Sunlight Assessment Report assesses the impact of retained trees on sunlight to gardens (section 2.3) stating the BRE recommendations that a garden or amenity area should receive at least two hours of sunlight on 21st March. The findings of the Report state the required amount of sunlight for gardens achieves the target values required by the BRE guidelines but caveats that the calculation for trees has not been modelled in accordance with the guidance.

In consideration of the Forestry objection to the previous scheme, the principle concern was in respect of the southernmost plot (Plot 49a) and its relationship/social proximity to the Group of three trees identified as G4 in the submission. A more detailed assessment of these trees has been carried out and it is noted the Sycamore tree to the south west (offsite) is partly suppressed and heavily covered in Ivy whilst the smaller Sycamore tree to the north west is also heavily covered in Ivy and is of poor form. The third Sycamore tree (centre of the group of three) is considered a reasonable specimen and worthy of retention.

Measurements taken from the revised Planning Layout (CARRWOOD-SL-01 Rev B) and Tree Constraints Plan (CW/7945-P-TC-1) provide a distance of 12 metres to the rear single storey Dining Room elevation from the centre Sycamore tree which is considered not to present any significant adverse impacts to future occupants. In terms of the impact on the proposed garden it is acknowledged that there may be issues of reduced sunlight, but is not considered likely to be severe and could be managed by pruning and/or possible removal of one of the two adjacent poorer quality trees without detriment to the amenity of the area..

Having regard to the above no further issues with the revised application as submitted and the proposals are acceptable subject to conditions relating to tree protection and method statements.

### **Impact on Protected Species**

Ecological surveys have been carried out in support of the application and have surveyed for bats, nesting birds and Great Crested Newts.

### Habitats Regulations

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

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

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

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

### *Alternatives*

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the existing house. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole. The approval of the application will result in a improvement in provision for bats on the site.

### *Overriding public Interest*

The proposed development will allow for an improvement to the existing housing stock within the Wilmslow area, and assist in the provision of housing supply together with the achievement of modern day energy efficiency standards.

### *Mitigation*

The submitted report recommends the installation of bat boxes and other features for roosting bats as a means of compensating for the loss of the roost and also recommends the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. A condition on the planning permission will ensure these are provided.

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

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

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

A condition will be included on the decision notice relating to the clearance of vegetation.

### **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 Wilmslow 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
- There is not considered to be any significant environmental implications raised by this development.
- The proposal will have no impact on ecology or trees subject to conditions.
- Highway impact would be broadly neutral due to the scale of the development.
- Residential amenity is not harmed.

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

Application for Full Planning

RECOMMENDATION:

1. nppf
2. Commencement of development
3. Plans
4. Submission of landscaping scheme
5. Landscaping (implementation)
6. Tree retention
7. Submission of samples of building materials

8. Tree protection
9. Construction specification/method statement
10. windows
11. bird nesting
12. surface water drainage
13. remove PD
14. Implement recommendations of bat report





Application No: 17/1977M

Location: NETHERBROOK, CHORLEY HALL LANE, ALDERLEY EDGE,  
WILMSLOW, CHESHIRE, SK9 7UL

Proposal: Erection of a single detached dwelling and creation of a new access to the  
existing dwelling

Applicant: Alderley Edge 1 GB Ltd

Expiry Date: 14-Jul-2017

### **SUMMARY**

The site is located within a predominantly residential area to the south west of Alderley Edge. Policy DC41 of the Macclesfield Borough Local Plan, PG2 of the Emerging Cheshire East Local Plan and paragraphs within the NPPF set out the circumstances where infill development can be acceptable.

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

The application raises no issues relating to design, highway safety, amenity or arboricultural concerns.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions.

### **REASON FOR REFERRAL**

This application is referred to the Northern Planning Committee as it has been called-in by the Ward Member, Councillor Craig Browne for the following reasons:

*"The Parish Council has recommended refusal of this application on the grounds that it represents overdevelopment through the subdivision of an existing plot. Concerns have also been expressed by neighbouring residents with respect to the increase in footprint, massing and height of the proposed dwellings. There is also evidence of an increased flood risk at this location and a flood-risk assessment has been requested; therefore, the application would benefit from consideration by Northern Planning Committee."*

## **PROPOSAL**

Planning consent is being sought for the construction of a detached dwelling to the side on an existing dwelling. The permission seeks to split the plot to allow for a second dwelling to be constructed. The proposed dwelling will have 5 bedrooms and will have bedroom space within the roof space. The application will allow for the construction of a separate access to that of Netherbrook, and will provide parking for the proposed dwelling.

## **SITE DESCRIPTION**

The application site is currently occupied by a large detached dwelling which is currently undergoing renovation works. Planning permission has been granted for the original dwelling to reduce its footprint, and to alter the design and finish of the dwelling.

The site is close to an existing area of designated open space, and is to the north of the green belt boundary. An area of TPO'd trees lie to the north of the site. The design of the existing dwelling itself does not reflect any specific design period, however it has a distinct style of its own and is aesthetically concordant with its surroundings. As there are no prevailing design features within the street scene the dwelling is of individual style and taste.

## **RELEVANT SITE HISTORY**

- 17/1330M – New gable and porch to front elevation. Demolition of existing extensions and construction of permitted development rear extensions single and two storey. Rendering of complete building. Approved 2017.

## **LOCAL AND NATIONAL POLICY**

### **National Planning Policy Framework**

Paragraph 17 – Core Planning Principles

Section 7 – Requiring Good Design

Section 11 – Conserving and Enhancing the Natural Environment

### **Macclesfield Borough Local Plan**

BE1 (Design)

DC1 (Design)

DC3 (Amenity)

DC6 (Circulation and Access)

DC8 (Landscaping)

DC9 (Tree Protection)

DC38 (Space, Light and Privacy)

DC41 (Infill Development)

DC42 (Subdivision of Property for Residential Purposes)

H13 (Protecting Residential Areas)

### **Cheshire East Local Plan Strategy – Submission Version**

MP1 (Presumption in Favour of Sustainable Development)  
PG2 (Settlement Hierarchy)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)  
SE4 (The Landscape)

### **Alderley Edge Neighbourhood Plan**

Area has been designated as a Neighbourhood Plan area, however a draft plan is not yet available.

### **CONSULTATIONS**

United Utilities – Drainage concerns raised.

Highways – No objection.

Alderley Edge Parish Council – Refusal recommended.

Public Rights of Way – No objection.

### **REPRESENTATIONS**

4 letters of objection received, summarised as follows:

Damage to existing hedges.  
Loss of privacy  
Construction should be restricted to working hours  
Design and scale of the development  
Drainage/sewerage  
Highway concerns

### **APPRAISAL**

#### **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**

### **Infill Development**

Local Plan Policy DC41 relating to infill housing development, states that infill housing will be required to comply with a number of criteria prior to being considered appropriate development. These criteria relate to the design of the proposed dwelling, the impact the dwelling will have on the amenity of the neighbouring dwellings, and the impact on highway safety.

Amenity and highway safety are addressed within a separate section of this report, therefore design is considered below.

Dwellings along the length of Chorley Hall Lane are of differing design and finish materials. Therefore provided that the design of the proposed dwelling does not create a significant contrast between itself and the existing dwellings there are no design concerns regarding the dwelling itself. The dwelling will be 3 storey, and will have a vertical emphasis due to the width constraints of the site, but this does not pose a concern as existing dwellings are either of 2 or 3 storey design.

It is proposed that the dwelling be finished in render, whilst the neighbouring dwelling is of brick construction, Netherbrook itself has recently obtained planning consent to be rendered. As the neighbouring dwelling, and other dwellings on Chorley Hall Lane are to be rendered this will not result in a dwelling discordant with its surroundings.

Concern has been raised that the dwelling will occupy a very small site which is in turn considered to be over development of the original Netherbrook site. The original dwelling Netherbrook has been reduced in width by the removal of a large single storey side extension. It is considered that the site itself is large enough to accommodate two dwellings with sufficient amenity space and parking space without having a significant detrimental impact on the character of the surrounding street scene.

It is therefore considered that the proposed dwelling the subject of this application will not have a significant detrimental impact on the character of the area, nor will it create an anomalous feature within the immediate vicinity. Therefore, the proposed development complies with policies DC21, DC1 and BC1 of the Macclesfield Local Plan.

### **Drainage**

Drainage concerns have been raised by United Utilities and have since been addressed by the submission of a revised drainage scheme. Whilst flooding has been raised as a concern, and is one of the reasons for the application to have been called in to the Planning Committee it is considered that a flood risk assessment is not necessary for this proposal as the dwelling does not lie within a flood zone as designated by the Environment Agency. Comments from the Flood Risk Manager are awaited and will be reported as an update.

### **Arboricultural Impacts**

Macclesfield Borough Local Plan policy DC9 states that development which would result in a threat to the continued wellbeing of trees which are considered worthy of protection will not be allowed. The site contains a number of large well established trees which make a positive contribution to the character of the site itself and the surrounding area. Although these are not protected by any TPOs it was considered necessary to consult the Arboricultural Officer due to their significance.

A small area of TPO'd trees are positioned to the north of the site. No significant work is to take place in this location, however in order to achieve the proposed visibility splays, a section of the boundary hedge may need to be removed. Comments have not been received from the Arboricultural Officer with regard to the proposed development, therefore once these have been received they will be included in an update report.

A landscape condition will be added to any subsequent decision in order to ensure that the green and leafy character of the immediate surroundings are maintained.

### **Highways**

Concern has been raised by members of the public regarding the safe access and egress to and from the proposed dwelling, these concerns were mirrored by comments from the Highways Department regarding sufficient visibility splays being achievable. A revised plan showing the required visibility splays has been received and is now considered acceptable by Highways .

The NPPF places great emphasis on encouraging sustainable development, including the use of sustainable modes of transport. The site is considered to be within a sustainable location

with good access to local amenities and public transport links. The dwelling will be within a 20 minute walk to the local railway station and town centre. The railway station provides links to Manchester to the north and Stoke to the south which could reduce the use of private vehicles.

### **SOCIAL SUSTAINABILITY**

#### **Residential Amenity**

Macclesfield Local Plan policy DC3 places significant weight in the protection of the amenity of existing neighbours and future residents of new properties. Development should not have a detrimental impact on the privacy, light or comfort of neighbouring residents.

The site of Netherbrook on Chorley Hall Lane is a large site with significant and well established boundary detail to all sides.

The construction of the dwelling will not result in loss of light, or overshadowing to the rear of any neighbouring dwelling by virtue of its location as it is to the north of dwelling on Downesway and therefore does not impact on levels of direct sunlight to these dwellings. The residents of Aeolia to the east, will also not suffer loss of light, or overshadowing due to the position of the dwelling, and the existing boundary detail.

Privacy distances have been met between the proposed dwelling and dwellings on Downesway, and the established boundary detail further protects the privacy of all residents. Concern has been raised by the resident of Aeolia regarding potential loss of privacy due to the 4 windows to be placed in the side elevation of the dwelling. Whilst these windows are not to habitable rooms, it is intended that they be obscurely glazed in the interest of privacy for both the neighbours and the future occupiers of the dwelling.

It has been requested that a condition be placed on any subsequent approval with regard to the hours of construction. Whilst hours of construction have not been suggested by Environmental Health, due to the level of work to be carried out on the site, and the proximity to neighbouring properties, a condition will be added which restricts the hours of construction works.

As amenity concerns have been addressed it is considered that the proposed development complies with policies DC3 and DC38 of the Macclesfield Borough Local Plan and relevant sections of the NPPF.

#### **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. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

The creation of an additional dwelling at this site will create a dwelling which is affordable and within a desirable area of Alderley Edge, without affecting the character of the area. This, in conjunction with the close proximity of the dwelling to Alderley Edge railway station and the town centre will result in an additional dwelling being provided within a sustainable location within the Borough.

### **ECONOMIC SUSTAINABILITY**

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

## **SUMMARY AND PLANNING BALANCE**

All objections and comments received have been noted and considered during the recommendation of this application. The presumption in favour of development is however a significant material consideration. The merits of the application have been taken into account, and it is considered that the application complies with both local and national policy, therefore satisfying the presumption towards sustainable development.

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.

## **RECOMMENDATION**

### **Approved Subject to conditions**

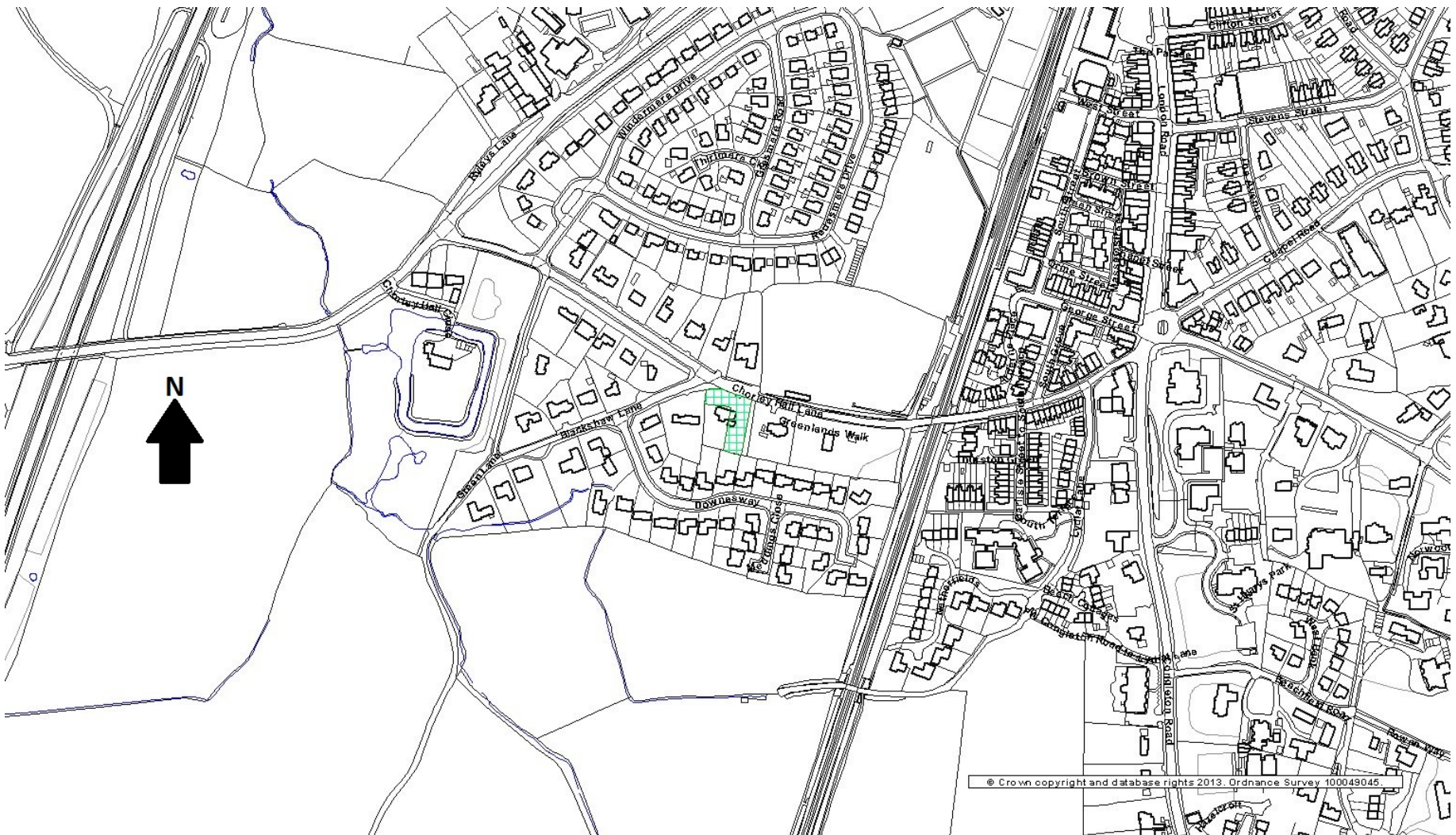
*In the event of any changes being needed to the wording of the Committee's decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning Regulation has delegated authority to do so in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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development
2. Development in accord with approved plans
3. Materials as application
4. Obscure glazing requirement
5. Protection from noise during construction (hours of construction)
6. Landscaping - submission of details
7. Landscaping (implementation)





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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: 14-Jul-2017

### **REASON FOR DEFERRAL**

The application was deferred from the Northern Planning Committee on 7 June 2017 to seek the following information;

- A traffic operational plan.
- Clarity regarding the access arrangement through the nursery car park.

### **APPLICANTS SUBMISSION SINCE DEFERRAL**

The applicant has provided the following information in relation to the points above:

- Confirmation the applicant has access rights through the nursery car park to the north of the site
- Submission of an amended site layout clearly showing the access and egress through the nursery car park.
- A Traffic Management Plan

### **APPRAISAL**

The submitted information has been assessed by the Head of Strategic Infrastructure and is considered to be acceptable.

The submitted information gives some clarity in respect of the access through the nursery car park. It has been confirmed that the applicant has access rights over this land and this access was approved as part of the application for prior approval.

It is not proposed to allow customer vehicles through the access on Chelford Road as this access will be reserved for delivery vehicles. This will be controlled through the installation of gates at the end of the driveway that will be controlled through an intercom. Customer traffic would access and egress the site through the nursery car park and onto Congelton Road. A condition will be included on the decision notice requiring precise details of how customer

vehicles will be stopped from using the Chelford Road access and ensuring this is implemented before the approved building will be first occupied.

The Traffic Management Plan states that up to '10 metre rigid goods vehicle' will be permitted to enter the site. Swept paths have been submitted to demonstrate this size vehicle can enter the site and manoeuvre to allow it leave the site in forward gear. A condition will be included on the decision notice to ensure the provisions within the traffic management plan are carried out in full.

**Conclusion on reason for deferral**

It is considered the points raised by members in the previous meeting have been addressed through the submission of the additional information. The information has been considered by the Head of Strategic Infrastructure who agrees the points raised have been addressed.

As in the original report a recommendation of approval is made subject to the conditions listed later in this report. Additional conditions are required in respect of the implementation of the Traffic Management Plan and details of the measure to restrict customer access from the Chelford Road access. These conditions are listed at the end of those initially set out in the previous committee report.

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**ORIGINAL REPORT (from 7 June Committee)**

Amended 7 June 2017 to incorporate previous updates reported to Northern Planning Committee, and additional conditions.

**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, Congelton 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	456m2	1,654m3
Proposed Building	380m2	1,432m3

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

Application for Full Planning

### RECOMMENDATION:

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

13. Lighting details

14. Carry out in accordance with Traffic Management Plan.

15. Measure to restrict access from Chelford Road



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