

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 13th September, 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 3 - 12)

To approve the Minutes of the meeting held on 16 August 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. **17/1891M-Proposed demolition of existing building and erection of a new building for A1 and A3 use (resubmission 16/4388M), 127, Wellington Road, Bollington for S Price, Cheshire Taverns Retirement Benefit Scheme (Pages 13 - 38)**

To consider the above application.

6. **16/5896M-Demolition of a pre-fabricated building and construction of new nursery and pre-school building, Oakdene Nursery, Tudor Road, Wilmslow for Mrs Evelyn Davies Sippdeal Trustees Ltd & Trustees of A J Bell, c/o Oaklands Dean Nursery (Pages 39 - 50)**

To consider the above application.

7. **16/5625M-Demolition of all existing on site building and the erection of 12 residential dwellings (Use Class C3), together with associated landscape and highway works, Rough Heys Farm, Rough Heys Lane, Henbury for PH Property Holdings Ltd (Pages 51 - 62)**

To consider the above application.

8. **WITHDRAWN FROM THE AGENDA BY OFFICERS-15/1683M-Development of 32 new houses including 10 affordable houses, landscaping, landscape buffer zone, flood mitigation and ground works, roads, associated highways and infrastructure, Land Opposite Lowerhouse Mill,, Albert Road, Bollington for Johnson Mulk, Prospect GB (Pages 63 - 92)**

To consider the above application.

9. **14/1945M-Demolition of existing buildings on site and erection of residential development comprising of 18 two storey dwellings, Land Off, Saville Street, Macclesfield for Saville St Garage Ltd The Helpful Hand (Pages 93 - 116)**

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 16th August, 2017 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

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

Councillors Rhoda Bailey (Substitute), E Brooks, L Durham, S Edgar (Substitute), P Findlow, A Harewood, J Jackson (Substitute), L Smetham (Substitute) and M Warren

### **OFFICERS IN ATTENDANCE**

Mr R Croker (Planning Officer), Mrs L Dowd (Senior Planning Officer), Mr J Felton (Planning Lawyer), Mr P Hurdus (Highways Development Manager), Mr R Law (Principal Planning Officer) and Miss N Wise-Ford (Principal Planning Officer)

### **19 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors C Andrew, T Dean, H Gaddum, S Gardiner and N Mannion.

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

In the interest of openness in respect of application 17/2586M, Councillor G Walton declared that attention had been drawn to the fact that one of the School Governors was a Parish Councillor with whom he was acquainted with by his attendance at the relevant Parish Council meetings albeit he declared that he had no prior knowledge of this fact and had had no conversations relating to the application.

In the interest of openness in respect of application 17/2610M, Councillor G Walton declared that he had called-in the application on behalf of the Parish Council and whilst he was acquainted with the applicant and one of the speakers, both of whom were Parish Councillors on the Parish Council he attended, he stated that he had not been party to any pre determination in relation to the application.

In the interest of openness in respect of applications 17/1977M and 17/2586M, Councillor C Browne declared that he had called in the application at the request of the Parish Council and whilst he had views he had retained an open mind.

In the interest of openness in respect of application 15/5637M, Councillor L Smetham declared that she had spoken on a previous application

relating to the site on behalf of Marton Parish Council, however she had retained an open mind in respect of this new application.

It was noted that the majority of Members had received correspondence in respect of applications 17/1052M and 17/2586M.

## **21 MINUTES OF THE MEETING**

### **RESOLVED**

That the minutes of the meeting held on 12 July 2017 be approved as a correct record and signed by the Chairman.

## **22 PUBLIC SPEAKING**

### **RESOLVED**

That the public speaking procedure be noted.

## **23 15/5637M-ERECTION OF UP TO 23NO. DWELLINGS, LAND OFF, SCHOOL LANE, MARTON FOR HOLLINS STRATEGIC LAND LLP**

Consideration was given to the above application.

(Parish Councillor David McGowan, representing Marton Parish Council attended the meeting and spoke in respect of the application).

### **RESOLVED**

That the application be refused for the following reasons:-

1) The proposed residential development is unsustainable because it is located within the Open Countryside, in a location with limited access to services and facilities, contrary to Policies PG6 (Open Countryside), SD1, SD2 and SE4 (landscape) of the Adopted Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

2) The proposed development would result in the significant loss of open green space which will adversely impact on the character of the locality, in conflict with Policy PE.3 of the Marton Neighbourhood Plan.

3) The proposed development is unsustainable because it would impair the efficiency of the Jodrell Bank Radio Telescope and this impact is considered to significantly and demonstrably outweigh the benefits of the scheme. The proposal is therefore considered to be contrary to Policies GC14 (Jodrell Bank) of the Macclesfield Borough Local Plan and

Policy SE14 (Jodrell Bank) of the Adopted Cheshire East Local Plan Strategy.

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

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space and LAP. Public Open Space to include management company for maintenance in perpetuity

3. A commuted sum for the off site provision of recreation/outdoor sport

4. Contribution towards education (to be confirmed)

**24 17/1052M-DEMOLISH POULTRY BUILDING. ERECT REPLACEMENT STEEL PORTAL FRAME BUILDING TO BE USED FOR BUSINESS STORAGE ON A SEPARATE FOOTPRINT, MERE HALL FARM, BUCKLOW HILL, LANE, MERE FOR MESSRS IAN & ANDREW FAULKNER**

Consideration was given to the above application.

(Alison Freeman and Stuart Ashton, representing the applicant attended the meeting and spoke in respect of the application).

### **RESOLVED**

That the application be approved subject to the following conditions:-

1. Accordance with approved plans
2. Time limit (3 Years)

3. Materials to be submitted and approved
4. Landscaping scheme to be submitted and approved
5. Landscaping implementation
6. Removal of building to be demolished prior to first use of the proposed building
7. Within 1 month of the first use of the building, a scheme to return the site of the demolished building to hardstanding shall be carried out, details of which shall first be agreed in writing by the LPA.
8. The use hereby permitted shall be restricted to B8 storage and distribution only.

The reasons for going against the Officer's recommendation were as follows:-

- (i) Continuation of employment within the area outweighed any harm to the green belt.
- (ii) Overall impact was not significant considering what was there already.

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

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

**25 17/1359M-DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH FOUR DETACHED UNITS AND ASSOCIATED ACCESS AND LANDSCAPE WORKS, 24, LOSTOCK HALL ROAD, POYNTON FOR CJR, CJR LTD**

Consideration was given to the above report.

(Haf Barlow, the Deputy Town Clerk of Poynton Town Council and Robert Phillips, representing the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**



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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. Vehicle charging point
5. Birds
6. surface water drainage
7. manage the risk of flooding
8. Cheshire Woodlands Tree Work Plan
9. Engineer designed no dig hard surface construction
10. Broadband
11. Submission of construction method statement
12. Dust
13. Landscape
14. Piling
15. Bin storage in each unit prior to occupation of each house

(During consideration of the application, Councillor C Browne left the meeting and returned, as a result he did not take part in the debate of vote on the application. The meeting adjourned for a short break).

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

**26 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**

Consideration was given to the above application.

(Parish Councillor Christine Munroe, representing Alderley Edge Parish Council and Jackie Wortley attended the meeting and spoke in respect of the application).

### **RESOLVED**

That the application be refused for the following reason:-

The proposal is an overdevelopment and over intensification of use causing a deleterious harm to the character and appearance of the area. The development is therefore contrary to guidance within the NPPF and

Policies SE1 and SD2 of the Cheshire East Local Plan Strategy, Policy DC41 of the Macclesfield borough Local Plan.

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.

(This decision was contrary to the Officer's recommendation of approval. The meeting was adjourned for lunch from 1.00pm until 1.30pm).

**27 17/2061M-DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 7 NEW DWELLINGS, ROSEGARTH, 51, ADLINGTON ROAD, WILMSLOW FOR MR & MRS WILMAN**

This application was withdrawn by Officers from the agenda prior to the meeting.

**28 17/2263M-PROPOSED AGRICULTURAL BUILDING (RE-SUBMISSION OF 15/0950M), TOP CROFT, RIDGE HILL, SUTTON FOR MR & MRS C. J. BAILEY**

Consideration was given to the above application.

(Mrs C Bailey, the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of the Ward Councillor H Gaddum).

**RESOLVED**

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A03TR - Construction specification/method statement
5. A04TR - Tree pruning / felling specification
6. Removal of existing container shall be carried out within 1 month of the first use of the development hereby approved.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chairman) 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.

**29 17/2586M-CONSTRUCTION OF ARTIFICIAL GRASS HOCKEY PITCH ON EXISTING SCHOOL FIELD, WITH 1.2M PERIMETER FENCE, NO FLOODLIGHTING, ALDERLEY EDGE SCHOOL FOR GIRLS, WILMSLOW ROAD, ALDERLEY EDGE FOR SIMON MALKIN, ALDERLEY EDGE SCHOOL FOR GIRLS**

Consideration was given to the above application.

(Parish Councillor Mike Dudley-Jones, representing Alderley Edge Parish Council and Rawdon Gascoigne, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

1. Development in accordance with plans
2. Three year time limit
3. Materials in accordance with application
4. No floodlighting to be used
5. Submission of a drainage scheme (prior to commencement of development)
6. Sustainable drainage management and maintenance plan (submitted prior to commencement of development)
7. Design and Layout of the Artificial Grass Pitch (details submitted prior to commencement of works)
8. Hours of restriction: 9am - 7pm (Monday to Friday), 9am - 3pm (Saturday), No use (Sunday/Bank holidays)
9. Detailed survey for nesting birds
10. Arboricultural works in accordance with Cheshire Woodlands Arboricultural Statement
11. Detailed Arboricultural Method Statement (submitted prior to the commencement of works)
12. Tree Protection Scheme (submitted prior to commencement of works)
13. Notwithstanding the details of Drawing No. 0137-03-03 (rev.A), prior to commencement of development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme. The landscaping plan shall focus on boundary treatments, specifically an acoustic fence to the NW corner of the pitch, planting of a mixed species native hedge to the north western

corner, and planting of Holly trees along the north and western boundaries.

14. Notwithstanding the details requested via condition, the development to be in accordance with the approved landscaping
15. Prior to use of development, all boundary treatments to be erected
16. Construction Management Plan to be submitted and approved
17. Exclusive use of the sports pitches by the school only

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

**30 17/2610M-INFILL DEVELOPMENT FOR 2NO. DWELLINGS AND ASSOCIATED LANDSCAPING, LAND BETWEEN NO.3 SEVEN SISTERS LANE AND NO.4 SEVEN SISTERS LANE, OLLERTON FOR RUSS BRIGHOUSE, BRIGHOUSE INVESTMENTS LTD**

Consideration was given to the above application.

(Parish Councillor Simon Saba, representing Ollerton with Marthall Parish Council, Jacky Slator, an objector and Gregg Fryman, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1. The proposed development would not constitute infill development and therefore the proposal is inappropriate development in the Green Belt for which there are no very special circumstances to outweigh the harm by reason of inappropriateness. The proposal would be contrary to Policy PG3 of the Cheshire East Local Plan Strategy and para 89 of the NPPF.
2. The proposed development would be out of keeping with the local area due to the design of the proposed dwellings and the form of the dwellings would represent an overdevelopment of the site contrary to Policy SE 1 of the Cheshire East Local Plan Strategy.

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

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

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

The meeting commenced at 10.00 am and concluded at 3.40 pm

Councillor G M Walton (Chairman)

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Application No: 17/1891M

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

Proposal: Proposed demolition of existing building and erection of a new building for A1 and A3 use (resubmission 16/4388M)

Applicant: S Price, Cheshire Taverns Retirement Benefit Scheme

Expiry Date: 18-Sep-2017

### **SUMMARY**

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

This application seeks to address the reasons for refusal, as dictated by committee on highways grounds relating to insufficient parking to cater for the proposed development including the design and layout and also potential to encourage on street parking leading to visibility problems at the sites access to the detriment of road safety and free flow of traffic. The Head of Strategic Infrastructure has been consulted on this application and raises no objections, subject to conditions. As with the previous application for the site (15/3674M), the proposed off street car parking provision (18no. spaces currently proposed, 14no. spaces previously proposed in application 15/3674M), access, visibility and service requirements are considered acceptable taking into account the existing servicing and parking arrangements and noting that the existing building could be converted into a retail use (A1) under Permitted Development Rights.

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

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

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

**RECOMMENDATION:** Approve subject to conditions

## **REASON FOR REPORT:**

This application has been called in to Committee by Councillor Stott for the following reasons: *'DC6 - reasons for refusal on previous applications have not been addressed in this current proposal'*.

## **DESCRIPTION OF SITE AND CONTEXT**

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

The application site forms an almost triangular plot of land measuring 0.11ha and is presently occupied by a large, two storey, building and rear car park serving the existing Indian restaurant 'Bay Leaf Lounge'. The existing premises' floorspace at basement level is 53sqm, ground level is 227qm and first floor level 129sqm. The application site has been amended from the previous application ref:15/3674M to incorporate the rear car park and service area of the neighbouring butcher's shop. The development site has also been amended to include a wider rear car park access with pedestrian pavements and the layout changed in comparison to both ref:15/3674M and withdrawn application ref:16/4388M. The overall footprint and floorspace of the proposed development at the heart of this planning application is also smaller than in previous submissions as a result of the site layout changes.

Surrounding uses include a pizza take-away (125 Wellington Road), hairdressers (123 Wellington Road), a car garage, Heathcotes' butchers, bakers, estate agents, veterinary clinic and an accountants. In addition beyond this local shopping centre is a large residential area.

## **RELEVANT PLANNING HISTORY**

**16/4388M** – *'Proposed demolition of existing building and erection of a new building (for A1 and A3 use)'* – withdrawn – 28<sup>th</sup> November 2016

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

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



*Strategy, Submission Version and Chapter 4 of the National Planning Policy Framework.'*

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

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

## **DETAILS OF THE PROPOSALS**

This application seeks Full Planning Permission for the *'Proposed demolition of existing building and erection of a new building for A1 and A3 use (resubmission 16/4388M)'*. The new building will have retail to the ground floor, specified as a convenience store unit and a restaurant to the first floor. To the rear (west) of the new building 18no. vehicular parking spaces will be provided for the new A1 and A3 use and 4no. vehicular parking spaces provided for the sole use of Barrows Butchers customer parking and for the residential flats above the butchers.

## **APPLICANT'S SUPPORTING INFORMATION**

The following information was submitted in support of the application:

- Planning Statement – Emery Planning – August 2017
- Design and Access Statement – Alison Pike – August 2017
- Condition Survey – Piscator Consult Ltd - 2014
- Bat survey – Martin Prescott Environmental Services – April 2017
- Flood Risk Assessment – RSK – March 2017
- Transport Statement including a Delivery Management Plan – RSK – August 2017

All the above documents can be viewed in full on the application file alongside the existing and proposed drawing suite.

## **POLICIES**

### **National Planning Policy Framework (NPPF)**

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

Of particular relevance are paragraphs:

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

### **Cheshire East Local Plan Strategy 2017 (CELPS)**

MP1 Presumption in Favour of Sustainable Development

PG2 Settlement Hierarchy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

EG5 Promoting a Town Centre First Approach to Retail and Commerce  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE7 The Historic Environment  
SE9 Energy Efficient Development  
SE13 Flood Risk and Water Management  
CO1 Sustainable Travel and Transport  
CO2 Enabling Business Growth Through Transport Infrastructure  
Appendix C – Parking standards

**It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.**

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

NE1 – Nature Conservation  
S4 (3) – Shopping  
BE2 – Historic Environment  
DC3 – Amenity  
DC6 – Circulation and Access  
DC8 - Landscaping  
DC13 and DC14 – Noise  
DC17, DC19 and DC20 – Water Resources  
DC36 – Road Layouts and Circulation  
DC38 – Space, light and privacy  
DC54 – Restaurant, cafes and hot food takeaways

### **Other Material Considerations**

**Town and Country (General Permitted Development) (England) Order 2015**

### **SPD for Bollington (January 2006)**

**Bollington Neighbourhood Plan 2010-2030 (BNP)** – regulation 14 stage reached August 2017– Pre-submission consultation – policies relevant to this application:

V1 – Maintenance of Community Attributes  
R.P1 – Retain and develop retail offerings – Henshall/ Wellington/ Grimshaw Junction retail cluster (Figure R1)  
BE.P1 – Historic Town  
MA.P1 – Improve Safety and Efficiency of Moving Around  
MA.P2 – Parking Provision  
IN.P1 – To improve safety for pedestrians and cycles –Ashbrode Place study area (Figure IN1)

Due to the draft nature of the plan, the policies at present carry limited weight in the planning balance.

### **SUMMARY OF CONSULTATIONS**

**Flood Risk** – No objection subject to conditions relating to development in accordance with Flood Risk Response document, surface water drainage scheme and drainage strategy.

**Nature Conservation** – No objections

**Head of Strategic Infrastructure (Highways)**– No objection subject to informatives and conditions relating to section 278 agreements, TRO, construction management plan, restaurant opening time not to be earlier than 6pm Monday to Sunday and restricted HGV lengths. A s106 will be required in relation to the TRO for consultation/ advertising costs.

### **Environmental Protection**

No objections are raised subject to conditions and informatives relating to: pile foundations, dust control, floor floating, construction hours, hours of use, delivery hours, noise mitigation scheme, odour control, waster provision and electric vehicle infrastructure.

### **Untied Utilities**

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

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

The Town Council (June 2017) considered the application and have the following comments regarding the proposals – **Strongly Object to proposals:**

- Highway safety in terms of visibility issues when exiting and entering the car park to the rear of the site and when delivery vehicles use the loading bay proposed.
- Highway safety in terms of children and vulnerable people using courtesy crossings expecting vehicles to stop leading to accidents.
- Inadequate provision of parking spaces taking into account both proposed uses and peak operating hours.
- Large delivery vehicles 11.6m would overrun pavements when turning from junction.
- Overloading of the existing highway network.
- Width of proposed access road and pavements not wide enough noting the proposed parking along wall of access road.
- Most recent version of TRICS not used and subsequently figures for trips differs.
- Noise and odour from the plant equipment and general uses of the proposed units and the resultant effect on nearby residential uses.
- Servicing bay won't operate properly as its not shared surface.
- All surrounding uses will be tempted to use the car park for the development.
- Refuse collection access will need to be maintained to the adjacent Pizza Takeaway.

### **OTHER REPRESENTATIONS**

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

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

163 letters of objection and 7 letters of support have been received from members of the Public

### **Neighbour/Local Residents/Public comments – objections**

#### ***Highways, access and parking related - objections***

- Located on busy main road and key junction that will get busier as result of development.
- Turning onto Grimshaw Lane and Wellington Road is extremely difficult, additional vehicles exiting and entering the site, would lead the increased likelihood of vehicular and pedestrian accidents.
- Dangerous for pedestrians including school children crossing the road, residents cite that a few local school buses drop off at bus stop opposite.
- Pedestrian crossings proposed would be outside resident's homes.
- Insufficient parking provision, lower than standards inclusive of disabled spaces, which will lead to dangerous on street parking in the immediate area and blocking of sight lines.
- Layout of car park will cause bottleneck effect, noting the 4no parking spaces against the left side wall of entrance which could cause a backlog onto the highway.
- No controls on how people will park or for how long.
- Developers have underestimated the amount of customers for the proposed users, especially in cars.
- Sight lines and visibility fail standards, should be 60-90m visibility.
- Sight lines will be blocked when the bus drops off at stop across road.
- Loading bay to frontage will block traffic when in use and disrupt visibility splays for vehicles exiting site.
- Limiting delivery times fails, as demonstrated by The Co-op.
- Traffic surveys carried out at time of last application provided irrefutable evidence that this site is inappropriate and traffic would increase.
- Entrance to site and car park layout not big enough to accommodate emergency vehicles.
- HGV drivers use this as main route and this coupled with delivery vans and vehicular users would cause traffic congestion in locality.
- Issues for HGV's and long articulated vehicles pulling out from Grimshaw Lane onto Wellington Road if the building and access if building is re-sited as proposed.
- Proposals would block neighbouring properties driveways.

#### ***Amenity - objections***

- Noise and pollution levels would increase to the detriment of immediate local residential and other properties, from visiting vehicles and refrigeration/ extract equipment.
- Light pollution from the car park, lights and car lights.
- Groups will gather outside shops and residents homes and will disturb neighbours/ anti-social behaviour.

#### ***Character - objections***

- Loss of historically beautiful building and local landmark.

- It should be constructed from original stone not natural stone to preserve feel of village.

### ***Economic - objections***

- Bollington and surrounding area has ample convenience stores and supermarkets, further additional unit would put financial strain on small independent, local businesses.
- Unnecessary development as Co-op just up the road.

### ***Other - objections***

- The proposals would be better placed elsewhere.
- Dust and aggravation caused by construction vehicles and staff impacting local environment and residential amenity.
- Contractors parking and access to the site will impede local traffic flow and cause dangerous parking conditions.
- Would create a late opening store that the Town Council have worked hard to avoid.
- Stream has been covered and water cannot drain into it.
- Hall Hill site in Broken Cross would be a better location for such a development.
- Local residential properties would be devalued.

### **Neighbour/ local resident/ public comments – support**

#### ***Highways, access and parking related - support***

- New access arrangements and traffic calming proposed would assist the existing highways situation making it easier and safer to cross, as vehicles would be encouraged to slow down.
- Would encourage walking and use to local shops.

#### ***Character - support***

- Help to regenerate this end of town.
- Very good addition to the village, improving on existing tired aesthetics.
- The store will provide a central neighbourhood in the linear town.
- Design is sympathetic to surroundings and reflects the building that will be demolished.
- New building preferable to seeing the existing continue to decay.

#### ***Economic - support***

- Beneficial economic benefits from job creation and revenue.
- Addition of this shop alongside the other local retailers immediately surrounding the site would allow residents to conduct their local shop within the town without having to travel afar.
- Alternative sites are not viable.
- More retail provision will support the new houses being built.

#### ***Other - support***

- Valuable asset particularly for those who are elderly or young, including school children.

### **OFFICER APPRAISAL**

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

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

### **ENVIRONMENTAL SUSTAINABILITY**

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

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

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

Paragraph 135 of the NPPF advises that;

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

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

application (15/3674M). The demolition of the building would be in line with policy SD1 and SE7 of CELPS and the reuse of brownfield land in this location would be in line with policy SD1 and SE2 of CELPS.

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

The most relevant policies for consideration are SD1, SD2 and SE1 of CELPS and saved policies.

Policy SD1 of CELPS seeks to ensure sustainable development is achieved by ensuring that development provides a locally distinct, high quality, sustainable, well designed and durable environment as well as contributing to protecting and enhancement the natural, built, historic and cultural environment.

Policy SD2 of CELPS seeks to ensure that the overall design, siting and scale of new developments contributes positively to an area's character and identity, creating and reinforcing distinctiveness through well thought out design.

Policy SE1 of CELPS seeks to ensure that new developments make a positive contribution to their surroundings to create a sense of place and managing design quality.

The proposed building is similar to that considered in the previous application and has been designed in a wedge/ L shape and will cover a footprint of approx. 341sqm, which is a reduction on the previous scheme to allow for a wider vehicular and pedestrian access. The building is to be set further into the site from Wellington Road than the existing but retaining a car parking area to the rear. Cycle storage and a delivery bay is to be sited along the front elevation.

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

The primary retail frontage is to be located on the front (west) elevation fronting Wellington Road. The proposed building is to be constructed in natural stone along the side and front elevations with slate roofing. Plans detail that fair faced blockwork is proposed to some sections of the north and west elevations. Fenestration and rain water goods are either to be painted timber or aluminium. Local residents raised concern at the use of natural random reclaimed stone as opposed to original stone. The use of stone in the construction and facing materials alongside the overall shopfront design, taking into account area characteristics is considered to comply with not only CELPS policies but policies R.P1 and BE.P1 of the BNP, particularly BE.P1 which conditions developments within 250m of a Conservation Area such as this, to reflect the dominance of natural stone. Should planning permission be granted, a condition is recommended to ensure a more appropriate facing material than fair faced blockwork is secured for these elevations.

The proposed building has been designed to incorporate a similar eaves height to that of the existing building. The maximum ridge height of the existing building is currently 8.4m. The ridge height of the proposed link section is to measure approx. 7.7m, which rises to approx. 9.5m at the peak of the large gable feature on the front elevation. Although larger than the existing building the scale, bulk and massing of the proposed building is considered to be in keeping and subservient with the neighboring properties and is therefore not considered to have a harmful impact upon the overall character of the existing street scene. The proposed development is therefore considered to satisfy CELPS policies in terms of design as previously established during the previous application and emerging BNP policies. The replacement building would also be more energy efficient than the one it replaces.

### **HIGHWAYS AND TRAFFIC GENERATION**

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

During the lifetime of this application due to the concerns raised by local residents and the Town Council in terms of width of the proposed single southern access into car park, width and lack of pavement provision from rear car park to shop entrance and overall car park layout, the proposals were amended in line with further Highways advice. The original proposals for this application had 3no. spaces to the north wall of Barrow's Butchers and a two way access road which had its widest point of 4.8m closest to the entrance point at Wellington Road, narrowing into the car park to 4.5m. The original proposals also did not include a pedestrian pavement from the rear car park to the store entrance.

The proposals now accommodate 18no. car parking spaces for the A1 and A3 uses in total, including 1no. disabled parking space. The amount of parking for the A1 and A3 uses as proposed in this application is 4no. more spaces than the refused scheme. The additional spaces are the result of an agreement made with the neighbouring butcher's shop and will result in the 4no. additional spaces being provided on land within the ownership of the butcher's. Access and egress to the proposed rear car park has been widened in comparison to the previous application and the original supporting documents of this application to provide a single, 4.8m wide, two way vehicular access from Wellington Road from the south eastern corner of the site. At the mouth of the access road a cobbled rumble strip is proposed. In addition to the vehicular access, pedestrian access by means of 2no. pavements leading from the rear car park to the store entrance are also proposed. The northern car park pavement is 1.9m wide, while the southern pavement is 1.2m wide.

4no. spaces for the sole use of the butchers/ first floor flat residents are also provided, due to the shared access arrangement (legal agreement) between the Butchers and the applicants, alongside the planning conditions of 51473P requiring the retention of 3no. parking spaces relating to the residential flats above the Butchers.



To the building's frontage 4no. cycle stores are proposed alongside a wider pavement and cobbled delivery bay. As a result of public consultation, uncontrolled, raised pedestrian crossing points are proposed to the north and south of the site across Wellington Road and the other across Grimshaw Lane.

Highways have been consulted on this application and as with the previous application have raised no objections. Highways also did not object to either of the previous planning applications for this scheme.

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

The site sits in a curve within an 'S' bend opposite the junction where Grimshaw Lane meets Wellington Road (B5090). Wellington Road is one of the main routes through Bollington Town.

Within the vicinity of the site there is a bus stop on the opposite side of the carriageway to the north of the application site and the speed limit is 30mph. There are 3 services operating daily from this bus stop serving Macclesfield, Kerridge, Poynton, Hazel Grove and Stockport. This bus stop is also used as a local school bus drop off point. There is a no waiting Traffic Regulation Order on both sides of the Wellington Road carriageway.

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

### **Traffic generation**

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

	Arrivals	Departures	Total
08:00-09:00 AM Peak time	21	21	42
18:00- 19:00 PM Peak time	38	37	75

The Transport Statement provided highlights that pedestrians would represent a higher proportion of customer transportation modes to site than cyclists, vehicular users or those arriving by public transport. This is in line with policies SD1, SD2, SE1, CO1 and CO2 of CELPS and DC6 of MBLP in regards to sustainable transport for new developments.

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

### **Access**

As aforementioned the proposed vehicular access into the site has a continuous width of 4.8m to allow two vehicles to pass safely including cars and light vehicles associated with deliveries to the butchers. This is an improvement on the two existing single lane accesses. The proposed access is to incorporate a visibility spays of 2.4m x 35m to the South (right) and 2.4 X 34m to the north (left), the latter of which is considered to be a significant improvement on the existing 2.4m x 21m visibility splay (left/north) from the southern access of the site.

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

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

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

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

### **Vehicular and Cycle Parking / layout**

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

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

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

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

Appendix C – Parking Standards of CELPS it states *'parking standards for all other uses should be regarded as recommended levels. The parking provision will also take account of:*

- *Availability and cost of parking spaces on site and close by;*
- *How regular and frequent public transport is;*
- *How easy it is to access a site by safe walking and cycling routes;*
- *Operational needs of proposed developments; and*
- *Relationship between different land uses, such as how close housing is to employment, shops and leisure uses.'*

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

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

In addition to the above emerging BNP policy MA.P2 – Parking Provision the policy seeks that visitor car parking will be required on private new developments.

The proposed development site is within the settlement area of Bollington Town and in a Local Service Centre accessible by both public forms of transport, cycle and in walking distance for a number of residents within the immediate area. The application site represents in a sustainable and accessible location.

Within the supporting Travel Statement the results of a car parking utilisation analysis have been presented, which have indicated that under normal working operational conditions the proposed car park would have sufficient capacity to serve the proposed retail and restaurant uses. Concerns have been raised by the Town Council regarding parking levels and car park layout alongside the use of correct data in formulating the amount of parking required to adequately serve the development. As with the previous application the Head of Strategic Infrastructure is satisfied that the car park would be expected to meet demand during the daytime, the busiest time of the day being between 5pm and 7pm when approximately 15no. vehicles would be expected to be parked for the combined proposed retail (convenience) and restaurant uses.

The increased amount of parking compared with the previously refused application from 14 to 18 spaces, results in a surplus of car parking available during this time, unlike the previous application which would likely have resulted in the car park being fully occupied.

Due to the potential conflict of the opening hours of the two proposed uses on site along with parking ratios it is recommended that the restaurant is conditioned to opening no earlier than 18:00 to 24:00 Monday to Sunday.

Whilst it is acknowledged that there may be cases where there may be an over demand in parking, patrons of the site would find other off site locations to park. Whilst it is acknowledged that parking concerns are a particular issue within Bollington it is considered that the site's accessibility should be used as encouragement for customers to walk and cycle rather than park, noting 4no. cycle parking spaces would be provided.

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

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

The applicant has submitted a swept path to illustrate a car turning within the proposed car park and also how two vehicles can pass each other within the access route which measures 4.8m in width.

The Head of Strategic Infrastructure confirms that the amount of proposed vehicular and cycle parking and the overall layout is acceptable, mirroring local and national planning policy.

### **Servicing**

The applicant proposes a service bay to be located directly between the front elevation and Wellington Road. The bay will be constructed in cobbled stone and has been designed to appear as part of the footpath. Local Residents and the Town Council have raised concern that customers of the development will abuse the delivery bay creating issues on the highway including illegal parking. The bay has been designed in such a manner to prevent patrons from parking in the bay as the Highways Engineer considers that the loading bay Traffic Regulation Order would highlight its presence to potential patrons.

Swept paths of service lorries accessing and exiting the proposed service bay have been provided to the Authority and a Delivery Service Plan has been produced which includes the following measures:

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

The Head of Strategic Infrastructure acknowledges that due to the positioning of the service bay there may be times when the proposed service vehicles restrict the visibility to the north for vehicles leaving the application site. The servicing proposal is considered however, to create an improvement on the existing access arrangements, which currently take place on either the road side or vehicles reversing into the site from Wellington Road. It must also be noted that any impairment to visibility from delivery vehicles would be infrequent, temporary and short time frames.

The Head of Strategic Infrastructure therefore raises no objections with the proposed servicing arrangements, with the Delivery Management Plan and a restriction on the length of delivery goods vehicles to be conditioned as part of any planning approval to ensure ongoing highways safety.

### **Mitigation**

As part of the development the applicant proposes to incorporate four courtesy pedestrian crossings; two on Wellington Road, one before the junction on Grimshaw Lane and one across the site access. The crossings are to be constructed in Stone setts and both the north

and south crossing are to be raised in order to encourage vehicles to lower vehicle speeds on approach to the site.

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

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

- Signalised crossing - likely to cause queues and operational difficulties and unlikely to affect vehicle speeds when the crossing is not in use
- Zebra crossing - A zebra crossing is already located further north of the site. An additional zebra crossing in this area likely to sterilise the frontage and conflict within the existing bus stop. It could potentially result in the relocation of the bus stop which is the perceived need for the crossing.
- Courtesy crossing - these types of crossing are uncontrolled and rely on vehicles giving priority to pedestrians on an informal basis. They therefore require vehicle speeds to be low, which was encouraged through the use of rumble strips, these having a dual use in delineating the crossing. A further iteration of those crossings on Wellington Road led to a raised table such that pedestrians are crossing at footway level rather than carriageway, forcing drivers to slow down.

It is agreed by the Head of Strategic Infrastructure that the courtesy crossings in and around the site are the most appropriate form of crossing. The crossings on Wellington Road are to be raised to allow pedestrians are crossing at footway level rather than carriageway, forcing drivers to slow down.

The Town Council and local residents have raised concern that despite the provision of the crossings that due to the provision of courtesy crossings, drivers may not slow down and therefore this could create highways safety issues for pedestrians expecting cars to stop, endangering vulnerable groups. Emerging BNP policies MA.P1 and in particular IN.P1 seek to ensure that pedestrian enhancements are brought forward that improve safety and slow traffic. This junction is highlighted in figure IN1 as Ashbroke Place junction which correlates to the areas designated for pedestrian infrastructure improvement in policy IN.P1. The Head of Strategic Infrastructure considers that the type and location of proposed crossings is appropriate for this particular highways environment and the proposed development and would be an improvement on the existing pedestrian infrastructure in the area in line with aforementioned policies. To achieve this and ensure safe speeds and specific details of the crossings appropriate conditions are recommended and a s106 agreement to cover the costs of advertisement and consultation should the proposals be approved will be required.

### **Section 106 agreement**

The Heads of Terms for the required Section 106 agreement will be:

- Traffic Regulation Order - Contribution of £7k for consultation and advertising costs associated with the above.

### **CIL Regulations**

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

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

### **AIR QUALITY**

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

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

### **LANDSCAPE**

Boundary treatments of 1.8m post and rail fencing and 2.1m steel palisade fencing are proposed to the rear car park. The external hard landscaping has been indicated on plans as being a mixture of tarmac and stone cobbles comparable to the surrounding environment. Conditions are recommended requiring a full landscaping scheme to be submitted to ensure any proposed planting and hardstanding are in keeping with the character of the local area in line with relevant local and national planning policy.

### **FLOOD RISK**

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

The applicant has submitted a Flood Risk Assessment, and the Flood Risk Manager was consulted on this and previous application and has said in principle the application is acceptable. No objection is given in regards to the proposed new building not incorporating a basement and due to additional flood resilience measure which are to be incorporated into the scheme subject to pre-commencement conditions. It is noted that retrospective culverting works have occurred in close proximity to the site this is outside of the application area and is being dealt with separately.

Commencement conditions covering drainage strategy, drainage methods and relating to mitigation methods will be added to any planning approval. This is to ensure that there is adequate, appropriate on site drainage so that there is no flood risk on or off site as a result of the development, in addition to appropriate flood prevention measures.

The proposed development is therefore considered to satisfy SE13 of CELPS and saved policies DC17, DC19 and DC20 of the MBLP and Chapter 10 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF.

### **ECOLOGY**

The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development after reviewing the most recently updated Bat Survey which concluded no evidence of bats was found using the existing structure. Provided that work commences within 12 months of the survey no further survey effort is required. A condition to ensure the protection of breeding birds is recommended. The proposals are therefore in compliance with CELPS policy SE3 and saved MBLP policy NE1.

### **SOCIAL SUSTAINABILITY**

#### **DESIGN/CRIME PREVENTION**

During the course of the previous application the Cheshire East Constabulary Crime Reduction Officer raised a number of concerns. After meeting with the Crime Advisor the applicant addressed their concerns by making the following adjustment's to the previous application which have in turn been carried through to this present planning application;

- Measures to reduce seating opportunities on window sills and low level ledges have been introduced (Kent Spikes)
- Bin stores are more secure.
- Changes to the alcove (corner canopy) have been introduced in the design.
- Vehicle restriction measures are included in the plan if necessary.
- Barrier secured by combination lock (only used in event of antisocial behaviour) across car park entrance
- Exterior drainage and external infrastructure (CCTV/Vents etc.) are being considered (Brett Martin Cascade Cast Iron style rain water goods)
- Secured gate to service area to front and rear. Front has 1600mm high stone wall and gates.

The Crime Reduction Advisor was satisfied that the amendments addressed concerns and no further objections were raised. It is considered that the proposals are in line with designing out crime measures and safety by design sought in policies SD1, SD2 and SE1 of CELPS.

### **IMPACT UPON RESIDENTIAL AMENITY**

#### **Noise /Disturbance**

Local residents have raised concern at the level of noise, vibration and odour from the proposed dual use on the existing amenity levels enjoyed. The nearest residential neighbours to the scheme are to the first floor of Barrows Butchers to the south and the takeaway to the north. To the east and west are predominantly residential areas beyond this immediate shopping centre.

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

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

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

It is proposed that daily deliveries will be made to the retail unit during opening hours at the store frontage using the delivery bay. Each day it is anticipated deliveries to the retail unit would include 2no. 12m operator vehicles, 3no. bread deliveries by light van, 1no. milk delivery by light van and 1no. newspaper delivery by light van. A Delivery Management Plan has also been included within the supporting Transport Statement.

Environmental Protection agree on the whole with the proposed opening hours and advised that in order or to preserve existing levels of residential amenity deliveries to and from the site should be restricted to between 08:00 and 19.00 hours on Monday to Saturday with no deliveries on Sundays & Bank Holidays. Daily deliveries for food and drink and collection of refuse would also occur at the delivery bay to the buildings frontage. This should elevate concerns raised by residents in relation to disruption from delivery vehicles entering and exiting the site during unsocial hours.

The applicant has proposed that any air conditioning, plant equipment, extractor fans and ducting associated with be located on the roof screened behind the parapet wall. In order to ensure the proposed ventilation system, extraction fans and air conditioning units propose will not have a harmful impact upon residential amenity Environmental Protection Officer has recommended conditions requiring the submission of a noise impact assessment and a scheme for odour and noise control. In addition it will be conditioned that dust management schemes and other conditions relating to pile foundations, floor floating and construction hours would be attached to any planning approval to ensure that during the construction phase of development, the effect on amenity is mitigated against. The above points are in compliance with saved MBLP policies DC3 and DC54.

#### **Loss of Light/ External lighting effects**



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

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

The relationship of the proposed building and no. 125 Wellington Road will fall below the standards set out within saved policy DC38 of MBLP which advises a guideline distance of 14m habitable room to non habitable room or blank wall. Although it is acknowledged that the proposed development will have some impact upon these windows in terms of loss of light, having regard to the existing sub-standard relationship, the fact that the larger of the windows is obscurely glazed restricting outlook and that the first floor accommodation would appear to be ancillary function to the takeaway, the impact of the proposed development is not considered to be so significantly adverse to justify a refusal of planning permission.

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

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

### **WASTE**

In the Planning Statement it is stated that for the restaurant a bin store and screened recycling store will be provided. Waste associated with the retail unit is proposed to be stored internally and removed daily by delivery vehicles. If approved it will be conditioned that adequate safe and secure refuse, recycling and disposal facilities will be provided for both proposed uses to safeguard visual amenity and public health.

### **ECONOMIC SUSTAINABILITY**

#### **RETAIL IMPACT**

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

The site is allocated as an Existing Shopping Centre (saved MBLP plan) and Local Service Centre (CELPS). The most relevant policies for consideration are PG2 and EG5 of CELPS, saved policies S4 and DC54 of the MBLP and policy R.P1 of the BNP.

Policy PG2 of CELPS advises that in Local Service Centres *'small scale development to meet localised objectively assessed needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities'*.

Policy EG5 of CELPS states that:

*'1. in the Local Service Centres, there will be a focus on convenience and comparison retailing of an appropriate scale, plus opportunities for service uses and small-scale independent retailing of a function and character that meets the needs of the local community'*.

It goes on to say *'3. The use of upper floors in town and other centres for non-retail uses will be supported, where appropriate.'*

Policy S4 of the MBLP seeks to maintain a level of shopping provision which is commensurate with the role the Service Centre serves. In addition policy DC54 of the MBLP seeks to ensure restaurant facilities are located in appropriate areas to safeguard existing residential amenities, overall viability and vitality of shopping areas and in the interests of highway safety.

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

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

- 351sqm of retail (A1 use) encompassing ground floor customer facing area of 268sqm and first floor storage area of 83sqm (excluding staircases).
- 161sqm of restaurant space (A3 use) at first floor level with a public floor area of 103sqm (excluding staircases).

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

Comments have been received from local residents regarding there being no need for the unit and stating that it would be better placed elsewhere, noting also that financial strain would be put on nearby local businesses. In contrast to this letters in support of a new retail scheme helping to regenerate this portion of Bollington and encourage people to shop locally and walk to retail units were received.

Having regard to the existing Local Plan policies and the site's position within a Local Service centre, it is considered that the proposed development would bring an acceptable retail use, which may assist in renewing the vitality and viability of the Grimshaw Lane shopping centre, bolstering the local economy. The development is comparable in scale to the building it will replace and would consolidate the existing built form on site helping to create a central component to this established linear shopping area in west Bollington. The principle of a dual use of the site of A1 and A3 use classes was established as being acceptable within the report and proceedings of the previous application for the site (15/3674M) as they conform to the relevant aforementioned shopping and restaurant use policies within CELPS and MBLP.

Noting the aforementioned points the Bollington Neighbourhood Plan (BNP) has now reached regulation 14 with a draft plan having undergone consultation (consultation finished on 25 August 2017). While the BNP (at this stage) carries limited weight in the planning balance, nevertheless the proposed development site is allocated within the plan in Figure R1 as a retail cluster location '*Henshall/ Wellington/ Grimshaw Junction*'. The relevant BNP policy R.P1 – Retain and develop retail offerings states;

*'1. Within the five locations identified on Map R1 as retail clusters, new retail proposals will be supported, including change of use from housing to retail.'*

While the retail unit proposed would be outside those suggested for the siting of another convenience store in the BNP part 3 of the aforementioned policy, it meets all other relevant criteria in this policy and would ensure an ongoing retail presence on this allocated site, maintaining an important allocated retail cluster. Taking into consideration the above points the principle of development, a two storey building of retail and restaurant use is considered acceptable.

### **PLANNING BALANCE AND CONCLUSIONS**

In summary, for the reasons outlined, it is considered on balance that the principle of demolition of the existing building and replacement with Retail (Convenience unit) and Restaurant units on this site within one building is acceptable.

#### **Benefits of the scheme:**

- The application site is located within the an existing Local Service Centre in Bollington in an accessible location;
- The proposed development would provide an appropriate retail use to the existing shopping area which would provide economic benefit to the local community and create customer choice with an appropriate first floor use;
- The proposed building has been designed to incorporate architectural features which will replicate the existing building. The proposal would provide a more energy efficient building which would not have a harmful impact upon the character of the existing street scene;
- Additional vehicular parking in comparison to existing provision.
- Cycle parking provision.
- Improved singular access to site rear car park in comparison to existing with enhanced visibility and widened overall access capable of two-way vehicular traffic.
- Provision of 2no. pavements to rear car park and entrance to proposed new building where in comparison to the existing there is none.
- Provision of courtesy pedestrian crossings associated with the development improving pedestrian infrastructure in the immediate location.

- Wider pedestrian access with delivery bay to frontage with Wellington Road.

### **Disbenefits of the scheme**

- Demolition of non-designated heritage asset.

### **Neutral impacts**

- It is considered that the proposal would not have a significantly harmful impact on neighbouring residential amenity;

Whilst the development involves the loss of a non designated heritage asset building of local interest, it will provide an aesthetically pleasing, energy efficient building of appropriate uses noting its allocation in a Local Service Centre with enhanced parking and access alongside bettered flood risk measures. The appearance of the application site is also improved. The application site is in walking and cycle distance of nearby homes noting immediately beyond this Local Service Centre is a predominantly residential area. A limited effect on existing residential amenity will be felt as a result of the slight intensification of the site. In economic terms the proposed development will assist in contributing to the local community inter of jobs and creating competitive business, and socially, the proposed development will provide a beneficial and accessible service to the local Community.

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

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

### **RECOMMENDATION**

A recommendation for approval is therefore made subject to the prior completion of a s106 agreement and conditions.

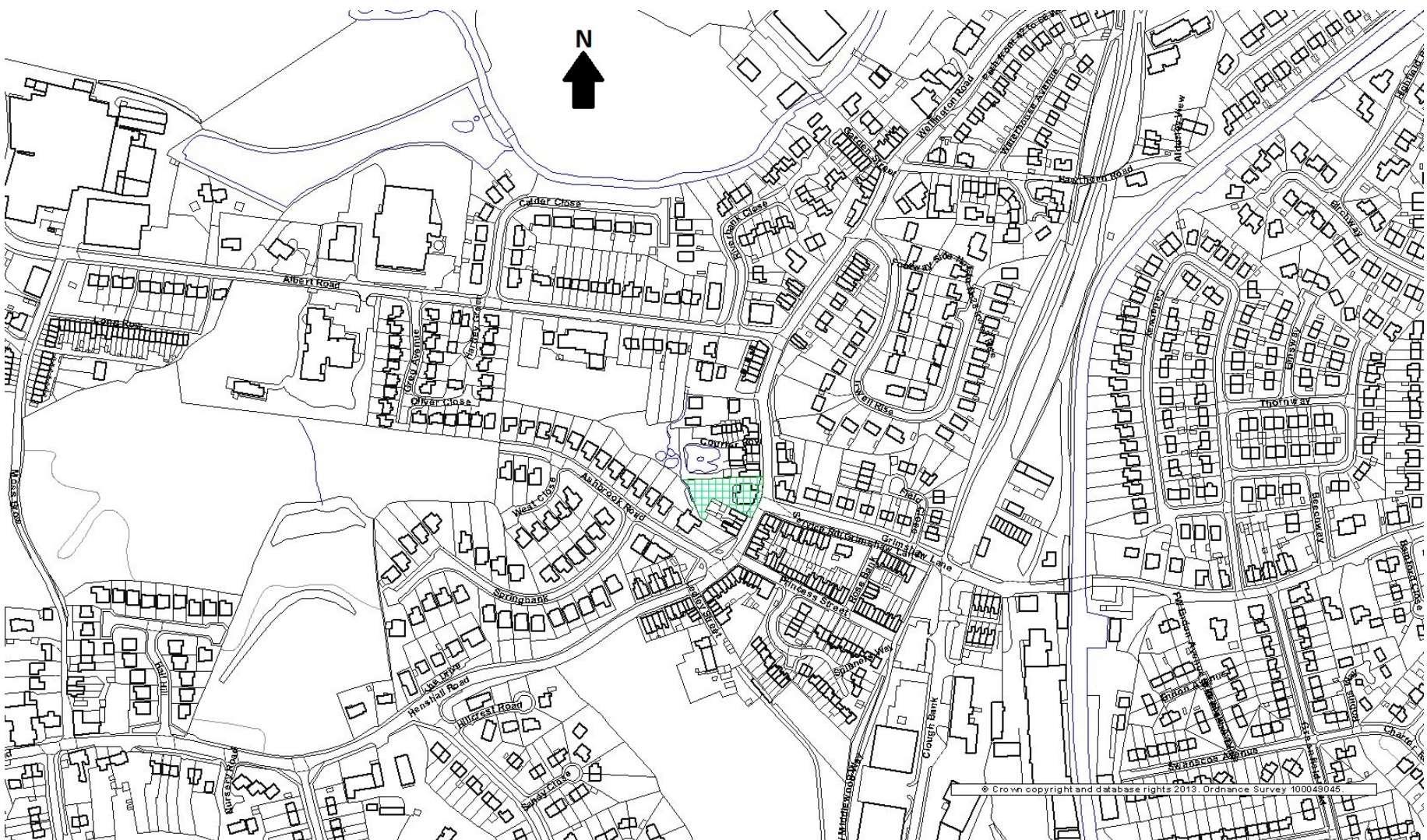
### **SPECIFIC CONDITIONS:**

1. Time 3 years
2. Plans as approved
3. Prior to commencement - Materials to be confirmed in writing
4. Prior to commencement – Landscaping Plan to be submitted for approval.
5. Prior to occupation – agreed Landscaping Plan to be implemented, maintained and retained at all times after in accordance with standards
6. Prior to occupation – 18no. car parking spaces for the proposed development and 4no. car parking spaces for the butchers to be provided and retained at all times – to ensure sufficient and safe car parking.
7. Prior to occupation – Details of placement and specification of car park access barrier to be submitted and agreed – to prevent anti-social behaviour and misuse of car park
8. Deliveries to adhere to the Development Management Plan in the Appendix of the Transport Statement 2017 – to protect residential amenity.

9. Prior to commencement - S278 agreement required for speed tables and TRO to support them in regard to the provision of courtesy crossing. S106 required in relation to this for consultation/ advertising costs – to ensure ongoing highways safety.
10. Prior to occupation – courtesy crossings subject to the s278 and s106 agreements to be implemented, maintained and retained at all times after.
11. Prior to commencement - Construction Management Plan – to ensure ongoing highways safety and mitigate the effect on residential amenity during construction period.
12. Restricted length HGV's – to ensure service vehicles do not interfere with the free passage of vehicular and pedestrian traffic on Wellington Road.
13. Restaurant opening time not to be earlier than 6pm – to minimise overutilization of car park, particularly during peak times.
14. Prior to commencement – Pile foundations – to ensure ongoing residential amenity levels not compromised
15. Prior to commencement – Dust Control method statement – to ensure residential amenity levels not compromised and protect local environment.
16. Prior to commencement – Floor floating method statement - – to ensure residential amenity levels not compromised
17. Prior to commencement – Noise Impact Assessment – to avoid noise giving rise to significant adverse impacts on health and quality of life.
18. Prior to commencement – Odour/ Noise Control scheme to be submitted for retail and restaurant – to preserve residential amenity and quality of the local environment.
19. Prior to commencement – Waste provision scheme and plan to be agreed in writing and implement and made available prior to use of development and permanently retained – to ensure ongoing visual amenity and to safeguard public health
20. Prior to occupation – an electric vehicle charging point – to encourage uptake of ultra-low emission vehicles and to ensure the development is sustainable and to safeguard public health.
21. Hours of use – as application – to safeguard residential amenity.
22. Prior to commencement – drainage strategy – to manage flood risk impacts
23. Prior to commencement – drainage design, implementation and maintenance management – to ensure adequate drainage and prevent flood risk.
24. Development in accordance with 'Flood Risk Response produced by RSK ref 880861\_L04\_CW dated 4th April 2016 and the mitigation measures detailed within the document
25. Foul and surface water drained on separate systems – to manage and maintain drainage and flood risk
26. No removal of vegetation or demolition or conversion of buildings between March and April – to safeguard protected species.
27. Prior to occupation - External lighting specification and placement to be agreed – to ensure ongoing residential amenity.
28. Prior to occupation – crime prevention methods of spike studs and car park barrier etc shall be installed and maintained for lifespan of development – in the interest of crime prevention and public safety.

*In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (or in his absence the Vice Chair) of Northern Planning*

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



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Application No: 16/5896M

Location: OAKDENE NURSERY, TUDOR ROAD, WILMSLOW, CHESHIRE, SK9 2HB

Proposal: Demolition of a pre-fabricated building and construction of new nursery and pre-school building.

Applicant: Mrs Evelyn Davies Sippdeal Trustees Ltd & Trustees of AJ Bell, c/o Oaklands Dean Nursery

Expiry Date: 08-Jun-2017

**SUMMARY**

This application seeks full planning permission for the demolition of an existing nursery building and the erection of a new nursery building.

The development is sustainable development as defined in the NPPF and CE Local plan Strategy policies SD1 and SC3 which support the principle of community uses. It is considered as the proposal has been amended that it complies with saved policy DC45 of the Macclesfield Local Plan as there would be no significant harm to the amenities of local residents and on balance, the highway safety and parking are acceptable.

**RECOMMENDATION: Approve, subject to conditions and highway works**

**REASON FOR REPORT**

The application is to be presented at Northern Planning Committee as it has been 'called-in' to committee at the request of Cllr Toni Fox. This is due to the concerns of local residents in respect of;

*"Scale of proposal and proximity to adjacent residential properties, Provision of proposed on site parking and access and transport".*

**SURROUNDING DEVELOPMENT:**

The site is located at the end of Tudor Road which connects with Lincoln Road and in turn Dean Row Road. It lies to the south west of Wilmslow Academy and shares pedestrian access with the academy to Dean Row Road. There are residential properties to the northwest and south of the site, which triangular shape with the northwest boundary being the pedestrian footpath to Dean Row Road. The area is north east of Wilmslow town centre and is predominantly residential.

The site currently contains some prefabricated buildings used as a children's day nursery. There is existing car parking to the west of the nursery building and an outdoor play area to the east of the building.

Vehicular access is gained from Tudor Road and pedestrian access is gained from the adjacent footpath connecting with Dean Row Road.

The nursery currently operates from two buildings; one, on the application site, which is proposed to be demolished. The other lies within the grounds of the Academy with access from Handforth Road. There are currently 44 children at the Tudor Road site and 40 children at the school site

### **DETAILS OF PROPOSAL:**

The application seeks full planning permission to demolish the existing pre-fabricated building and construct a new nursery and pre-school building. This would allow for the amalgamation of the two existing sites. It is proposed to not continue the use of the building on the school site for children's care.

The new building would be 9.9 metres deep by 22 metres wide and would be 9.2 metres to the roof ridge and 5.6 metres to the eaves. It would have pitched roof planes sloping away from the northern and southern boundaries. The design of the building is broken into three sections.

The ground floor would provide accommodation for a nursery room reception and WC facilities in the central and southern sections. The northern section would be open and provide 4 undercroft parking spaces for staff.

The first floor would include two nursery rooms in the northern and southern sections and WC/cloak rooms and kitchen facilities in the central section. The roof space would contain a staff room in the central section due to the steeply sloping roofs the northern and southern sections would be small class rooms.

16 car parking spaces are shown within the site (including the 4 in the undercroft area). 8 spaces would be required for staff and 8 are proposed for drop off or visitors. The play area would remain located to the rear of the building.

Some off site works are proposed in the form of a Priority/Give way system on Tudor Road.

The application has been amended during its life to reduce the scale of the building in terms of its physical mass and therefore its capacity for numbers of children. Parking spaces have been increased from 9 spaces originally proposed to 16 spaces within the site. The off site works on Tudor Road are proposed to provide some traffic calming. In addition the gable end of the building has been hipped to reduce the impact upon adjacent neighbours.

### **APPLICANTS SUBMISSION**

The applicant has provided the following information in support of the application:

- Oakdean Nursery has provided a much valued service to families in the local community, in particular to working parents and children, for 17 years;
- It is an extremely popular setting and provides a vital contribution to the local economy. The nursery offers a local service which enables parents to access employment throughout the local area and in central Manchester. Parents work in a wide range of occupations, including Manchester University, health professionals in the city's or local hospitals, large and small private enterprises. The nursery also cares for the young children of a number of local teachers
- Oakdean nursery currently provides employment to 20 full and part-time staff, however not all these are on site at the same time.
- The proposals are to provide places for 3-4 year olds for more than 30 hours a week in line with the government's new childcare and anti-poverty strategy, helping parents into work and to make work pay. (Currently government funding is for 15 hours per 3-4 year old child).
- The number of places needed locally is based on up to date sufficiency requirements calculated by the Cheshire East Council (CEC) Early years team and based on local population numbers.
- The local authority has a statutory duty ensure sufficient places are available in the community to accommodate the numbers of children who area eligible for government funded childcare
- There appears to be confusion between the development proposal for Oakdean Nursery and the recent proposals communicated to local residents by the neighbouring school - Wilmslow Academy (previously Dean Oaks School). The school has very recently (January 2017) put forward proposals to open a nursery in an existing classroom for 26 children for 30 hours a week. This could also be 26 in the morning and another 26 in the afternoon depending on the requirements of parents.
- The school plans to use existing accommodation for its proposal and therefore does not need to apply for planning permission. It does however need to make a case for extending its age range to the Regional Schools Commissioner and this requires consultation.
- The school sent letters about their nursery plans to 100 local residents, resulting in the current confusion between the two proposals
- A number of local residents attended the schools consultation meeting "and raised their concerns regrading parking. Currently the school does not provide any parking or drop off arrangements on its site resulting in problems for parents and this results in the parking problem for residents.
- Oakdean nursery has never has a problem or complaint about parking
- Oakdean nursery used to be part of the infant school which was sold off for a housing development the access to the infant school was down Tudor Road. The level of vehicular movement would have been significantly greater than is proposed under this application.
- Staff car share schemes are already in place at the nursery and a number of staff who are local residents who walk to work. A main bus route is very close by. A significant number of parents with children/buggies walk to the site. Part time staff job share and are not all in the building at the same time.

- The nursery provides a drop-and-go facility and parents arrive in one or tow cars at a time and o not require parking for very long. Once drooping children parent who work drive to their place of employment or park at Handforth Train station car park to take the train to central Manchester.
- The drop off and pick up times are different from the schools and are staggered over a period of 2 hours at the beginning and end of the day or over an hour at lunchtime

A transport statement was submitted during the life of the application. This has been superseded by ongoing discussions with the Authority's highway officers and the applicant who submitted spread sheets detain two options for lower number of children.

### **RELEVANT PLANNING HISTORY:**

None relevant to the current application

### **COMMENTS FROM PARISH / TOWN COUNCIL / NEIGHBOURS:**

Three rounds of consultation were undertaken;

- 1) On the original submission
- 2) On the reduction in height of the mass of the building
- 3) On the increase in number of parking spaces, off site works and reduction in numbers of children

#### **Wilmslow Town Council -**

First consultation

Objected on grounds that it is too large and would cause loss of amenity to neighbours and unacceptable traffic movements.

Second consultation

Strong concerns as to the additional parking requirements of the proposal, in relation to current on-street parking issues in the vicinity.

Final consultation

Raised no objections

**Highways** – No objection subject to conditions for off site works, amended plans and reduced number of children.

**Environmental Health** – No objection

### **REPRESENTATIONS**

52 Comments were received. 33 raised objections and 18 supported the proposal 1 was unknown. Comments were received from local residents, parents of children attending the nursery and staff and also, from the adjacent academy.

The concerns raised primarily related to highway safety and parking matters, which in summary are as follows;

- Significant increase in the number of vehicles and therefore an increase in the volume of traffic resulting from increase in number of children
- Insufficient parking on site
- Potential problems with access for emergency vehicles
- Existing problems involving parking on adjacent roads, such as blocking driveways sometimes resulting in damage and altercations and damage to green verges
- The access and egress to the site is too small
- No traffic survey included in submission
- Safety risk to pedestrians including children walking to school
- Previous concerns have been raised with the adjacent school
- Poor existing infrastructure

Other concerns raised;

- Loss of privacy for adjacent dwellings
- Loss of light/overshadowing
- Increase in noise
- Building not in keeping with the area enough out
- Not enough outdoor play space
- Internal layout not appropriate for toddlers/babies
- Noise and pollution during construction phase
- This in addition to changes to Academy would make the existing situation worse
- Residents currently pay for the maintenance of footpath

The comments supporting the proposal include the following;

- The existing nursery is of a good standard
- There are no existing parking problems associated with the nursery due to the staggered drop off and pick up times
- The existing building requires constant maintenance whereas money could be spent on equipment for children
- Potential loss of jobs if the building is not renewed
- There is confusion between the school and the nursery in respect of existing parking problems
- The new building would result in a better environment for the children

Further comments were received on the second and third consultation from the same addresses. These reiterated the same objections and stated that the amendments and additional information had not overcome potential issues.

### **POLICIES**

Cheshire East Local Plan Strategy – Adopted July 2017 (CELPS)

Policy MP1 - Presumption in favour of Sustainable development

Policy SD1 - Sustainable development in Cheshire East

Policy SD2 - Sustainable development principles

Policy SC3 - Health and well being

## Policy SE1 - Design

**It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There is however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.**

Macclesfield Borough Local Plan - saved policies (MBLP)

Policy DC3 Protection of the amenities of nearby residential properties

Policy DC6 Circulation and access

Policy DC38 Space light and privacy

Policy DC45 Play groups and nurseries

### **Other Material Considerations**

National Planning Policy Framework (2012)

National Planning Practice Guidance

Cheshire East Design Guide

### **OFFICER APPRAISAL**

#### **Background**

The applicant has been successful in bidding for a capital grant from the government (DFE), and was supported in their application by Cheshire East Council. The grant would support the extra spaces needed based on up to date sufficiency requirements calculated by Cheshire East's early years team.

#### ***SOCIAL SUSTAINABILITY***

#### **Principle of development**

The principle of redeveloping an existing nursery site with a new nursery facility is acceptable in principle provided all detailed matters have been fully addressed.

Policy SD1 of the CE Local Plan Strategy states that sustainable development should wherever possible contribute to the creation of sustainable communities and provide appropriate infrastructure to meet the needs of the local community including: education; health and social care; and also provide access to local jobs, services and facilities, reflecting the community's needs;

Policy SC3 of CE Local Plan Strategy advises that the council will ensure new developments will improve education and skills training and encouraging life-long learning and protect existing community infrastructure and ensuring the provision of a network of community facilities, providing essential public services together with private and voluntary sector facilities, to meet the needs of the local community.

Saved policy DC45 of the Macclesfield Local Plan advises planning permission will normally be granted for pre-school playgroups and nurseries provided that the amenity of local residents would not be seriously harmed, there would not be a problem of highways safety and on site car parking should be provided in accordance with car parking standards.

### **Impact on residential amenity**

The distance between the proposed dwelling and the nearest adjacent dwelling to the south east is 14 metres. This accord with the privacy standards of policy DC38 of the MBLP as the roof slopes away from the rear of the dwelling and the elevation of the nursery facing these houses is a two gable containing no windows.

A cross section of the site has been provided and indicates that the roof ridge of the proposed nursery would be slightly lower than that of 9 Turning Drive, which lies adjacent to the site. The houses closest to the site, lie to the south, therefore it unlikely that there would be any significant overshadowing resulting from the new building.

In respect of noise, there is an existing nursery on site which will already generate a degree of noise. The outdoor play area will be similar in size to the existing and many of the children's activities will take place indoors. Environmental Health has been consulted and has raised no objection.

Any approval granted could be subject to an hours of operation condition to prevent late nights or weekend use if members have particular concerns in this respect.

Therefore it is considered that the proposal complies with saved policies DC3 and DC38 of the Macclesfield Local Plan.

### **Highways safety and car parking**

Significant concern was raised by residents in respect of the potential to increase highway safety issues particularly in relation to parking. The site currently has parking and a dropping off point.

Negotiations with the applicant have taken place and a revised scheme was discussed that would reduce the number of nursery places from a maximum of 116 children to 87 to 95 children of mixed age range. This revised scheme entails the reconfiguring of the parking and drop off arrangements which would provide sufficient staff and visitor parking and adequate drop off facilities to service the reduced proposal.

### **Site Access**

The principle of serving the site from Tudor Road, a private cul-de-sac, was raised as an issue previously by highway officers due to its constrained geometry and lack of forward visibility. The revised scheme proposes a traffic management feature on this road which will allow vehicles entering the site sufficient visibility to give way to emerging traffic;

Given the revised number of nursery places and associated reduction in traffic movements and the low levels of existing traffic this scheme is deemed, on balance, to make the proposed access road capable of accommodating this development hence allowing no objection from a highway/transport perspective. This would be subject to a condition to implement the traffic scheme for a improvement priority/giveway scheme being implemented prior to the occupation of the development.

The parking proposed complies with Appendix C of the CELPS as the 19 space requirement can be achieved within the site for between 8 and 14 staff, dependant upon the age of the children. It also complies with saved policy DC6 of the Macclesfield Local Plan.

As the proposal has ben amended it is considered that it now complies with saved policy DC45 of Macclesfield Local Plan as the amenity of local residents would not be seriously harmed and on balance there would not be a problem associated with highway safety and on site car parking.

The proposal would be socially sustainable as it accords with policies SD1 and SC3 by contributing to the creation of sustainable communities by providing education and care for children through a community facility.

### **ENVIRONMENTAL SUSTAINABILITY**

The removal of the existing portakabin and the replacement with a modern purposed built building for use as a nursery is considered to be environmentally sustainable.

#### **Design / Character**

The design of the building has been amended during the life of the application to reduce its overall scale and impact upon adjacent neighbouring properties. It is now of a scale which is appropriate to its setting.

The building is visible from the adjacent dwellings to the south and west and from the public footpath running between the school and the nursery. The area is predominantly residential and the surrounding houses are mostly two to three storeys high.

The quality of the building would be much higher than the existing portakabin building which is in poor condition and is not a suitable environment for a modern day nursery.

The proposal therefore accords with design principles of Policy SE1 of CELPS.

#### **Ecology**

The proposed development is unlikely to have any impact upon nature conservation therefore it accords with SE3 of CELP

#### **Trees / Landscape**

There are only three trees on site, which are relatively small and would be unlikely to be affected by the development as they lie adjacent to the existing car parking area. The applicant proposes metal fencing, however it is felt that a softer landscaping alternative should be considered and therefore it is suggested that a landscaping condition should be imposed particularly along the shared boundaries with residential properties. The proposal accords with the principles of policy SE5 of the CELP

#### **Flood Risk**

The applicant advises that it is proposed that surface water and foul water connect with the mains sewerage system. There is no watercourse within 20 metres of the site. Therefore



there are no flood risk issues and the proposal accords with saved policies DC19 and DC20 of the Macclesfield Local Plan

### **ECONOMIC SUSTAINABILITY**

The proposal contributes to the economic well being of the Borough through the employment of staff at the nursery and also providing quality child care to allow residents to be able to work and contribute to the economy.

### **PLANNING BALANCE**

Whilst all the objections are acknowledged the amended scheme is now considered to be of appropriate proportions to the site and highway and parking matters have been addressed. The proposal now complies with the NPPF and policies SD1 and SC3 of the CE Local Plan Strategy and saved policies DC3, DC6, DC38 and DC45 of the Macclesfield Local Plan. In such circumstances para 14 of the NPPF requires development proposal that accord with the development plan to be permitted without delay and therefore this application is recommended for approval subject to appropriately worded conditions being attached to any grant of permission.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Provision of car parking
5. Submission of landscaping scheme
6. Landscaping (implementation)
7. Highways off site works
8. Dust control details to be submitted
9. Floor floating - noise and vibration -details to be submitted
10. Lighting details to be submitted

- 11. Contamination - scope of works to be submitted
- 12. Imported soil to be tested
- 13. Unforeseen contamination



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Application No: 16/5625M

Location: ROUGH HEYS FARM, ROUGH HEYS LANE, HENBURY, CHESHIRE, SK11 9PF

Proposal: Demolition of all existing on site building and the erection of 12 residential dwellings (Use Class C3), together with associated landscape and highway works

Applicant: PH Property Holdings Ltd

Expiry Date: 30-Jun-2017

### REASON FOR REPORT

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

*Henbury Parish Council are concerned about road safety into and out of the site, including the junction with Chelford Road and Rough Heys Lane and wish to ensure the application is made more user friendly on Dark Lane.*

### SUMMARY

The site is located in the Green Belt.

Sufficient justification has been submitted to demonstrate the site is a previously developed site and therefore para 89 of the NPPF is of the upmost importance. The proposal is not considered to have an adverse impact on the openness of the Green Belt and therefore the proposal complies with national and local Green Belt policies.

In highway terms the proposal will not generate anymore traffic than the current use. Improvements are proposed by widening the junction of Rough Heys Lane and Chelford Road and the provision of a passing point on Rough Heys Lane. The proposal is therefore acceptable in highway terms.

The development raises no issues in respect of residential amenity, flooding, noise, or ecology. Some of these 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 s106 agreement and conditions.

## **PROPOSAL**

The application is for the demolition of all existing on site building and the erection of 12 residential dwellings (Use Class C3), together with associated landscape and highway works

## **SITE DESCRIPTION**

The application site is known as Rough Heys Farm that is located off Rough Heys Lane. The site is not in agricultural use but is used by an agricultural contractor for the storage of agricultural equipment that is then used on other sites. The site has a number of buildings, some of which are in use and some of which are currently vacant. These buildings are of various sizes and design and the site is well screened by existing mounds and mature planting.

Some residential properties are located to the south of the site and along Rough Heys Lane, whilst in other directions the site is adjoined by agricultural land.

## **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

79-92 Green Belt

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG3 Green Belt

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SC4 Residential Mix

SC5 Affordable Housing

SE1 Design

SE2 Efficient use of land

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

GC1 (Green Belt)

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)

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

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

Environmental Health – No objection. A number of conditions have been requested 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. Access issues are addressed in detail later in this report.

Flood Risk – No objection. A condition has been requested that details of how surface water will be drained on site.

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

Henbury Parish Council – Object to the proposal on the following grounds;

- Inadequate access along Rough Heys Lane / Dark Lane
- The development will create highway safety issues in the area.
- The developer did not carry out their own public consultation.
- There have been too many housing developments in the area.

### **OTHER REPRESENTATIONS**

Representations have been received from 13 properties who have objected on the following points;

- The site is not a previously developed site.
- Increase in buildings on the site
- The development will have an adverse impact on local highway safety.
- Inappropriate development in the Green Belt.
- Impact on landscape / loss of views

- Impact on residential amenity
- The site is an unsustainable location.

## **APPRAISAL**

### **Principle of Development**

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 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.*

The relevant part of this paragraph is (vi) and the first point to be established is the use of the site and if it constitutes previously developed land.

The applicant has submitted a statement to demonstrate why the site should be considered as a previously developed site. It is claimed that the site was solely in agricultural use until 1988 when the current operator started to use part of the site for use as an agricultural contractors. By 1994 they were using the entire site and therefore the agricultural use of the site ceased on the site at this point.

In order to support this claim the following evidence has been submitted;

- Evidence of the limited company being incorporated with the company address being given as the application site – dated February 1997.
- Copy of leasehold agreements that specify the use of the site.

The evidence submitted and research carried out into the operator on site is clear that the site is not currently in agricultural use and has not been in such a use for a period in excess of 20 years. No evidence has been provided to the contrary.

The agricultural contractor use is fundamentally different to the site being in agricultural use. The contractors use involves the storage and maintenance of vehicles and machinery for use



on other agricultural properties, rather than on the site itself. As a result the site is not in agricultural use but in a B2/B8 use and this results in the site as being a previously developed site as defined in Annex 2 of the NPPF.

The proposal must also not compromise the purposes of including land within the Green Belt. The five purposes are;

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The site is located a sufficient distance from the nearby settlements to ensure the development does not result in a development that results in an extension to any settlement, nor does it fill a gap between neighbouring towns. Therefore the proposal does not compromise the first two purposes set out above.

The proposal does not result in the encroachment of development into the countryside. The site is already in a use not typically found in such areas and the as the site is previously developed land by definition the development meets the third purpose outlined above.

The next listed purpose of including land in the green belt relates preservation the setting of historic towns. Given the distance of the building from any historic settlements the proposal meets this purpose.

The final purpose listed is that development is directed to urban areas to encourage the development of previously developed land. The proposal does not compromise this purpose as the site in question is itself a previously developed land.

Given the use has been established and the development not compromising the five purposes for including land within the Green Belt the principle of the redevelopment of the site is acceptable.

### **Impact on the Openness of the Green Belt**

The principle of re-development is acceptable subject to the proposals not having a greater impact on openness than the existing buildings on the site. The following table has been produced by the applicant to support their claim the proposals have less of an impact on openness than the existing buildings on the site.

	Existing	Proposed	Difference
Building Footprint	2,118m <sup>2</sup>	1,602m <sup>2</sup>	-24%

Building Volume	9,305m <sup>3</sup>	10,125m <sup>3</sup>	9%
Hardstanding Areas	6,935m <sup>2</sup>	1,847m <sup>2</sup>	-73%

As stated the proposals result in a significant reduction in the amount of hardstanding, a reduction in the level of building footprint and a small increase in the amount of built volume. What was not provided in the calculations is that the overall height of the built form will be increased across the site by up to 2 metres in places. No definition of what is materially larger is provided in national policy and therefore this requires assessment.

There is a clear benefit to openness in the significant reduction of hardstanding across the site coupled with the reduction in built footprint. This is weighed against the increase in height and volume. The extent of the reduction in hardstanding is given significant weight because of the extent of the reduction whilst the increases in volume and height are minimal in comparison.

What also must be considered is that large agricultural machinery can be stored in the external areas around the building, this have an impact on openness themselves. It is considered that on the impact on openness is acceptable, this is dependent on the permitted development rights being removed to ensure no extensions are erected without planning permission that may compromise this assessment.

It is considered that the proposal complies with paragraph 89 of the NPPF and the proposal does not have a detrimental impact on the openness of the Green Belt.

## 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

### 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”. This is supported through Policy SE1 of the Cheshire East Local Plan Strategy.

The proposed house types are bespoke for the site and incorporate rural characteristics such as chimneys, projecting bays and eaves detailing. The materials used will be subject to agreement through condition and it will be ensured they are of a type of brick suitable for such a rural area.

The layout of the site centres the houses around a central crescent and ensures sufficient space exists around the properties and 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 Policy SE1 of the Cheshire East Local Plan.

### Highways

In considering the highway implications of the scheme the existing use of the site is a key consideration.

Having regard for the existing agricultural contractors use and the associated employee vehicle movements and slow moving large agricultural vehicle movements, the Strategic Infrastructure Manager considers there to be no material highway implications associated with the above proposal for 12 dwellings.

As part of the proposals a passing point is proposed along Rough Heys Lane is to be provided as well as a widening of the junction between Rough Heys Lane and Chelford Road. This when combined in the reduction of large agricultural vehicles using the Lane this results in a clear improvement on the current operation along Rough Heys Lane.

A condition is recommended to require the highway improvements to be carried out before the development can commence.

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**

The application identifies the removal of 104 individual trees from throughout the site. The majority of the trees associated with this site appear to have been planted as part of a landscape scheme associated with the present usage of the site, which contains a number of large agricultural buildings and associated plant machinery.

The trees are a mix of species associated with large earth bunds which provide some artificial height to the intended landscape scheme; unfortunately the trees which are mainly semi and early mature specimens have received little or no maintenance since the inception of the scheme. This absence of maintenance including first and second thinning has resulted in large blocks of etiolated closely space trees whose value is extremely limited; moderately low (B-C). None of the trees identified for removal either individually or collectively are considered worthy of formal protection, large numbers exhibit advanced signs of bacterial canker, which will inevitably lead to their demise.

The proposed development occupies the central core of the site presently laid down to hard standing and a variety of buildings; removal of the identified trees enables construction to be facilitated without any direct implications for retained trees. It is anticipated as a result of the topography of the site and the height of the retained trees, there will be issues of social proximity and over bearing, and the absence of any significant high quality trees precludes an objection to the scheme on Arboricultural grounds.

The proposal therefore raises no detrimental impacts in respect of trees subject to conditions requiring the development to be carried out in full accordance with the submitted details, further details to be submitted in respect of how the retained trees will be protected during the course of the works and the submission of a landscape / woodland management plan.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

Macclesfield Local Plan policies DC3 and DC38 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 two 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 of the Local Plan.

The proposal meets the required separation distances and therefore causes no issues in respect of overlooking or overshadowing of the properties to the south of the site.

At present the site has the potential to cause significant issues for local residents in respect of noise and other disturbance. The re-development of this site will remove this potential when completed and make for a much more pleasant environment for local residents.

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.

### **Affordable Housing**

The development produces a need for 3.6 affordable properties as set out in Policy SC5 of the Cheshire East Local Plan. As some of the buildings are currently vacant and not in use and as such benefit from the vacant building as set out in National Planning Practice Guidance. It has therefore been agreed that 3 properties be provided on site.

The proposed affordable units each have 3 bedrooms and their delivery will be dealt with through a s106 agreement.

### **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 Macclesfield 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 on a previously developed site within the Green Belt and the proposal does not have an unacceptable impact on the openness of the Green Belt. The proposal provides a number of benefits in terms of:

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

business.

- Highway improvements that considerably improve the operation of Rough Heys Lane.
- Removal of a potentially disruptive use close to residential properties.

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.
- Whilst the impact on the openness of the Green Belt is not considered to be detrimental it cannot be claimed that openness is 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 in compliance with national and local planning policy.

## **RECOMMENDATION**

The application is recommended for approval subject to the prior completion of a s106 agreement to secure the affordable housing, and conditions.

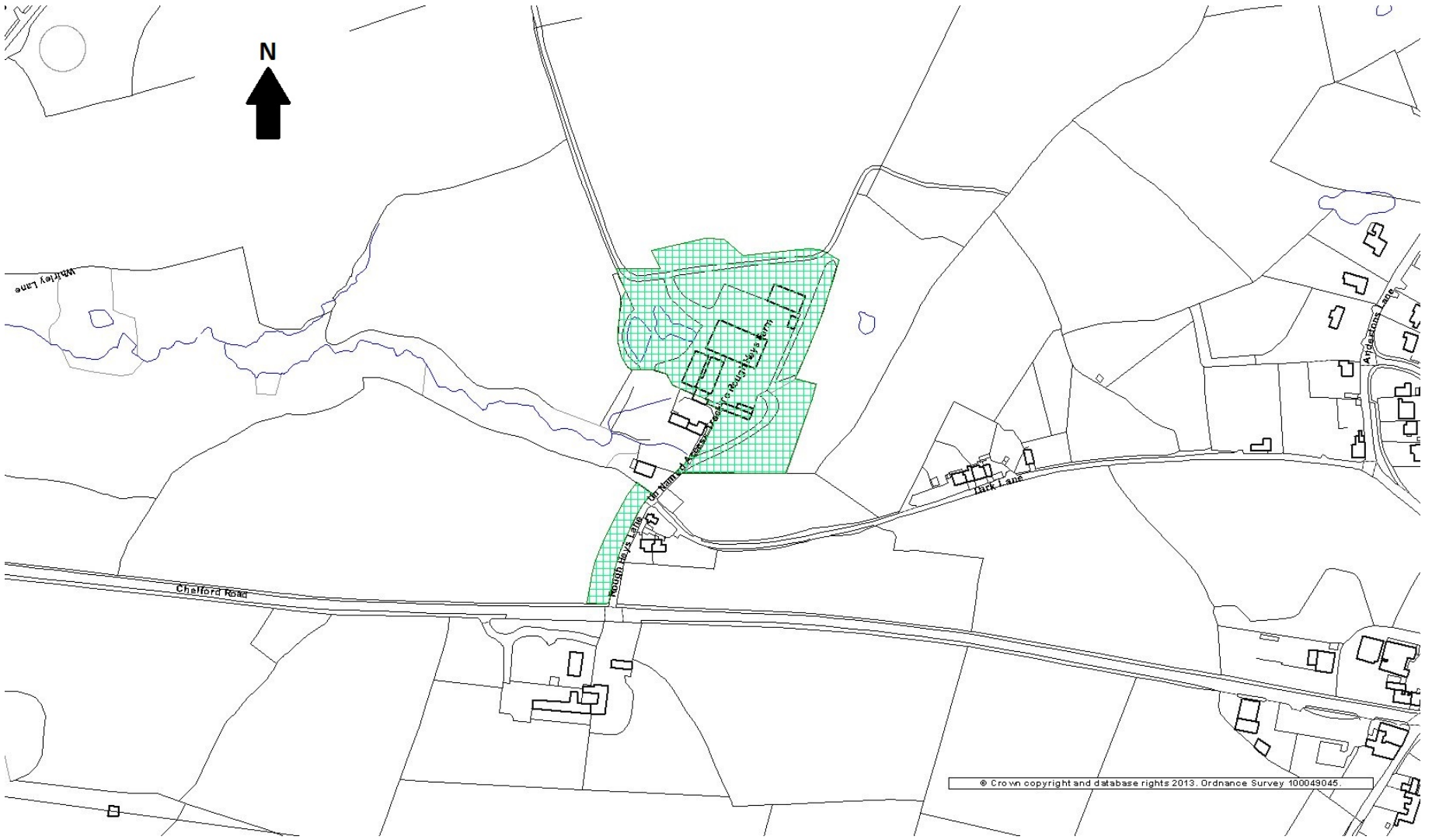
*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the 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 a Section 106 Agreement and the following conditions

1. Commencement of development
2. Development in accordance with approved plans
3. Details of drainage to be submitted
4. Tree protection details to be submitted
5. Submission of samples of building materials
6. Phase II Contaminated Land Report to be submitted
7. Imported soil to be tested for contamination
8. Unexpected contamination

9. tree/landscape management plan to be submitted
10. Implement arboricultural works in accordance with Arbicultural Impact Assessment
11. Removal of PD rights
12. Electrical Vehicle Charging Points to be provided
13. Details of refuse storage to be submitted
14. boundary details and gates to be submitted
15. Travel Information Pack to be submitted
16. Nesting bird survey to be submitted
17. Provision of features for breeding birds
18. External lighting details to be submitted
19. Highway improvement works to be carried out



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Application No: 15/1683M

Location: LAND OPPOSITE, Lowerhouse Mill, ALBERT ROAD, BOLLINGTON

Proposal: Development of 32 new houses including 10 affordable houses, landscaping, landscape buffer zone, flood mitigation and ground works, roads, associated highways and infrastructure.

Applicant: Johnson Mulk, Prospect GB

Expiry Date: 10-Jul-2015

### **SUMMARY:**

At the heart of the newly adopted Cheshire East Local Plan Strategy (CELPS Policy MP 1 refers) and the National Planning Policy Framework is a presumption in favour of sustainable development. Policy states that decision takers should be approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise.

The principle of developing the site for residential purposes has already been accepted in a previous resolution and therefore whilst the Council can now demonstrate a 5 year housing land supply, the development of this site for 32 dwellings has already been included within these calculations. The key issue for Members to consider is whether or not in light of additional flood risk information and local concerns regarding flooding as well as the recently adopted CELPS, the Council should proceed to grant planning permission subject to a s106 legal agreement.

There is an environmental impact in the locality due to the development taking place on a green field, however, the proposal falls on land which is allocated for employment uses and appeals on this site and the land opposite have been allowed and development has been found to be acceptable.

It is considered that a scheme for housing would fall in line with policies contained within the NPPF and newly adopted CELPS. The principle of developing land, which is allocated for employment purposes has been established. It is considered that housing on the application site will also have a more positive impact on the local area than industrial development.

The proposal would satisfy the economic and social sustainability roles by providing market and affordable housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing, and contributions to public open space. In addition, it would also provide appropriate levels of public open space both for existing and future residents.

Local concerns of residents are noted, particularly in respect of highway matters and flood risk, but the impact are not considered to be severe under the NPPF tests. The impact from a

residential scheme would be less than that of a commercial one in highways terms and the proposal would not increase the risk of flooding elsewhere (subject to mitigation). Further, the sequential and exception test when considering proposals in Flood Risk Zone 3 have been satisfied.

The design is considered to be appropriate as is any impact on amenity. Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology. The scheme represents a sustainable form of development that is in accordance with the Development Plan and therefore the resolution to grant planning permission should proceed.

### **RECOMMENDATION:**

Approval subject to conditions and completion of a S.106 Agreement.

### **BACKGROUND**

At the meeting of the Northern Planning Committee on 4<sup>th</sup> November 2015, Members resolved to approve this application subject to conditions and a Section 106 Agreement. The s106 agreement was to secure:

- 30% Affordable Housing (i.e. 10 units as proposed);
- A contribution of **£75,924** towards primary education;
- Provision of **£32,000.00** towards Public Open Space

Since this resolution was made, work has been progressing on the drafting of the s106 agreement. However, in addition, the Council has been made aware of local flooding issues in the area generally and on this basis, undertook to review this application and resolution in light of further flooding information.

It is also important to note that there have been a number of material changes in policy position and so in undertaking a review of this resolution, the proposal has been reconsidered in light of the newly adopted Cheshire East Local Plan Strategy.

The proposal remains unchanged from that which Members resolved to approve, save for the submission of additional Flood Risk information which has been reviewed by the Council's Flood Risk Team, the Environment Agency and United Utilities. The following report updates the main report which Members considered back in November 2015.

### **DETAILS OF PROPOSAL**

This application seeks full planning permission for the construction 32 residential units, comprising of 19 detached dwellings and 13 semi-detached dwellings. The application would also include 10 affordable dwellings.

All properties would be provided with off street parking spaces. The detached and semi detached properties would all have private gardens.

It should be noted that when the scheme was first submitted, it was for 38 units. However, revised plans were subsequently received, which saw the number of dwellings reduced from 38 to 32 as well as an amendment to the location of the area of formally equipped play (which would measure 633 sq. m), so as to link in with the area secured under application 14/3844M on the land opposite and increased separation distances between the dwellings.

### **SITE DESCRIPTION:**

The application site consists of predominantly flat agricultural grassland surrounded by mature hedgerows. The site measures approximately 3.13 hectares in size. The central section of the site is, in part, characterised by elongated and rectangular mounds of top soil, scraped from the rest of the site a number of years ago.

To the south, it is bounded by industrial buildings, which form Slater Harrison. The road to the west of the site terminates at the Council's Household Waste Recycling Centre. To the north of the site is the River Dean, with open countryside beyond it.

Access to the site is taken from Albert Road.

It should be noted that residential development has been granted (subject to the completion of a S106 Agreement) on the land opposite (application 14/3844M) for 33 dwellings in January 2015. The closest residential properties to the application site lie on Woodlea Drive and are two storey detached properties.

The site is allocated as an existing employment area in the Macclesfield Borough Local Plan and the part of the site to the east falls within the Green Belt. Parts of the site fall within Flood Zones 2 and 3 of the Environment Agency's flood map.

### **RELEVANT HISTORY:**

09/3836M	Erection of 3 no detached industrial buildings divided into 16 no. small units with associated parking and landscaping (renewal of 06/2355p) – Approved 3 <sup>rd</sup> February 2010
06/2355P	Erection of 3no detached industrial buildings divided into 16no small units with associated parking and landscaping – Approved 27 <sup>th</sup> November 2006
05/0270P	Renewal of application 99/2296P for industrial development (B2 usage) – Approved 29 <sup>th</sup> March 2005
99/2296P	Industrial development (B2 usage) revised scheme – Refused 10 <sup>th</sup> January 2000 – Appeal Allowed 21 <sup>st</sup> July 2000
99/0695P	Industrial development (B2 usage) – Withdrawn 16 <sup>th</sup> June 1999

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

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

Of particular relevance are paragraphs:

- 14 Presumption in favour of sustainable development
- 50 Wide choice of quality homes
- 56-68 Requiring good design
- 69-78 Promoting healthy communities
- 94 Flood risk
- 100 Flood risk
- 103 Determining planning applications and flood risk

### **Development Plan:**

**It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.**

The relevant Macclesfield Local Plan Saved Policies are considered to be: -

### **Built Environment**

BE2 – Historic Fabric

### **Development Control**

- DC3 – Amenity
- DC6 – Circulation and Access
- DC8 – Landscaping
- DC9 – Tree Protection
- DC35 – Materials and Finishes
- DC36 – Road Layouts and Circulation
- DC37 – Landscaping
- DC38 – Space Light and Privacy
- DC40 – Children's Play Provision and Amenity Space
- DC41 – Infill Housing Development
- DC63 – Contaminated Land

### **Employment**

E4 – General Industrial Development

### **Environment**

- NE11 – Protection and enhancement of nature conservation interests
- NE17 – Nature Conservation in Major Developments

### **Recreation and Tourism**

RT5 – Open Space

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

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

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

- PG3: Green Belt
- MP1: Presumption in favour of sustainable development;
- PG7: Spatial Distribution of Development;
- SE1: Design;
- SE2: Efficient Use of Land;
- SE3: Biodiversity and Geodiversity;
- SE4: The Landscape;
- SE5: Trees, Hedgerows and Woodland;
- SE6: Green Infrastructure;
- SE9: Energy Efficient Development;
- SE12: Pollution, Land contamination and land instability;
- SE13: Flood risk and water management;
- EG3: Existing employment sites;
- IN1: Infrastructure
- IN2: Developer Contributions:
- SC4: Residential Mix
- SC5: Affordable Homes
- SD1: Sustainable Development in Cheshire East;
- SD2: Sustainable Development Principles; and
- CO1: Travel Plans and Transport Assessments.

### **Bollington Neighbourhood Plan:**

The Bollington Neighbourhood Plan is at draft stage (Regulation 14 stage) and therefore is not yet part of development plan and has not yet been the subject of examination . As such, the the weight to be afforded to it is limited at this stage.

### **Supplementary Planning Documents:**

The following Supplementary Planning Documents (SPDs) have been adopted and are a material consideration in planning decisions (within the identified former Local Authority areas):-

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Housing Market Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

SPG on Section 106 Agreements (Macclesfield Borough Council)

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

### **HIGHWAYS:**

The Head of Strategic Infrastructure (Highways) raises no objections to the proposals.

There is one point of access to the site. The technical designs of the access points are acceptable and adequate visibility has been provided at the junction. The parking provision for the residential units within the site meets current standards.

### **ENVIRONMENTAL PROTECTION:**

No objection subject to conditions relating to hours of operation, dust control, floor floating, pile driving and contaminated land.

A noise impact assessment has been carried out to gauge the impact between the commercial/industrial uses. The EHO had concerns of the proximity of the houses and gardens to odour sources and recommends bunding (with a fence on top of a mound) to the southern boundary.

This site is within 250m of a known landfill site or area of ground that has the potential to create ground gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A gas risk assessment has been undertaken and the results provided. Although the report shows that there are not significant quantities of gas present on the application site, further gas risk assessment is required as currently the monitoring is insufficient. The Contaminated Land Officer should be contacted prior to scoping out the Phase II site investigation works. The gas monitoring boreholes currently on site are very shallow (1m in depth), therefore in order to provide a thorough assessment of the site, further deeper boreholes are required. Further monitoring rounds are also required, in line with best practice guidance. A robust soil sampling strategy is also required, as so far no information has been provided in this regard. As such, and in accordance with the NPPF, the Contaminated Land Officer recommends that a condition can be attached to ensure that a Phase II investigation is submitted for approval and any recommended remediation is carried out on site.

### **UNITED UTILITIES:**

No objection subject to a condition relating to the submission of a scheme for the disposal of foul and surface waters for the entire site.

### **HOUSING:**

The Head of Strategic Housing supports the scheme as there remains a demand for Affordable Housing in Macclesfield and Bollington.

### **PUBLIC RIGHTS OF WAY:**

The Public Rights of Way Officer raises no objections to the proposed development. The Public Right of Way Officer advises that the site lies adjacent to public footpath No. 47 Bollington. It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations.

**ENVIRONMENT AGENCY (EA):**

Raised no objections to the additional information received. Their original comments raised no objections in principle to the proposed development, subject to the following conditions and informatives:

The development shall be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures detailed within the FRA.

1. *Limiting the surface water run-off generated by the development to the existing (greenfield) rate of 5.0 litres/second.*
2. *Provision of compensatory flood storage.*
3. *Finished floor levels to be set at a minimum height of 0.6m above the agreed 100year climate change flood level.*

While the outline design of a compensatory flood storage scheme has been sufficiently explained within the FRA and the principle established, it is considered necessary for additional detail design information to be provided for approval. Because of the fundamental nature of the compensatory works to the development scheme as a whole it is considered necessary for this information to be submitted and approved at the earliest opportunity, prior to development commencement. Failure to do so may lead to unacceptable increases to flood risk elsewhere. The EA requests that the following condition is therefore attached:

The development hereby permitted shall not be commenced until such time as a detailed design for compensatory flood storage scheme has been submitted to, and approved in writing by, the local planning authority.

The EA have reviewed the Preliminary Risk Assessment with respect to potential risks to controlled waters from land contamination. The site is situated in a sensitive location with respect to controlled waters. The report provided indicates that the site has potentially been subject to significant previous contaminative land, which may be potential sources of contamination to Controlled Waters in the vicinity of the site. An off-site historic landfill has been identified adjacent to the northern site boundary in close proximity to the site and industrial use has been identified adjacent to the southern site boundary. Planning permission should only be granted with a condition which requires a scheme of foul and surface water to be submitted to prevent pollution of the water environment and controlled waters.

**FLOOD RISK MANAGER:**

No objection subject to conditions that the proposed development is carried out in accordance with the submitted flood risk assessment and a number of mitigation measures, the submission of a drainage strategy and the submission of details of a cut and fill exercise.

**THE SCHOOL ORGANISATION AND CAPITAL STRATEGY MANAGER:**

This development will generate 7 primary and 6 secondary aged pupils.

The primary schools within a 2 mile radius of the site are forecast to have a shortfall of 25 places by 2019, and therefore a contribution will be required for those pupils generated by this development.  $7 \times 11919 \times 0.91 = \text{£}75,924$ .

There is forecast to be 130 surplus places in the local secondary schools and therefore, no sum is required for Secondary school places.

### **GREENSPACES:**

The Green Spaces Officer initially raised concerns with the location of formal equipped play area, however, the revised plan showed this to be in a far more favourable location.

A commuted sum for offsite Recreation Open Space provision will be required. The amount for 32 family units would be £32,000.

### **REPRESENTATIONS**

The planning application was originally advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice. Following the receipt of further flood risk information, a further consultation was carried out.

Approximately 7 letters of objection were received from local households in response to the original consultation. Only 1 further representation has been made following the re-consultation which states that if the Council proceed with the grant of planning permission, then an application will be made to Judicially Review the decision.

The objections are summarised as follows: -

#### Access/traffic

Housing traffic demand is very different to employment demand and will contribute massively to peak traffic levels. Peak times are the biggest issue with Albert Road and must not be increased further or gridlock will occur. Not a good state of affairs when the unmanned fire station is located on the road and the firemen need to get to the fire station before the engine can leave.

The access to the site can only be described as potentially dangerous with traffic congestion at various and frequent times of the day both on Albert Road and Moss Brow. The safety of school children, parents, runners, walkers and cyclists, not to mention, the maximum possible access for the fire station in any emergency situation needs taking into account.

The parking on Albert road on the bend near the Mill adjacent no 11 Ridley Road is causing increased difficulty in safely pulling out of Ridley Road and an increased traffic flow would make this problem worse.

#### Flood risk

This land floods regularly. Last time the river flooded, it flooded it removed all evidence of the Sandmartins, which nested in the banks. It is crucial that the Sandmartins be allowed to return to this long established site even if the wildlife officer could find no evidence of the



nests, which had been washed away in the floods. They have nested here every year since records began.

Are the properties in the flood plain, as they are clearly only meters away from the source of the flood plain, ie the stream? After a heavy nights rain, the stream had risen to within 6 inches of the bridge, (a rise of approximately 24 inches,) so what we wonder after three days heavy rain..... residents are sure this matter is under consideration and the implications it may have on existing flood plain levels and to unsuspecting purchasers of new houses on what neighbours earlier property searches suggests is a flood plain.

There is in several places along the stream banks evidence of flood debris well above the bridge height.

The area is a precious habitat that supports badgers, water voles, bats, barn owls, kingfishers and sand martins. Changes to the river made elsewhere in Bollington have already affected detrimentally the nesting sites for sand martins so further changes that put this and other species at risk must not be made.

The proposal does not accord with the recommendations made by the Macclesfield Borough Strategic Flood Risk Assessment. Excerpts from the Macclesfield Borough Strategic Flood Risk Assessment are included which reference the sequential test and exception rules and the duty of the authority to correctly consider flood risk in Flood Zones 2 and 3.

### Loss of employment land

The applicant claims that the site has not been developed and as such should be removed from employment land. The situation is that in an economic downturn employment land will not be developed but will be saved for the future. Also, with development of several key employment sites within Bollington (Kay Metzeler and the canal side timber site) it is debatable if there is enough employment land in Bollington.

The new draft Cheshire East Plan makes particular reference to the importance of employment land and states that 27 hectares are needed to keep pace with growth in the economy. This beautiful green field was previously designated as employment land and should be retained as such if it is to be developed at all. At least then its new use will remain in keeping with the location's industrial heritage.

### In keeping

It appears that the style and layout of the proposed development is not in keeping with that of what is a settled and harmonious area.

### Other matters raised

This site should be reviewed as part of the imminent Neighbourhood Plan and any decision should await this review.

These house are being built adjacent to the refuse/recycling tip. One resident is sure that any future residents will complain of noise, smell, and traffic at the weekend

The area under consideration is quite a unique flood plain been of some fertile grassland, wooded and natural river formation, and all the bugs, birds etc. that live there, and of course

the amount of daily visits to the net work of footpaths that grace this area, used and enjoyed by numerous dog walkers, naturists, walkers and visitors alike. One proposal is to preserve this area in perpetuity for the people of Bollington, and visitors, as a park in similar fashion to the Bollin Valley.

One resident puts forward that the prevailing economic demand and conditions of the time of the original planning no longer exist.

It is generally agreed that Lowerhouse is an area of architectural and historic significance (Greg Mill, workers cottages, school and library etc.) and notwithstanding the development in question, it is only a matter of time before it is elevated to conservation status (to be included in the local plan). To put up a modern housing estate in this location will be an insult to the concept of this status. This point is especially pertinent now that the importance of Bollington's industrial Heritage has been confirmed by Cheshire East Council.

New occupants will need healthcare and the children will need schooling. Do the Bollington Health Centre, the 4 primary schools and Tytherington High School have sufficient extra capacity to accommodate new patients and pupils? If not, the proposal should be rejected.

Any conditions applied to the other side of the road should be applied including those included by the planning inspector when the appeal occurred.

Following the submission of revised plans, further neighbour consultation letters have been posted. At the time of preparing the committee report, no further comments had been received from residents.

### **VIEWS OF THE TOWN COUNCIL**

**Bollington Town Council** recommends the application for refusal on the following grounds: -

#### **1. Potential flooding and compounded drainage issues for surface and foul water.**

The Town council's view is that this land should be left to fulfil its important purpose as a flood plain and at the very least no permission be given until the issue of effective mitigation measures have been fully resolved on the application site and the adjacent site.

#### **2. Traffic flows.**

It is simplistic to use the argument that the 38 new houses on the proposed site will generate less traffic than the employment approved in the 1970's but not implemented. Since this application was granted we have seen very large increases in car ownership. Bollington has also seen vastly increased use of cars not least on school runs.

It is the Town Council's and the local community's view that no permission should be granted for this proposed development until there has been a full analysis of traffic impact taking into account the impact of the 34 homes approved under 14/3844M.

The Council and the community are also concerned that the proposed development threatens the long term sustainability of Bollington's Recycling Centre which is a major resource for the Bollington Community and its surrounding residents. The proximity to the Household Waste Site could give rise to pressure from the new residents to close the site.

### **3. Loss of Employment Land**

The land is currently designated for employment purposes and is a logical continuation of the employment opportunities provided by Lowerhouse Mill and the adjacent units. It has been stated many times by the Town Council to Cheshire East that employment land in Bollington is being replaced by housing. The latest supplementary work for Cheshire East's Local Plan resubmission has identified an increased need for employment land of 27 hectares and the continued loss of such land in Bollington undermines Bollington's position as a sustainable working community. It should also be noted that National Planning Policy recommends that in flood prone areas development for employment is preferred rather than housing.

In terms of the history of this site and the apparent lack of demand for employment, the Town Council's view is that such marketing has not been active enough, particularly over the last 5 years. Bollington Town Council has evidence of local companies being unable to find suitable sites in Bollington to relocate or expand into and are left with no choice but to move outside Bollington. Bollington's only business park is the Bailey Business Park. This is relatively small and fully occupied. We are currently in the process of visiting all our 360 local businesses as part of our Neighbourhood Plan process to understand their needs for growth and the above message is coming through, for example from our local Joinery business, our brewery and our tyre depot all of which have already, or may in future be forced to relocate.

### **4. Vital Heritage Issues**

Lowerhouse is the repository of the legacy of the Greg family centred on the work of Samuel Greg between 1832 and 1847 and subsequently by his brother Robert and younger Greg family members who donated Bollington the recreation ground and the Greg Fountain, scene of the first Well Dressing Bollington in 2005. Lowerhouse Mill currently stands out in the landscape in this area.

An estate of modern houses backing up against the Mill, which is a listed building, will severely diminish the buildings stature and position in the Neighbourhood.

Many people will know that the Civic Society for a number of years has advocated a Conservation Area at Lowerhouse to protect the important Greg legacy in architecture and history.

Cheshire East have commissioned Arup to provide a report which is designed to assess issues such as the Green Belt and cultural heritage and legacy in Cheshire East. That report recognises the need to re-invigorate the importance of heritage and legacy in Cheshire East and specifically recognises the importance of Bollington's industrial heritage in that context.

The Town Council objects to this application on the grounds that it will demean and diminish the impact of that heritage in Bollington.

### **5. Bollington is in the midst of creating a Neighbourhood plan.**

Cheshire East Council has approved Bollington's Neighbourhood Plan declaration and is supporting us with consultancy time from Cheshire Community Action and expert planning advice. Bollington Town Council has a group of 42 committed community volunteers, a steering group and five active sub groups and are well into the process of consulting everyone 16 years and over in Bollington regarding their views on how Bollington should develop over the next 15 years. This includes where development should take place and what that should be.

Bollington Town Council understand that Bollington cannot stand still but in accordance with the ethos of neighbourhood planning Bollington Town Council feel that developments such as that proposed should be part of the Neighbourhood Plan process. Bollington's plan process will be robust, professional and inclusive of the views of all parties including developers.

Bollington understands Cheshire East's housing growth needs and Bollington will continue to play its part. However, Bollington already have over 200 homes being built or in the pipeline all of which have been built on former employment sites. Bollington Town Council feels that very soon Bollington will be looking at employment growth and the best land for employment will have gone.

The Town Council recommends that Cheshire East refuses or defers this application until Bollingtons Neighbourhood Plan can provide proper evidence of employment need, housing affordability and our land allocation process within the Plan can balance these needs with the needs for open space, protecting Bollington's heritage and Bollington's future as a sustainable town rather than a dormitory of Macclesfield.

### **APPLICANT'S SUPPORTING INFORMATION**

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Extended Phase 1 Habitat Survey Report;
- Transport Assessment;
- Planning Statement;
- Geotechnical, Contaminated, Ecology, Flood Risk Desk Top Report
- Noise Assessment;
- TPO Report
- Updated Flood Risk Assessment
- Flood Risk Assessment Sequential Test and Exceptions Test

### **OFFICER APPRAISAL**

The key issues are:

- Principle of the Development;
- Loss of land allocated for Employment purposes;
- Affordable Housing;
- Impact on open space;
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Flood risk
- Environmental Health; and
- Other Material consideration or matters raised by third parties.

### **Principle of the Development**

The site lies adjacent to the settlement boundary and Predominantly Residential Area of Bollington and occupies part of an existing employment area as designated in the Macclesfield Borough Local Plan. The eastern portion of the site extends into the Green Belt although this part of the site would remain undeveloped and would serve as a flood storage / compensation area. The area of the site within the Green Belt would remain in agricultural use and accordingly, the proposals would not constitute inappropriate development in the Green Belt.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted. This advice is reflected in the newly adopted Policies MP 1, PG 7 and SD 2 of the Cheshire East Local Plan Strategy (referred to hereinafter as CELPS) which seek to direct residential development to sustainable locations.

Specifically, CELPS Policy MP 1 states that the Local Planning Authority “will always work proactively with applicants to find joint solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area”.

The site is located within a sustainable location by virtue of its proximity to shops and services within Bollington as it adjoins the settlement boundary of Bollington. It is considered that the development of this site would make effective use of the land without the built form encroaching into the surrounding Green Belt and would make a contribution to the Council’s 5 year housing land supply in the context of this Local Service Centre. CELPS Policy PG 7 states that ‘Local Service Centres, of which Bollington is identified as, amongst them, are expected to accommodate in the order of 7 hectares of employment land and 3,500 new homes.

The site is allocated as an existing employment area where policy E4 (which normally permits Use Classes B2, B8, B1b and B1c) applies. Furthermore, CELPS Policy EG 3 much like the legacy Policy E1 seeks to retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there

is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, there are a number of relevant material considerations when considering the proposed loss of employment land. These are:

- Replacement of a potentially unneighbourly use to nearby residents, including those on the land opposite which has already been considered acceptable for residential development.
- HGV's associated with the allocated use would be removed from the highway.
- The site is vacant and is unlikely to come forward for employment development.
- The proposed scheme provides a good mix of housing types 30% of which are to be affordable.
- Some on-site public open space would be provided.
- Provision of family-sized homes in Bollington.
- The site is in a relatively sustainable location. The site has good access to the major road network (Wellington Road) and a bus service. Shops and schools are in walking distance.
- The Council has already accepted (in already resolving to approve this application), that the site is suitable for residential development and will not contribute to the Council's employment land.

Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential development on this site is acceptable (as already accepted) in this location and that a case to retain employment land would not be sustainable. This is considered in more detail below.

### **Loss of Employment Land**

The application site is designated for employment uses within the Development Plan.

CELPS Policy EG 3 seeks to retain employment land for employment purposes. However, EG 3 also accepts that it may not be possible to retain land for employment purposes where they are causing 'significant nuisance or environmental problems or are no longer suitable or viable for employment uses'. This aligns with Paragraph 22 of The Framework states that:

*"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for*

*alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*

The land at Albert Road has been allocated for employment use since 1997 and despite obtaining consent; it has never come forward for development. The Employment Land Review considered this site in Appendix E1 (page E1-123). It noted that the site had zero prominence, had been actively marketed for rent or for sale, had access constraints and flooding constraints. Other barriers to delivery of employment development included market conditions and the size of the market.

This suggested that the site was not a prominent site in an attractive location for business as well as having some constraints to its development. The ‘Market Attractiveness’ section (completed by Colliers CRE) of the site pro-forma in the Employment Land Review suggested that residential use would seem a logical use for the site.

The employment land lost at Tytherington Business Park was intended for a completely different market sector (serviced offices) and it is not considered that the loss of that employment land increases the likelihood of the land at Albert Road being developed.

The following is a list of large employment sites in the former Macclesfield Borough where employment land is available:

- Tytherington Business Park
- Lyme Green Retail and Business Park
- Hurdsfield Industrial Estate
- Adlington Park
- Poynton Industrial Estate
- South Macclesfield Development Area
- Stanley Green Industrial Estate, Handforth

Whilst the recent adoption of the Cheshire East Local Plan Strategy has identified that more employment land is required in Cheshire East as a whole, this needs to be of the right type, and in good accessible locations. In the context of NPPF paragraph 22 and Policy EG 3, on the evidence to date, it would be difficult to argue that there is a reasonable prospect of the site being used for employment purposes and therefore be protected for such use. It is also important to note that the Cheshire East Local Plan Strategy has been adopted in the knowledge that this site would be released for housing and not retained for employment use.

### **Housing Land Supply**

Paragraph 49 on the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The Inspector’s Report published on 20 June 2017 signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of the specified sites and policies form part of

the Statutory Development plan. In particular sites that were previously within the Green Belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords.

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 concluded:

*"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"*

Given this conclusion from the examining Inspector, and the recent adoption of the Cheshire East Local Plan Strategy on 27<sup>th</sup> July 2017, the Council now takes the position that it can demonstrate a 5 year supply of housing land in accordance with the Local Plan Inspector's conclusions.

Whilst the Council can now demonstrate a 5 year supply of land for housing, it is important to note that the resolution to approve this site for the construction of 32 dwellings has already been included as a commitment within the Council's housing land supply calculations and therefore already forms part of the Council's identified 5 year supply. It is important to keep the supply rolling and given that Bollington is one of thirteen Local Service Centres identified in the adopted CELPS, the proposal is assisting in relieving pressure on other edge of settlement sites and the Green Belt.

### **SOCIAL SUSTAINABILITY**

#### **Affordable Housing**

This application includes 10 affordable units, which would equate to 6 to be provided as social / affordable rent and 4 to be provided as intermediate tenure.

The site falls within the Adlington, Prestbury and Bollington sub-area for the purposes of the SHMA update 2013. This showed a net requirement for 15 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this was a requirement for 1x 1bd, 11x 2bd and 1x 4+bd general needs units and 2x 1bd older persons accommodation. In addition to this, information taken from Cheshire Homechoice showed there were 86 applicants requiring 40x 1bd, 26x 2bd and 16x 3bd units.

The Interim Planning Statement: Affordable Housing (IPS) stated that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size. Policy SC 5 of the CELPS has since refined this requirement and has stated that in Local Service Centres, developments of 11 units or more will be required to provide 30% affordable housing provision. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure and remains the case for this site.



In order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development. Affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings).

### **Open Space**

#### Public Open Space (POS)

The POS requirement at a rate of 40sqm per dwelling will be 1,280sqm of play and amenity open space.

It is noted from the application that it is proposed to provide this on site as part of the development. Although formal comments were awaited from the Greenspaces Officer, it is understood that the architect had liaised with the Greenspaces Officer and the proposals were generally acceptable and remain so. A detailed design scheme for the POS will be required. As will a S106 agreement.

If insufficient POS is provided on site, a commuted sum for offsite provision will be required.

Clarification has been sought from the applicant as to how the applicant proposes the onsite open space to be managed. It is a requirement that the open spaces be provided in perpetuity and measures taken to ensure this. The Council may consider accepting transfer of the open spaces with the required 15 year commuted sum for maintenance. This matter will need to be agreed prior to the completion of the S106 agreement. If the applicant intends to retain the POS provision then a landscape management plan will need submitting prior to consent.

#### Recreation Open Space (ROS)

A commuted sum for offsite ROS provision will be required. The amount for 32 family units would be £32,000. In the absence of any further comments from the Green Spaces Officer (ANSA), this figure is deemed to remain sufficient. The commuted sum will be used to make additions, improvements and enhancements to existing Recreation and Outdoor Sport (pitches, courts and greens) provision in Bollington. The commuted sum will be used at Bollington Recreation Ground and/or Bollington Cross. The spend period will be 15 years.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Requiring good design and character and appearance of the area:**

The main public view would be from Albert Road from car borne residents who would be visiting the Council's Household Waste Recycling Centre, or residents/visitors to the recently approved site opposite and on foot by people accessing the local footpath network. The site would also be visible at long range view from residents on Woodlea Drive, however, this will not be the case once the permission on the land to the rear of Woodlea Drive is completed for residential development.

The dwellings are proposed to be constructed in reconstituted stone with grey roof tiles and white upvc windows. It would be preferable for high quality materials to be used such as natural stone and slates, or possible man made slates on the roof. The materials can be conditioned, should planning permission be granted. The dwellings would be two-storey. The design of dwellings is considered to be appropriate to the local area.

### **Highways access, parking, servicing and highway safety:**

There is one point of access to the site which would serve the 32 dwellings. The technical designs of the access points are acceptable and visibility has been provided to a satisfactory standard. The parking provision for the residential units within the site is deemed to be acceptable.

Albert Road joins the B5090 Wellington Road and is a straight road of reasonable standard. It also serves two primary schools that causes considerable on-street parking at school times in both the morning and afternoon. There are other existing industrial premises served from Albert Road. It is also noted that consent has been granted for the 34 dwellings at Lowerhouses close to the proposal site without highway objection. The Head of Strategic Infrastructure (Highways) noted the comments on highway/traffic matters from local residents referring to traffic delays on Albert Road. There is also complaint regarding the nature of the road and its ability to carry two-way traffic and also a lack of footways.

In regard to the traffic implications of the development, a development of 32 units is not considered a major development in highway terms and is likely to generate some 22 two way trips in the peak hours along Albert Road and Moss Brow. It has to be borne in mind that the previous industrial consent for the site would have produced a similar level of traffic on the road network but also have included an element of HGV's. All of the development trips to and from the site would not use Albert Road, a proportion of trips will be via Moss Brow.

The access road, which concludes at the Council's Household Waste Recycling Centre measures 5.5m for the short section which would be accessed by traffic generated by the proposed development. This is suitable to cater for two-way traffic, as identified by "Manual for streets". The private drive in the NE corner will need a bin collection between the last property and the "adoptable" road to minimise walk distances for residents and refuse operatives.

It should be noted that the appeal decisions for industrial development on the application site have not found the access arrangements for industrial vehicles to the site to be inadequate.

In summary, there has been an acceptance that the land in this proposal can be developed for industrial use and this is material factor in the assessment of this application. From a highway point of view, it would be preferable if this site was residential as it would not have the HGV element of vehicle trips on the local road network. It is accepted that at peak school times there is considerable on-street parking associated with the two primary schools, although this problem is confined to relatively short times in the morning and afternoon. The problem with parent parking occurs outside most schools and planning applications are not normally refused on all roads that have schools located on them. Considering this particular application, the quantum of development does not produce a severe impact on the road network even if all trips were routed along Albert Road. The traffic associated with the site will

be distributed on two routes and also only a percentage of development traffic will travel during the peak school time, the Head of Strategic Infrastructure cannot therefore recommend that there is a highway reason to refuse this application especially when industrial development has previously been approved on the site. There have been no material changes in the local highway network which would change these conclusions.

### **Residential Amenity**

MBLP Policy DC3 seeks to prevent development which would cause a significant injury to amenity through issues such as overbearing impact, loss of light and loss of privacy. MBLP Policy DC41 seeks to prevent the overlooking of existing private gardens in a housing redevelopment. MBLP Policy DC38 sets out the standards for space, light and privacy in new housing development.

The site is located adjacent to the River Dean and fields. The main relationship with existing buildings is that at Slater Harrison. The revised plans have turned these dwellings around, so that the side gables face the industrial buildings and this relationship is acceptable.

With regard to the inward levels of amenity provided to the occupiers of the proposed new dwellings, it is considered that this broadly satisfies the amenity standards set out in the saved policies of the MBLP. However, the distance between plots 15 and 16 and plots 6 and 7 and plots 21 and 24 are substandard. The applicants' agent has been asked to address this and subject to an alteration here, it is considered that the internal relationships would be acceptable.

### **Arboricultural Implications**

The application was initially supported by an Arboricultural Method Statement but not an Arboricultural Implication Assessment. The Arboricultural Method Statement indicates which trees are proposed to be retained and removed. Trees T2, T3 and T4 would be retained and T5 would be felled. The proposed losses are considered to be acceptable.

An updated tree survey and implication assessment was submitted in response to initial comments received from the Arboricultural Officer. These provide more detailed information relating to the protection of trees. The access arrangements are now considered acceptable with regards to the impact on trees. It is not considered that there would be any harm with respect to hedgerow removal.

### **Ecological Implications**

The Council's Nature Conservation Officer has considered the ecological issues associated with the proposed development.

#### Grassland habitats

The majority of grassland habitats on site are of limited nature conservation value. There are however two areas of grassland located near to the River Dane which are more diverse and worthy of retention as part of the proposed development. The submitted landscape plan refers to river margins being planted up. In order to safeguard the existing nature conservation value of the river corridor, the Nature Conservation Officer has advised that the landscape

proposals should state that the river margins would be safeguarded and managed appropriately. An area of 2758 sq m has been defined for amenity and species rich grassland to be maintained and managed adjacent to the River Dean.

If planning consent is granted, the Nature Conservation Officer recommends that conditions be attached to ensure no development takes place within 8m of the top of the bank of the River Dane, and that a method statement be submitted for safeguarding of the river corridor during the construction process. In addition, a condition requiring the submission of a habitat management plan would be required.

### Roosting bats and trees

A single tree has been identified on site that has significant potential to support roosting bats. It appears that this tree would be retained as part of the proposed development. Consequently the proposed development is unlikely to affect roosting bats.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the proposed site entrance. Replacement compensatory hedgerow planting should be provided as part of the proposed development. This could potentially be provided around the flood alleviation area. It is considered that this replacement planting can be secured under a landscape condition.

### Badgers

As with other previous surveys undertaken on this site evidence of badger activity was present on site, but there is no evidence of a sett being present. As the status of badgers on a site can change within a short timescale, if planning consent is granted a condition should be attached requiring a further badger survey to be undertaken and submitted to the LPA prior to the commencement of the development.

### River Bollin Corridor

The submitted plans include an 8m buffer adjacent to the River Bollin to allow the Environment Agency to undertake maintenance works. In order to safeguard the nature conservation of the river it must be ensured that this area is retained as semi-natural habitat free from any development.

If planning consent is granted the Nature Conservation Officer advises that two conditions would be required to safeguard the river corridor, firstly that the 8m buffer is retained as semi natural habitat and secondly that proposals are submitted for the safeguarding of this corridor during the construction phase.

### Barn owls and Common Toad

The habitats associated with the river corridor have been identified as offering high quality foraging habitat for barn owls. Common Toad, a priority species, has also been recorded on site. The Nature Conservation Officer advises that the retention of the river corridor habitats described above, and the proposals within the submitted ecological report for the provision of two amphibian hibernacula, would assist in mitigating the potential impact of the development upon both barn owls and common toad.

### Himalayan Balsam

This non-native invasive species has been recorded on the application site. If planning consent is granted, the Nature Conservation Officer advises that a condition should be attached requiring the submission of proposals for the eradication of this species.

### Breeding birds

If planning consent is granted, standard conditions will be required to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds as part of the proposed development:

### Conditions

If planning consent is granted the Nature Conservation Officer advises that the following conditions should be attached:

- Retention of 8m buffer zone of semi-natural habitat adjacent to the river Bollin
- Submission of proposals for the safeguarding of the river and associated 8m buffer during construction phase
- Submission of proposals for the eradication of Himalayan balsam from the application site
- Pre-commencement badger survey
- Submission of proposals for the provision of two amphibian hibernacula

### **Environmental Health**

Whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Given the nature of works involved (including the cut and fill exercise), a condition is suggested to control hours of construction works in the interest of residential amenity. A condition is also suggested in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

Due to the proximity of the proposed residential development to industrial buildings at Slater Harrison on the southern aspect of the site a noise impact assessment was requested to gauge any impact from the commercial/industrial uses. It is recommended that a fence on top of a bund will address any issues.

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. The transport statement submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however, it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new

vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

### **Land Contamination**

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Report submitted in support of the application recommends that further investigation is required to address the potential for ground gas risks. The Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require an additional site investigation survey and any subsequent remediation required.

### **Drainage Matters**

A water supply can be provided and a separate metered supply to each unit will be required. United Utilities suggest that conditions are attached to ensure that no development is commenced until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.

### **Flood Risk**

The site is located partly within Flood Zones 2 and 3 according to the Environment Agency's flood map. Flood Zone 2 is considered to have a medium probability of flooding (between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%)) whilst Flood Zone 3 has a high probability of flooding (land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%). Flood Zone 3 can be split into either Flood Zone 3a or 3b. Flood Zone 3b is classified as 'functional flood plain', which is land where water has to flow or be stored in times of flood.

The Local Planning Authority is responsible (in consultation with the Environment Agency) for designating Flood Zones 3a and 3b. As stated earlier in this report, the site is located partly within Flood Zones 2 and 3. Parts of the site that fall within Flood Zone 3 are within 3b, the functional flood plain according to the Council's Strategic Flood Risk Assessment (SFRA). However, the exact proportion cannot be quantified as the SFRA included a wider area and did not include the eastern extremities of this site. Accordingly, in the absence of an SFRA which covers the whole site, the advice of the Technical Guidance to the NPPF is that 'the Sequential Test will be based on the Environment Agency flood zones'.

Para 103 of the NPPF states that:

*"When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:*

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*

- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”*

In light of concerns raised regarding flood risk and drainage in the wider area of Bollington and having regard to the advice of the Framework and emerging (at that time) Local Plan Policy, the Council requested an updated Flood Risk Assessment from the applicant which went through the Sequential Test and subsequently the Exception Test. These were subsequently received and have been the subject of a consultation exercise and have been assessed by both the Council's Flood Risk Manager and the Environment Agency.

### Sequential Test

The applicant has undertaken a sequential test to site selection and has focused the search for more preferable alternative sites with a lower risk of flooding (i.e. not located within Flood Zone 3) in the Macclesfield housing market area. This approach and catchment area is deemed reasonable having regard to the size of the administrative area of Cheshire East's borough and ensures that the sites looked at are comparable to the site subject of this application. This accords with the Environment Agency's advice when assessing the sequential test.

In carrying out the sequential test, 6 alternative development site of a comparable size have been identified using the Council's Strategic Housing Land Availability Assessment (SHLAA). Four of the six alternative sites have already obtained planning approval and therefore are not available to accommodate this proposed development. The EA advice when applying the sequential test is that sites that already benefit from planning permission should be discounted. The 2 remaining sites are not available from development owing to the active uses already ongoing at both sites, one being an employment use and the second being a care home. Consequently, they are not available nor are they achievable and therefore cannot be considered sequentially preferable to the application site.

In addition to this, the applicant has undertaken a search of sites available for sale that are presently being marketed. However, there are no such sites currently being marketed. As such, the Local Planning Authority is satisfied that the sequential test has been passed and there are no comparable sites available in the catchment area that are sequential more preferable than the site subject of this application.

In accordance with para 102 of the Framework and CELPS Policy SE 13, 'if it is not possible or consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate'.

“For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and

- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”

### Exception Test

With reference to sustainability, this is dealt with later in this report. However, owing to the flood mitigation measures and given that the submitted FRAs have confirmed that subject to mitigation, the proposals will not increase the risk of flooding elsewhere the benefits of the scheme could outweigh the harm relating to flood risk.

Whilst the former Macclesfield Strategic Flood Risk Assessment and the more recent Cheshire East Strategic Flood Risk Assessment (the latter of which has informed the policy development of the CELPS) have assessed the land at Albert Road, (Site ID reference 4036 refers). However, the eastern portion of the site, which would serve as a flood storage area is not included and as such, this is assessed in the ‘site-specific flood risk assessments’ for this application.

Similar to the original consultation exercise, the Environment Agency has assessed the submitted updated Flood Risk Assessments and remain satisfied that the proposed development would be acceptable in principle. This is subject to their earlier comments that if the suggested measures included within the FRA are undertaken, that the proposed development will meet the requirements of the NPPF. This recommendation is further supported by the Council’s Flood Risk Manager, who is satisfied that subject to conditions and the proposed mitigation measures, that the risk of flooding can be appropriately mitigated and managed.

The submitted Flood Risk Assessments (FRA) demonstrates that compensatory flood storage will be provided, to mitigate for the flood plain taken by the proposed development such that river flooding will not be increased elsewhere. The proposed buildings are to be set with finished floor levels to be at a minimum height of 0.6m above the agreed 100 year climate change flood level. Added to this, a cut and fill exercise will be undertaken effectively lifting the land that the proposed development would occupy out of Flood Zone 3 as well as lowering the land to the east to serve as compensatory flood storage area.

While the outline design of a compensatory flood storage scheme has been sufficiently explained within the FRA and the principle established, it is considered necessary for additional detailed design information to be provided for approval. Because of the fundamental nature of the compensatory works to the development scheme as a whole it is considered necessary for this information to be submitted and approved at the earliest opportunity, prior to development commencing. Failure to do so may lead to unacceptable increases to flood risk elsewhere. Subject to adherence with this, it is considered that the proposal would meet with the requirements of the Framework and the recently adopted Policy SE 13 of the Cheshire East Local Plan Strategy.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct



and indirect economic benefits to Bollington, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **Responses to issues raised by third parties:**

The comments provided by consultees, the Town Council and residents in relation to infrastructure issues, highways issues, flood risk and wildlife issues, housing need and affordable housing, design and built environment issues and loss of employment land are noted and covered under the headings above.

It should be noted that application 06/2021P was refused on the grounds of insufficient information being provided in order to assess the impact of the proposed development (at that time 12 no. industrial and storage units) having regard to the risk of flooding from the development. It is considered that the updated FRA submitted complies with the NPPF and the statutory body responsible for flood risk, the Environment Agency, has raised no objections. It is therefore considered that a refusal on the grounds of flooding could not be justified. In addition, it should be noted that the flood mitigation for the residential development on the opposite side of the road has been agreed with the EA and Cheshire East's Flood Risk Team. The site has been considered for Conservation Area status previously and it was not considered appropriate for designation.

Bollington is in the early stages of the Neighbourhood Planning process. Whilst draft Policy HO.P2 of the Draft Bollington Neighbourhood Plan (NP) states that residential development will not be permitted on the flood plain, the NP also recognises that there is already a resolution to grant planning permission on the site. Further, the Neighbourhood Plan is at draft stage (Regulation 14 stage) and therefore is not yet part of development plan and has not yet been the subject of examination. As such, the weight to be afforded to it is limited at this stage.

The impact of the traffic, which would be generated by the proposed development is considered to be less than that which would be associated with employment use of the land and it is considered that the removal of commercial vehicles from the local area would actually provide a benefit to the local residents. The Head of Strategic Infrastructure (Highways) raises no objections to the scheme and considers the access arrangement to be acceptable.

The request for the area around Lowerhouse to become a Conservation Area has been previously considered and rejected because the land was at that time designated employment land. This factor has not changed. Under the Macclesfield Borough Local Plan, the site is allocated for Employment purposes and this remains the case in the newly adopted Cheshire East Local Plan. However, the loss of the site for employment use has already been accepted and acknowledged by the original resolution to approve residential development on this site.

### **Heads of Terms for a Legal Agreement:**

- **30% Affordable Housing** (i.e. 10 units as proposed);
- A contribution of **£75,924** is required towards primary education;

- Provision of **£32,000.00** towards Public Open Space.

### **Community Infrastructure Levy (CIL) Regulations**

#### **LEVY (CIL) REGULATIONS**

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

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fair and reasonably related in scale and kind to the development.

The provision of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 32 dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The development would result in increased demand for both primary school places in and around Bollington, where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

On this basis the S106 contributions associated with the scheme are compliant with the CIL Regulations 2010.

### **PLANNING BALANCE AND CONCLUSIONS**

At the heart of the newly adopted Cheshire East Local Plan Strategy (CELPS Policy MP 1 refers) and the National Planning Policy Framework is a presumption in favour of sustainable development. Policy states that decision takers should be approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise.

The principle of developing the site for residential purposes has already been accepted in a previous resolution. However, the key issue for Members to consider is whether or not in light of additional flood risk information and local concerns regarding flooding as well as the recently adopted CELPS, the Council should proceed to grant planning permission subject to a s106 legal agreement.

During the application process, negotiations have taken place between officers and the developer, which has resulted in the submission of a revised layout plan, which has improved space separation distances and the amount of public open space on site. Further, following concerns raised regarding flood risk and drainage in the wider area of Bollington and having regard to the advice of the Framework and emerging (now adopted) Local Plan Policy, the Council requested an updated Flood Risk Assessment from the applicant which went through the Sequential Test and subsequently the Exception Test. This has demonstrated that there are no sequential preferable sites with a lower risk of flooding than this site. Also, the Council is satisfied that the exception test has been met as the site specific flood risk assessments have demonstrated that the proposal will not increase flooding elsewhere and the benefits of the proposals would outweigh this harm. The benefits can be summarised as follows:

- The benefit to the local economy during the construction period and also future spending of residents in the local shops etc.
- The social benefit of providing market housing in a sustainable location as well as 10 affordable houses in an area where there is an identified need.
- The environmental and social benefits from extinguishing the vehicle movements that would likely be associated with an employment use and their potential impact on adjoining residents and the local highway network.

It is acknowledged that local residents have repeatedly sought to resist development on this site. Appeals on this site and the land opposite have been rejected and employment development has been allowed. It is considered that a scheme for housing would fall in line with policies contained within the NPPF and Development Plan. The principle of developing land (which is allocated for employment purposes) has been established elsewhere and on the land opposite (for 33 dwellings) and will help to contribute to both local housing needs and employment land without the need to safeguard this land. This site has already been accounted for in the Council's five year housing supply. It is also considered that housing on the application site will also have a more positive impact on the local area than industrial development. Accordingly, the recommendation is that the resolution to approve the development should be carried out.

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*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.*

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Application for Full Planning

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Removal of permitted development rights
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Protection for breeding birds
7. Submission of landscape management plan
8. Details of ground levels to be submitted
9. Submission of samples of building materials
10. Nesting bird mitigation measures
11. Boundary Treatment
12. Noise mound / fence details to be submitted
13. Construction Hours of Operation
14. Should any contamination be found, a remediation strategy shall be submitted to the EA
15. Features for roosting bats to be incorporated into housing
16. Method statement for the safeguarding of the river corridor and associated habitats during the construction process.
17. Submission of 10 year habitat management plan including proposals for the eradication of Himalayan Balsam
18. Submission of updated badger survey prior to commencement of development.
19. Pile foundations
20. Electric Vehicle Infrastructure
21. Dust control
22. Contaminated Land
23. In accordance with Flood Risk Assessment
24. Finished floor levels of habitable dwellings shall be set 600 mm above the modelled 1 in 100 annual probability (plus a 30% allowance for climate change) flood level.
25. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by the local planning authority. The scheme shall be implemented as approved.
26. Surface water drainage
27. Remediation strategy
28. Remediation strategy
29. Contamination not previously identified

- 30. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing public sewerage systems.
- 31. Bin storage
- 32. Windows in end gables
- 33. Affordable housing to be pepper potted
- 34. Two amphibian hibernacula
- 35. EA informative



Application No: 14/1945M

Location: LAND OFF, SAVILLE STREET, MACCLESFIELD

Proposal: Demolition of existing buildings on site and erection of residential development comprising of 18 two storey dwellings

Applicant: Saville St Garage Ltd The Helpful Hand

Expiry Date: 16-Jul-2014

**SUMMARY**

The applicant is seeking to amend the terms of the Section 106 associated with 14/1945M (demolition of existing buildings and erection of 18 two storey dwellings) to remove the requirement for affordable housing and a commuted sum payment for off site provision of open space, due to the viability issues associated with the redevelopment of the site.

An open book viability report has been submitted which has been independently assessed and it has been confirmed that the development could not support affordable housing or a commuted sum for open space.

**RECOMMENDATION: Approve Subject conditions and Section 106 to secure parking provision, green infrastructure and a landscape management plan.**

**REASON FOR REPORT**

Planning application 14/1945M for the demolition of existing buildings on site and erection of residential development comprising of 18 two storey dwellings was previously considered by the Northern Planning Committee on 6 August 2014. The committee report for this meeting is attached at the end of this report.

It was previously resolved that for the reasons set out in the report and in the update to Committee, that the application be delegated back to officers for approval in consultation with the Chairman, Vice Chairman and Ward Councillor subject to the submission of an acceptable Flood Risk assessment and subject to the completion of a Section 106 agreement to secure the following:

- Commuted sums of £58k to mitigate for the loss of existing open space and for POS in lieu of onsite provision;
- Five units as affordable and these will be plots 15,16,17,18 and 10. Four units (plots 15,16,17, and 18) will be rented tenure and one unit(unit 10) as intermediate tenure;

- 100% of the affordable units will be provided before the sale of let of 50% of the market dwellings;
- Dedicate the 7 parking spaces on Saville Street as Public highway (separate legal agreement);
- Provision for the embankment of trees to be transferred to a communal area as Green Infrastructure and;
- Landscape and Management Plan

It is understood that since the planning committee resolved to approve the application, the redevelopment of the site has stalled as the owner has been unable to find a buyer for the site. The owner of the site has employed Land Agent Land 4 Homes to help find parties who would be interested in purchasing the land, with the current planning status.

Due to the complexities of the site and the obligations of the section 106 agreement Wiggett Homes Ltd are the only seriously interested party to come forward with an offer for the site in the last 3 years. There has not been a great deal of interest from other potential buyers.

### **Viability**

A viability assessment has now been submitted to the LPA which advises that due to significant abnormal costs associated with the site it would not be feasible to provide any element of affordable housing or contributions to off site open space provision.

The costs are associated with the site being formerly a brick works as the site is backfilled with deep made ground, with a risk of buried structures being on the site brickworks and potential contamination from previous uses such as a paint shop, lock up garages, and land used for breaking up scrap cars, also underground fuel tanks, surface tanks, asbestos sheeting and a Japanese knotweed outbreak on the site.

This appraisal has been independently examined by Savills (on behalf of the Council) who confirm that the assertions by Wiggett and Grasscroft in relation to viability are fair and reasonable and that the scheme cannot withstand the additional costs associated with the original Section 106.

Following discussions with the LPA regarding the trees and the setting of Knights Pool, the agent has committed to the S106 requirements in relation to parking provision, green infrastructure and the landscape management plan.

The 7 parking spaces identified on the proposed plans would be constructed, in agreement with Cheshire East Highways department. They have also agreed to retain the trees on the embankment and to submit an arboricultural report on the pruning works required to strike a balance with the residential proposals and the installation of green weldmesh fencing to the rear boundary of the proposed properties to maintain security to the rear of properties whilst mitigating the impact on the visual amenity that may have been caused by traditional concrete post and timber infill panels. These matters can be formalised through a Landscape Scheme and Management Plan, with a management company to maintain the landscape on the site.

Given the changes to local plan policies since the application was resolved to be approved, this report provides an update on the previously accepted policy position.



## **POLICIES**

The Cheshire East Local Plan Strategy is now adopted and therefore the following policies apply:

Policy MP1 - Presumption in favour of Sustainable development

Policy PG1 - Settlement Hierarchy

Policy PG6 - Spatial distribution

Policy SD1 - Sustainable development in Cheshire East

Policy SD2 - Sustainable development principles

Policy SC4 - Residential mix

Policy SC5 - Affordable homes

Policy SE1 - Design

Policy SE2 - Efficient use of land

**There are policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.**

Macclesfield Borough Local Plan - saved policies

Policy DC3 - Protection of the amenities of nearby residential properties

Policy DC6 - Circulation and access

Policy DC8 - Landscaping

Policy DC17 - Water resources

Policy DC19 - Ground water

Policy DC20 - Watercourses

Policy DC35 - Materials and finishes

Policy DC36 - Road layouts and circulation

Policy DC37 - Landscaping

Policy DC38 - Space, light and privacy

*The National Planning Policy Framework;*

Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

*Supplementary Planning Documents:*

Cheshire East Design Guide

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

The following were consulted on the proposed changes to the s106:

**Environmental Health** - No objection

**Strategic Housing Manager** – No objection

**ANSA** - No objection

**Flood Risk Manager** – No objection

## **OFFICER APPRAISAL**

The assessment below highlights the relevant policies of the CELPS insofar as it relates to the amended proposal.

### **Principle of Development (loss of employment)**

No policy change from previous resolution.

The site is located in a predominantly residential area, although it was last used for employment purposes.

### **The principle of development (need for housing/sustainable location)**

Policy PG7 of the CELPS identifies Macclesfield as a Principal Town, and is expected to accommodate development including 4,250 new homes. Therefore the provision on this site of 18 dwellings within the Macclesfield Town Boundary, would comply with the spatial principles of this policy.

### **Requiring good design and character and appearance of the area**

The design and layout accord with design principles laid out in the Cheshire East Design Guide and complies with Policy SE1 of CELPS.

### **Residential amenity implications**

No policy change from previous resolution

### **Highways access, parking, servicing and highway safety**

No policy change from previous resolution.

The applicant still proposes that 7 parking spaces are provided for residents of Saville Street along the frontage of the site.

### **Flood Risk implications**

No policy change from previous resolution.

The Flood Risk Manager section have raised no objection and recommend conditions as previously suggested.

### **Need for additional affordable housing in the area**

There was a previous requirement for affordable housing, which is now encompassed in Policy SC5 of the CELPS, which requires that in developments of 15 or more dwellings in the principal towns such as Macclesfield at least 30% of affordable housing should be provided.

Policy SC5 acknowledges that *“In exceptional circumstances, where scheme viability may be affected, developers will be expected to provide viability assessments to demonstrate alternative affordable housing provision.”*

In accordance with this policy requirement, the applicant has submitted a financial appraisal which has been independently assessed, and it is confirmed that the proposed development cannot sustain the requirements for affordable housing.

Additionally, it should be noted that the existing buildings on the site are now vacant, and therefore Vacant Building Credit (as detailed in the NPPG) is relevant to the consideration of this application. This is an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be

replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this case, the floorspace of the existing buildings is 1,038sqm and the proposed floorspace is 1,524sqm, an increase of 486sqm or 32% of the total proposed floorspace. To put that as numbers of dwellings (rounded up) - 32% of 18 dwellings is 6 dwellings. Therefore, the affordable housing contribution can therefore only be sought from 6 dwellings. 30% of 6 dwellings, which would be the requirement for this site, equates to 2 units.

Notwithstanding this change from the previous requirement (reduction from affordable requirement from 5 to 2 units), as noted above the viability assessment as confirmed that the development is not able to support any affordable housing contributions.

The Housing Needs Manager has also accepted the independent assessment of the Financial Appraisal submitted and does not object to the removal of the affordable housing requirement from the Section 106.

The proposal therefore accords with Policy SC5 of the CELP.

### **Provision of Provision of Public Open Space**

In respect of policies IN2, SC2 and SE6 of CELPS, there would be a requirement for the provision of both Public Open Space (children's play and amenity) and Recreation and Outdoor Sports facilities. There are no specific financial criteria listed under policy IN2 and SC2. However, under policy SE6, the criteria for the requirement for children's play space, amenity green space and green infrastructure is greater than the previous financial requirement in the superseded SPG on Open Space and Recreation and Outdoor Sports facilities.

Therefore as the applicant has provided financial information that the development of the site cannot support the previous requirement of £58,000, it is even less likely that it could support the new policy requirements.

Discussions took place with the applicant in respect of this sum not forming part of the Section 106 due to unexpected costs. As a result the applicant has agreed to protect the setting of Knights Pool to the rear of the site by retaining trees along the steep banking of the pool and has submitted an indicative plan to show how this might be achieved.

Whilst the requirement for open space cannot be achieved as part of this development, it should be noted that existing open space facilities do remain available for future occupants of the site in very close proximity to the site.

### **Arboricultural implications**

No policy changes from previous resolution

### **Ecological implications**

No policy changes from previous resolution

**Landscape issues**

No policy changes from previous resolution

**Environmental health**

No policy changes from previous resolution

**Land contamination**

Environmental Health have been re-consulted in respect of the submitted financial detail regarding cost implications of developing the site and they confirmed that site is contaminated and raised no objection.

The proposal would accord with policy SE12 of the CE Local Plan Strategy.

**Archaeological potential**

No policy change from previous resolution

**ENVIRONMENTAL SUSTAINABILITY**

The redevelopment of this site and the removal of various industrial buildings from vehicle maintenance to fuel sales and garages for local cars on this site would improve the local environment and is considered to be environmentally sustainable.

**SOCIAL SUSTAINABILITY**

The proposal to provide housing in the principal town of Macclesfield would add to the supply of housing and accords with policy SD1 of the CE Local Plan principles on Sustainable development.

**ECONOMIC SUSTAINABILITY**

The proposal to redevelop the site would accord with policy SD1 of the CE Local Plan principles on Sustainable development by clearing a contaminated site; removing an unsuitable industrial business from a residential area; and providing a choice of quality homes.

**PLANNING BALANCE**

It is considered that the proposal, without the affordable housing provision and commuted sum for off site provision of open space is acceptable in relation to policies SE1, SE3, SE4, SE14, IN2, SC2 and SE6 of CELPS and all saved policies of the Macclesfield Borough Local Plan. In such circumstances the NPPF at para.14 requires development proposals that accord with the development plan to be permitted without delay and therefore the application is recommended for approval subject to appropriately worded conditions being attached to any grant of permission and subject to a Section 106 for parking provision and a green infrastructure and landscape management plan.

**Heads of Terms**

- Dedicate the 7 parking spaces on Saville Street as public highway (separate legal agreement); and
- Provision for the embankment of trees to be transferred to a communal area as Green Infrastructure.

### **Community Infrastructure Levy (CIL) Regulations**

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

- (a) Necessary to make the development acceptable in planning terms;
- (a) Directly related to the development; and
- (b) Fairly and reasonably related in scale and kind to the development.

The Provision for the embankment of trees to be transferred to a communal area as Green Infrastructure is necessary, fair and reasonable to secure appropriate ongoing management of the landscape areas that are not within private gardens.

All elements are necessary, directly relate to the development and are fair and reasonably related in scale and kind to the development.

### **RECOMMENDATION**

**Approve, subject to conditions listed at the end of original report below and a Section 106 agreement securing the Heads of Terms above.**

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

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### **Previous Committee Report from 6 August 2014**

**Application No:** 14/1945M

**Location:** LAND OFF, SAVILLE STREET, MACCLESFIELD

**Proposal:** Demolition of existing buildings on site and erection of residential development comprising of 18 two storey dwellings

**Applicant:** Saville St Garage Ltd The Helpful Hand

**Expiry Date:** 16-Jul-2014

**Date Report Prepared:** 15 July 2014

### **REASON FOR REPORT**

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution such applications are required to be considered by Committee. Subject to the recommended

conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

### **DESCRIPTION OF SITE AND CONTEXT**

The site is presently used as a garage, workshops and car sales pitch and covers an area of approximately 0.44 hectares. The northern boundary is formed by the rear gardens of a residential development, as is the western section of the southern boundary. The remainder of the southern boundary is formed by works and a depot, the western boundary by a steep bank (4.5 to 5 metres in height, leading down to Knight's Pool and the eastern boundary by Saville Street, which is open apart from a short length of wall in the north east corner.

Approve, subject to conditions and the prior completion of a S106 agreement.

### **MAIN ISSUES:**

- The principle of development (need for housing/sustainable Location);
- Requiring good design and character and appearance of the area;
- Residential amenity implications;
- Highways access, parking, servicing and highway safety;
- Flood Risk implications;
- Need for additional affordable housing in the area;
- Provision of public open space; and
- Other material planning considerations.

The topography of the site is gently sloping to the south west, the drop in levels being about 1m. A retaining wall accommodates the difference in height between the site and the rear gardens to the north, which is 2 to 3 metres lower than the site.

The main access to the site is from Saville Street, in the north east corner of the site, and leads to a fuel station with a kiosk, de-commissioned Pump Island and four underground diesel and petrol tanks. Vent pipes are situated adjacent to a wall fronting onto Saville Street and adjacent to the kiosk. Access is also afforded along most of the frontage with Saville Street.

There are six units on the site including three sets of "lock up" garages with asbestos sheet roofs situated on the eastern part of the site and three buildings on the north western and northern part of the site, which are used as a paint shop, workshops and garages. There is a padlocked gate between these buildings, securing a small, empty compound. An overhead electricity cable runs the short distance between the two northernmost buildings and overhead telecom cables enter the site from Saville Street. Surface tanks are located at the top of the bank, behind the workshops on the north west corner of the site. Access to this area is secured by a padlocked gate.

Much of the north eastern part of the site is used as a forecourt for displaying cars for sale. The western bank and western section of the southern boundary are covered with semi mature trees and shrubs. The surrounding area to the site is residential with many older terrace dwelling units as well as new two storey housing of many types being primarily terraced and semi detached.

### **DETAILS OF PROPOSAL**

This application seeks planning permission for the demolition of existing buildings on site and erection of residential development comprising of 18 two storey dwellings. The proposed dwellings backing onto Knights Pool being 3 bedroom semi-detached houses and on the Saville Street frontage the 2 bedroom terraced units are sited at right angles to the street continuing to permit the existing terraced dwellings to see through the development to the west and Knights Pool.

Access to the site is from the existing public highway Saville Street. This street has little or no through traffic and has good visibility standards. The application takes access to the site from the existing corner of the street as it turns some 90 degrees. The existing highway has a footpath on its eastern side only. This scheme creates a new public footpath on the western side of Saville Street and parking off the street for existing residents cars. Access to the site off Saville Street is at the street's only corner and is a cul-de-sac. The semi detached houses have car parking between each pair of semis and the terraces in tight groups adjacent to them.

### **RELEVANT HISTORY**

There is no relevant planning history for the site.

### **POLICIES**

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

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

#### **Local Plan Policy:**

The application site lies within a predominantly residential area in Macclesfield and is in employment use, therefore the relevant Macclesfield Local Plan policies are considered to be:

- Policy H1 (Phasing policy);
- Policy H2 (Environmental quality in housing developments);
- Policy H5 (Windfall housing sites);
- Policy H13 (Protecting residential areas);
- Policy E1 (employment land Policies);
- Policy E14 (Employment in Housing Areas);
- Policy DC1 (High quality design for new build);
- Policy DC3 (Protection of the amenities of nearby residential properties);
- Policy DC6 (Circulation and Access);
- Policy DC8 (Requirements for Landscaping);
- Policy DC35 (Materials and finishes);
- Policy DC36 (Road layouts and circulation);
- Policy DC37 (Landscaping);
- Policy DC38 (Guidelines for space, light and privacy for housing development);
- Policy DC41 (Infill housing development);
- Policy NE11 (Nature Conservation); and
- Policies RT5 and DC40 (Children's Play Provision and Amenity Space).

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the Cheshire East Local Plan Strategy – Submission Version for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Replacing MBLP policies NE1, NE2, NE11, BE1, BE3, BE4, H4, H13, E1, T2, T3 and T4 are (CELP) policies SE3, SE1, SD2, SE1, EG3 and CO1, which are summarised below: -

- Policy SE3: which seeks to protect and enhance biodiversity and geodiversity;
- Policy SE1: sets out requirements for design;
- Policy SE12: Pollution and Unstable Land ensures that development protects amenity;
- Policy SD2: sets out sustainable development principles;
- Policy EG3: updates the approach to be taken to existing employment sites; and
- Policy CO1: deals with sustainable travel and transport including public transport.

### **The National Planning Policy Framework**

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

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

### **Supplementary Planning Documents:**

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

- Section 106/Planning Obligations Supplementary Planning Guidance Note;
- Annual Monitoring Report (AMR; 2011/12);



- Strategic Housing Land Availability Assessment (SHLAA; February 2011); and
- Employment land review (2012).

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

#### **HIGHWAYS:**

No objections.

#### **CANAL & RIVER TRUST:**

After due consideration of the application details, the Canal & River Trust has stated they have no comments to make.

#### **DEVELOPMENT CONTROL ARCHAEOLOGIST:**

No objections, however it is advised that relevant works in the northern part of the site are subject to archaeological monitoring in order to identify and record evidence of archaeological structures and any associated features.

#### **COUNTRYSIDE AND RIGHTS OF WAY:**

Development does not appear to affect a public right of way.

#### **ENVIRONMENT AGENCY:**

No objections, subject to contaminated land conditions.

#### **UNITED UTILITIES ASSET PROTECTION:**

No objection provided the site is drained on a total separate system with only foul drainage connected into the public sewer. Surface water should be discharged directly into the adjacent watercourse and may require Local Authority consent.

#### **ENVIRONMENTAL HEALTH:**

No objections subject to conditions controlling the hours of construction, hours and method of pile foundations (if necessary), and submission of a scheme to minimise dust emissions.

A Contaminated Land Report has been submitted with the application which recommends a remediation strategy is carried out. This should be conditioned.

#### **FLOOD RISK MANAGER:**

It is recommended that the application be deferred (holding objection) pending further detailed discussions with applicant regarding any impacts on Knights pool.

#### **GREENSPACE:**

No on-site provision of public open space is proposed, therefore commuted sums will be required, in accordance with policies.

#### **HOUSING STRATEGY AND NEEDS MANAGER:**

A 30% proportion of the proposed dwellings would need to be affordable housing, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

## MACCLESFIELD CIVIC SOCIETY:

The Civic Society has raised no objections to the scheme and has stated the following general comments. "This is an area of mixed land uses albeit if the proposal proceeds then non-residential uses would be in a minority. The character of the area would become primarily residential and the amenities of other occupiers would benefit. However, the change in character would diminish the availability of sites for small scale commercial activities within the town. Such sites are therefore valuable and the potential loss must be carefully evaluated.

The impact of providing new dwellings, with occupiers expecting residential standards of amenity, upon the ability of non-residential land uses to continue is an added factor. The layout appears to represent an optimum development of the site with reasonable space around and between buildings. No doubt the proximity to other non-residential uses will be evaluated for potential noise and disturbance. The access will probably have no significant traffic impact."

## VIEWS OF THE PARISH / TOWN COUNCIL

Not applicable.

## REPRESENTATIONS

The application has been advertised in accordance with the General Development Management Order 2010, in this case incorporating the following elements:-

- On site, by the means of four site notices on Saville Street making reference to major development affecting a public right of way;
- These site notices were posted on 13 May 2014 ;
- Notice was published in the local press (Macclesfield Express) on 7 May 2014; and
- Surrounding residential properties (x44) have also been written to directly.

The publicity period for this application expired on 4 January 2013.

Two letters of objection have been received from the properties on Barber Street that border the southern boundary, their objections can be summarised as follows:

- No objection in principle;
- The proposed development would enhance the site on Saville Street;
- Given the land level difference plot 1 would overlook 42, 44 and 46 Barber Street.
- Inadequate separation distances from Plot 1 to numbers 42, 44 and 46 Barber Street.
- Proposed removal of trees.

A letter of support has also been received from a resident of Saville Street, who welcomed the proposal as it will be great to look out of their front windows and not have to look at dilapidated units housing a spray paint shop and garage four-court as well as the two rows of garages.

A full copy of all the comments made by the local residents toward this application as summarised above, can be viewed on the electronic file on the Council's public access website.

## APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following reports/documents in support of the application, details of which can be read on the electronic file on the Council's public access website.

- Planning, Design and Access Statement;
- Ground Investigation; and
- PPS3 Housing Self-Assessment Checklist

### **OFFICER APPRAISAL**

Having considered this application, it is the considered view that the main issues in this case are:

- The principle of development (loss of employment);
- The principle of development (need for housing/sustainable Location);
- Requiring good design and character and appearance of the area;
- Residential amenity implications;
- Highways access, parking, servicing and highway safety;
- Flood Risk implications;
- Need for additional affordable housing in the area;
- Provision of public open space; and
- Other material planning considerations.

### **Principle of Development (loss of employment):**

The site is located in a predominantly residential area. It is currently in use for employment purposes. The majority of employment sites are shown on the Proposals Map, though some smaller sites are not. It is acknowledged that these sites are, or have been important employment sites and are an important part of the stock of employment land and buildings.

Policy E14 states that: -

THE BOROUGH COUNCIL WILL ENCOURAGE THE RELOCATION OF BUSINESSES WHICH CREATE AN UNACCEPTABLE LEVEL OF NUISANCE TO NEIGHBOURING DWELLINGS ARISING FROM NOISE, SMELL, SAFETY OR TRAFFIC GENERATION. INFILL HOUSING WILL BE ENCOURAGED ON SUCH SITES.

This policy largely applies to the Macclesfield and Bollington area, where backstreet industrial activities have outgrown their premises, or an intensification of use has taken place. It is considered that this site is an anomalous location for existing commercial development in the middle of a mostly residential area which has grown over the years. In addition the Council is concerned to protect and enhance the character and amenities of housing areas. Any non residential uses should be appropriate in scale and should not adversely affect residential amenity. Uses which would create unacceptable noise, safety or health impacts or generate excessive traffic will not be acceptable.

### **The principle of development (need for housing/sustainable Location):**

The National Planning Policy Framework strongly encourages Local Planning Authorities to be pro-active and positive in terms delivering sustainable forms of development. At paragraph 187 it advises that "Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"

The benefits of redeveloping the site are recognised as:

- Clearing a contaminated site;

- Removing an unsuitable industrial business from a residential area; and
- Providing a choice of quality homes.

In respect of the provision of housing, paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. A component of the Council's evidence base is the Strategic Housing Land Availability Assessment (SHLAA) February 2013 Update, which identifies potential sites for housing development across Cheshire East. It is worth noting that the application site is identified by the Council as being one of the sites forming part of the anticipated supply of housing land, being suitable, available, deliverable and achievable for residential development. Therefore, if the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Council's 5 year land supply position.

The site is located within Macclesfield and is centrally located and within easy access of the town centre. Macclesfield includes a range of shops and local services and amenities. There is easy access to bus routes. Taking this into account the site is considered to be in a sustainable location and therefore accords with the NPPF's aims of fostering sustainable development. It is therefore considered that the redevelopment of this site should be considered positively.

### **Housing Land Supply**

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should: "identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF clearly states at paragraph 49 that:

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

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

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

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

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the Five Year Housing Land Supply Position Statement demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

Elworth Hall Farm, Sandbach (11 April 2014). It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed. Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few

months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

Dunnocksfold Road, Alsager (14 July 2014). Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants' backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

Newcastle Road, Hough (14 July 2014). In the absence of evidence to the contrary the Inspector accepted that the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls. This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds currently household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area. However, if the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Councils 5 year land supply position.

### **Requiring good design and character and appearance of the area:**

As detailed above, over the site there have been built various industrial buildings from vehicle maintenance to fuel sales and garages for local cars. These various activities are in differing states of structure and all will be removed as a result of the proposed development. Therefore overall it is considered that the scheme will improve the character and appearance of the area.

The layout has been designed in conjunction with officers to provide a main access road within the site with a streetscene of five semi detached dwellings stepping back into the site. Driveways separate these dwellings. Two terraces of four dwellings sit 90 degrees to the access road with parking and landscaping to the front. The surrounding area to the site is residential with many older terrace dwelling units as well as new two storey housing of many types being primarily terraced and semi detached. The scheme was deliberately designed to reflect this character, the dwellings backing onto Knights Pool being 3 bedroom semi detached houses and on the Saville Street frontage the 2 bedroom terraced units are sited at right angles to the street continuing to permit the existing terraced dwellings to see through the development to the west and Knights Pool.

The detailed design of the properties has been carefully considered with single brickwork to the terraces but with tile hanging to the first floor of some of the semis with brickwork to the

lower level. All have the same clay tiled roof. It will be noted that some of the units do have chimneys above roof ridge level.

Overall it is considered that the design of the scheme is commendable and emphasises the traditional character of the area.

### **Residential amenity implications:**

The side gables from the two rows of terrace properties will be approx 13m to the front elevations of the existing properties on Saville Street. Whilst this distance is slightly substandard (Policy DC38 advises a distance of 14m), given the character of the area, it is considered acceptable. The separation distance from plot 10 to the properties backing on the site from Greenhill Close is considered acceptable and meets standards. It is noted that no objections have been received from those residents on Greenhill Close and Saville Street. The separation distances within the scheme accord with the Councils adopted guidance standards.

With regard to the objections received from the residents on Barber Street, the side gable of plot 1 would be 16m away from the rear elevation of 44 Barber Street (the closest property on Barber Street to the application site). This is over the minimum distance guidance of 14 metres in Policy DC38. A bathroom window at first floor in the side gable of plot 1 is proposed.

However, the submitted plans show this as being obscurely glazed. It is considered that no overlooking of Barber Street will transpire from the front and rear windows of plot 1, due to their orientation. It is accepted that the application site is at a higher level than Barber Street, however a boundary treatment and levels conditions are suggested. Additionally notwithstanding the difference in levels between the site and Barber Street, the privacy distance standards of DC38 will still be met.

### **Highways access, parking, servicing and highway safety:**

There is one proposed access to the site that uses an already established access point to the north east corner of the site. Although, the access point is close to adjacent residential properties, it is existing and has been used for many years as access to the site. This access point has provided access to a number of different commercial uses that have been on the site in the past.

Therefore, given the limited number of residential properties proposed by this application it would not lead to an intensification in use of the access.

Internally, the road layout is standard with a turning facility at the end of the access to accommodate refuse and delivery vehicles. The level of parking for each of the units is 200% and this provision accords with the Council's parking standards for residential development.

The applicant has proposed that 7 parking spaces are provided for residents of Saville Street along the frontage of the site. There are no objections to this provision although as the spaces are located on private land the land will need to be dedicated as public highway in a separate legal agreement outside this planning application. This would ensure that the spaces are available for residents use.

To conclude, there are no highway issues to warrant refusal of the application and the Strategic Highways Manager raises no objections.

### **Flood Risk implications:**

The development site is adjacent to Knights Pool which is a Cheshire East Council owned land holding and water management asset of interest. Knights Pool and any associated tributary watercourses and/or culverts (inflows and outflows) are designated as non main river (ordinary) watercourses and as such, fall under the Council's regulatory powers of control as a Lead Local Flood Authority (LLFA), as described under Flood and Water Management Act 2010 and Land Drainage Act 1991 legislation. (Please note that restrictive covenants apply to this land holding and that this asset also has local recreation and amenity value).

Part of the proposed development site would also appear to be at risk from local surface water flooding and it is unclear how this site is to be drained. The developer has been asked to clearly describe how drainage and surface water risks at this site are to be managed for all phases of the development, including demolition, site remediation operations and final drainage strategy for the site.

Clearly the Council would need to ensure that sufficient information is available under this application to establish the impacts of this development proposal on Cheshire East Council's land holding and wider flood risk management interests. Restricted discharges of surface water will apply to this site and may be subject to formal land drainage consent requirements of the Authority and any further legal requirements identified by Cheshire East Legal department.

The applicant has been in discussion with the Council's Flood Risk Manager to discuss this development proposal in detail. Further comments are awaited from the Council's Flood Risk Manager and these will either be provided in an update report or verbally to committee. In any event, it is not anticipated that any in principle objections will be raised but rather that some matters may be required to be dealt with by condition.

### **Need for additional affordable housing in the area:**

The site falls within the Macclesfield Sub-Area for the purposes of the Strategic Housing Market Assessment (SHMA 2013). This identifies a net annual requirement of 180 units for the period 2013/2014 to 2017/2018. Within 2013/2014 there have been 20 completions in the Macclesfield sub-area. In addition to this, information taken from Cheshire Homechoice, shows there are currently 1,160 active applicants who have selected one of the Macclesfield lettings areas as their first choice. These applicants require 682 x 1beds, 362 x 2beds, 98x 3beds and 18 4+ bed units.

The Interim Planning Statement on Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or more than 0.4 hectare in size. The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the



recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure. On this site there is a requirement to provide 5 units as affordable, 3 to be provided as affordable or social rent and 2 to be provided as intermediate tenure.

The scheme will deliver 5 units as affordable these will be plots 15, 16, 17, 18 and 10 as defined on the block plan. The units are considered to be pepper-potted across the site. 4 units will be provided as rented tenure and 1 as intermediate tenure. This is due to the location of the affordable units in terraces of 4. To allow the affordable housing to be delivered and to ensure a Registered Provider to take transfer of the units it would be desirable to not have rented and intermediate units adjoining. 100% of the affordable units will be provided before the sale or let of 50% of the market dwellings.

### **Provision of Public Open Space:**

The application triggers the requirement for the provision of both Public Open Space (children's play and amenity) and Recreation and Outdoor Sports facilities as identified in the Council's SPG on s106 Agreements as noted above. 18 open market family dwellings would generate a need for £45,000 Public Open Space (POS) and £13,000 (£18k - £5k for the five affordable units) Recreational Open Space (ROS).

The commuted sum would be required by the Local Authority on commencement of development.

The POS contribution would be used for King George Playing Field and Play area (Windmill Street), Knights Pool amenity open space, Brookfield Lane Allotments, Brynmore Drive play area and canal access improvements. The ROS would be used for King George Playing Field on Windmill Street. The applicant's have agreed to the figure of £58,000 for POS and ROS and this would be secured by a S106 agreement under the Town and Country Planning Act 1990.

### **Other Material considerations:**

#### **ARBORICULTURAL IMPLICATIONS:**

Although the applicant has not provided a tree report in regard to the development, the Design and Access statement refers to trees and the proposed site plan indicates that one tree is to be pruned. As the trees along the embankment with Knight's Pool are significant landscape features to the local area it is essential that a detailed tree survey, an arboricultural impact assessment (AIA) report and an Arboricultural Method Statement are provided prior to commencement of the development.

A proposal to include the trees along the embankment with Knight's Pool within the garden areas of the proposed plots gives concern. The concern arises as the embankment is very steep, a change in levels of 4m occurs in a distance of only 7m to 8m. Creating access ramps or steps down to the pool could result in damage to tree roots and possible impact on tree stability and then tree loss. This will not only affect amenity but may also impact on stability of the embankment.

To avoid individual access points and changes to ground levels it is considered more sustainable to include the embankment of trees in a communal area as Green Infrastructure

(GI) and make this the subject of a landscape scheme condition and a landscape management condition.

### ECOLOGICAL IMPLICATIONS:

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 no European Protected Species have been recorded on site. Therefore the planning authority do not have to consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest.

The Council's Heritage & Design (Ecology) section have been consulted on the application.

No evidence of protected species were identified on the site and it is considered that there are no significant ecological constraints on the proposed development.

### LANDSCAPE ISSUES:

The Council's Heritage & Design (Landscape) section have been consulted on the application. It is considered that the proposals will not result in any significant landscape or visual impacts. Conditions are suggested to secure a suitable landscaping scheme and its implementation.

### ENVIRONMENTAL HEALTH:

The application site is surrounded by existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

### LAND CONTAMINATION:

The application area has a history of use as a brickwork, depot and garage and therefore the land may be contaminated. This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The site investigation report 'Phase 1' submitted in support of the application recommends that remediation is required. However the report is not considered to be sufficiently

comprehensive to allow a detailed remediation strategy to be prepared, therefore a 'Supplementary Phase 2' investigation would be required and this is suggested via condition.

The Contaminated Land team has no objection to the above application subject to this condition being imposed. These views are shared by the Environment Agency.

### ARCHAEOLOGICAL POTENTIAL:

The site lies partially within Macclesfield's Area of Archaeological Potential, as defined in the Local Plan of the former Macclesfield Borough Council. No sites are currently recorded on the Cheshire Historic Environment Record from within the application area but an examination of the Ordnance Survey mapping from the second half of the 19th century depicts the site as a brick field. The great depth of made ground demonstrated across much of the site by the geotechnical report is indicative of the amount of clay that has been removed as part of the extractive process.

In these areas of deep deposition of modern material there is no further archaeological potential but, according to the borehole data in the geo-technical report, the northern part of the site has been subject to less extraction and natural clay survives just beneath the modern ground surface. At two locations within this zone, features of industrial archaeological interest are depicted on the early mapping and consist of a 'smelt house' and a circular feature, which is almost certainly a brick kiln. Evidence of these features is likely to survive below ground and will be removed by works associated with the proposed remediation strategy.

In view of the above, it is suggested that relevant works in the northern part of the site are subject to archaeological monitoring in order to identify and record evidence of the structures noted above and any associated features. Careful planning and liaison between the groundworks contractor and the archaeological contractor will be required to ensure that the mitigation is carried out in an effective manner but experience on similar sites has demonstrated that a successful outcome is achievable where the archaeological works are properly integrated into the programme. A report will also be required and the mitigation may be secured by condition.

### CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is within a predominantly residential area in Macclesfield on previously developed land, in a sustainable location close to existing services, community facilities and public transport links.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

Whilst the loss of a site in existing employment use is unfortunate, the site is not allocated as such and as the relocation of businesses which create an unacceptable level of nuisance to neighbouring dwellings arising from noise, smell, safety or traffic generation is encouraged, no objections are raised to the loss of employment on this site.

The site has already been identified by Cheshire East Council as being suitable for housing and deliverable within years 1-5 in the 2013 Strategic Housing Land Availability Assessment.

The Council should therefore take a positive view of sites which will allow it to meet its targets for the provision of new dwellings in the Borough.

### **HEADS OF TERMS**

- Commuted sums of £58k to mitigate for the loss of existing open space and for POS in lieu of onsite provision;
- Five units as affordable and these will be plots 15, 16, 17, 18 and 10. Four units (plots 15, 16, 17 and 18) will be provided as rented tenure and one (unit 10) as intermediate tenure;
- 100% of the affordable units will be provided before the sale or let of 50% of the market dwellings;
- Dedicate the 7 parking spaces on Saville Street as public highway (separate legal agreement); and
- Provision for the embankment of trees to be transferred to a communal area as Green Infrastructure.

### **Community Infrastructure Levy (CIL) Regulations:**

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

- (a) Necessary to make the development acceptable in planning terms;
- (a) Directly related to the development; and
- (b) Fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 18 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The provision of 30% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The Provision for the embankment of trees to be transferred to a communal area as Green Infrastructure is necessary, fair and reasonable to secure appropriate ongoing management of the landscape areas that are not within private gardens.

All elements are necessary, directly relate to the development and are fair and reasonably related in scale and kind to the development.

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

*Committee, provided that the changes do not exceed the substantive nature of the Committee's decision. Should this application be the subject of an appeal, authority shall be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.*

### Application for Full Planning

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of ground levels to be submitted
4. Submission of samples of building materials
5. Construction of junction/highways
6. No gates - new access
7. Closure of access/removal of dropped kerbs
8. Landscaping - submission of details
9. Landscaping (implementation)
10. Landscaping to include details of boundary treatment
11. Tree retention
12. Tree protection
13. Tree pruning / felling specification
14. Arboricultural method statement
15. Levels survey
16. Service / drainage layout
17. Refuse storage facilities to be approved
18. Provision of cycle parking
19. Decontamination of land
20. Details of drainage
21. Protection from noise during construction (hours of construction)
22. Pile Driving
23. A scheme to minimise dust emissions
24. Construction Management Plan
25. NPPF Informative
26. Contamination Informative

