

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 6th December, 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 - 14)

To approve the Minutes of the meeting held on 8 November 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. **17/3208M-Erection of replacement Class A1 retail store, associated car parking and servicing areas, relocation of electricity sub-station, landscaping and associated works following demolition of existing retail store and neighbouring fitness club, Lidl Store and Energie Fitness Club, Summerfield Village Centre, Dean Row Road, Wilmslow for Miss F Heeley, Lidl UK GmbH (Pages 15 - 32)**

To consider the above application.

6. **16/2096M-Telecommunications installation and associated works (NTQ Replacement), Endon Quarry, Windmill Lane, Kerridge, Bollington for WHP, EE & 3G UK LTD (Pages 33 - 44)**

To consider the above application.

7. **17/2854M-Erection of 32 no. residential dwellings and associated engineering works, Land off, Moss Lane, Macclesfield for Mr John Matthews, Eccleston Homes Ltd (Pages 45 - 76)**

To consider the above application.

8. **17/4862M-Demolition of the Existing House to be replaced with 2 pairs of New Build Semi-Detached Dwellings, 1, Orme Close, Prestbury for G Bryant (Pages 77 - 92)**

To consider the above application.

9. **17/4952M-Proposed demolition of existing building to the rear of No's 14-18 London Road, Alderley Edge and erection of a two and half storeys mixed use block comprising office unit on the ground floor and two apartments on the first and second floor, Land to the rear of 14-18, London Road, Alderley Edge for Mr Anwar Kanj, Atco Export (Pages 93 - 100)**

To consider the above application.



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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 8th November, 2017 at The Capesthorpe Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

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

Councillors C Andrew, E Brooks, T Dean, L Durham, P Findlow, S Gardiner,  
A Harewood, N Mannion, M Sewart (Substitute) and M Warren

### **OFFICERS IN ATTENDANCE**

Ms S Dillion (Senior Lawyer), Miss L Hayes (Planning Officer), Mr P Hooley  
(Planning & Enforcement Manager), Mr N Jones (Principal Development  
Officer) and Mr P Wakefield (Principal Planning Officer)

### **50 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor H Gaddum.

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

In the interest of openness in respect of application 17/4242M, Councillor C Browne declared that whilst he had called-in the application to Committee at the request of the Parish Council and despite Legal Officers advising that he had made no statement consistent with pre-determination, he had decided to remove the potential for complaint regarding his professionalism, integrity and conduct as a Councillor and gave notice that he intended to exercise his right to speak as Ward Councillor and Parish Councillor in line with the public speaking protocol and therefore he would not be taking part in the debate or voting on the application. Once he had spoken he confirmed that he would leave the room prior to the debate taking place.

In the interest of opens in respect of application 17/4242M, Councillor S Gardiner declared that he had advised former client in respect of a similar application at a location not too far away from the application site concerned.

### **52 MINUTES OF THE MEETING**

#### **RESOLVED**

That the minutes of the meeting held on 11 October 2017 be approved as a correct record and signed by the Chairman.

**53 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**54 17/4242M - 35 HEYES LANE, ALDERLEY EDGE SK9 7LA: RESUBMISSION OF APPLICATION 17/2249M FOR PROPOSED DROPPED KERB TO FACILITATE OFF ROAD PARKING FACILITIES FOR MR & MRS LEONARD**

Consideration was given to the above application.

(Councillor C Browne, the Ward Councillor, Parish Councillor C Browne, representing Alderley Edge Parish Council, Mr Grayson, an objector and Mr Leonard, the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

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

1. Commencement of development
2. Development in accord with approved plans
3. Materials to be submitted
4. Tree protection
5. No gates - new access
6. Submission of levels
7. Re-use and retention of existing stone from wall

In the event of any changes being needed to the wording of the Committee's decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the 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.

**55 17/0899M - ROUNDABOUT AT BROCKLEHURST WAY, MACCLESFIELD: ADVERTISEMENT CONSENT FOR THE ERECTION OF 4 SPONSORSHIP SIGNS ON THE ROUNDABOUT. ONE FACING EACH ENTRY POINT ONTO THE ROUNDABOUT FOR MR RICHARD BRAMHALL, ANSA ENVIRONMENTAL SERVICES LTD**

Consideration was given to the above application.

(Richard Bramhall, representing the applicant attended the meeting and spoke in respect of the application).

### RESOLVED

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

1. Development in accord with approved plans
2. All advertisements displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
4. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
5. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
6. No advertisement shall be sited or displayed so as to endanger, obscure or hinder any highway, railway, waterway or aerodrome operation.
7. This consent hereby grants permission for the display of the advertisement(s) referred to in this notice for a period of five years from the date of this consent. In the event of the 1 year trial period expiring or the advertisement scheme or contract ending, all signs shall be removed within 3 a three month period.
8. Removal of advertisements currently displayed
9. The proposed signage approved by virtue of this consent will be non-reflective and not illuminated, and shall remain as such unless otherwise approved in writing by the Local Planning Authority.

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.

**56 17/0898M - ROUNDABOUT: A537/A523 (TESCO ROUNDABOUT)  
MACCLESFIELD: ADVERTISEMENT CONSENT FOR THE ERECTION  
OF 4 SPONSORSHIP SIGNS ON THE ROUNDABOUT FOR MR  
RICHARD BRAMHALL, ANSA ENVIRONMENTAL SERVICES LTD**

Consideration was given to the above application.

(Richard Bramhall, representing the applicant attended the meeting and spoke in respect of the application).

### RESOLVED

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

1. Development in accord with approved plans
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- 57 17/0895M - ROUNABOUT: A537 CUMBERLAND ST / CHURCHILL, CHURCHILL WAY ROUNABOUT, MACCLESFIELD: ERECTION OF 3 SPONSORSHIP SIGNS ON THE ROUNABOUT. ONE FACING EACH ENTRY POINT ONTO THE ROUNABOUT FOR RICHARD BRAMHALL, ANSA ENVIRONMENTAL SERVICES LTD**

Consideration was given to the above application.



**RESOLVED**

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

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2. All advertisements displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
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- 58 **17/0894M - ROUNDABOUT: A537 CUMBERLAND ST / WESTMINSTER RD, SAINSBURYS ROUNDABOUT, MACCLESFIELD: ERECTION OF 4 SPONSORSHIP SIGNS ON THE ROUNDABOUT. ONE FACING EACH ENTRY POINT ONTO THE ROUNDABOUT FOR RICHARD BRAMHALL, ANSA ENVIRONMENTAL SERVICES LTD**

Consideration was given to the above application.

**RESOLVED**

That the application be part approved / part refused:

3 signs were approved in accordance with recommendation as follows:-

- Cumberland Street East approach
- Cumberland Street West approach
- Westminster Road approach

1 sign refused contrary to recommendation due to adverse impact on visual amenity of the area and clutter:

- Sainsbury's exit approach

Those signs approved were subject to the following conditions:-

1. Development in accord with approved plans
2. All advertisements displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
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**OF 5 SPONSORSHIP SIGNS ON THE ROUNDABOUT. ONE FACING EACH ENTRY POINT ONTO THE ROUNDABOUT FOR RICHARD BRAMHALL, ANSA ENVIRONMENTAL SERVICES LTD**

Consideration was given to the above application.

**RESOLVED**

That the application be part approve/part refused as follows:

3 signs approved in accordance with recommendation:-

- Cumberland Street approach
- Chester Road East approach
- Chester Road West approach

2 signs refused contrary to recommendation due to adverse impact on visual amenity of the area and clutter:-

- Oxford Road approach
- West Street approach

Those signs approved were subject to the following conditions:-

1. Development in accord with approved plans
2. All advertisements displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
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**60 17/0888M - LAND USED FOR ADVERTISING AND PREMISES, IVY ROAD ROUNDABOUT, MACCLESFIELD: ADVERTISEMENT CONSENT - ERECTION OF 4 SPONSORSHIP SIGNS ON THE ROUNDABOUT. ONE FACING EACH ENTRY POINT ONTO THE ROUNDABOUT FOR RICHARD BRAMHALL, ANSA ENVIRONMENTAL SERVICES LTD**

Consideration was given to the above application.

**RESOLVED**

That the application be part approved/part refused as follows:

3 signs approved in accordance with recommendation:-

- Chester Road East approach
- Chester Road West approach
- Ivy Road approach

1 sign refused contrary to recommendation due to adverse impact on visual amenity of the area and clutter:-

- Bishopton Drive approach

Those signs approved were subject to the following conditions:-

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**61 17/0904M - LAND AT, BALL LANE ROUDABOUT, BOLLINGTON: ADVERTISEMENT CONSENT - ERECTION OF 4 SPONSORSHIP SIGNS ON THE ROUNDABOUT. ONE FACING EACH ENTRY POINT ONTO THE ROUNDABOUT FOR MR RICHARD BRAMHALL, ANSA ENVIRONMENTAL SERVICES LTD**

Consideration was given to the above application.

**RESOLVED**

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

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**62 17/0905M - LAND AT, FLASH LANE ROUNDABOUT, PRESTBURY: ADVERTISEMENT CONSENT FOR THE ERECTION OF FOUR SPONSORSHIP SIGNS ON THE ROUNDABOUT. ONE FACING EACH ENTRY POINT ONTO THE ROUNDABOUT FOR MR RICHARD BRAMHALL, ANSA ENVIRONMENTAL SERVICES LTD**

Consideration was given to the above application.

**RESOLVED**

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

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**63 17/0839M - LAND AT, HARDEN PARK ROUNDABOUT, ALDERLEY EDGE: ERECTION OF 4 SPONSORSHIP SIGNS ON THE ROUNDABOUT. ONE FACING EACH ENTRY POINT ONTO THE ROUNDABOUT FOR MR RICHARD BRAMHALL, ANSA ENVIRONMENTAL SERVICES LTD**

Consideration was given to the above application.

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

**RESOLVED**

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

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#### 64 **PLANNING APPEALS**

To consider the above report.

Members welcomed the report and thanked Officers for their hard work.

Members made comments in respect of appeal statistics relating to each of the Planning Committees, statistics in relation to the appeal decisions made by individual Planning Inspectors, information on costs awarded against the Council, interpretation of evidence submitted and balancing the views of local people whilst taking into account National Planning policies.

#### **RESOLVED**

That the report be noted.

The meeting commenced at 10.00 am and concluded at 12.30 pm

Councillor G M Walton (Chairman)



Application No: 17/3208M

Location: Lidl Store and Energie Fitness Club, Summerfield Village Centre, Dean Row Road, Wilmslow, SK9 2TA

Proposal: Erection of replacement Class A1 retail store, associated car parking and servicing areas, relocation of electricity sub-station, landscaping and associated works following demolition of existing retail store and neighbouring fitness club

Applicant: Miss F Heeley, Lidl UK GmbH

Expiry Date: 07-Dec-2017

**SUMMARY**

The proposal seeks to provide a replacement retail store on a site allocated for shopping purposes in the local plan. The comments received in representation have been fully considered. . It is evident that there is strong local opposition to the loss of the existing gym. However, it has been demonstrated for the purposes of planning policy that the existing fitness centre is surplus to requirements, given the availability of other indoor leisure facilities in the local area. The proposal is also in accordance with local and national retail planning policy. The proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, the application should therefore be approved without delay.

**SUMMARY RECOMMENDATION**

Approve subject to conditions

**REASON FOR REPORT**

The application has been called to Committee to by the Local Ward Member, Cllr Burkhill, for the following reasons:

*Loss of the Energie Fitness Centre to the community which has 3,000 members and provides swimming, exercise, business and social amenities for the community without many of its members using a car to get there.*

*The NPPF stresses the Government's commitment to economic growth to create jobs and prosperity. This application would see a net reduction of between 30 and 40 jobs.*

*The Council advocates a clear Town Centre first approach for its principal towns and key service centres and advocates against the development of main town centre uses in out of town locations in order to preserve and enhance the vitality and viability of existing town centres. Summerfields Dean Row is a Neighbourhood Centre and not a Town Centre and indeed the Lidl store is listed as an out of centre location.*

**PROPOSAL**

The application seeks full planning permission for the erection of replacement Class A1 retail store, associated car parking and servicing areas, relocation of electricity sub-station, landscaping and associated works following demolition of existing retail store and neighbouring fitness club.

## **SITE DESCRIPTION**

The application site comprises an existing Lidl supermarket, Energie fitness club and associated car park areas. The site is identified in the Macclesfield Borough Local Plan as an Existing Shopping Area, and is surrounded by a predominantly residential area.

## **RELEVANT HISTORY**

There have been a number of planning applications on the site relating to the supermarket and the fitness club but none specifically relevant to the current proposal.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are Chapters:

- 2. Ensuring the vitality of town centres
- 8. Promoting Healthy Communities

### **Development Plan**

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

MP 1 Presumption in Favour of Sustainable Development

PG 2 Settlement Hierarchy

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

IN 1 Infrastructure

IN 2 Developer Contributions

EG 5 Promoting a Town Centre First Approach to Retail and Commerce

SC 1 Leisure and Recreation

SC 2 Indoor and Outdoor Sports Facilities

SC 3 Health and Well-Being

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

SE 13 Flood Risk and Water Management

CO 1 Sustainable Travel and Transport

CO 4 Travel Plans and Transport Assessments

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th 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 2004

The Macclesfield Borough Local Plan 2004 allocates the site as being within an Existing Shopping Area.

The relevant Saved Policies are:

NE11 Nature conservation;  
S4 Local Shopping Centres  
DC3 Residential Amenity;  
DC6 Circulation and Access;  
DC8 Landscaping;  
DC9 Tree Protection;  
DC13 Noise  
DC63 Contaminated land

### Wilmslow Neighbourhood Plan

Neighbourhood Area has been designated, but no draft plan is currently available.

## **CONSULTATIONS:**

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

**Flood Risk Manager** – No objections subject to conditions relating to compliance with FRA and drainage

**Head of Strategic Infrastructure** – No objections subject to a condition relating to exit from the car park

**Environmental Health** – No objections subject to conditions relating to noise mitigation, piled foundations, dust control, floor floating, lighting, electric vehicle infrastructure and contaminated land

**Wilmslow Town Council** – recommend refusal on the following grounds:

- The location of the proposed development is not a 'Town Centre' as indicated in the proposal. The argument for a 'proven need' at this location has not been made and that the loss of the existing D2 facility would reduce the service offer at this location. The existing store meets the needs on a site which is considered to be neither a 'Key Service Centre' or a 'Local Service Centre' in the Local Plan.
- Highlight Policies SC1 and SC2 of the Cheshire East Local Plan and believe that the size of the membership, the absence of an alternative within walking distance and the range of services available should ensure that these policies rightly protect this leisure and recreation facility.

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjoining occupants, a press advert was placed in the local newspaper and a site notice was erected.

Full representations can be viewed on the application file. Approximately 415 letters of representation have been received objecting to the proposal on the following grounds:

- No need for a larger store
- Disruption during construction
- Loss of gym
- Loss of health and social facility
- No alternative gym nearby
- Use of car park by car showroom should not be allowed
- Impact on health and wellbeing of community
- Loss of jobs within health club
- Several supermarkets in local area
- Gym is a community facility
- Increased traffic
- Gym has approximately 3000 members
- Gym is very affordable
- Loss of privacy to residents
- Size of building is inappropriate
- Building is out of character with local area
- Impact on wildlife
- Many elderly people benefit from the gym
- Building come closer to residents
- Local plan does not support this type of development
- Removal of mature vegetation / trees
- Thriving local businesses should be supported
- Club is very accessible
- Community needs gym more than shop
- Loss of businesses within the club
- CEC has a requirement to promote health and wellbeing of residents
- Increased pollution
- Light pollution
- No other affordable gyms nearby
- Contrary to CELPS as not reusing existing buildings
- Impact on parked cars when vehicles manoeuvring
- Site is not in a town centre
- Will take business from town centres
- Building is too large for Summerfields
- Local gyms are oversubscribed
- Site is well served by public transport
- Should be designated as an asset of community value
- Loss of 55 jobs
- Degrades residential neighbourhood
- Impact on property values
- Will reduce choice in neighbourhood centre by losing traders in the gym
- Loss of parking spaces

- Building will be in stark contrast to adjacent shopping parade and houses
- Contrary to policy MP1 – detrimental to social and environmental conditions in the area
- Contrary to policy SD1 – does not meet the needs of the local community, does not provide access to local jobs, services and facilities
- Only refusal of the application would result in positive cooperation with local community
- Loss of vibrancy of Summerfield centre
- Contrary to policies SC1 and SC2
- Will isolate members who cannot travel
- Should support local businesses rather than big chains
- Other gyms more expensive
- Does not support healthier lifestyles
- Gym is a social hub
- Does not support stronger communities
- Loss of jobs contrary to objectives of sustainable development
- Adverse impact on vitality and viability of Wilmslow Town Centre and Handforth centre
- Site fails sequential test and paragraph 27 of NPPF
- Loss of valued facility reducing community's ability to meet its day to day needs
- Contrary to paragraph 74 of NPPF
- Contrary to policies PG2, SD1, SD2 and EG3 of CELPS
- Does not form part of spatial portrait of CE
- Contrary to case for growth
- At odds with vision of CELPS
- Contradicts key strategic priorities
- Does not satisfy legislation for enterprise and growth
- FRA makes no reference to SUDS
- Building should incorporate more environmental benefits
- Damage to roads from increased traffic
- Visual impact of 2.4m high acoustic barriers
- Absence of bat survey
- Overbearing impact
- No showers provided for employees who cycle
- People visit gym more than a supermarket
- Loss of privacy
- Bus services are being withdrawn
- Will be an out of town destination in own right
- Inadequate pedestrian facilities

Following the re-consultation on the applicant's Leisure Needs Assessment, 76 further letters of representation were received objecting to the proposal on the following additional grounds:

- Assumes people can travel to other facilities
- Assumes people can afford other facilities
- Figures are misleading
- Drive times are longer at peak time
- No desire to use public leisure centre
- More dwellings will be constructed meaning more demand
- Not proven to be surplus to requirements
- Environmental impact of additional travel times

- Leisure centre crowded
- None of the other facilities are equivalent to Energie
- Applicant's assessment biased in their favour
- Population figures inaccurate
- Not all other facilities are available as stated
- Alternative provision outside of 1km stated in local plan
- Cabinet report from Sept 2015 identifies Colshaw Farm and Lacey Green facing greatest health inequalities
- All facilities outside of 20 minute walk time
- Gym not surplus to local people's need
- No mention of prices in submitted assessment

A petition containing approximately 600 signatures has also been received objecting to the proposal on the following grounds:

- Gym is situated in a residential area for locals and others to use
- Further traffic problems within this area are unacceptable to residents
- Proposed loss of number of mature trees to make way for new building / delivery area

A letter has also been received from local MP, Esther McVey raising the following concerns:

- Policies being used to support this application appear not to be relevant where a store is being relocated within an area and only apply for a brand new store arriving for the first time on a site and the development is contrary to policies contained in the new CELPS.
- Within the Macclesfield Borough plan, as a 'local centre', there needs to be a proven need for the development and this is not demonstrated. By moving the store into the new location the number of retail outlets in the area decreases as Energi includes 6 small retailers who will no longer be there. None of those businesses offer services replicated anywhere else in the neighbourhood centre.
- In terms of the CELSP, there is reference to policy SG5. This location is neither a Key Service Centre or a Local Service Centre, therefore falls under 'other settlements'. The policy states that the focus, for other settlements, is on providing retail services of appropriate scale and nature for the needs of the local community. The new larger store expands beyond the local area needs and into the wider area taking on a development of a Key Service Centre or Local Service Centre.
- Policies SC1 'seeks to protect and enhance existing leisure and recreation facilities' and policy SC2 protects existing sports facilities unless there is alternative provision or they are surplus to requirements. As I understand it the club has circa 3000 members which would make it difficult to argue it was surplus to requirements. The same policy states that a proposal can't result in a loss of area important for its amenity.

25 letters of representation have been received supporting the proposal and making the following comments:

- Improvements will be great
- Existing store is not big enough
- There are too many gyms

Four additional letters of support were received in response to the re-consultation on the revised plans.

### **APPRAISAL**

#### **Economic Sustainability**

##### **Retail**

Policy EG5 of the CELPS promotes a town centre first approach to retail and commerce, and identifies a hierarchy of retail centres in Cheshire East. The policy states that proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development.

The site is identified in the Macclesfield Borough Local Plan as an Existing Shopping Area, and forms part of the Dean Row Road Neighbourhood Shopping Centre. Saved policy S4 of the Macclesfield Borough Local Plan seeks to maintain a level of shopping provision at local shopping centres such as this commensurate with the role the centre serves in the community. The justification for the more up to date policy EG5 of the CELPS states that “until they are reviewed, the existing boundaries and retail allocations will remain as they are in the 'saved' policies of the Congleton Borough Local Plan First Review, the Borough of Crewe & Nantwich Replacement Local Plan and the Macclesfield Borough Local Plan. Accordingly the allocation of the application site under policy S4 of the MBLP is considered to be up to date, and in accordance with policy EG5.

In addition to the gym and the existing Lidl store, the other units within this local centre include 2 charity shops, a chip shop, a sandwich shop, a dry cleaner, a hairdresser, a tanning salon, a chemist, a Tesco express, a vacant unit, a pub and a car showroom.

The submitted planning and retail statement states that Lidl stores offer a limited range of around 2,000 products, which is significantly smaller than those offered by other leading food retailers. The statement continues, *“Lidl does not compete in the same market as many independent or specialist traders such as confectioners, greengrocers or butchers. Lidl do not sell cigarettes or single confectionery items, do not include pharmacies or post offices and no meat or fish preparation takes place on the premises.”*

The increased size of the building is said to provide for additional sales and non-sales floor space. The new store will offer an identical range of goods to the existing store, save for an expansion of the bakery product lines following the introduction of the in-store bakery. The additional sales floor space will generally provide for wider aisles, larger product displays and more spacious circulation area on entry to the store, with the non-sales floor space providing a large pallet freezer, bakery preparation area, customer toilets, more generous storage space and improved staff accommodation.

A sequential approach does not need to be applied in this case because whilst the proposal is for a main town centre use, as noted above, it is in accordance with an up to date local plan. The two uses that are currently present on the application site – a retail store and a gym – are also both defined as main town centre uses. Similarly, impact assessments to consider the impact of the proposal on investment in a centre or on the vitality and viability of a centre are also not required due to the conformity with an up to date local plan.

The Dean Row Road local centre has a range of uses within it, which do undoubtedly serve a wider catchment than just the local neighbourhood of Dean Row. The comments received in representation from gym users from outside of the immediate area are testament to that, and the presence of a car showroom will also undoubtedly serve to attract people from a wider catchment than the surrounding streets. Whilst the format of the Lidl store referred to above is noted, as an allocated retail site, having regard to the particular uses already present on the site, the evidence that the centre is utilised by people from outside of the area, and the role the centre serves, it is considered that a replacement retail store in general, which will be approximately twice the size of the existing store will continue to provide access to day to day shopping facilities, which are commensurate with the role the centre serves in the community. The proposal is therefore considered to be in accordance with policy S4 of the MBLP and EG5 of the CELPS.

### **Jobs**

The application form indicates that there will be a reduction in numbers of jobs on the site from 18 full-time and 54 part-time to 8 full-time and 32 part-time. The replacement store is expected to create 2 additional full-time and 10-15 additional part-time jobs compared to the existing store. It is also noted that some of the jobs within the gym will be relocated elsewhere, for example the yoga business that was accommodated within the Energie fitness club has recently secured planning permission for alternative premises in Handforth.

### **Social Sustainability**

#### **Loss of leisure facility**

The proposal involves the demolition of an existing privately run health and fitness club in order to accommodate the replacement retail store. The health and fitness club, which is operated under franchise from Energie Fitness, provides its members with the following facilities:

- A 20 x 8m swimming pool (4 lanes);
- A 67-station fitness suite;
- Studio space;
- Ancillary facilities, including a café, hair salon and beauty salon.

Policies SC1 and SC2 of the CELPS seeks to protect and enhance existing leisure and recreation facilities, unless a needs assessment has clearly proven them to be surplus to requirements to local community needs or unless alternative provision, of equivalent or better quality, is to be made.

The Council has engaged with Sport England and a range of sports National Governing Bodies about outdoor and indoor sports facilities and what will be required to meet future needs. The Council's *"Indoor & Built Facilities Needs Assessment"* sets out up to date supply and demand information on indoor sports facilities in Cheshire East. This assessment has been carried out in accordance with Sport England's Assessing Needs and Opportunities guide (ANOG) methodology.

In support of this, a Leisure Needs Assessment has been submitted on behalf of the applicant, which seeks to demonstrate that the facilities at the health and fitness club are surplus to requirements.



The following assessment considers the findings of the Council's Needs Assessment as well as the applicant's submitted Needs Assessment for each of the facilities currently accommodated within Energie Fitness.

### Swimming Pools

The swimming pool at Energie is included in the list of swimming pools within the Borough in the Council's Needs Assessment, but it is not listed as one of the *community accessible swimming pools*. The assessment states that pools *"which do not fit ANOG's criteria due to size or if they are in private use only are removed from the assessment"*.

The Council's Needs Assessment states that *"when looking at a very simplistic picture of the overall supply and demand across Cheshire East, the resident population is estimated to generate a demand for a minimum of 3,890 m2 of water space. This compares to a current available supply of 4,850m2 of water space, giving a supply/demand balance of 960m2 of water space"*. Therefore there is currently an oversupply of water space compared to demand in Cheshire East.

The provision of water space in Cheshire East amounts to 15.86sqm per 1000 population, which is significantly above the regional (12.91sqm) and national (12.675sqm) average. The Amateur Swimming Association (ASA) use a figure of 11sqm of water per population of 1000 as a benchmark guide to Local Authorities.

The application site lies between Handforth and Wilmslow. Other identified community accessible swimming pools in the local area include Total Fitness (opposite Handforth Dean), Hallmark Health Club (Northern Handforth) and Wilmslow Leisure Centre (Wilmslow town centre). The main pools at these 3 locations have a collective pool size of 860sqm. Taking the population of Handforth and all Wilmslow Wards to be 32,310 (2011 census), this would equate to 26.6sqm of water space per 1000 population. If Alderley Edge was included this would reduce to 23.2sqm of water space per 1000 population, and if Poynton was included, this would still be at 16.14sqm per 1000 population, which is still above the average for Cheshire East (15.86sqm), which exceeds current demand.

Whilst there will be some cross boundary usage of swimming pools as people from Stockport or Manchester may use facilities within Cheshire East, and vice versa, the water space figures quoted above have not included David Lloyd or Life Leisure in Cheadle, which are both very accessible by car.

Having regard to the above information, there is considered to be more than sufficient water space per 1000 population to meet current demand and it is considered that the swimming pool at the application site is surplus to requirements in the context of Local Plan policies SE1 and SE2.

### Fitness stations

The Council's Needs Assessment states that Energie has 73 community accessible fitness stations, with a total of 2,920 stations available across the Borough.

Over two thirds of the resident population (68.9%) of Cheshire East live within one mile of an accessible health and fitness suite. There are also 28 fitness gyms with 20 stations and

above within 2 miles of the Cheshire East boundary, primarily to the north of the Borough boundary (within Manchester and Stockport administrative boundaries).

In terms of the application site, other identified community accessible fitness stations in the local area include Total Fitness (opposite Handforth Dean), Hallmark Health Club (Northern Handforth), Wilmslow Leisure Centre (Wilmslow town centre), and Lifestyle Fitness (Handforth), which provide approximately 555 fitness stations between them.

The applicant's Needs Assessment provides the location of local fitness suites within a 10 minute drivetime of the application site, which includes all of the above and Fit 4 Less Cheadle, Seashell Trust Centre Cheadle Hulme, Spindles - Airport Inn Wilmslow, David Lloyd Cheadle, Anytime Fitness Bramhall. Across all of these facilities there are approximately 978 fitness stations available (excluding Energie), and 585 of these are within the Borough. Planning permission has also been granted for another gym in Wilmslow town centre which could provide a further 75 stations, equivalent to that being lost at Energie.

There are no specific standards for the provision of health and fitness suites or individual stations, however, given that there are almost 1,000 fitness stations within a 10 minute drive time of the application site, compared to nearly 3,000 fitness stations across the whole of Cheshire East, it is considered that the Northern edge of the Borough is particularly well served by such facilities and the stations at the application site can be considered to be surplus to requirements.

In addition, the Council's Needs Assessment states that *"the provision of high quality health and fitness facilities underpin the financial operation of leisure centres"*. This being the case it can be expected that any gap or shortfall in provision would be addressed by another health and fitness operator if the market demand is found to exist at some point in the future.

### Studios

The Council's Needs Assessment only highlights the quantity and quality of studio space available in the Borough.

The applicant notes that the majority of the health and fitness suites identified above also offer studio space in the form of exercise studios, dance studios and/or sports halls and multi-functional space. There are also two additional studio facilities at Barrecore in Alderley Edge and South Manchester Sports Club in Heald Green that offer regular classes.

The studio space at the Energie Fitness Club is primarily used to accommodate exercise classes run by freelance instructors. These classes / freelance instructors will relocate to the Fit 4 Less club in Cheadle, which is also operated under the Energie Fitness franchise.

The plans for the recently approved gym at Parsonage Green in Wilmslow (17/1784M) is also shown to accommodate studio space, and will compensate for the loss of the studio at Energie Fitness, if the development comes forward.

### Conclusion on loss of leisure facility

The availability of alternative facilities to the existing Energie Fitness club within the local area is explained above. It is very clear that the existing gym is a valuable and convenient facility for many local people, and others from further afield. However, the facilities provided at

Energie are available at several locations within the Wilmslow and Handforth area, and any additional demand arising from the loss of the Energie gym and pool can be accommodated within these alternative facilities. It is acknowledged that some of these alternative facilities might be more expensive, or not quite as convenient, but this is not a material planning consideration in this case. For those without a car, Wilmslow town centre is approximately 2kms from the application site, which is within walking or cycling distance, and the 130 bus provides access from outside of the application site to Wilmslow town centre approximately every 30 minutes between 7am and 8pm.

The Council's Leisure Services Manager has been consulted on the proposal and whilst they express disappointment at the closure of the facility, they note that the applicant's Leisure Needs Assessment has used the data in the Council's Assessment to demonstrate that even with its loss there is still sufficient supply within Cheshire East to take up the demand created, and therefore comply with relevant policies.

It is also important to note that unlike outdoor open space indoor facilities are not a finite resource, and their supply will be very much dependant upon demand and market forces.

It has been demonstrated that there is an adequate supply to meet demand without the facilities at Energie, which can therefore be identified as surplus to requirements. Accordingly, the proposal is considered to comply with policies SC1 and SC2 of the CELPS.

### **Environmental Sustainability**

#### **Design / Character**

Policy SD2 of the CELPS expects all development to *"Contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:*

- a. Height, scale, form and grouping;*
- b. Choice of materials;*
- c. External design features;*
- d. Massing of development - the balance between built form and green/public spaces;*
- e. Green infrastructure; and*
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood;"*

The area is characterised by a range of single, two and three-storey commercial and residential properties. The existing retail store is constructed in red brick under a red tile pitched roof, whilst the gym is rendered with a grey tile roof. The red brick is typical of surrounding buildings and the area in general, but the rendered gym and the adjacent nursery building indicate a range of materials and styles are also evident in the immediate area.

The new retail store will sit on a similar, albeit larger, footprint to the existing gym building. At 7 metres in height the new building will be approximately 2.5 metres lower than the existing gym building. The variety in building heights in the area means that the height of the new building will not be seen as a discordant feature. The remainder of the application site (to the east of the replacement store) will provide the majority of the car parking and will relate well to the existing car park serving the wider shopping centre.

The proposal involves the construction of a building with rendered walls, silver cladding, glazing and a mono pitched roof. Whilst this approach differs to many of the surrounding buildings, the render and silver / grey cladding and detailing does reflect what is already present on the adjacent nursery building, and as such the proposal can be accommodated into this area without any significant harm to the character and appearance of the locality.

During the course of the application a number of small revisions have been made to the layout to provide the continuation of existing footway past the neighbouring parade of shops towards the Lidl entrance, thereby improving the links between the shops; a clearly defined pedestrian route across the car park to the store entrance; and an increased width of landscape buffer to the north of the disabled parking spaces to enhance the visual amenity of the space between Lidl and the shopping parade.

The boundaries to the north, south, east and west of the new building comprise relatively strong and mature landscape features which will be retained as part of the proposal which helps to maintain existing relationships with neighbouring buildings. The eastern boundaries of the site will retain the existing brick piers with timber infill panels and extend this feature between the car park and the shops to the east. To the north the existing vegetation along the boundary will remain, as will the palisade fence along the western boundary together with the vegetation on the landscaped verge on Colshaw Drive. In addition to this on the western boundary a 2.5m high close boarded acoustic timber fence is proposed on the car park side of the existing palisade fence. The existing vegetation will serve to significantly soften the appearance of this fence, and due to this and the set back from the road, it will not be a prominent feature from outside of the site. Within the site, space is provided for landscaping which will not hide the fence, but will again soften its appearance, and the fence will be seen in the context of this new planting and the much taller and established existing vegetation. The southern boundary will retain the existing trees and hedges. The overall visual impact of the boundary treatments will not be significantly different to that which currently exists and as such is considered to be acceptable.

The proposal is therefore considered to comply with policies SD2 and SE1 of the CELPS.

### **Energy Efficiency**

The applicant's submission states that the proposed store seeks to maximise opportunities to reduce energy consumption, use energy efficient materials and equipment and enhance operational efficiency. Policy SE9 of the CELPS expects non-residential development over 1,000 square metres to secure at least 10% of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. This can be secured by condition.

### **Living conditions**

The site is bordered on its northern and eastern boundaries by residential properties on Tiverton Drive and Chamberlain Drive. The closest part of the gym building is currently located approximately 19.6 metres from the properties on Tiverton Drive. The nearest properties on Tiverton Drive will be approximately 20.5 metres from the eastern elevation of the new building, which has a maximum height of 7 metres. The building is single-storey, and therefore the only windows in this elevation are at ground floor level and will look out onto the proposed car park. There is also intervening vegetation along this boundary up to 11m high which will be retained and will help to further reduce the impact upon these neighbours.

To the north, there are residential properties on Chamberlain Drive, which are located approximately 17.3 metres from the rear elevation of the existing gym building. The blank north elevation of the new retail store will be approximately 14.1 metres from these dwellings. Whilst the new building will be closer than the existing the substantial vegetation to the north of the site will be largely retained and will adequately filter any views of the new building. The vegetation is currently the dominant aspect of the outlook from these properties, and will remain as such.

To the north west of the site, on the opposite side of Colshaw Drive there are residential properties on RossencloUGH Road, however, due to their positioning and distance to the new building, there will not be any significant impact upon the living conditions of these neighbours.

An acoustic report has been submitted which considers the impact of the noise from plant and equipment, noise from deliveries to the store and also customer vehicles on the store car parks. The report recommends mitigation designed to ensure that occupants of nearby dwellings are not adversely affected by operational noise from the development. The mitigation includes restricting deliveries to daytime hours (07:00 - 23:00 hours), a 2.4m high acoustic barrier around the plant compound and a 2.5m high acoustic barrier along the loading ramp and site boundary. Environmental Health advise that the proposed mitigation is acceptable to ensure that the occupants of nearby residencies are not adversely affected by operational noise from the development.

The proposal raises no significant amenity issues and is considered to comply with policies DC3 and DC13 of the MBLP, and the noise aspect of policy SE12 of the CELPS.

### **Air Quality**

Policy SE12 of the emerging Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

As a major development the proposal does have the potential to have a negative impact on the local air quality. Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce traffic associated with the development and safeguard future air quality in Wilmslow.

The applicant has already submitted a Travel Plan to identify alternative forms of transport and reduce the reliance on the private car. However, further mitigation requiring the provision of electric vehicle infrastructure is recommended and can be secured by condition.

### **Contaminated Land**

This site is currently a food store with a car park and electricity sub-station and therefore there is the potential for contamination of the site to have occurred. The submitted Phase 1 Desk Study report recommends that a shallow borehole investigation is undertaken. This is to determine the presence of potential contaminants in soils from the electricity sub-station and

car parks. Appropriate contaminated land conditions are therefore recommended to ensure compliance with policy DC63 of the MBLP and SE12 of the CELPS.

### **Flood Risk**

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. The proposed development is therefore acceptable from a flood risk perspective. The submitted Flood Risk Assessment (FRA) states that due to the tight site constraints, location and principally that the site is a brownfield site the use of site infiltration and other similar SUDS systems are not suitable for this development. The Flood Risk Manager and United Utilities raise no objection to the proposal subject to conditions relating to drainage and compliance with the submitted FRA.

### **Highways**

The gross floor space of the replacement store will be 2480sqm, compared to 1130sqm of the existing store and 2,973sqm of the existing fitness club. There will be an increase in sales floor space of the retail unit from 861sqm (existing) to 1655sqm (proposed).

The recommended parking standards within the CELPS for food retail are 1 space per 14sqm and for non food retail it is 1 space per 20sqm. Using the gross floor area of 2480sqm, 177 spaces would be required for a food retail store, and if the proposed sales floor area was used 118 spaces would be required. 137 parking spaces are being provided within the site.

The existing Lidl store has a gross floor space of 1130sqm, which would require 80 parking spaces to be provided to be in accordance with the CELPS recommended parking standards, whereas only 68 are provided. However, there are additional parking spaces available which are shared with the other retail and food stores in the local area, which would also be available for the proposed store.

Added to this, the submitted Transport Assessment states that analysis of the estimated trips generated from the proposed development concludes that the highest combined number of vehicles visiting the discount food retail and the non-food retail elements of the site will be approximately 75 vehicles on a Saturday.

The proposed car parking spaces are 2.5m wide and 5.0m in length which comply with the size standards in the CELPS. Six spaces will be designated disabled and eight will be parent and child spaces. Cycle parking for 8 cycles is also provided close to the store entrance. The site is within walking distance of many residential properties and there are bus stops just outside the site.

The access to the store remains the same from Village Way although it is proposed to provide an exit only from the main car park to Village Way. Servicing will take place to the building from the western car park.

In terms of the traffic impact of the proposal, the main consideration is that there is an existing store at the site already which generates traffic to the site. Whilst there is an extension to the retail floor space, the Head of Strategic Infrastructure advises that this generally does not translate into a high increase in new trips to the site over and above the customers already

using the site. In addition, the removal of the gym trips from the site reduces the impact of the development.

No highway safety issues are raised and the Head of Strategic Infrastructure raises no objections to the proposal, subject to a condition requiring details to be submitted showing how the exit only from the main car park is to be controlled. The proposal is therefore considered to comply with policy DC6 of the MBLP.

### **Trees / landscape**

The submitted Arboricultural Report and Impact Assessment identify 32 individual trees and six groups of trees or shrubs within or immediately adjacent to the application site. Three trees have been assessed as Moderate (B) category specimens with the remaining trees have been categorised as low value (C) category specimens.

The Assessment of the development proposals identifies a direct loss of 13 individual trees (comprising of various Maple, Birch, Portuguese Laurel and Plane) to accommodate the proposed new building and access arrangements. A Laurel hedge (G18) and a semi mature group of Ash (G25) also identified as low value specimens will require pruning to accommodate a proposed fence to the rear of the building.

Whilst there will be tree losses, these are considered to be acceptable, and in addition the development provides opportunities for new tree planting as part of a soft landscaping scheme that will provide mitigation for the loss of trees. The landscape plan does show that there some scope for new planting and this should incorporate high canopy species where appropriate. Insufficient details of the planting are provided on the landscape plan, and it is therefore recommended that further landscaping details are secured by condition.

There are a number of areas where there are indirect impacts on retained trees where new hard standing slightly encroaches into root protection areas (RPA's). These areas where retained trees are located to the north, north west and eastern site boundaries are to facilitate car parking and a footpath around the edge of the proposed building. The arboricultural officer accepts that the minor encroachment can be minimised in this instance by utilising site specific no dig construction using three dimensional cellular confinement systems with porous surfacing.

The proposal is therefore considered to comply with policies DC8 and DC9 of the MBLP and policy SE5 of the CELPS.

It should also be noted that following the submission of this application the Council received a request to consider protecting trees within the site. As a result of this, an amenity evaluation of the trees was carried out by the Council's arboricultural officer to assess whether they are of sufficient value to warrant formal protection. The conclusions of the assessment confirmed that the majority of the trees present either a poor social relationship to adjacent properties, have poor clonal form or are of no outstanding merit and do not make a significant contribution to the wider amenity of the area. Consequently, a Tree Preservation Order was not considered to be appropriate.

### **Ecology**

The application site falls within Natural England's SSSI impact risk zones for Lindow Common, but the proposal is not a type of development which Natural England wish to be consulted on at this location. No further action in respect of the SSSI is required.

The submitted ecological surveys focus on the potential of the on site buildings and trees to support roosting bats. No evidence of roosting bats was recorded during the submitted surveys and therefore roosting bats are unlikely to be affected by the proposed development.

Whilst the application site offers limited opportunities for roosting bats, small numbers of common bat species were recorded commuting around the site. To avoid any localised adverse impacts on bats resulting from any lighting associated with the development, a condition is recommended requiring any additional lighting to be agreed with the LPA. Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in Bats and lighting in the UK - bats and the built environment series (Bat Conservation Trust, 2009). A further condition is also recommended to safeguard breeding birds. Subject to these conditions the proposal is considered to comply with policy NE11 of the MBLP and SE3 of the CELPS.

### **Other matters**

With regard to the comments received in representation not addressed above, it is confirmed that the site is not a designated asset of community value. In addition, the disruption during construction which will be a temporary manifestation of the development process, the use of the car park by the car showroom, and the impact on property values are not material planning considerations in this case and cannot be afforded any weight in the determination of this application.

### **CONCLUSION**

The proposal seeks to provide a replacement retail store on a site allocated for shopping purposes in the local plan. The proposal is compliant with local and national planning policies for retail development. The comments received in representation have been given due consideration in the preceding text, however, the existing gym is considered to be surplus to requirements, given the availability of other indoor leisure facilities in the local area. The proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, the application should therefore be approved without delay.

### **RECOMMENDATION**

For the reasons set out above, the application recommended for approval, subject to conditions.

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

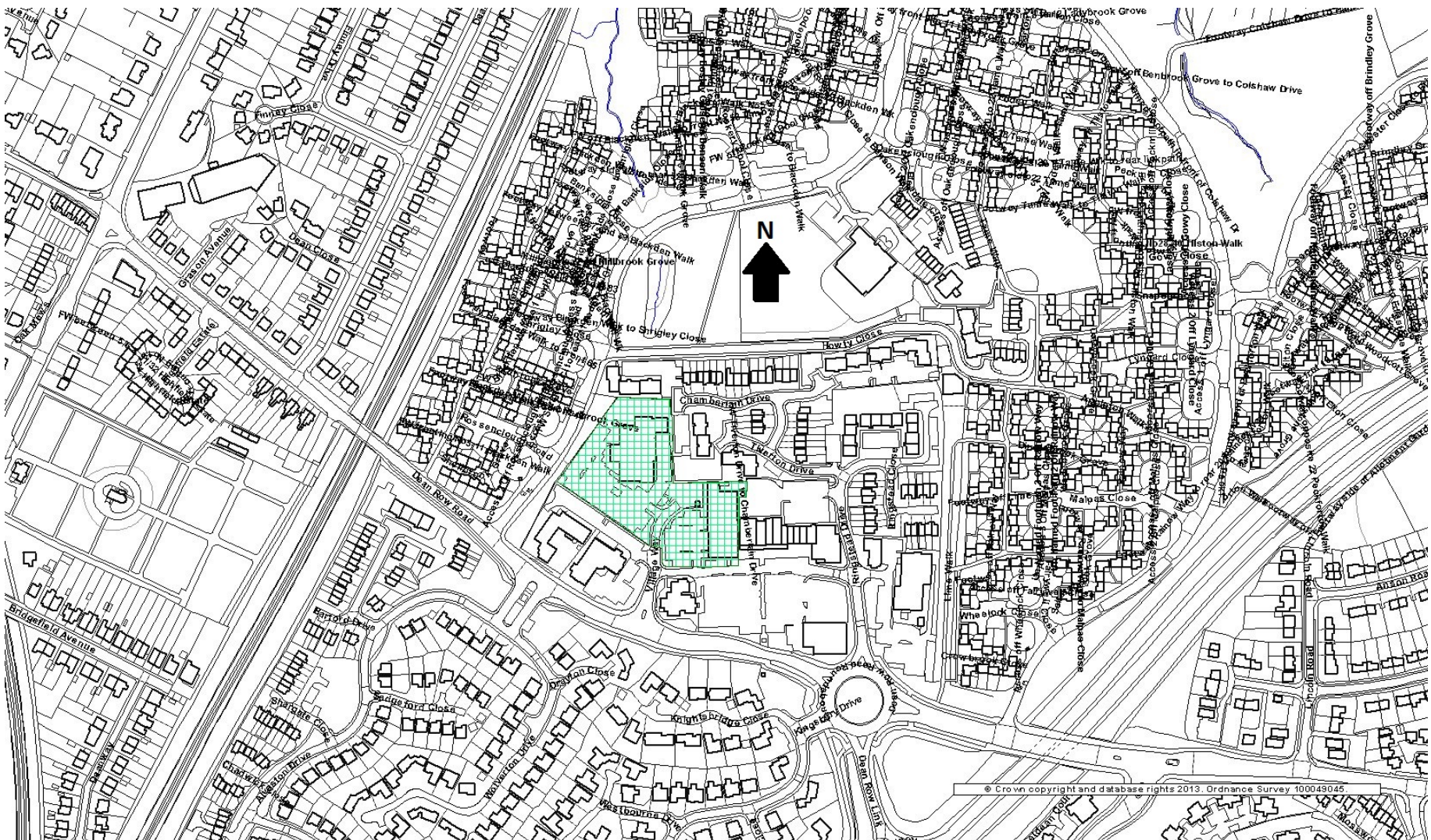


*Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*

### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Tree retention
5. Tree protection
6. Construction specification/method statement (trees)
7. Landscaping - submission of details
8. Landscaping (implementation)
9. Nesting birds survey to be submitted
10. External lighting details to be submitted
11. Measures to ensure that the exit only from the main car park is controlled to be submitted.
12. Development to be carried out in accordance with FRA
13. Drainage strategy with detailed calculations to be submitted
14. Foul and surface water shall be drained on separate systems.
15. Noise mitigation measures to be implemented
16. Method statement for piling and floor floating to be submitted
17. Method statement for minimising dust emissions during demolition / construction
18. Electric Vehicle Infrastructure to be provided
19. Travel plan implementation
20. Phase II ground investigation and risk assessment to be submitted
21. Imported soil to be tested for contamination
22. Unforeseen contamination to be reported to LPA
23. 10% of energy from decentralised and renewable or low carbon sources
24. No deliveries outside of the hours of 07:00 and 23:00 hours
25. Details of phasing to be submitted



Application No: 16/2096M

Location: ENDON QUARRY WINDMILL LANE KERRIDGE BOLLINGTON

Proposal: Telecommunications installation and associated works (NTQ Replacement)

Applicant: c/o WHP, EE & 3G UK LTD

Expiry Date: 08-Dec-2017

**SUMMARY**

The application site is allocated within the saved Macclesfield Borough Local Plan as within the Green Belt, Area of Special County Value and Manchester Airport Safeguarding Zone. The existing site is Endon Quarry, a working stone quarry accessed from Windmill Lane, Kerridge.

The application seeks a revised 15m replacement telecommunications mast, previously proposed at 20m, and associated equipment with compound for EE Ltd and HG3 LTE. The proposed mast would replace an existing mast at Marksend Quarry which is subject to a Notice to Quit as the owners wish to redevelop the site where the existing mast is situated. The mast would provide new replacement 4G and 3G coverage for EE Ltd in order to maintain coverage in the SK10 area of Cheshire.

Noting the Green Belt location it is considered Very Special Circumstances have been demonstrated that would outweigh harm caused to Green Belt from the principle of the development, which includes the need to replace existing telecommunications, which are also located in the Green Belt. The proposals are not deemed to have any significant impacts on the setting of nearby listed buildings or Kerridge Conservation area, and the design of the structure is acceptable. In addition the limited impact on long views from the Gritstone Trail, Saddle of Kerridge and general Kerridge Landscape Character Area are also deemed to be acceptable as a result of the revised smaller scale mast design. The height, technical/operational specifications and location of the mast would not effect safeguarding for Manchester Airport, protection of the nearby group TPO or on Nature Conservation. No significant impacts are expected in terms of existing residential amenity or regarding highways.

Subject to conditions the proposals 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 with conditions**

## **REASON FOR REPORT:**

The application has been called in to Committee by Councillor Nicholas for the following reasons: “*objection under DC60 (3) of the Macclesfield Local Plan*”.

## **DESCRIPTION OF SITE AND CONTEXT**

The proposed development site is located within the working Endon Quarry, a stone quarry to the west of machinery stores in the quarry compound area. The site lies in the Green Belt and in an Area of Special County Value. The site is on a flat plateau however in an elevated position in comparison to the surrounding area including Kerridge village. The site is bordered by dense, woodland and mature trees (blanket TPO in place) to the west resulting in it being screened from view of the nearest road, Windmill Lane. This road is the access road to the site to the west. The immediate site setting comprises large green, metal profiled and clad machinery storage areas, portacabins and other storage enclosures alongside brick built office buildings. There is a heavy presence of vehicular parts and other scrap lying about in close proximity to the proposed site. Also in the quarry area is an open ended shelter used for shooting matches. The quarry site has an unkempt industrial appearance.

To the east of the site in an elevated position above the working quarry edge is Kerridge Hill and two public rights of way including the Saddle of Kerridge and the Gritstone Trail. The site is prominent from footpath FP24 and FP32 which run along the northern and southern site boundaries respectively. At approximately 500m north of the site is the White Nancy, a Grade II listed structure erected in 1817 by John Gaskell junior to commemorate the victory at the Battle of Waterloo. To the north west of the site beyond the dense tree canopy are the Grade II listed Turret Cottages, two storey stone built residential cottages, sat at a much lower, tree concealed level from the proposed site which is also the south eastern boundary of the Kerridge Conservation Area. The other nearest residential properties, also constructed from local stone and slate are Five Ashes Cottages and Ash Cottage to the south of the site on Windmill Lane. To the south of the site within Marksand Quarry at a similar, but slightly lower topography to the site in question, is the existing telecommunications mast which has a Notice to Quit as the owners of the site wish to develop the land on which the mast is situated.

## **RELEVANT PLANNING HISTORY**

**17/2204M** – Prior Approval for the siting and appearance of proposed telecommunications installation and associated works – withdrawn 13<sup>th</sup> June 2017

**13/4587W** – Determination of conditions to which a mineral site/mining site is to be subject – undetermined.

**CY/01/3034P** – Replacement machinery store – approved with conditions – 5<sup>th</sup> June 2002

**01/3034P** – Replacement machinery store – approved with conditions – 5<sup>th</sup> June 2002

**97/0081P** – Conditions submitted in accordance with the Environment Act 1995 – approved with conditions – 28<sup>th</sup> November 1997

## **DETAILS OF THE PROPOSALS**

The application seeks Full Planning Permission for the installation of a 15m high monopole mast with 6 antenna headframe constructed from grey coloured galvanised steel on a concrete base. Several associated cabinets are proposed of varying sizes to a maximum of 2.2m in height all constructed from grey coloured steel which will also sit on a concrete base with a gravel compound in front of this sat behind a 2.4m high perimeter fence with barbed wire to the top. There will be a gated entry to the northern elevation of the fenced perimeter for technicians use. The mast and equipment compound proposed will be located to the west of the existing storage sheds, set off from the TPO boundary also to the west along Windmill Lane. The proposed mast will replace the existing 15m lattice mast in Marksend Quarry (Cell ID:93642) which has a NTQ as the owners of that site wish to redevelop the land on which that mast is sited, thus there is an urgent need for a new site to maintain coverage. The mast would be for EE Ltd and HG3 LTE and is stated as being required to provide new replacement 4G and 3G coverage for EE Ltd in order to maintain coverage in the SK10 area of Cheshire.

The proposed scheme has been revised from a 20m mast to a 15m mast as a result of concerns being raised during the course of the application.

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

The following information was submitted in support of the application:

- Application form
- Site Specific Supplementary Information Statement 18<sup>th</sup> April 2017
- Location Plan
- Site Location Plan
- Site Layout Plan
- Equipment Layout
- Site Elevations
- Air Safety Assessment – July 2017
- Landscape Visual Impact Appraisal Revision A – August 2017

### **POLICIES**

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

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevant are:

- Paragraph 14 – presumption in favour of sustainable development
- Chapter 5 Supporting high quality communications infrastructure – paragraphs 42, 43, 44, 45 and 46
- Chapter 7 Requiring Good Design – paragraphs 56, 64, 66,
- Chapter 9 Protecting Green Belt Land – paragraphs 79, 80, 87, 88, 89
- Chapter 11 Conserving and enhancing the natural environment – paragraphs 118 and 123
- Chapter 12 Conserving and enhancing the historic environment – paragraphs – 128, 129, 131, 132, 133, 134

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

MP1 Presumption in Favour of Sustainable Development

PG3 Green Belt

SD1 Sustainable Development in Cheshire East



SD2 Sustainable Development Principles  
IN1 Infrastructure  
EG2 Rural Economy  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE7 The Historic Environment  
SE15 Peak District National Park Fringe  
CO3 Digital Connections

**Saved Macclesfield Borough Local Plan Strategy 2004 (MBLP)**

NE1 Areas of Special County Value  
NE11 Nature Conservation  
BE2 Historic Environment  
GC1 Green Belt – New Buildings  
GC6 Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone  
DC3 Design – Amenity  
DC6 Design – Circulation and Access  
DC8 Design – Landscape  
DC9 Design – Tree Protection  
DC60 Community Uses – Telecommunications Equipment

**Other Material Considerations**

Bollington Neighbourhood Plan 2010-2030 (BNP) Submission Version October 2017  
Regulation 16 stage - consultation on submitted plan– ends 1<sup>st</sup> December 2017 – limited weight attributed to plan.  
EGB.P3 – Development in the Green Belt  
ENE.P1 – Natural Environment Policy  
ENE.P2 – Maintenance of views  
ENE.P4 – Footpaths, Quiet Lanes and Bridlepaths  
BE.P2 – Conservation Areas

Cheshire Landscape Character Assessment 2008  
Peak Fringe Local Landscape Designation Area  
Cheshire East Local Landscape Designation Study 2013  
Kerridge Conservation Area appraisal 2006  
Kerridge Landscape Character Area

**CONSULTATIONS (EXTERNAL TO PLANNING)**

**Manchester Airport** – no objection – *‘The proposed development and associated Safety Assessment prepared by Pager Power have been examined by the Manchester Airport aerodrome safeguarding authority and it is concluded that there is no conflict with any safeguarding criteria. Accordingly, Manchester Airport has no safeguarding objections to the proposal’.*

**Bollington Town Council** - recommend refusal as the proposals would be contrary to '*Policy DC 60 (3) in that it would adversely affect an area of special county value for landscape and (4) it would be visually obtrusive and lead to in significant impact on visual amenity in a rural or urban area*'.

## **REPRESENTATIONS**

### **Neighbours/ Local Residents/ Public comments**

Due to the long duration of this planning application and the amendment to the height of the mast, two separate periods of statutory public consultation have occurred and therefore the comments are provided from the initial 2016 consultation and 2017 consultation as below.

#### **2016**

68 letters of objection were received from members of the public objecting to the proposal on the following grounds:

##### ***Design, Landscape and Character –***

- Unsympathetic eyesore, visually unappealing.
- Fundamental effect on setting of nearby Conservation Area and nearby Grade II listed Turret Cottages.
- Out of character with the rural area.
- Intrusion on landscape and would effect the views from Kerridge Ridge, White Nancy and the Gritstone Trail.
- Too many masts in the area.
- Development should not be allowed in an AOSCV.
- 20 years left on licence for quarry, what then as will have to be reconditioned into the setting.
- Encroachment of development into Green Belt and green space.
- Creation of overtly industrial landscape.
- TPO's next to mast are only green 6-8months of year and rest of time the mast is more visible.

##### ***Amenity –***

- Contrary to DC60.
- Visual and overbearing impact of a 20m mast.

##### ***Economic and technical –***

- Macrocell tower is within a mile of site so why not use this.
- New mast is not required as adequate phone reception already exists.
- Development would impact profitability of local business and trades as it will cause people not to visit the area.

##### ***Environment –***

- Environmental impact of the proposals
- Detrimental to local wildlife including barn owls, foxes, badgers and bats that roost/live/forage locally.
- Effect on nearby TPO group.

##### ***Public Safety/ Health –***

- Safety and risk to health as a result of mast operations on local residents, animals and nature particularly nearby residential properties.

**Other notes:**

- Lack of consultation to local residents and land owners.
- Not enough time given for consultation.
- Development would cause de-valuation of local house prices
- Development solely for the profitability of local residents.

**2017**

20 letters of objection were received from members of the public objecting to the proposal on the following grounds:

***Design, Landscape and Character –***

- Blot on landscape where people walk and take leisure time.
- Alter views which have been unchanged for many years.
- Proposed mast is too close to the Listed Turret Cottages and Kerridge Conservation Area effecting their setting.
- Alternative locations within quarry should be investigated away from heritage assets or within existing trees.
- Alternative locations elsewhere should be investigated.
- Proposed mast design is unsympathetic, other designs such as those disguised as trees should be considered.
- Effect on visual transition of nearby walking routes including the Gritstone Trail and White Nancy.
- Mast will be more visible during winter months when trees leaves have fallen.
- Proposals adversely effect an Area of Special County Value
- Proposed aesthetic of mast is incongruous to low rise buildings in quarry.

***Amenity –***

- Visual and overbearing impact of 15m mast.
- Contrary to DC60 of MBLP

***Economic and technical –***

- No requirement for another mast as the reception in the area is adequate.

***Environment –***

- Effect of development on protected species such as bats.

***Public Safety/ Health –***

- Proposed mast would threaten public health

**Other notes:**

- Not being consulted by post.
- Lack of meaningful consultation with local residents.
- Application form not filled in full.

**OFFICER APPRAISAL**

**Presumption in favour of sustainable development**

Policy MP1 of CELPS states '*when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development*



*contained in the National Planning Policy Framework. It 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'. This is in line with paragraph 14 of the NPPF.*

### **ENVIRONMENT**

#### **Green Belt**

The most applicable local planning policies to consider are PG3 of CELPS and saved policy DC60 of MBLP.

Policy PG3 of CELPS states:

1. *'The purposes of the Green Belt are to: iii. Safeguard the countryside from encroachment.'*
2. *'Within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy.'*
3. *'The construction of new buildings is inappropriate in Green Belt. Exceptions to this are:  
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.'*

*Previously developed land is defined within the glossary of the NPPF as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time'.*

The licence for the extraction of stone at the site involves a condition to restore the site once its use as a quarry has ceased, therefore noting the above, the site cannot be considered as previously developed land (PDL). Therefore, as the proposed development site cannot be considered to be PDL the proposed development it would not constitute an exceptional form of development within the Green Belt. Under s.336 of the Town and Country Planning Act 1990 it is stated that the definition of a building *'includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building'*. Thus the telecommunications mast as defined under the Act, would constitute a new building rather than any other operation. The telecoms mast will also serve to reduce the openness of the Green Belt. The proposal is therefore an inappropriate form of development in the Green Belt.

In this instance Very Special Circumstances in line with paragraphs 87 and 88 are required to be demonstrated. Paragraph 87 of the NPPF states *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. This is reflected in CELPS policy PG 3.

In paragraph 88 of the NPPF this is elaborated upon and it states *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.

Paragraph 43 of the NPPF advises that LPAs should *'support the expansion of electronic communications; including telecommunications'* however it furthers that LPAs *'should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.'*

The current mast is located within Marksend Quarry at 15m with a lattice style structure with associated mast headers. The site is due to be decommissioned as the owner has served Notice to Quit on EE as they wish to redevelop the part of the site on which the existing mast is situated. Therefore the proposed mast is urgently required to provide ongoing coverage for EE Ltd in the SK10 area for 4G and 3G. It is noted in the accompanying Site Specific Supplementary Information Statement 18<sup>th</sup> April 2017 that the 'cell search areas for 3G and 4G are extremely constrained with a typical cell radius of approximately 250m meaning that it would not be feasible to site the column outside of this locality.

The entire immediate area around the existing mast site and that of the proposed replacement site are located in the Green Belt and ASCV Kerridge Landscape Character Area. Within the submitted Site Specific Supplementary Information Statement several other sites within the area of the existing mast are considered and discounted for operational reasoning noting all replacement sites, including that subject to this application, are within the Green Belt and ASCV. Therefore to replace the mast within the immediate area to ensure adequate reception would inevitably have some impact on these areas. The existing mast also occupies an elevated position hidden from view by existing mature trees on the hillside from the west, only seen from the public footpath Rainow FP50 to the east, from where the top of the mast can be seen.

The proposed site for the replacement 15m mast, is a similar industrial quarry setting largely screened from view by trees when viewed from the north, west and south, on an existing slope at raised topography. Only a few metres of the total height of the 15m mast proposed would be able to be seen above the top of existing buildings on site from the Gritstone Trail and public footpath FP24.

Concern has also been raised by local residents citing they already had adequate coverage and that there were other masts were in the immediate area. Paragraph 46 states *'local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators' or 'question the need for the telecommunications system'*. The proposed mast would replace an existing mast and thus would not add to the amount of masts in the area.

Taking into consideration the aforementioned points it is considered that the absence of other available sites and the fact the proposal replaces an existing mast in a similar setting are material considerations that do clearly outweigh the identified harm to the Green Belt by reason of inappropriateness and loss of openness, and the very limited less than substantial harm to the designated heritage asset (explained further below). Accordingly very special circumstances are considered to exist, and therefore from a Green Belt perspective the proposal is considered to be acceptable.

### **Kerridge Conservation Area and Grade II Listed Turret Cottages**

Both the Town Council and local residents have raised concern at the siting of the proposed mast in relation to Kerridge Conservation Area and the Grade II listed Turret Cottages and the resultant effect on their setting. The development site itself is not statutory listed or within a Conservation Area, however at a distance to the north west of the site is Kerridge Conservation Area and the aforementioned listed cottages. Turret Cottages are nestled within a pocket of group TPO's to their eastern and southern boundaries and are accessed from Windmill Lane by single track. Their rear habitable room windows look out onto a steep, tree filled slope to which the boundary of the quarry site is the highest point. The proposed mast would be to the south west in excess of 60m from the rear wall of the closest cottage to the site at an elevated position within the existing quarry area next adjacent existing buildings. Turret Cottages form the boundary of Kerridge Conservation Area. The conservation officer considers the revised height would help the mast be hidden from the views of the Conservation Area, noting that during winter periods the mast would be more visible from the rear gardens of nearby properties. In addition, it was felt that while there would be some impact upon Turret Cottages particularly the view to and from the cottages, the impact of development would be less than substantial.

Taking into consideration paragraphs 133 and 134 of the NPPF, and the need to justify harm to heritage assets *'All grades of harm, including total destruction, minor physical harm and harm through change to the setting, can be justified on the grounds of public benefits that outweigh that harm taking account of the 'great weight' to be given to conservation and provided the justification is clear and convincing'*. In this instance the applicants have revised the scheme to reduce the impact of development on the identified heritage assets. Noting the less than substantial impact on the identified assets as a result of the revised height and noting its location set away from both, the public benefit of the scheme, being the need for a replacement mast in the area, does outweigh the identified harm. Therefore the proposals are considered to be in line with policy SE7 of CELPS, saved policies BE2 and DC60 of MBLP and emerging policy BE.P2 of BNP.

### **Landscape**

Comments received in representation have raised concern at the proposals due to the impact of development on the setting and views as seen from the ASCV – Kerridge Landscape Character Area, Peak District Fringe, public footpaths and canal towpaths. The landscape officer has reviewed the revised visual impact assessment, based on the amended lower (15m) mast, and broadly agree with the assessment produced by Camlin Lonsdale in support of the application. The landscape officer does not raise objection to the application due to the dense woodland on the western slopes of the ridge and the relative abundance of trees and hedgerows in the landscape to the west, views towards the proposed mast site are generally quite well screened. Where the mast would be visible from dwellings, footpaths and roads in the vicinity it is likely to have a low adverse visual effect on receptors. The proposed

development is therefore in compliance with policies SE4 and SE15 of CELPS, saved policies NE1, GC6, DC8 and DC60 of MBLP and ENE.P2 and ENE.P4 of BNP.

### **Design**

The 15m monopole mast with 6 antenna headframe will be constructed from grey coloured galvanised steel on a concrete base. Several associated cabinets are proposed of varying sizes to a maximum of 2.2m in height all constructed from grey coloured steel which will also sit on a concrete base with aa gravel compound in front of this sat behind a 2.4m high perimeter fence with barbed wire to the top. There will be a gated entry to the northern elevation of the fenced perimeter for technicians use. Noting the usage of the mast and its setting within an industrial landscape the simple design and grey colour is considered to be acceptable. The grey colour of the mast and its equipment will help assimilate it into the sky line noting the colours of existing buildings on site. Consideration was given to an alternative tree design however it was thought this would be too prominent and more obvious than a slender grey structure like that proposed.

### **Manchester Airport**

The proposed development site is located within the Manchester Airport Safeguarding Zone for all development. Since the original submission the phone mast has been reduced from 20m to 15m and an Air Safety Assessment has been produced by Pager Power to understand the physical and technical impacts of the proposed development on Manchester Airport operations. This has been reviewed by Manchester Airport who are satisfied with the report findings and that the proposals would not conflict with any safeguarding criteria and are therefore in line with policy DC60 of the MBLP.

### **Nature Conservation and Tree Protection**

The concerns raised by neighbours in regards to the impact of development on the habitat and foraging areas of animals including badgers, bats and owls are acknowledged. However, the proposals have been reviewed by the nature conservation officer who raises no objections or concerns to the proposal, subject to an informative relating to the protection of breeding birds as a result of the development. Therefore the proposals are compliant with policy SE3 of CELPS, saved policy NE11 of MBLP and the emerging BNP policy ENE.P1.

In addition concern has been raised by third parties at the proximity of development in terms of the nearby TPO group. However, there is not considered to be any significant impact upon trees of amenity value, and the arboricultural officer has confirmed that they have no objection to the proposals.

## **SOCIAL**

### **Public health**

With regard to any perceived health risks, the advice offered by the Government's advisors, the National Radiological Protection Board, is that 'the balance of evidence indicates that there is no general risk to the health of people living near base stations'. It is the Government's view that if a proposed development meets the ICNIRP guidelines as recommended by the Stewart Report, it should not be necessary for a planning authority to consider health effects further.

It is confirmed that the installation complies with the requirements of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure and that the

Certificate produced by the operator takes into account the effect of the emissions from mobile phone network operators on the site. Accordingly there is no need to consider the health effects of the proposal any further.

### **Residential amenity and highways**

Due to the location of the site set away from immediate neighbouring residential properties at some height difference and distance it is not considered that the development would lead to a significant impact on the existing levels of residential amenity. No highways implications are anticipated as a result of this development. The development is considered to be in line with SE1 of CELPS and saved policy DC3 and DC6 of MBLP.

### **ECONOMIC**

#### **Effect of development on local business**

The provision of telecoms equipment together with other nearby masts would assist in supporting telecommunications, particularly in rural areas for businesses, alongside everyday public usage, which would otherwise potentially suffer data coverage shortages as a loss of the mast this application seeks to replace. Therefore the proposals are in compliance with policies IN 1 and EG 2 of CELPS.

### **OTHER CONSIDERATIONS**

Local residents have raised issue with the consultation of residents and neighbours during both the original and re-consultation of the proposed mast subject to this application. Statutory consultation processes have been adhered to, site notices erected and letters to local residents posted, thus the statutory consultation process has been followed.

The following items were also raised as concerns by local residents but they are not issues that can be dealt with under the planning process: devaluation of property and the profit a developer makes.

### **CONCLUSIONS**

The proposed development would be minor and is not considered would appear unduly prominent or incongruous from surrounding viewpoints to the extent that the development would not materially harm the character and appearance of the area noting landscape character areas, Kerridge Conservation Area and nearby Grade II listed buildings. Furthermore, it is considered that very special circumstances have been demonstrated that would outweigh the inappropriateness of the development in Green Belt terms. The proposal is at a significant distance from nearby properties and would not be detrimental to residential amenity. It is also considered that the proposals would not affect nature conservation or the protection of trees. The proposals would not pose a safeguarding risk to the operations of Manchester Airport or on public health. For these reasons, it is recommended that the application is approved.

### **CONDITIONS**

- Time 3 years
- Approved plans
- Materials as per application
- Breeding bird survey to be submitted
- Removal of existing mast



Application No: 17/2854M

Location: Land off, Moss Lane, Macclesfield

Proposal: Erection of 32 no. residential dwellings and associated engineering works.

Applicant: Mr John Matthews, Eccleston Homes Ltd

Expiry Date: 05-Sep-2017

### **SUMMARY**

The application is a full planning application for the development of what was originally 32 dwellings now 29 dwellings on a greenfield site located off Moss Lane, Macclesfield. The site forms part of the South Macclesfield Development Area which forms part of allocation LPS 13 in the adopted Cheshire East Local Plan.

This is a very small portion of the wider site, for which the remainder has received outline planning permission for 950 units. It is considered that the proposed development accords with the Local Plan policy relating to its allocation by providing housing, further where the site falls short, such as open space, this is mitigated through financial contributions to improve existing facilities. The applicant is providing the a suite of CIL compliant contributions required in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future. It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It is considered that the proposal represents sustainable development and accords with the development plan policies outlined in the report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

### **SUMMARY RECOMMENDATION**

**Approve subject to conditions and a Section 106 Agreement**

### **UPDATE SINCE DEFERRAL**

Members will be aware that this application was first considered by the Northern Planning Committee on 11<sup>th</sup> October 2017 where it was deferred for the following reasons:

*That the application be deferred in order to reconsider access to the site, parking arrangements, property type, layout and configuration of the affordable housing and the number of four bedroomed properties.*

Following the meeting on 11<sup>th</sup> October various changes have been made to the scheme to aim to address some of the concerns of the committee.

The layout of the site has been amended and now proposes 29 units of the following mix:

2x 1 bedroom apartments

5x 2 bedroom dwellings

6x 3 bedroom dwellings

16 x 4 bedroom dwellings

Out of the above mix 9 units are affordable tenure.

### **Representations on revised plans**

Following consultation on the amended scheme 9 letters of objection have been received.

The letters relate to:

- highways capacity
- parking
- manoeuvrability of vehicles
- access/alternative access options
- layout relying on cars parking on the pavement
- ecology issues, disagreeing with ecology comments and observations.

The main issues raised through all consultations having taken place throughout the application process have been addressed in the original officer's report, update, and in this further report following deferral of the application.

### **Access to the site**

Notwithstanding the comments made at the meeting, the proposed vehicular access point is to remain as proposed which is off Moss Chase.

The site is landlocked in terms of land ownership. With regard to the wider SMDA site, whilst this proposal has been approved in outline form, the timescales are not clear as to the delivery of the site, therefore there is no guarantee that infrastructure will be in place to facilitate this development, which has been submitted in full form.

Therefore as the access arrangements to the site from Moss Chase are considered to be acceptable in highways terms and in terms of wider connectivity to Macclesfield, the proposal has not been amended in this regard and remains acceptable.

### **Parking arrangements**

The layout of the site has been amended which has included the loss of 3 residential units. The number of units accessed off the private driveways has been reduced as a result of the lower numbers which has been considered to improve the scheme in highways terms. The car parking arrangements are considered to be acceptable.



The reduced numbers is a general improvement in terms of highways as fewer vehicle movements will result from the proposals. Housetype 'Parkgate' will now have double garages.

### **Property types / number of 4 bedroom units**

As a point of clarification, the comments in the original report referring to the oversupply of 4 bedroom units as identified in the 2013 SHMA relates to general needs affordable housing supply and demand only, and not open market needs or demands.

It is considered that although the site has a larger number of 4 bedroom units, there is a sufficient mix of dwellings across the site including 1, 2, 3 and 4 bedroom units. Such a residential mix is considered to be in accordance with policy SC4 of the Cheshire East Local Plan Strategy.

### **Layout and configuration of the affordable housing**

The revised proposals have been reviewed by the housing officer who has raised no objections to the layout and type and tenure of the dwellings. The provision of affordable housing is acceptable, at 9 units instead of 10 following the loss of 3 units from the site overall. One housetype has been amended to include a double garage. It is considered that the properties are adequately pepperpotted across the site for the size of the development proposed.

### **S106 heads of terms adjustments as a result of reduced dwelling numbers**

9 affordable units proposed adjusted as a result of revise numbers

POS adjusted as a result of reduced dwelling numbers, £33875

ROS adjusted as a result of reduced dwelling numbers, £17980

Educational contribution of £146,791 towards primary and secondary spaces.

Mitigation for loss of biodiversity units 4.82 units x £3850 (average cost per unit) = £18,557.00

### **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 meet the Council's requirement for policy compliance save for the Ash Grove improvements. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### **Conclusion**

Following revisions to the scheme, the proposals are considered to be acceptable. For the reasons mentioned in this and the previous report to committee the proposed development is recommended for approval subject to the following conditions and the section 106 agreement revised heads of terms set out above.

1. Time Limit 3 Years
2. Approved Plan and document condition
3. Facing Materials to be submitted including windows, doors and rainwater goods.
4. Details of boundary treatments to be submitted.
5. Sustainable drainage management and maintenance plan to be submitted.
6. No development shall take place until a detailed strategy / design and associated management / maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority. The drainage design must also include information about the designs storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)) & any temporary storage facilities included, to ensure adequate drainage is implemented on site.
7. Details of Ground levels and Finished floor levels (FFLs) need to be approved in writing by the LLFA and LPA.
8. Prior to the commencement of development detailed proposals are to be submitted for the provision of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m.
9. Prior to commencement of development an updated water vole survey is to be submitted.
10. An updated bat survey is to be submitted if trees identified as having roost potential are not removed prior to September 2018.
11. Prior to commencement of development a method statement of reptiles reasonable avoidance measures to be submitted.
12. Nesting bird survey to be carried out
13. Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and roosting bats shall be submitted to and approved in writing by the Local Planning Authority.
14. All arboricultural works shall be carried out in accordance with Ascerta Arboricultural Impact Assessment dated May 2017
15. Piling method statement to be submitted
16. Dust control method statement
17. Prior to first occupation, a Residents' Travel Information Pack shall be submitted to and agreed by the LPA.
18. Electric vehicle charging point for every dwelling with dedicated off road parking
19. Ground gas risk assessment to be carried out and remediation scheme.
20. Imported soils to be tested for contamination.
21. Reporting of unexpected contamination.
22. Landscaping scheme to be submitted including hard and soft landscaping
23. Landscaping implementation
24. Plan to show locations of bin stores
25. Broadband connection to be made available to all dwellings
26. Construction Management Plan
27. Condition requiring details of pumping station to be submitted

28. Condition for obscure glazing (notably plot 7)

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**PREVIOUS REPORTS**

**NORTHERN PLANNING COMMITTEE –5<sup>Th</sup> October 2017**

**UPDATE TO AGENDA**

**APPLICATION NO.**

17/2854M

**LOCATION**

Land off, Moss Lane, Macclesfield

**UPDATE PREPARED**

03/10/2017

**KEY ISSUES**

**Additional Ecology Information received**

Local Plan Allocation

This application site falls within the South Macclesfield Development Area. Local plan policies specific to this allocation refer to the retention of trees, water courses and natural habitats as appropriate.

Designated Sites

The application site falls within Natural England's SSSI Impact Risk Zones.

The SSSI impact risk zone relates to developments of 50 units for rural housing and 100 for housing in general. The proposed development falls below this threshold. It however forms part of the wider South Macclesfield Development area which is also subject to an outline planning application, for which NE have requested conditions be attached to any consent granted to safeguard the SSSI.

Natural England has commented in respect of the SSSI and have raised no objections to the proposals.

Habitats and Lowland Raised Bog

The application site, and much of the South Macclesfield Development Area of which the application forms part, appears on the national inventory of lowland raised bog habitat. Habitats of this type are a material consideration for planning. The value of this type of habitat arises from the species and habitats it supports and in the case of degraded sites their potential for restoration.

In this instance the habitats on the application site are currently not particularly reflective of Lowland Raised Bog and no bog species were recorded during the submitted surveys. The existing habitats are of some nature conservation value, but do not amount to priority habitats in their own right. The submitted ecological assessment however identifies the ditches as being of low to district value and states that they may have some potential to support relic bog vegetation.

### Water voles

This protected species is known to occur in this broad locality. No conclusive evidence of this species being present was recorded during the submitted survey.

It is therefore advise that based on the results of the survey the proposed development is not likely to have a significant impact on this species.

However, as this species is known to occur in this locality it is recommended that in the event that planning permission is granted, a condition be attached requiring an updated water vole survey be submitted prior to the commencement of development.

### Bats

The submitted ecological assessment identifies the trees surrounding the site as having potential to support roosting bats and recommends that a further bat survey be undertaken of these trees if any are proposed for removal. This survey has been completed and no evidence of roosting bats was recorded. I therefore advise that based upon the current status of bats on site the proposed development is not likely to have an adverse impact upon this species group.

However if planning permission is granted it is recommended that a condition be attached which requires the completion and submission of an updated bat survey if the trees identified as having potential to support roosting bats that would be lost as a result of the development have not been removed by September 2018.

### Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so this species may occur on the site of the proposed development, although no evidence of its presence was recorded during the submitted surveys.

### Reptiles

Common lizard is present in small numbers on the broader South Macclesfield Development Area. The application site offers opportunities for this species, but no evidence of this species has been recorded on the application site to date. The submitted ecological assessment states that the ditches around the site limit the potential for reptiles to gain access to the application site.

It is advised that the ditches around the site are likely to be dry during some periods of the year and so there remains a risk, albeit relatively, low that common lizard could occur on the site. The relatively low risk posed by the local common lizard population could be mitigated through the implementation of reasonable avoidance measures.

It is therefore advise that if planning consent is granted a condition should be attached which requires a method statement of reptiles reasonable avoidance measures to be submitted prior to the commencement of development and implemented.

### Common Toad

This priority species is a material consideration for planning. Evidence of activity of this species on site was recorded during the submitted survey. I advise that the proposed development will have a localised impact on this species as a result of the loss of terrestrial habitat. The retention of the ditches around the site would ensure that there is no loss of suitable breeding habitat.

### Nesting Birds

If planning consent is granted, the following conditions are required to safeguard nesting birds and to ensure some additional provision is made for nesting birds and roosting bats as part of the development proposals.

### Ecology Conclusion

This application site falls within the South Macclesfield Development Area. Local plan policies specific to this allocation refer to the retention of trees, water courses, natural habitats as appropriate.

Even with the retention of these features the development proposals may still result in an overall loss of biodiversity. I have undertaken an assessment of the residual ecological impacts of the proposed development using the Defra 'metric' methodology. This assessment calculates the loss of biodiversity associated with development proposals in 'units'. This can then be used to determine the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally. Please see the attached spreadsheet for the results of this assessment which show the proposed development results in the loss of 4.82 units of biodiversity.

To calculate the level of commuted sum required we cost each unit at £3850.00 this being the average cost of a unit traded in 2013 by during the national biodiversity offsetting pilot.

Therefore: 4.82 units x £3850 (average cost per unit) = £18,557.00 required as a commuted sum to offset the loss of biodiversity associated with the proposed development.

### **Outcome of additional information**

### **Section 106 agreement**

The following planning obligations have been sought through the application process:

- Provision of 10 affordable units.
- Educational contribution of £146,791 towards primary and secondary spaces.
- Contribution towards POS £43,416
- Contribution towards ROS CONTRIBUTION £22,000 total £65,416
- Mitigation for loss of biodiversity units 4.82 units x £3850 (average cost per unit) = £18,557.00

Through the course of the application however, a total of £219,207 has been negotiated by way of financial contributions towards infrastructure and mitigation as a result of the proposed development. The total required from consultees is £230,764. Therefore there is a shortfall of £11,557.

Having assessed the proposals in relation to CIL compliance it is considered that the public open space and recreational open space requirement for improvements to Ash Grove playing field which has recently (within the last 5 years) been equipped, for additional mulch and tarmac paths is not necessary to make the development acceptable in planning terms. This reduces the POS requirement by £9,537. This leaves a remainder of £2,020 to taken from the contribution to the scheme. This is proposed to be removed from the ROS contribution towards the Congleton Road play area a Cheshire East strategic sport site which will receive £19,980 which is 90.81% of the required contribution. Which allows this element to remain a largely policy compliant position, and it is considered that open space and sports provision would not suffer greatly as a result of the amended figures, as it is a minor reduction on a formula based cost.

### **A total figure towards POS and ROS would amount to £53,859.**

It is considered that on balance whilst it is regrettable that the site cannot accommodate the complete financial obligations, due to the site's position within the SMDA, the provision of on site affordable housing, education contribution and the site's biodiversity importance that these elements could not be reduced further.

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 meet the Council's requirement for policy compliance save for the Ash Grove improvements. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### **Final Heads of Terms for Section 106 agreement**

- Provision of 10 affordable units**
- Educational contribution of £146,791 towards primary and secondary spaces.**
- Contribution toward Public Open Space £33,879**
- Contribution Recreation Open Space £19,980**

-Mitigation for loss of biodiversity units 4.82 units x £3850 (average cost per unit) =  
£18,557.00

Total £219,207

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**ORIGINAL OFFICER'S REPORT 11<sup>th</sup> October 2017**

**SUMMARY**

The application is a full planning application for the development of 32 dwellings on a greenfield site located off Moss Lane, Macclesfield. The site forms part of the South Macclesfield Development Area which forms part of allocation LPS 13 in the adopted Cheshire East Local Plan.

This is a very small portion of the wider site, for which the remainder has received outline planning permission for 950 units. It is considered that the proposed development accords with the Local Plan policy relating to its allocation by providing housing. Further where the site falls short, such as open space, this is mitigated through financial contributions to improve existing facilities. The applicant is providing financial contributions required in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future. It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It is considered that the proposal represents sustainable development and accords with the development plan policies outlined in the report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

**SUMMARY RECOMMENDATION**

Approve subject to Section 106 Agreement

**PROPOSAL**

The application is a full planning application for the development of 32 dwellings on a greenfield site located off Moss Lane, Macclesfield. The site forms part of the South Macclesfield Development Area which forms part of allocation LPS 13 in the adopted Cheshire East Local Plan.

The application proposes the following mix of dwellings:

5 x Edenfield (2 bed mews)

2x 1bed apartments  
7 x Tarleton (3 bed semi-detached)  
1 Kingsleigh (3 bed detached)  
2 x Frodsham (3 bed detached)  
7 x Whalley (4 bed detached)  
4 x Hartford (4 bed detached)  
1 x Buckley (4 bed detached)

The application proposes the provision of 10 affordable units including 2x 1 bedroom apartments required through negotiation with the Housing Officer together with a S106 contribution for primary and secondary provision of £146,791 and an off site open space and recreational open space financial contribution of £65,416 towards improvements at Ash Grove Play Area, South Park and Congleton Road Playing Fields.

The proposed development provides two pedestrian links to the wider South Macclesfield Development Area LPS site that was approved in August 2017 for *950 dwellings, 950 homes; a one form entry primary school (use class D1), retail development (use class A1) of up to 4000sqm; employment floorspace comprising offices (use class B1a) of up to 500sqm and warehousing (use class B8) up to 10,000 sqm or relocation of existing demolition / reclamation yard operational facilities (sui generis); associated landscaping, roads and related works to the south of this site.*

The proposed development has an access road off Moss Chase which forms a U shape and is graded to shared surface towards the extremities of the site.

### **SITE DESCRIPTION**

The application site extends to approximately 0.93ha and is a greenfield site which is very overgrown, the site has a number of trees, shrubs and vegetation on it and around its boundaries. The site rises to the north towards Moss Chase a small housing development to the north. The site has an irregular shape and has a ditch along the southwestern boundary of the site. The boundaries of the site are defined adjacent to the existing residential properties with domestic boundary treatments. There is residential development to the northeast and southeast.

### **RELEVANT HISTORY**

01/0076P, Mixed use development comprising: employment (b1,b2,b8), retail (a1), restaurant (a3), hotel (c1), nursery school (d1), trade counters, distributor road, railway bridge, car parking, children's play area, landscaping and associated works (outline application), Refused, 08-May-2001

21458P, Light industrial development class 3 (excluding heavy water users) (outline), Refused, 31-Mar-1980

### **Local Plan:**

#### **Cheshire East Local Plan Strategy 2010-2030 July 2017**

The following are considered relevant material considerations  
SD 1 Sustainable Development in Cheshire East



SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
SE 13 Flood Risk and Water Management  
CO 1 Sustainable Travel and Transport  
CO 2 Enabling Business Growth Through Transport Infrastructure  
CO 4 Travel Plans and Transport Assessments  
CS 8 South Macclesfield Development Area  
SC 1 Leisure and Recreation  
SC 2 Outdoor Sports Facilities  
SC 5 Affordable Homes  
IN 1 Infrastructure  
IN 2 Developer Contributions  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG 5 Open Countryside  
EG 1 Economic Prosperity  
EG 5 Town Centres First

Directly relevant to this site is the following allocation for the entire site:

Site LPS 13 South Macclesfield Development Area

The development of the South Macclesfield Development Area over the Local Plan Strategy period will be achieved through:

1. The delivery of around 1,050 dwellings;
2. Provision of:
  - i. Replacement playing fields, Green Infrastructure and open space to offer multi sports and recreational opportunities including a new pavilion / changing rooms;
  - ii. Class A3 / A4 Public house and restaurant;
  - iii. Class A3 / A5 drive-through restaurant or hot food takeaway; and
  - iv. Class D2 Health club / gym facility;
3. Provision of a new Class A1 superstore with a net sales area of up to 5,000 square metres. The majority of the net sales floor-space should be dedicated for convenience goods;
4. Provision of up to 5 hectares employment land and employment related uses;
5. Provision of a new primary school or contributions towards educational facilities;
6. Potential relocation of Macclesfield Town Football Club;
7. Incorporation of Green Infrastructure;
8. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
9. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space, community and sports facilities.

Site Specific Principles of Development

- a. Delivery of Link Road between Congleton Road and London Road.
- b. Existing trees, water courses and natural habitats are to be retained and enhanced as appropriate.

#### Local Plan Strategy Sites and Strategic Locations

- c. Necessary infrastructure, open space and structural planting to include additional tree planting must be provided.
- d. The north / north-east portion of the site is most suitable for residential development. Proposals should take account of the scale, massing and density of the existing adjacent properties and access should be taken from the new link road. Site layouts should preserve the amenity of existing properties.
- e. The site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes);
- f. Commercial, convenience retail and leisure development will be appropriate on the western end of the site.
- g. The south-east part of the site provides an excellent opportunity for the provision of a new stadium facility for Macclesfield Town Football Club. There would also be an opportunity, to the west of the Stadium, to provide training facilities along with car parking which could serve the whole site.
- h. The form of development should endeavour to retain, where appropriate, much of the existing tree cover which is present on site – in particular on the southern boundary. Pedestrian and cycle links to existing routes and the proposed parcels of development should be provided, set within greenways which are safe, attractive and comfortable for users.
- i. A desk based archaeological assessment is required for the site, with appropriate mitigation being carried out, if required.
- j. A detailed site-specific flood risk assessment should be prepared.
- k. The retention and/or replacement of the indoor and outdoor sports facilities should be in accordance with the findings of an adopted, up to date and robust needs assessment.
- l. The site will be developed only where it can be demonstrated that there is no significant harm on the Danes Moss SSSI, particularly in relation to changes in water levels and quality and recreational pressures. This should include a full assessment of the direct and indirect impacts of the development on the features of special interest. Where impacts cannot be avoided, appropriate mitigation measures will be required to ensure protection of the SSSI.
- m. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

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

In addition to the now adopted LPS, saved policies of the Macclesfield Borough Local Plan also form part of the development plan. This allocates the land to the south of Moss Lane between Congleton Road and Lyme Green Business Park, for a mix of employment, retail/leisure, housing and open space uses and a new distributor road. The principle of development is fixed in the Borough Local Plan. Issues dealing with the release of the land were debated at the Local Plan Public Inquiry held in 1995. What remains to be fixed are the details of the development.

The relevant Saved Policies are: -

#### Employment

E4 – General Industrial Development

#### Environment

NE3 – Protection of Local Landscapes

NE11 – Protection and enhancement of nature conservation interests

NE17 – Nature Conservation in Major Developments

Housing

H9 – Occupation of Affordable Housing

Recreation and Tourism

RT5 – Open Space

RT6 – Allocated for additional Informal Recreational Facilities

RT7 – Recreation / Open Spaces Provision

Development Control

DC3 – Amenity

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC15 – Provision of Facilities

DC17 – Water Resources

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

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

### **National Policy:**

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

Of particular relevance are paragraphs 14, 23-27 and 47.

In addition, the Development Brief titled, South Macclesfield Development Area: A Brief to Guide the Development of Land between Congleton Road and Lyme Green Business Park, was adopted as Supplementary Planning Guidance in November 1998.

### **Other Material Considerations:**

Strategic Market Housing Assessment (SHMA)

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

SPG on Section 106 Agreements (Macclesfield Borough Council)

Ministerial Statement – Planning for Growth (March 2011)

Macclesfield Draft Town Strategy (public consultation undertaken in autumn 2012)

South Macclesfield Development Area – Economic Masterplan and Delivery Plan – November 2011

### **CONSULTATIONS** (External to planning)

#### **Housing**

The Cheshire East Local Plan states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 32 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 10 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Macclesfield Per Year to 2018 is for 103x 2 bedroom and 116x 3 bedroom dwellings for General Needs. The SMHA is also showing the need for 80x 1 bedroom Older Person's dwellings.

The SHMA is showing an oversupply of 1 and 4 Bedroom General Needs dwellings and also for 2 bedroom Older Person dwellings.

The majority of the demand on Cheshire Homechoice in the Combined area for Macclesfield is for 528x 1 bedroom, 546x 2 bedroom, 237x 3 bedroom, 37x 4 bedroom and 1x 5 bedroom dwellings therefore 1,2,3 General Needs and 1 bedroom Older Person Dwellings on this site would be acceptable. 7 units should be provided as Affordable rent and 3 units as Intermediate tenure. The Older Persons accommodation could be via Bungalows, Ground Floor Flats or Cottage Style Flats.

The applicant is showing to be providing the required 30% affordable provision and also the correct 65%/35% split in tenure and are located adequately on site. However they are not providing any 1 bedroom dwellings and the need is shown from the SHMA and CHC. Housing Officers would like to see 2x2 bedroom dwellings to be as flats or bungalows but they must have easy access for those Older persons or with access issues.

Also with the house prices being so high in Macclesfield, we need to make sure the affordable housing is genuinely affordable. Housing would be able to consider a reduced number of Affordable Houses on site but with a bigger discount in the Affordable price. For example the rental units could be as Social Rent over Affordable Rent and the Intermediates, if for example as Shared Equity, be discounted between 30% and 50%. Housing would need full evidence on viability and that the affordable housing is genuinely affordable, to support this.

### **Revised housing comments following amendments**

As the applicant is now providing 2x 1 bedroom flats as requested plus a mix of 2 and 3 bedroom dwellings for the Affordable housing, Housing formally Withdraw their Objection.

**Education** - Summary for the Moss Lane attached. 100% claim for both primary and secondary.

Primary would be £ 65,076 (6 x £10846)

Secondary £81,715 (5 x £16,343)

## **ANSA – Summary 17/2854M Land off Moss Lane - Cost Break down** South Park commuted sum

### Musical Corner – Wicksteed

Supply	£6638
Install	£690
Del	£332

VAT £1466

**Total £9192**

### multiplay unit – Kompan

Supply	£9665
Install	£4362
Delivery	£682
VAT	£2572

**Total £17651**

### Fantasy Funrun – Wicksteed

Supply	£3785
Install	£1730
Delivery	£190
VAT	£1141

**Total £7036**

## Access improvements into the play area - ANSA

### 80m2 Rubber Mulch

Supply and Install **£4537**

### Ash Grove commuted sum

Tarmac pathways **£5000**

### Recreation and Outdoor Sport

22 family dwellings x £1000 ROS contribution = £22,000

TOTAL POS CONTRIBUTION £43,416

TOTAL ROS CONTRIBUTION £22,000

**GRAND TOTAL £65,416**

Indoor Sport contribution waived

Allotments and Green Connectivity contribution waived

Amenity Greenspace Contribution reduced by 20%

Play Contribution increased by 17%

**Highways** – No objection in relation to access, traffic generation, general layout following additional information. Concerns regarding refuse collection.

**Revised highways comments following amendments** - The revised site layout is acceptable

**Environmental Protection** – No objections subject to conditions

**PROW** – No objections

The proposed footway/cycleway and proposed footpath to adjacent development site would increase the permeability of the site to pedestrians and cyclists, and the developer should be tasked to ensure that the alignment of such routes, and the specification of width and design for specific user groups, are in accordance with proposals for the adjacent site (17/1874M)

**Natural England** - No objection.

**United Utilities** – No objections subject to conditions.

## **VIEWS OF THE TOWN COUNCIL**

**Macclesfield Town Council** – No comments received.

## **REPRESENTATIONS**

**Macclesfield Civic Society** - This is a compact scheme for a small site adjacent to existing development on the south side of Moss Lane. The scheme can proceed independently of the comprehensive proposals for the South Macclesfield Development Area and as such could make an early contribution to the increase in housing supply. The layout is compact and well integrated though space around and between dwellings is just sufficient to provide privacy and amenity for existing and prospective occupiers. It is suggested that garden space should not be eroded by subsequent extensions and a condition may be necessary to secure this constraint. The affordable housing (presumably discounted market price) content of 30% is welcomed and should serve as an example for other developers to follow (something that is within the council's power to achieve!).

Some representations express concern regarding disturbance and safety during construction - these concerns could be addressed by planning conditions and adherence to the "considerate construction" code of practice.

As many trees as possible should be retained. The house designs are mixed and should be appraised for their suitability for the site and its wider surroundings.

18 letters of representation received:

- Highways issues layout is unacceptable
- Density too high
- Issues with Moss Lane and Moss Chase vehicle movements
- Volume of traffic will increase
- Disruption from construction traffic

- Concerns of odours from proposed development
- Loss of view
- Impact on protected trees
- Drainage issues
- Impact on protected species
- Homes will not be affordable at £350,000
- The site is designated open space in Macclesfield Local Plan
- Stating in supporting statement that area is a magnet for crime is untrue
- Lack of bin stores
- No access to plots 20-27 for refuse vehicles
- Infrastructure cannot support the proposal
- Generally supportive – pleased with the design but would be better off Moss Lane rather than Moss Chase.
- CEC byelaw 10 states that no obstructions should be within 8m of watercourse.
- Design is dense and oppressive
- Will block daylight and sunlight to 96 Moss Lane
- Comments from Engine of the North – drainage should reflect greenfield run-off rates; require pumping station to be designed in accordance with ‘sewer for adoption’ odour management; require pedestrian and cycle links to wider SMDA.
- Moss Chase is not a social housing area
- Water Voles are believed to be in the area

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

- Planning Statement
- Arboricultural Assessment
- Design and Access Statement
- Geo-environmental Report
- Preliminary Ecological Assessment

### **APPRAISAL**

#### **Key Issues**

- Principle of development
- Housing Land Supply
- Sustainability
- Affordable Housing and Housing Mix
- Landscape Impact
- Trees
- Ecology
- Amenity
- Flood Risk
- Highways
- Design
- Highways
- Section 106 agreement
- CIL

- Representations
- Conclusions
- Planning Balance
- Recommendation

### **Principle of development**

The site is located within Macclesfield town located off Moss Lane and situated behind Moss Chase a small residential development to the north. The site is located within the wider SMDA (South Macclesfield Development Area) which recently (August 2017) gained approval for 950 dwellings among other uses. The site is greenfield, however does form part of an allocation within the newly adopted Cheshire East Local Plan Strategy document. The whole of the SMDA allocation is expected to provide around 1050 dwellings along with associated infrastructure. This would provide for 32 of the dwellings providing a total so far of 982.

The principle of residential development is acceptable in this location being a parcel of a wider strategic allocation in the newly adopted local plan.

The site was a former area of designated open space, however with the adoption of the Local Plan in July 2017, this designation has been superseded by the wider strategic allocation of which this forms a part.

The policy set out within allocation LPS13 states that the site must provide for residential development. The requirements also include those expected to be delivered through the main SMDA site. However all development is expected to provide for primary and secondary educational needs which can be through a financial contribution which is required in this case. Further the site is expected to provide links to the wider site to the south. The layout provides for two links for pedestrians and cyclists to the land to the south. The site is required to provide on site affordable housing, which is proposed in through this development.

### **Local Plan Update**

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

On 27th July the Council adopted the Cheshire East Local Plan Strategy. Accordingly the new Local Plan now forms part of the statutory development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise." This is the test that legislation prescribes should be employed on planning decision making. The National Planning Policy Framework, which is the Secretary of State's guidance, also advises Councils as to how planning decisions should be made.

The 'presumption in favour of sustainable development' at paragraph 14 of the NPPF means: "approving development proposals that accord with the development plan without delay"

As a consequence where development accords with the adopted Local Plan Strategy the starting point should normally be that it should be approved – and approved promptly.

Councillors will be familiar with the second section of Paragraph 14, namely that:



“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; or

– specific policies in this Framework indicate development should be Restricted”

With the adoption of the Local Plan, the development plan is clearly not absent. It is also unlikely to be the case that the development plan will be silent or that relevant policies are out-of-date. As a consequence the second limb of the favourable presumption will not apply to overwhelming majority of planning decisions from this point forward (but see further on housing supply below).

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 these sites and policies will 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 concludes:

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

Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land. The NPPF requires that the housing land supply position be updated annually. If at some future point a five year supply cannot be demonstrated, then in accordance with paragraph 49 of the NPPF, relevant policies for the supply of housing will not be considered up to date. In those circumstances the second limb of the favourable presumption would then apply for decision takers.

This application proposes 32 dwellings in a sustainable location including 12 affordable units. Therefore the site will make a valuable contribution to maintaining the Council’s housing land supply through the delivery of allocated sites.

### **Sustainability**

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

### **SOCIAL SUSTAINABILITY**

#### **Affordable Housing and Housing Mix**

The application proposes 32 units, 10 of which will be an affordable housing product.

The SHMA 2013 shows the majority of the demand in Macclesfield Per Year to 2018 is for 103x 2 bedroom and 116x 3 bedroom dwellings for General Needs. The SMHA is also showing the need for 80x 1 bedroom Older Person's dwellings.

The SHMA is showing an oversupply of 1 and 4 Bedroom General Needs dwellings and also for 2 bedroom Older Person dwellings.

The majority of the demand on Cheshire Homechoice in the Combined area for Macclesfield is for 528x 1 bedroom, 546x 2 bedroom, 237x 3 bedroom, 37x 4 bedroom and 1x 5 bedroom dwellings therefore 1,2,3 General Needs and 1 bedroom Older Person Dwellings on this site would be acceptable. 7 units should be provided as Affordable rent and 3 units as Intermediate tenure. The Older Persons accommodation could be via Bungalows, Ground Floor Flats or Cottage Style Flats.

The applicant is showing to be providing the required 30% affordable provision and also the correct 65%/35% split in tenure and are located adequately on site. However they were not originally providing any 1 bedroom dwellings and the need is shown from the SHMA and CHC.

The Housing Officer originally objected to the proposals based on the style of two bedroom property to be provided which could include single storey or flatted development for those with accessibility issues and further for 1 bedroom units. The scheme has now been amended to reflect this requirement and does now provide 2x1 bedroom flats as affordable housing. The affordable mix is now considered to be acceptable and contributes to meeting the requirement in Macclesfield.

The general housing mix is 3 and 4 bed accommodation, the Council's SHMA demonstrates that the yearly demand for dwellings in Macclesfield is 116 x 3 bedroom dwellings. This application proposes 7 x 3 bedroom dwellings with 15 x 4 bed dwellings. The SHMA does not show a market demand for 4 bedroom dwellings in Macclesfield, however the proposals do contribute to the demand for 3 bedroom market dwellings.

Whilst the general housing mix does not meet 1 or 2 bedroom demand, it does provide a mix of small 3 bedroom units. There will be a mix of 7 housetypes of varying sizes of 3 and 4 bedroom properties with the majority being 4 bedroom properties. It is considered that the mix of dwellings is acceptable in this location.

It is considered that the proposed housing mix is acceptable for a development of this size.

### **Education**

A proposal of a total of 32 dwellings will put pressure on local school services, therefore the proposal is required to provide a financial contribution towards both primary and secondary educational needs. This has been calculated as being Primary would be £ 65,076 (6 x £10846) & Secondary £81,715 (5 x £16,343) a total of £146,791.

Therefore the proposals are policy compliant in terms of education.

### **Public Open Space and Recreation**

The proposal does not provide for public open space or recreation space, however will make connections through to the wider SMDA to the south which is proposed to provide a variety of public open space and recreation options to be provided when the site is built out, including parks and playing pitches.

However, notwithstanding the future links the proposal may have, on-site provision is always the preferable option. In this case however, it is considered that a financial contribution for off-site provision is required to mitigate for the lack of on-site provision. The applicant will be providing an off-site financial contribution of £65,416 which will go towards improvements at Ash Grove Play Area, South Park and Congleton Road Playing Fields. The indoor sport requirement has been waived in lieu of improvements at Congleton Road. Therefore it is considered that the proposal is fully policy compliant with regard to public open space and recreation.

### **Social Sustainability Conclusion**

The proposals for the residential development will make an affordable housing contribution through the provision of 10 units of the correct tenure. The scheme does make a valuable contribution towards affordable housing which will be secured through a Section 106 agreement.

The proposed development will make a full education contribution and is likely to make a contribution towards open space and outdoor sport. The 2013 SHMA does not show a market demand for 4 bedroom dwellings, however the site forms part of the wider LPS 13 allocation and it is likely that on an allocation of this size 4 bedroom dwellings will be required.

The proposal will make a financial contribution towards improvements of the open spaces and recreation areas locally, therefore it is considered that the proposal makes a positive contribution to the health and wellbeing of the future residents of the dwellings and the wider area.

Overall the provision of a reasonable mix of housing for the community as part of a large strategic allocation along with on site affordable housing and education and open space and outdoor recreation contributions which can be provided by the development are considered to be socially sustainable.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Landscape Impact**

The site is generally overgrown, on the edge of an urban area, the land is untidy in appearance. There are concerns from the Landscape Officer with regards to the ditch to the rear gardens of properties 6 – 17, with a 1.8m timber fence located to the west of the ditch and a number of existing trees retained along this boundary. There are concerns regarding the location of the ditch within the gardens and possible amenity concerns regarding the relatively close proximity of the remaining trees to residential properties and the viability of retaining the existing landscape buffer along this ditch.

However no detailed landscape proposals have been submitted as part of this application, the full detail will be reserved by condition to ensure that the landscaping is appropriate and acceptable within the site.

## Trees

The application is supported by a detailed Arboricultural Impact assessment (AIA) by Ascerta dated May 2017.

The application identifies the removal of seven individual trees and three groups and part of a group; these are identified G2, T2-T5, G4 part, G5, G6, and T7-T9. The trees individually and collectively have been categorised in accordance with current best practice BS5837:2012 as being of moderately low value. None of the trees identified for removal are protected under a Tree Preservation Order; formal protection is not considered appropriate.

The AIA and associated site identifies the retention of a number of trees associated with the site boundary; these present a poor social and spatial proximity to the rear elevations of the proposed dwellings. Should the development precede post construction problems in terms of light restriction and dominance are inevitable as the trees mature; removal of these trees also would not be contested.

There is a significant Root Protection incursion in respect of T6 in order to facilitate parking bays and a temporary road surface to service the development; the tree is a moderate value specimen with limited long term potential as a result of its twin stemmed formation.

Tree protection details have been included within the AIA and are consistent with the requirements of current best practice.

It is considered that the proposals will not include the removal of high value specimens, further some trees are to be retained. Therefore the proposals are considered to be acceptable with regard to tree loss.

## Access

The development does not appear to affect a Public Right of Way. The proposed footway/cycleway and proposed footpath to adjacent development site would increase the permeability of the site to pedestrians and cyclists, and the developer should be tasked to ensure that the alignment of such routes, and the specification of width and design for specific user groups, are in accordance with proposals for the adjacent site (17/1874M)

The National Planning Policy Framework states that “planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails” (para 75). NPPF continues to state (para. 35) that “Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.

Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed

development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council's statutory Local Transport Plan and Rights of Way Improvement Plan and also within the Local Plan Strategic Priority 2: "Creating sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided. This will be delivered by:

2. Ensuring that development provides the opportunity for healthier lifestyles through provision of high quality green infrastructure and cultural, recreational, leisure and sports opportunities

4. Improving links between existing and new neighbourhoods by giving priority to walking, cycling and public transport and providing a genuine choice of transport modes and supporting community integration".

In order to encourage people to walk and cycle for travel purposes and for healthy leisure activities, specific support and facilities should be offered to people at a 'transition point' in their lives, for instance, when they are changing job, house or school. The National Institute for Health and Clinical Excellence (NICE) guidance Walking and cycling: local measures to promote walking & cycling as forms of travel or recreation, November 2012, states that "at these times people may be open to trying a new mode of transport or new types of recreation". It is therefore important that the facilities for walking and cycling, including routes, destination signage and information materials, are completed and available for use prior to the first occupation of any property within any phase of the development, and remain available for use during the completion of other phases.

It is considered that the proposed pedestrian links to future development to the south and the main connection with Moss Chase will allow residents to make choices to walk and cycle safely from their homes. The proposed links add to the sustainability of the site within the wider sustainable location within Macclesfield.

### **Ecology**

#### Local Plan Allocation

This application site falls within the South Macclesfield Development Area. Local plan policies specific to this allocation refer to the retention of trees, water courses and natural habitats as appropriate.

#### Designated Sites

The application site falls within Natural England's SSSI Impact Risk Zones.

The SSSI impact risk zone relates to developments of 50 units for rural housing and 100 for housing in general. The proposed development falls below this threshold. It however forms part of the wider South Macclesfield Development area which is also subject to an outline planning application, for which NE have requested conditions be attached to any consent granted to safeguard the SSSI.

Natural England has commented in respect of the SSSI and have raised no objections to the proposals.

#### Habitats and Lowland Raised Bog

The application site, and much of the South Macclesfield Development Area of which the application forms part, appears on the national inventory of lowland raised bog habitat. Habitats of this type are a material consideration for planning. The value of this type of habitat arises from the species and habitats it supports and in the case of degraded sites their potential for restoration.

In this instance the habitats on the application site are currently not particularly reflective of Lowland Raised Bog and no bog species were recorded during the submitted surveys. The existing habitats are of some nature conservation value, but do not amount to priority habitats in their own right. The submitted ecological assessment however identifies the ditches as being of low to district value and states that they may have some potential to support relic bog vegetation.

### Water voles

This protected species is known to occur in this broad locality. No conclusive evidence of this species being present was recorded during the submitted survey.

It is therefore advise that based on the results of the survey the proposed development is not likely to have a significant impact on this species.

However, as this species is known to occur in this locality it is recommended that in the event that planning permission is granted, a condition be attached requiring an updated water vole survey be submitted prior to the commencement of development.

### Bats

The submitted ecological assessment identifies the trees surrounding the site as having potential to support roosting bats and recommends that a further bat survey be undertaken of these trees if any are proposed for removal. This survey has been completed and no evidence of roosting bats was recorded. Therefore based upon the current status of bats on site the proposed development is not likely to have an adverse impact upon this species group.

However if planning permission is granted it is recommended that a condition be attached which requires the completion and submission of an updated bat survey if the trees identified as having potential to support roosting bats that would be lost as a result of the development have not been removed by September 2018.

### Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so this species may occur on the site of the proposed development, although no evidence of its presence was recorded during the submitted surveys.

### Reptiles

Common lizard is present in small numbers on the broader South Macclesfield Development Area. The application site offers opportunities for this species, but no evidence of this species has been recorded on the application site to date. The submitted ecological assessment states that the ditches around the site limit the potential for reptiles to gain access to the application site.

It is advised that the ditches around the site are likely to be dry during some periods of the year and so there remains a risk, albeit relatively, low that common lizard could occur on the site. The relatively low risk posed by the local common lizard population could be mitigated through the implementation of reasonable avoidance measures.

It is therefore advised that if planning consent is granted a condition should be attached which requires a method statement of reptiles reasonable avoidance measures to be submitted prior to the commencement of development and implemented.

### Common Toad

This priority species is a material consideration for planning. Evidence of activity of this species on site was recorded during the submitted survey. The proposed development will have a localised impact on this species as a result of the loss of terrestrial habitat. The retention of the ditches around the site would ensure that there is no loss of suitable breeding habitat.

### Nesting Birds

If planning consent is granted, a condition is required to safeguard nesting birds and to ensure some additional provision is made for nesting birds and roosting bats as part of the development proposals.

### Ecology Conclusion

This application site falls within the South Macclesfield Development Area. Local plan policies specific to this allocation refer to the retention of trees, water courses, natural habitats as appropriate.

There may be a requirement for a financial contribution to offset the potential loss of biodiversity at the site, however this will be reported to the committee by way of an update.

### **Amenity**

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

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

The proposed layout of the site has no directly facing back to back dwellings due to the shape of the site. It is considered that the separation distances across the site are adequate, there is one dwelling plot on site where side to rear separation distance is at 11m, however it is not considered that this would result in overlooking, loss of light or loss of privacy. There may be overlooking into some of the proposed gardens from existing properties, however due to the existing and proposed boundary treatments, coupled with no direct facing windows, this is not considered to be harmful to future residents. The garden areas are considered to be sufficient, therefore it is considered that the proposals accord with policy DC38 which allows

for flexibility with regard to separation distances and policy DC3 which aims to protect the amenity of existing and prospective residents of dwellings.

### **Flood Risk**

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area. The Flood Risk Team has commented that the application is acceptable in principle and site layout plan submitted, it suggests a large decrease on existing permeable area. It is considered that greater permeability is required, to enable more natural surface water infiltration. There is a localised flooding issue which previously effected sections of highway / land along various location across Moss Lane. The developer should take this into consideration and undertake further site investigation to establish any potential land drainage / watercourses which currently run through proposed site.

Furthermore, a number of ditches are unmaintained. It is advised that the developer to undertake vegetation and removal of any debris before any construction is undertaken on site. It is also worth noting as the site is predominantly greenfield, existing QBAR run-off must be mimicked with appropriate attenuation designed up to 1 in 100 years + 30% climate change. This needs to be agreed before any further drainage design is undertaken.

Therefore conditions are recommended to ensure that the site can drain effectively.

United Utilities has commented on the application and raised no objections to the proposals. No objections have been raised in relation to flooding and drainage subject to suitably worded conditions.

### **Design**

The proposed site is constrained due to the irregular shape therefore the layout of the site has been designed to best accommodate this. It is considered that the layout is acceptable and will provide active frontages. The layout does allow for some landscaping and retention of existing which will be secured by condition. The highway layout has a hierarchy of surfaces becoming less formal towards the edges of the site on turning heads, and minor driveways. There are a number of housetypes which will add variety to the street scene. It is considered that the layout is acceptable and has been tailored well to the awkward shape of the site, making the most efficient use of the space, in accordance with policy SE2 which requires the efficient use of land.

### **Highways**

A small number of objections have been received in relation to the proposals, mainly relating to increased traffic the development will cause on an already busy road Moss Lane, and concerns of the site joining Moss Chase. The proposal will create an access off Moss Chase.

The highways officer has assessed the proposals and raises no objections following an amendment providing a refuse area for collection days, due to the size of the refuse vehicles. It is considered that the proposal will not have a detrimental impact on the capacity of the local highway network, and the internal layout is acceptable in highways terms. The site provides adequate parking provision.



Therefore the proposal is acceptable with regard to highways matters.

### **Environmental sustainability conclusions**

It is considered that the proposed development is environmentally sustainable. The proposed design of the site is acceptable, there are conditions required in respect environmental matters raised above.

## **ECONOMIC SUSTAINABILITY**

### **Employment**

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

### **Economy of the wider area**

The addition of 32 units within the town will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Macclesfield Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

### **Economic sustainability conclusions**

The proposals will result in additional employment in the sort term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of the site which is part of a wider strategic allocation.

### **Section 106 agreement**

A s106 agreement will be required to secure the following:

- Provision of 10 affordable units.
- Educational contribution of £146,791 towards primary and secondary spaces.
- Contribution towards POS £43,416
- Contribution towards ROS £22,000

### **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 meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial

requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### **Representations**

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

### **CONCLUSIONS**

The site forms part of a strategic allocation for the South of Macclesfield. This is a very small portion of the wider site, for which the remainder has received outline planning permission for 950 units. It is considered that the proposed development accords with the Local Plan policy relating to its allocation by providing housing, further where the site falls short, such as open space, this is mitigated through financial contributions to improve existing facilities. The applicant is providing financial contributions in order to make the development acceptable and is providing the full amount of affordable housing on site which is essential in order to make developments sustainable in the future. It is considered that the proposals are environmental, socially and economically sustainable and accord with the development plan and the framework. The site is sustainably located within the town and the proposals represent an efficient use of the land.

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It is considered that the proposal represents sustainable development and accords with the development plan policies mentioned in the policies section of this report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval.

### **RECOMMENDATION**

**The application is recommended for approval subject to a S106 planning obligation which secures the heads of terms listed in the Section 106 agreement section of the report or added as an update to the report, and the following conditions.**

29. Time Limit 3 Years

30. Approved Plan and document condition

31. Facing Materials to be submitted including windows, doors and rainwater goods.

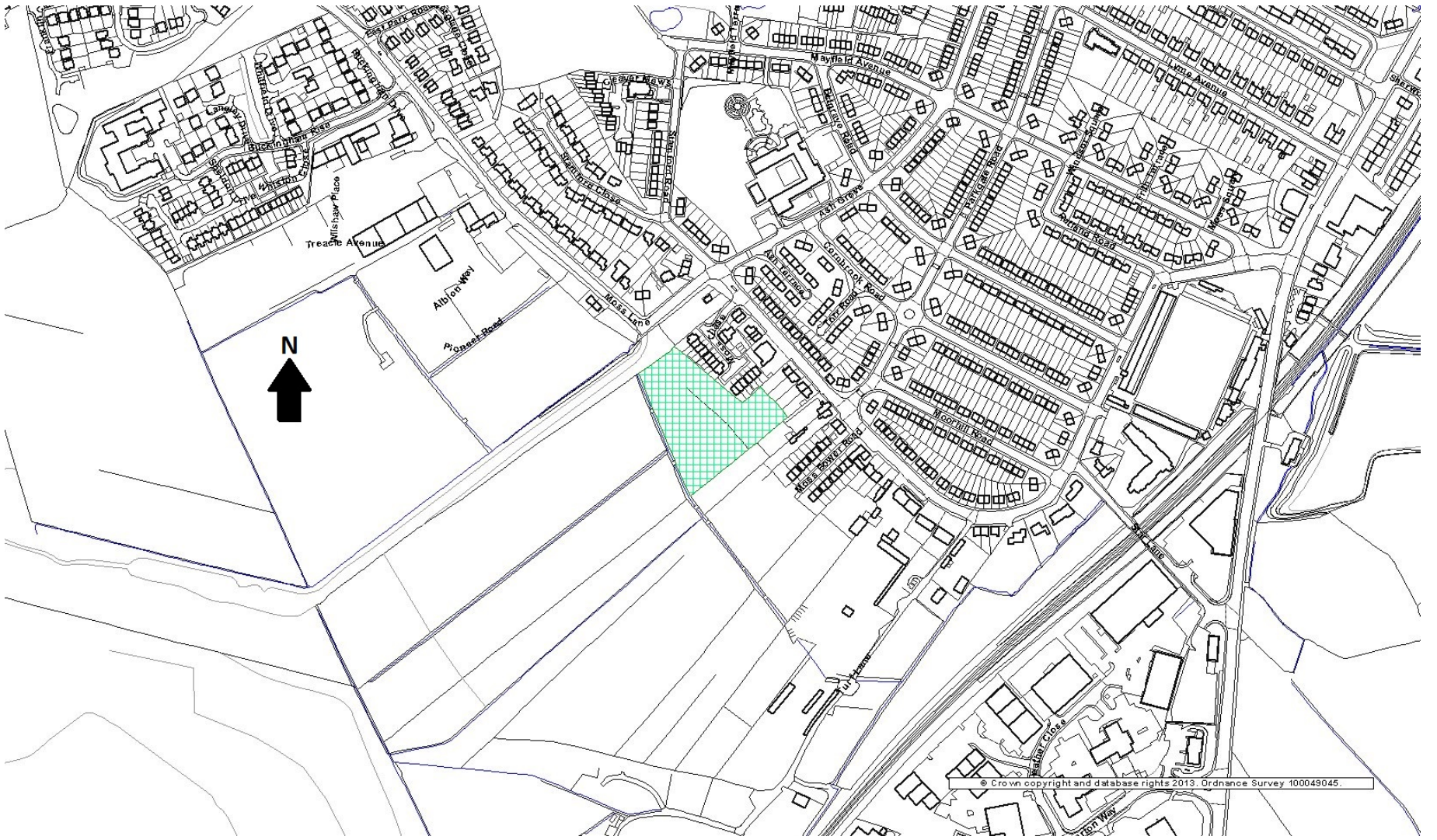
32. Details of boundary treatments to be submitted.

33. Sustainable drainage management and maintenance plan to be submitted.

34. No development shall take place until a detailed strategy / design and associated management / maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority. The drainage design must also include information about the design's storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)) & any temporary storage facilities included, to ensure adequate drainage is implemented on site.
35. Details of Ground levels and Finished floor levels (FFLs) need to be approved in writing by the LLFA and LPA.
36. Prior to the commencement of development detailed proposals are to be submitted for the provision of gaps for hedgehogs to be incorporated into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m.
37. Prior to commencement of development an updated water vole survey is to be submitted.
38. An updated bat survey is to be submitted if trees identified as having roost potential are not removed prior to September 2018.
39. Prior to commencement of development a method statement of reptiles reasonable avoidance measures to be submitted.
40. Nesting bird survey to be carried out
41. Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and roosting bats shall be submitted to and approved in writing by the Local Planning Authority.
42. All arboricultural works shall be carried out in accordance with Ascerta Arboricultural Impact Assessment dated May 2017
43. Piling method statement to be submitted
44. Dust control method statement
45. Prior to first occupation, a Residents' Travel Information Pack shall be submitted to and agreed by the LPA.
46. Electric vehicle charging point for every dwelling with dedicated off road parking
47. Ground gas risk assessment to be carried out and remediation scheme.
48. Imported soils to be tested for contamination.
49. Reporting of unexpected contamination.
50. Landscaping scheme to be submitted including hard and soft landscaping
51. Landscaping implementation
52. Plan to show locations of bin stores
53. Broadband connection to be made available to all dwellings
54. Construction Management Plan

*In order to give proper effect to the Committee's intentions and without changing the substances of the decision, authority is delegated to the Planning & Enforcement Manager in consultation with the Chairman (or in their absence Vice Chairman) of the Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, including*

*wording of conditions and reasons, between approval of the minutes and issue of the decision notice. Should the application be subject to any appeal, the following Heads of Terms should be secured as part of any S106 Agreement.*



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Application No: 17/4862M  
Location: 1, ORME CLOSE, PRESTBURY, CHESHIRE, SK10 4JE  
Proposal: Demolition of the Existing House to be replaced with 2 pairs of New Build Semi-Detached Dwellings  
Applicant: G Bryant  
Expiry Date: 22-Dec-2017

**Summary**

The proposals largely replicate the existing approved design (16/4527m). The key issue is the provision of 2 further units on the site by effectively subdividing the residential development that already has the benefit planning permission.

Parking has been provided in accordance with Cheshire East standards, and detailed soft landscaping is to be provided and conditioned to the front of the site. The layout and appearance of the development has been appropriately designed to accommodate 4 dwellings whilst largely portraying the appearance of 2 detached units. The scheme would reflect visually the character of the street scene and architectural styles of the area.

The letters of objection have been considered, but the concerns raised do not reflect any significant level of harm which could justify a reason for refusal. The scale of the built form has been considered acceptable by the Planning Inspectorate under (16/4527m). Through the level of on-site parking provided (3 spaces per dwelling), there should be no significant additional pressure for on-street parking. The street scene impact remains relatively unchanged when compared to the approved scheme as it makes use of only 2 access points. Adequate hard and soft landscaping to the front of the site will ensure that the character of the street scene is not unduly affected.

The impact on the occupiers adjoining properties in terms of their living conditions and standard of amenity will not be significantly altered when compared to the approved scheme.

Consultations from Arboriculture (Forestry), Highways, Environmental Health and Nature Conservation have been received raising no objection to this development.

The proposal is considered to be in accordance with both the Development Plan and the guidance of the National Planning Policy Framework. Paragraph 14 of the above Framework stipulates that proposals that accord with the Development Plan should be approved without delay. As such, a recommendation is made for approval subject to conditions.

**RECOMMENDATION**

**APPROVE subject to conditions**

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**REASON FOR REPORT**

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor, Cllr Paul Findlow, due to local concerns raised about:



1. *“Over development – adversely impacting on the character, appearance and design of the area, and which does not conform with the existing scale and density of the 7 houses in the close.*
2. *Loss of spaciousness – attributable to materially reduced plot sizes, with, overall, an irreversible deleterious change in the street scene.*
3. *A parking nightmare – an unacceptable impact on access, parking and traffic in a short cul-de-sac. The very narrow, below standard, access road already results in pavement parking, which would be significantly exacerbated rendering emergency vehicle access impossible. Also, insufficient parking within the curtilage, with shared driveways.*
4. *Overlooking – of neighbours’ properties and gardens thereby compromising outlook, amenity and privacy.*
5. *Precedent – a dangerous precedent would be established, inviting replication and vitiating the essential character of the village.”*

### PROPOSAL

This application seeks planning permission for the demolition of the existing two storey dwelling, subdivision of the plot, and erection of two pairs of semi- detached dwellings (4 units). The proposed dwellings would be 4 bedroom comprising habitable space within the basement, ground floor and 1<sup>st</sup> floor. Light would be provided at basement level due to the lower land levels to the rear, whereby the basement floor would essentially assume the role of ground floor. To the front the appearance of the scheme would be of two-storey dwellings.

The buildings are to adopt a hipped roof style with a prominent gable to the front. A small recessed porch, chimney stacks, bay windows and a timber (painted white) fenestration have been incorporated to ensure a traditional detached appearance. The roofing tiles would be red clay and the main finish would be white render with a red brick foundation.

Three parking bays are indicated for each plot. Shrubbery and planting including establishment of a tree frontage is indicated to the front of the plot (as shown on the landscape plan). To the rear, a small external terrace would immediately abut the rear elevation before respective areas of lawn which would provide the private external amenity space. A 1.8m close boarded fence would provide the main screening between the rear gardens. External access is shared between plots 2 and 3, although plots 1 and 4 have private side access to the respective northern and southern boundaries.

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

### SITE DESCRIPTION

The application site comprises a large detached residential dwelling and its curtilage set within the settlement boundary of Prestbury (as defined by the Local Plan Policies Map, 2004). The surrounding area is predominantly residential and the architectural styles in the area are distinctly varied.

The host building is two-storey, with a distinct cat-slide roof to the principal elevation which incorporates two ‘shed’ style dormers and two traditional chimney stacks to the gables. A linked garage, and car port, exists to the side of the house. The building is finished in render with a brickwork base and a timberboarded (stained black) gable to the garage. The house

fronts onto a large area of hardstanding and turning area, which has two access points to Orme Close. A substantial hedge has been established to the side boundaries and numerous mature trees exist to the rear of the site which provide a significant level of screening to the rear garden.

To the rear of the cul-de-sac, the buildings appear more densely located together, fronting onto a turning head, with nos. 1 and 2 to the entrance of Orme Close occupying larger curtilages. The dwellings are set back from the highway and many are partly screened by intervening vegetation (mature trees/shrubbery).

Due to the topography of the area, the land levels gradually descend west/south west through the site (from Brocklehurst Drive down through Orme Close) with the adjacent site, no.3 at a lower siting. The garden to the rear also falls below the ground level of the house.

Further west of Orme Close resides the North Cheshire Green Belt and an Area of Special County Value.

Permission has been granted for the demolition of the existing house and erection of two detached dwellings(16/4527m), although this has not yet been implemented.

### **RELEVANT SITE HISTORY**

**03/1665P** – New bay window to rear at ground floor, new dormer window to rear of roof. Approved with conditions 14/08/03.

**16/4527m** - Demolition of the existing house to be replaced with two new build detached dwellings. Refused (Allowed on Appeal).

LPA Reason:

1. The proposal would result in an overdevelopment of the site causing an almost complete built up frontage which would appear cramped within the street scene that would be detrimental to the character and appearance of the area. The proposal is therefore contrary to policies DC1 and BE1 of the Macclesfield Borough Local Plan, the Prestbury Village Design Statement, and paragraph 64 of the National Planning Policy Framework.

### **LOCAL AND NATIONAL POLICY**

#### **Macclesfield Borough Local Plan (2004) – saved (legacy) policies**

DC3 (Design & Amenity – Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC35 (Materials and Finishes)  
DC37 (Landscaping)  
DC38 (Space, Light and Privacy)  
DC41 (Infill Housing Development or Redevelopment)

## **Cheshire East Local Plan Strategy (2010 – 2030)**

Policy SD1 (Sustainable Development in Cheshire East)  
Policy SD2 (Sustainable Development Principles)  
Policy SE1 (Design)  
Policy SE2 (Efficient Use of Land)  
Policy SE4 (The Landscape)  
Policy SE5 (Trees, Hedgerows and Woodland)  
Policy SE9 (Energy Efficient Development)  
Policy SE12 (Pollution, Land Contamination and Land Instability)  
Policy IN1 (Infrastructure)  
Policy PG1 (Overall Development Strategy)  
Policy PG2 (Settlement Hierarchy)

## **National Policy**

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

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

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

## **Supplementary Planning Documents**

Cheshire East Borough Design Guide (2017)

Prestbury Supplementary Planning Document (2011)

Objective 3 (Ensuring appropriate development in the village)  
Objective 4 (To ensure quality of access to dwellings and safety of roads within the parish)  
Objective 5 (To protect the built and natural environment of the village)

Prestbury Village Design Statement (2007)

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

### **CEC Highways – No objection:**

There are no material highway implications associated with the above proposal as:

- The proposal for access is acceptable for the proposed use;

- There is sufficient space within each plot for off-street parking provision to be in accordance with CEC standards and, given that Orme Close is a Cul-de-Sac, there is not requirement for vehicles to enter and exit each plot in a forward gear; and
- The commuter peak hour and daily traffic generation associated with a development of this scale, would not be expected to have a material impact on the operation of the adjacent or wider highway network.

Given this is a small cul-de-sac and very low speeds and traffic, there wouldn't be any issue in reversing out.

The Strategic Infrastructure Manager has no objection to the planning application.

### **Environmental Health – No objection:**

Suggest conditions re.

- Pile foundations
- Dust control
- Construction / demolition works
- Electric Vehicle Infrastructure
- Contaminated land
- Contaminated land informative

### **Prestbury Parish Council - Objection:**

(Object to the proposal) – Under the village design statement “the built environment recommendation No 1” states new development should conform to the density in the part of the village in which it is taking place but also to the building scale of its immediate area and this is supported also by the “local development framework, Prestbury supplementary planning document dated July 2011” adopted by Cheshire East Council. This development does not comply to DC42. This development does not comply to DC6 with regard to vehicle movements to and from the site or provision for access for service and emergency vehicles. Under DC41 any proposal should not result in excessive amounts of new vehicle movements in quiet areas or where roads are deemed unsuitable, this development contravenes this policy. Under DC41 any development should not result in overlooking of existing gardens, this development contravenes this policy.

## **REPRESENTATIONS**

8 letters of objection received (including 2 from the same address), summarised as follows:

- Insufficient parking
- Plans not sufficiently detailed
- No topographical / spot level details
- Overdevelopment
- Harm to the character of the locality and street scene. No semi-detached houses in the vicinity, and area known for attractive homes and landscapes
- Increase of illegal parking along Orme Close

- Insufficient room for manoeuvrability within the site.
- Impact during construction
- Prestbury does not need further housing
- Excessive scale of houses
- Loss of amenity
- Car-ports could be converted
- Contrary to planning policy and supplementary planning documents
- Drainage issues
- Covenants and restrictions on land use
- Lack of greenery within the development
- Set precedent for future applications, causing an increase in subdivision and damage to the wider prestbury village character (domino effect)
- Development at Meadow Hey does not set a precedent for this development
- Overlooking from velux windows
- Improper consultation carried out

The full content of the above objections can be viewed on the public file. These have been noted and fully considered in the determination of this application.

Issues relating to covenants, legal matters, construction, working hours and suppliers are not material planning considerations which can be afforded significant weight in this decision.

The details submitted are considered sufficient, in enabling the Local Planning Authority to satisfactorily determine this application. Three site inspections have been carried out on 26<sup>th</sup> September 2016, 14<sup>th</sup> October 2016 and 1<sup>st</sup> November 2017. Public consultation has been carried out in accordance with statutory requirements.

### **APPRAISAL**

#### **Key Issues**

- Principle of development;
- Differences to 16/4527m
- Design considerations
- Character of the area
- Impact upon amenity of neighbouring properties
- Highway Safety Implications
- Flooding issues
- Ecology Implications
- Arboricultural Implications
- Sustainability

#### **Principle of Development**

The application site resides within an area designated as predominantly residential (as defined by the Macclesfield Borough Local Plan, 2004). Within this designation, the principle of development is considered acceptable by the development plan and national policy. The NPPF strongly emphasises, at paragraph 14, there is a “presumption in favour of sustainable

development” and that this is vital in decision-taking. With reference to decision-taking, this means approving development proposals that accord with the development plan without delay.

### **Differences between proposal and 16/4527m**

- Increase in number of units from 2 to 4
- Further car parking provided (3 per dwelling)
- Changes to the fenestration
- Reduction in height of the buildings
- Landscaping.

### **Design assessment**

The scale of the buildings has been considered acceptable under the previous application. This has not significantly changed and the architectural style replicates the previously approved plans.

The rear gardens would be further reduced in size with plots 2 and 3 containing smaller gardens than plots 1 and 4. Views of these gardens are not possible due to the mature and extensive planting to the rear of the site. Subject to a condition regarding the boundary treatments between the respective gardens, this amenity space could be enjoyed privately and is of a suitable size for the units. External access to the gardens would be provided including a joint access between plots 2 and 3. Bins could be stored to the rear and the access would facilitate external maintenance of the respective plots.

### **Effects on the character of the area**

The site does not lie in a low density housing area. There is no policy objection to an increase in density. The key issue is whether or not there are any significant impacts resulting from the proposed increase in housing density that would be unacceptable.

The proposed dwellings replicate the design, scale and aesthetics of the approved subdivision (to 2 dwellings). The height of the dwellings has, in fact, been reduced as per the table below:

<b>Proposed Buildings</b>	<b>Approved height</b>	<b>Proposed height</b>	<b>Difference</b>
Easternmost (plots 1 and 2)	8.6m	8.0m	-0.6m
Westernmost (plots 3 and 4)	8.6m	7.7m	-0.9m

During the consideration of the earlier appeal, the Inspector noted that:

*“whilst the proposal would increase the density of the built development on the site, the plot sizes and spacing between the proposed and existing properties would be commensurate with the general pattern of development in the locality. The dwellings would be staggered*

*relative to each other, thus providing punctuation between them and breaking up the overall mass of the development... I do not consider that the scheme would appear cramped in the street scene and would not be uncharacteristic of other development in the locality”.*

Weight must be afforded to this analysis of the original development. In terms of design of the dwellings and scale, very little has changed except the introduction of some additional doors, small changes to fenestration and actually a reduction in height. There would be some additional hard landscaping to the front for parking and vehicle manoeuvrability. Views of this, however, would be filtered by green landscaping which shall be conditioned to the front of the site. The hard landscaping would also be textured to ensure an acceptable visual impact. Trees are to be planted to the street frontage boundary and the accesses into the site shall remain modestly sized through 2 access points. It is noted that the westernmost entrance would not be significantly visible due to its angled nature facing towards the turning head of Orme Close. The permeable resin bounded gravel to the turning area will provide a visual distinction to the designated parking spaces allowing a break in the hardstanding. The shared space, coupled with the set back also creates a sense of space to the front of the site in keeping with that of the surrounding plots.

It is likely that the proposal will result in an increase in parked cars at the site, but noting the design features and landscaping proposed this impact will be limited and would not be an issue that could warrant a refusal of planning permission.

The impact would be localised within the site, and ultimately would not harm the character of the area. The hardstanding is, in fact, only modestly larger than the extant approval. The density, species, positioning, and implementation of the landscaping as shown on Drawing No. 17-166/001 would be conditioned.

As relied upon by the previous Inspector, paragraph 60 of the NPPF states that:

*“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”.*

The post-war style of Prestbury and urban layout lends itself to a character of low-density, predominantly detached dwellings. This is outlined as a defining characteristic in the ‘Prestbury Village Design Statement’. However, with due consideration of paragraph 60, the increased density of the development on the site would not be significantly prominent within the street scene nor from any particular views within the public realm. When compared with 16/4527m, the visual impact of this proposal would not be of one damaging or harmful to the character of the area. The styles of the house are sympathetic to both the local and wider vernacular, continue the building line of Orme Close and provide an arts and craft style of good architectural merit. The provision of 4 dwellings without the visual harm or impression of overdevelopment, constitutes good design which supports the existing character and quality of this area.

It is not considered that there are reasons that could substantiate a reason for refusal. The development is fully compliant with policies SD2, and SE1 of the CELPS, and the guidance of the NPPF (2012). The objections are noted and Officers have given consideration to the local

opposition to this scheme but it is only where there is clear significant and demonstrable harm that the development should be resisted. No such harm exists.

### **Residential amenity**

The relationship between the existing buildings and the neighbouring sites is acceptable as previously considered under 16/4527m. The 1<sup>st</sup> floor side elevation windows will be conditioned to be obscure glazed. Similarly, the side elevation roof lights to plot 1 shall be conditioned to be obscure glazed and set at least 1.8m above floor level.

No other concerns are raised in terms of dominance or loss of light. The proposals accord with policy DC3 of the MBLP (2004).

The levels of privacy within the outdoor amenity space for future occupiers of the proposed dwellings would be slightly reduced when compared to the permission for 2No. dwellings due to increased potential for overlooking of garden areas, however this relationship would be typical of most semi-detached properties and is not significant. Privacy levels within the properties fully meet guideline standards.

### **Highways**

Three parking spaces are indicated within each plot in addition to a shared area of hardstanding which would provide a turning area. The scheme makes provision for vehicles to enter and exit the site in a forward gear without compromising highway safety or pedestrian use of the footpath. In practical terms, with the use of a shared driveway, one can imagine there may be occasion when turning space is limited. On occasions where vehicles do reverse out onto the highway, this would not generate a highway risk. Vehicle speeds along Orme Close are slow (due to the extent of the cul-de-sac) and traffic would be minimal. It would not be unusual for vehicles to reverse in or out of developments in cul-de-sac locations such as this. The Highways Officer has assessed the level of provision, turning space, and impact on the wider highway network and considers the proposal to be acceptable.

Notwithstanding that the proposed level of parking is in full accordance with CEC standards (3 per dwelling), the site resides in a sustainable location with good access to local amenities and public transport links. The site is within walking distance of Prestbury Village Centre. Buses run through Prestbury providing frequent transport to larger settlements. Prestbury train station also supports links to Manchester, Stoke and other nearby towns/cities. The NPPF encourages, at various points, the reduction in use of the private vehicles and encourages a shift towards other sustainable modes of transport. Whilst the provision three parking bays might be considered to be excessive for a 4 bedroom dwelling, this would help to reduce occasions of on-street parking. As noted above, the occupiers would also have opportunities to use more sustainable transport methods.

An EVP (Electric Vehicle Infrastructure – Charing Point) condition as recommended by Environmental Health is proposed to ensure that the occupiers of each dwelling have the infrastructure in place to accommodate more environmentally friendly car usage.

### **Flooding issues**



The site is not situated within an Environment Agency designated flood zone. The concerns relating to drainage have been noted although it is considered that adequate drainage would be provided through the large areas of permeable surfaces within the curtilage. A condition requiring a scheme for the drainage of surface water to be submitted is recommended.

It is not considered that this scheme would significantly exacerbate any present flooding within the neighbouring sites or the immediate locality and is thus acceptable in this aspect, in line with the NPPF.

### **Ecology and Nature Conservation**

A bat survey has accompanied the application which has been completed by a suitably experienced ecological consultant. The survey concludes that the building is unlikely to support a significant bat roost, and the nature conservation officer has confirmed that he is satisfied that the structure in question does not contain a legally protected roost. As such, the scheme is unlikely to have a harmful impact upon the protected species. The inspection was carried out in daytime and evening conditions.

Conditions have been suggested by both the surveyor and the CEC Nature Conservation Officer to secure the wellbeing of bats in the surrounding area and to safeguard nesting birds. The conditions relate to a detailed survey to check for nesting birds and if found, include an appropriate exclusion zone until breeding is complete, and in respect of bats, the recommendations of the bat survey report shall be conditioned including the installation of a 1FQ Schwegler bat box and associated lighting recommendations. The proposal is considered to comply with policies NE11 of the MBLP and SE3 of the CELPS.

### **Arboricultural impacts**

The Arboricultural Officer has been consulted who has raised no objection to the works subject to appropriate tree protection conditions. These conditions will ensure the retention and wellbeing of the hedge which contributes positively in respect of visual amenities and residential amenities. Particular care must be given to the removal of the existing properties eastern elevation, which will be subject to a detailed method statement for approval by the LPA.

Some small trees are indicated to be removed although these are considered to be low value specimens and their loss is of no significant concern. A very minor incursion is identified within the RPA of T18 although this is considered inconsequential, and would not detract from the moderate value tree. The conditions previously recommended by the Arboricultural Officer and applied by the Inspector shall similarly form part of this recommendation. The proposal is considered to comply with policies DC9 of the MBLP and SE5 of the CELPS.

### **Sustainability**

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

Taking into account the above sections, the proposal is considered to represent an appropriate form of development in the context of the area, and one which would preserve the environmental merits of the immediate and wider locality and uphold the existing residential

amenities. The visual amenities which contribute to the street scene would be preserved and there would be no significant highway issues, flood risk issues, harm to the wellbeing of any significant trees, or harm to the biodiversity of the area. The scheme is therefore deemed to be environmentally sustainable.

### ***Social sustainability / Housing Land Supply***

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. This development would make a minor contribution to the Council's existing housing land supply and this carries some additional weight in favour of the development

It is recognised that the provision of three additional houses within the site would provide some social benefits to the neighbourhood. The scheme would also help to provide family housing with Cheshire East, which both locally and nationally is shown to be in demand.

### ***Economic sustainability***

The proposed development will help to maintain a flexible and responsive supply of land for housing, albeit to a small extent. Some direct and indirect benefits for the local economy will also be evident, including additional trade for local shops and businesses.

Jobs in construction and economic benefits to the construction industry supply chain could also be supported within the local area and wider Cheshire East environment.

It is acknowledged that, whilst these economic benefits would exist, they are considered to be relatively minor.

## **CONCLUSION**

The objections have been noted and considered, however the proposals are judged to accord with the Development Plan, and as such are a sustainable form of development.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal does not breach the relevant policies of the Development Plan and the recent Appeal Decision which granted permission for a similar development on the same site is a material consideration in favour of granting permission. There are no material considerations of such weight that would warrant a refusal of planning permission.

The physical form of the development is very similar to the extant planning permission. The additional impacts that may arise by subdividing the plots to allow a further 2 units on the site have been fully considered. The parking and landscaping arrangements proposed demonstrate that the development can be accommodated without having a detrimental effect on the character and appearance of Orme Close, highway safety or the amenity of the occupiers of adjoining property.

Paragraph 14 of the NPPF requires development proposals that accord with the development plan to be permitted without delay. Therefore, the application is recommended for approval subject to conditions.

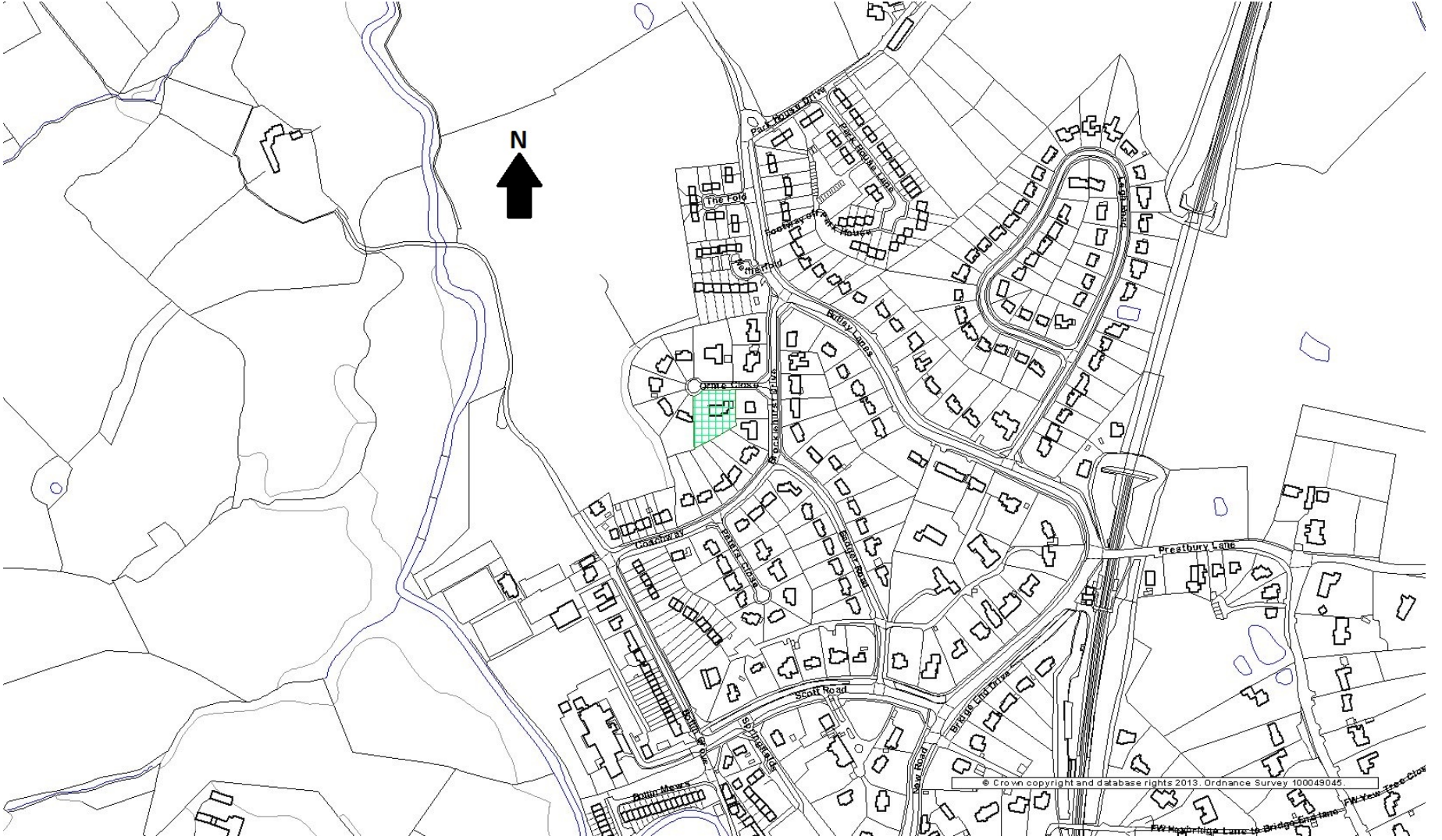
*In the event of any changes being needed to the wording of the Committee's decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning Regulation has delegated authority to do so in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

### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Development in accordance with plans
2. Development to commence within 3 years
3. Materials to be submitted.
4. Side elevation rooflights to be obscure glazed and positioned 1.8m above finished floor level.
5. 1st floor side elevation windows to be obscure glazed.
6. Pile foundation details to be submitted
7. Dust mitigation details to be submitted
8. Electric Vehicle Infrastructure to be provided
9. Imported soil to be tested for contamination
10. Survey for Nesting Birds to be carried out
11. Development in accordance with recommendations of bat survey.
12. Surface Water Drainage scheme to be submitted
13. Scheme for the protection of retained trees
14. Construction Method Statement to be submitted.
15. Detailed method statement for demolition and removal of eastern wall
16. Details of retaining walls and structures to be submitted
17. Development not occupied until space for parking has been provided
18. All planting and soft landscaping carried out within first planting and seeding season following occupation of the buildings, or completion of the development (whichever is sooner)

19. Details of finished floor levels (in relation to existing ground levels) to be submitted.



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Application No: 17/4952M

Location: LAND TO THE REAR OF 14-18, LONDON ROAD, ALDERLEY EDGE, CHESHIRE

Proposal: Proposed demolition of existing building to the rear of No's 14-18 London Road, Alderley Edge and erection of a two and half storeys mixed use block comprising office unit on the ground floor and two apartments on the first and second floor.

Applicant: Mr Anwar Kanj, Atco Export

Expiry Date: 22-Nov-2017

**SUMMARY**

This application seeks full planning consent for the construction of a new mixed use building for an office unit on the first floor and two apartments on the first and second, replacing an existing storage building. The application follows several previous applications and there is a current extant permission for the erection of a two and a half storey office building which displays a similar design to the proposal.

The application follows a recently dismissed appeal on the same site for an identical building with 3no. apartments at ground, first and second floors. The main issue was the living standards for the ground floor apartment. The use of the ground floor as an office removes this element.

It is considered that the amendment overcomes the previous reasons for refusal and would cause no significant adverse impacts relating to design, impact on the character of the area, residential amenity or highways safety. The proposal accords with the Development Plan and is deemed to be a sustainable form of development.

**RECOMMENDATION: Approve, subject to conditions and comments**

**REASON FOR REPORT**

The application is to be presented at Northern Planning Committee because it has been 'called-in' to committee at the request of Cllr Craig Browne on the 8<sup>th</sup> November 2017 due to the following concerns:

*"The Parish Council has expressed a number of concerns regarding this application, including potential overdevelopment, inadequate parking provision, possible issues around access and construction work and unacceptable levels of nuisance to local neighbours. As a previous application (16/3610M) on this site was considered by*

*Northern Planning Committee and a subsequent appeal dismissed by the Inspector, this application would benefit from consideration by the Committee also, to enable the issues to be debated.”*

## DESCRIPTION OF SITE AND CONTEXT

The application site comprises a two storey detached building located at the rear of properties facing London Road and West Street. The site has been subject to a number of applications including the most recent for an identical three storey building for three apartments which was dismissed at appeal. This application followed an approval for a similar sized building

The approval followed previous refusals on site due to the impact of the development on the amenity of number 6 West Street. This property was subsequently purchased by the applicant and alterations overcame the previous issues for refusal.

The site is located within the centre of the village of Alderley Edge, within a local shopping centre, as defined in the Local Plan.

## DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing building on site and erection of a new mixed use building for an office unit on the first floor and two apartments on the first and second. No parking provision is proposed.

The last application was refused for the following reason:

*“The proposal represents an over development and over intensification of use resulting in unacceptable living conditions for future occupiers, and lack of outdoor space. The development is therefore contrary to guidance within the National Planning Policy Framework and policies DC3, DC41 and H6 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies. “*

## RELEVANT HISTORY

- |          |   |
|----------|---|
| 16/3610M | Proposed demolition of existing building to the rear of 14-18 London Road, Alderley Edge and erection of a two and half storeys residential block comprising three apartments.<br>Refused 06 October 2016 – Dismissed at appeal 03 July 2017                |
| 12/4201M | Proposed demolition of existing building to the rear of No's 14-18 London Road, Alderley Edge and erection of a two and half storey office block together with a two storey rear extension and alterations to No 6 West Street.<br>Approved 02 January 2013 |
| 11/1310M | Proposed offices<br>REFUSED 20 <sup>th</sup> July 2011 and DISMISSED on appeal 30 <sup>th</sup> November 2011.  |
| 08/0395P | Demolition of building and erection of new dwelling – Amendments to 02/2950P<br>APPROVED 7 <sup>th</sup> May 2008   |



02/2950P First floor side extension, single storey front extension and front balcony to form a dwelling  
APPROVED 1<sup>st</sup> April 2003

## **POLICIES**

### **Cheshire East Local Plan Strategy – adopted 27<sup>th</sup> July 2017**

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG3 Green Belt

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE12 Pollution, Land Contamination and Land Instability

### 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.

### **Saved Macclesfield Borough Local Plan Policies**

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)

NE11 (Nature conservation)

H6 (Town centre housing)

AEC1 (Protecting a concentration of A1 uses)

AEC3 (Use of upper floors in shopping areas)

AEC6 (Housing and Community Uses)

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

### Other Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Framework (NPPG)

## **National Policy:**

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

Of particular relevance are paragraphs 1, 3, 4, 5, 6, 7 and 11.

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

**Environmental Protection:** Include a condition for an acoustic report in order to assess the impact of the existing commercial units on the amenity of the proposed residential units.

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

**Alderley Edge Parish Council:** *'The Parish Council recommends refusal of this application on the grounds that it is overdevelopment; there is inadequate parking provision regardless of transport links; the problems around access and construction work will cause unacceptable nuisance to neighbouring properties and there has been no construction plan submitted to mitigate this. The Parish Council also request this is called in to the Northern Planning Committee.'*

## **OTHER REPRESENTATIONS**

A comment has been received from an agent representing Aberdeen Asset Management PLC who owns the Parade to the north of the site containing Waitrose. Concerns have been raised regarding the access arrangements for the proposed apartments and servicing of the apartments which would have to take place over land owned by Aberdeen Asset Management PLC. It is acknowledged that this currently occurs to the rear of the properties on London Road; however there is no right of way or agreement for this.

It is also stated that the proposal has not overcome the reasons highlighted in the Inspector's reasons for refusal.

A further objection was received raising concerns regarding the lack of parking.

## **OFFICER APPRAISAL**

### **Key Issues**

- Principle of development
- Impact of the development on character and appearance of the site and surroundings
- Impact of the development on residential amenity
- Highway safety

### **Principle of Development**

Policy AEC1 relates to protecting the shopping area from a concentration of non-A1 uses. The existing use of the building already comprises a non-A1 use (storage) and the recent approval was for non-A1 (office) and therefore the proposed development of residential use would not affect the existing supply of A1 uses.

Policy AEC3 relates to the use of upper floors in shopping areas and encourages residential use. Policy AEC6 permits new housing where a satisfactory housing environment can be created.

Policy H6 allows new housing within local centres provided a satisfactory environment can be created for both prospective occupiers and any adjoining properties.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Design and Impact on the character and appearance of the area**

The recent appeal decision did not raise any issues with regard to the design of the proposal and design was not included as a reason for refusal in the Council's decision. The external appearance is identical to the last dismissed application.

The most recent approval on the site, 12/4201M, gave permission for a 2.5 storey building for office use. One of the conditions of the approval required that an extension be constructed on the rear of number 6 West Street prior to the office block being constructed as there had previously been a refusal on the site (11/1310M) for a three-storey office block, due to the impact on the amenity of number 6 West Street. The extension on the rear elevation of number 6 West Street has been erected (in accordance with the condition) and it is angled away from the approved 2.5 storey office building, thereby overcoming the previous amenity reason for refusal (11/1310M).

The proposal seeks to increase the ridge height of the approved 2.5 storey office building by approx. 0.3m. This is considered to be acceptable in the context of the site and the site history.

It is noted that permission 12/4210M has been implemented as the extension on the rear of number 6 West Street has been erected. Consequently, the permission for the office building is extant and should be given weight.

The design of the proposed apartment block is virtually the same as the design of the approved office building, apart from the 0.3m increase in height and an additional storey on the south elevation. It is considered that these amendments are acceptable and the design of the building has already been accepted.

#### **Amenity**

The reason for refusal of the last application was as follows:

*“The proposal represents an over development and over intensification of use resulting in unacceptable living conditions for future occupiers, and lack of outdoor space. The development is therefore contrary to guidance within the National Planning Policy Framework and policies DC3, DC41 and H6 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies. “*

The issue of outdoor space was addressed in the Inspector's decision where it was dismissed with the following statement:

*"I have considered whether the lack of outdoor amenity space is in this case a matter which would detract from the quality of the accommodation provided. The flats would be located close to local services and amenities and their size would be unlikely to appeal to families. As such, the absence of a garden would, in this case, not be determinative."*

The ground floor accommodation was highlighted to be the main cause for concern in relation to residential amenity with the outlook from the ground floor flat onto a brick wall which would be within a metre of the property. With a bin storage positioned outside another habitable window and a right of access or yard adjacent to the remaining windows the living conditions of this property were considered to be substandard.

The change of the ground floor flat into office accommodation with this application removes the main reason for refusal from the last application with no mention in either the Council's statement or the Inspector's decision in regard to the amenity of the first or second floor flats. The outlook from the main habitable windows of these properties would be above the wall and there would be long range views from these properties.

It is also considered that the amenities of neighbouring properties would not experience any significant harm over and above the impact of the approved office building and again this was not considered to be an issue in the last dismissed application.

### **Highways**

The proposal does not include any car parking on site. The approved 2.5 storey office block included 1no. car parking space. No comments have been received from the Strategic Infrastructure Manager; however the site is within the village centre within close proximity to public transport (railway station and bus stops), public car parks and all the village services and facilities.

No objections were raised to the last application for the three apartments and the Inspector stated the following in relation to parking:

*"...taking into account the accessible location of the proposal I am satisfied that the lack of designated parking would not be harmful in this case..."*

### **Other Issues**

The issues raised by the owners of the parade are noted; however issues of rights of way are outside of planning control and as confirmed by the Inspector would be a civil matter. The properties along London Road already use this area for access, and while no arrangement may exist it would be up to the applicant to come to an arrangement with the owner of the land.

There is provision for a 360l bin for each apartment which would be sufficient for the size of the units.

### **SOCIAL SUSTAINABILITY**

The development would make a small contribution to delivering housing supply. However, it is only for two apartments and therefore the impact is limited.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses. The ground floor office unit would also potentially provide employment opportunities which would have obvious economic benefits.

## **CONCLUSION**

Whilst the objections are noted, the proposed scheme is considered to be acceptable. The proposal would have an acceptable impact on the character of the area and does not raise significant concerns with regard to amenity or highway safety over and above the previous, extant approval for offices and the reason for refusal of the last application has been overcome with the change from residential to office use at ground floor.

Bearing all the above points in mind, it is considered that the proposal accords with all other relevant Development Plan policies and as such it is recommended the application be approved, subject to relevant conditions and Highways comments.

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

Application for Full Planning

## **RECOMMENDATION:**

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

