

Northern Planning Committee

Agenda

Date: Wednesday, 9th May, 2018
Time: 10.00 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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 Previous Meeting** (Pages 3 - 6)

To approve the Minutes of the meeting held on 11 April 2018 as a correct record.

Please Contact: Sarah Baxter 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
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 7 - 32)**

To consider the above application.

6. **17/3837M-Demolition of the existing buildings and redevelopment of the site to provide a replacement care home (Use Class C2) arranged over two storeys together with associated car parking, landscaping and amenity space, Hollins Park Nursing Home, Victoria Road, Macclesfield for Mr Andrew Brett, Care UK Community Partnerships (Pages 33 - 48)**

To consider the above application.

7. **17/6072M-Redevelopment of former garden centre to 16no. Dwellings, public open spaces including associated landscape works together with conversion of existing building to office use, Ollerton Nursery, Chelford Road, Ollerton for Brighouse, Brighouse Homes (Mobberley) Ltd (Pages 49 - 68)**

To consider the above application.

8. **WITHDRAWN BY OFFICERS - 17/4989M-Demolition of existing County Hotel and redevelopment to provide 2no. residential blocks consisting of 26no. 2 bed apartments, alongside parking, landscaping and associated works, The County Hotel, Hardern Park, Alderley Edge for Mr Andrew Hall, Harden Park Gardens Limited (Pages 69 - 86)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 11th April, 2018 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, S Edgar (Substitute),
H Gaddum, A Harewood, N Mannion, M Warren and G Williams

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mrs L Dowd, (Senior Planning Officer), Mr R
Law (Principal Planning Officer) and Mr N Jones (Principal Development
Officer)

(Prior to the start of the meeting, the Chairman welcomed Councillor G
Williams to the meeting as it was his first meeting as a Member of the
Committee).

98 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P Findlow.

99 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness and transparency in respect of application
18/0171M, Councillor G Walton declared that he was the Ward Councillor
but remained open minded until he had heard the discussion later.

100 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 14 March 2018 be approved as a
correct record and signed by the Chairman.

101 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

102 17/5004M-THE CONSTRUCTION OF 3NO. NEW TOWN HOUSES ON THE LAND TO THE REAR OF NOS 2 & 4 LONDON ROAD SOUTH,

2 & 4, LONDON ROAD SOUTH, POYNTON FOR MR ROB NORTH, ISTARI LIMITED

Consideration was given to the above application.

(Parish Councillor Jo Stewart, representing Poynton Town Council, Kaye Metcalf, an objector and Chris Russell, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the item be deferred for the following reasons:-

1. A revised layout plan to show the access arrangements, car parking and movements within site along the full extent and details of the proposed bin store/s.
2. Full Conservation Officer comments to be reported.

103 **18/0171M-DEMOLITION OF ALL EXISTING STRUCTURES AND BUILDINGS, REMEDIATION OF THE SITE AND THE ERECTION OF A RESIDENTIAL LED MIXED USE DEVELOPMENT COMPRISING 89 NO RESIDENTIAL DWELLINGS (USE CLASS C3) AND 140 SQ M (1,500 SQ FT) OF BUSINESS FLOORSPACE (USE CLASS B1) TOGETHER WITH LANDSCAPING, ACCESS POINTS FROM DIXON DRIVE, CAR PARKING, AN ACOUSTIC FENCE AND ASSOCIATED INFRASTRUCTURE, LAND AT FORMER CHELFORD AGRICULTURAL CENTRE, DIXON DRIVE, CHELFORD FOR MR ANDREW TAYLOR, DAVID WILSON HOMES NORTH WEST**

Consideration was given to the above application.

(Parish Councillor David Wilson, representing Chelford Parish Council and Andrew Taylor, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written update to the Committee, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

1. Affordable Housing comprising of 5 x 2 bed units, 2 for intermediate tenure and 3 for social / affordable rent
2. Public Open Space comprising of:
 - Amenity Open Space - £267,000 (residential) £1194 (business)
 - Recreation and Outdoor Sport (ROS) £84,000 (total reduction of £15,000 to account for affordable) £1194 (business).

- Indoor Sports Provision - £13,000 towards the provision of 2 pieces of sports equipment at Chelford Village Hall

The POS contribution will be directed towards improvements, enhancements and additions at Mere Court play area and open space, Chelford Village Hall site and Dixon Drive amenity green spaces.

3. Education Contributions of £173,541 (Primary) and £45,500 (SEN)-total of £219,041.

4. Healthcare contribution of £10,000 towards resurfacing car park at of Chelford Surgery;

And subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accordance with approved and amended plans
3. Construction of access prior to first occupation
4. Landscaping scheme to be submitted and approved to include replacement planting
5. Landscaping scheme to be implemented
6. Accordance with submitted Arboricultural Impact Assessment
7. Tree protection of retained trees / hedgerows
8. Protection for breeding birds during bird nesting season
9. Details of ground levels to be submitted, approved and implemented
10. Details of external facing materials to be submitted, approved and implemented
11. Details of boundary treatments to be submitted, approved and implemented
12. Development to be carried out in accordance with submitted noise survey
13. Development to be carried out in accordance with submitted Drainage Impact Assessment.
14. Completed ground gas risk assessment to be submitted, approved and implemented
15. Remediation of contaminated land to be carried out
16. Verification of remediated contaminated land to be submitted and approved
17. Bin storage to be provided prior to first occupation
18. Details of pile foundations to be submitted, approved and implemented
19. Electric Vehicle Infrastructure to be provided prior to first occupation
20. Submission, approval and implementation of Travel Plan
21. Scheme of dust control to be submitted, approved and implemented
22. Submission, approval and implementation of a scheme of archaeological mitigation
23. Foul and surface water drainage to be connected on separate systems
24. Scheme of surface water drainage to be submitted, approved and implemented

25. Submission, approval and implementation of a Construction Environmental management Plan
26. Removal of permitted development rights for Classes A-E (extensions and outbuildings etc)
27. Accordance with Ecological Assessment
28. Updated bat survey to be submitted, approved and implemented
29. Detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds shall be submitted, approved and implemented
30. Details of external lighting to be submitted, approved and implemented
31. Scheme for ecological enhancement to be to be submitted, approved and implemented
32. Broadband connection to be made available at each property
33. Scheme to be submitted for the retention and re-use of the existing Coal Master's Building

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

104 **15/1683M-DEVELOPMENT OF 30 NEW HOUSES INCLUDING 9 AFFORDABLE HOUSES, LANDSCAPING, LANDSCAPE BUFFER ZONE, FLOOD MITIGATION AND GROUND WORKS, ROADS, ASSOCIATED HIGHWAYS AND INFRASTRUCTURE, LAND OPPOSITE, LOWERHOUSE MILL, ALBERT ROAD, BOLLINGTON FOR JOHNSON MULK, PROSPECT GB**

This item was withdrawn by the applicant prior to the meeting.

(Prior to the close of the meeting, the Chairman, on behalf of the Committee congratulated Paul Wakefield, Principal Planning Officer on his award for Employee of the Month).

The meeting commenced at 10.00 am and concluded at 12.10 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: 11-May-2018

REASON FOR DEFERRAL

The application was deferred from the Northern Planning Committee on 14 February 2018 for *'further discussions to take place with the applicant regarding a reduction in the size of the building alongside appropriate conditions regarding the sales floor space and to discuss how the parking standards could be met'*.

APPLICANTS SUBMISSION

Since the deferral of the application, the applicant has submitted revised plans reducing the floor area of the store from 2480sqm to 2292sqm gross and 1655sqm to 1577sqm net, and increasing the number of parking spaces from 136 to 155.

A supplementary planning statement has also been submitted which outlines that:

- Development will be phased to allow existing store to trade whilst the Fitness Club is demolished and new store erected. The existing store will be closed for up to 8 weeks whilst the existing store is demolished and the car park is provided.
- Does not matter if site is in a "local Centre" or "other settlement" as there will be a focus on providing retail and services of appropriate scale and nature to meet the needs of the local community.
- Policy SE7 outlines that sequential assessment and impact tests only applicable if a proposal is located outside a designated centre and not on a site allocated for retail use.
- CELPS states 'Until they are reviewed, the existing boundaries and retail allocations will remain as they are in the 'saved' policies (of MBLP). This was endorsed by Local Plan Inspector.
- No requirement in this case for sequential test or impact test to be satisfied.
- Policy EG5 does not set prescribed thresholds to limit the scale of any centres within each tier of the settlement hierarchy.

- The replacement Lidl store will be 681sqm smaller than the former Energie Fitness Club, with the proposed development bringing about an overall reduction of 1,811sqm floorspace located within the application site.
- Proposal is not the largest Lidl store in the UK. Many stores are of a similar or greater scale to that proposed. Over 20 that have a floorspace over 2700sqm.
- Existing store struggles to meet local needs in full due to following deficiencies:
 - Inadequate sales space for each product – difficult to meet customer demands
 - Instore bakery is located within a shopping aisle reducing display areas
 - Inadequate frozen storage facilities
 - Inadequate general storage facilities
 - Inadequate staff facilities
 - No customer toilets or baby changing areas
- Shopper survey between 8 and 11 March demonstrated that existing Lidl store primarily draws customers from the SK9 postcode area (mainly from areas to north and east of Wilmslow and Handforth)
- Also attracts some customers from further afield including postcode SK8 (Cheadle area), postcode SK7 (Hazel Grove/Bramhall), postcodes SK10/SK11 (Prestbury/Macclesfield) and postcode SK12 (Poynton/Disley)
- Catchment area of the replacement store is, therefore, unlikely to exceed that of the existing Lidl store due to other existing / planned stores in other locations
- A consistent approach should be taken with substantial retail proposals at Handforth Dean
- Notwithstanding the fact that there is no requirement for a sequential test, one has been undertaken, and no sites have been identified.
- Notwithstanding the fact that there is no requirement for a retail impact assessment, one has been undertaken and no significant adverse impacts are identified (-1.82% impact on Wilmslow and -1.41% impact on Handforth convenience goods offers)
- None of the existing operators at Summerfields Village Centre have objected to the proposals
- Conditions could be used to restrict goods sold, mezzanines and subdivision, and inclusion of ancillary retail shops and services (e.g. post offices)
- 155 parking spaces now provided, 9 short of standard if using gross floorspace figures
- A further 149 spaces provided to front of rest of shopping parade at Summerfields Village Centre.
- Existing Lidl store has under provision of parking when assessed against standards

CONSULTATIONS

Wilmslow Town Council - Recommend refusal on the grounds that the development is not in the 'Town Centre' but in a local neighbourhood shopping environment therefore detracting from the Town Centre and being out-of-keeping with the shopping area in terms of its size. The proposal is also contrary to policies in the emerging Neighbourhood Plan that directs developments of this scale and geographical draw to the Town Centre. Whilst improved, the proposed car-parking provision remains inadequate.

REPRESENTATIONS

Since the deferral of the application, 13 letters of representation have been submitted objecting to the proposal on the following grounds:

- Loss of gym and re-zoning land to retail
- Increased traffic
- Dean Row Road cannot cope with increased traffic queuing to make right turn into Summerfields centre.
- Handforth and Wilmslow have access to large number of supermarkets already
- Building not suitable in residential area
- Loss of trees
- Extra traffic pollution
- Increased noise
- Original objections all still valid
- Town centre sized development
- Will change the nature of the area
- Take business from Wilmslow and Handforth centres
- Swimming pool greatly missed
- Have to drive to alternative facilities
- Disturbance from delivery wagons
- Devaluation of property
- Bus services reducing
- NPPF, the Cheshire Retail Study, the CELPS and other Council consultations, should be considered in their entirety
- Energie site presents an ideal opportunity to provide a community infrastructure facility
- Earl Road proposed developments relate to comparison goods stores and not A1 convenience stores, and any comparison with the Lidl Summerfields development is meaningless and disingenuous
- No staff parking
- Significant adverse impact on the vitality and viability of both Wilmslow and Handforth town centres
- Application does not comply with policy S4 and is contrary to the EG5 policy and the Settlement Hierarchy set out in the CELPS
- The policies of the NPPF should determine the need for a sequential test.
- No consideration of other sites
- No need for additional convenience goods floor space in Handforth, or Wilmslow

A transcript of the 14 February Committee meeting has been submitted by a local resident.

2 letters of support have also been received noting that:

- Energie site is unused and has had unwelcome visitors
- Will be an asset to the area
- Old store is tired and unfit for purpose
- Store is now popular to a wider clientele
- Gym was over anyway

CONSIDERATION OF REASONS FOR DEFERRAL

Size of Store

The size of the store has been reduced in accordance with the reasons for deferral. The proposal will continue to provide access to day to day shopping facilities, which are commensurate with the role the Summerfields 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.

Car Parking

The car parking provision on site has been increased to 155 spaces. This is 9 short of the recommended standards within Appendix C of the CELPS. However, it should be noted that the existing store currently under provides car parking when assessed against the recommended standards, and as such the proposal will be no worse. In addition there are an additional 149 spaces available for visitors of the wider Summerfields Village Centre, which can also be used by Lidl customers.

Conclusion

The applicant has reduced the size of the store, which has also facilitated the provision of additional parking spaces. Whilst this provision is marginally below the standard recommended within Appendix C of the CELPS, having regard to the existing situation on site and the 149 spaces available on the adjacent public car park, adequate car parking is available for the staff and customers of the proposed development.

The proposed store is smaller than the existing gym building, which is a main town centre use as defined in the Framework. The proposed store is therefore substantially smaller than the two main town centre uses on the site (the existing store and the former gym) and results in a reduction in floorspace of 1811sqm overall. The site is within an identified shopping area, and there is no requirement for a sequential test to be undertaken or a retail impact assessment to be carried out. However, the applicant has undertaken both these exercises which demonstrate that there are no sequentially preferable sites and there is no significant adverse impact upon Handforth or Wilmslow town Centres.

Accordingly, as in the original report, the application is recommended for approval.

It should also be noted that the Secretary of State has received a request to intervene on this application, therefore, any resolution will be subject to the outcome of this process.

UPDATE REPORT FROM 14 FEBRUARY COMMITTEE MEETING

REASON FOR DEFERRAL

The application was deferred from the Northern Planning Committee on 6 December 2017 for further clarification on the following matters:

- *Transport and highway implications*

- *Sequential assessment*
- *Liaison with public health department. Re: loss of gym*
- *Air quality*
- *Swimming pool data*

REPRESENTATIONS

Since the deferral of the application, two letters of support for the application have been received.

In addition, three letters have been received questioning why letters have continued to be accepted and published on the website after the publicity period has closed. The letters also note that this site is allocated for leisure and should be considered as being such in any application made to redevelop it now or in the future, and raise concern about the impact upon Wilmslow Town Centre.

CONSIDERATION OF REASONS FOR DEFERRAL

Transport and highway implications

Concerns were raised by Members about the Council's Supported Bus Service Review and how this would impact upon the bus service close to the application site. The no. 130 bus service is not affected by the Review as it is a commercial service provided by Arriva North West and D&G Bus. A new timetable was published for this service on 28 January 2018, and between the two bus operators the service runs 7 days a week.

To clarify the parking provision for the proposed retail store, 136 parking spaces are shown to be provided on the site plan. The proposed store has a gross floor area of 2480sqm and a sales floor area of 1655sqm. The recommended parking standards within the CELPS for food retail are 1 space per 14sqm. This equates to 177 spaces if the gross floor area is used and 118 spaces if the sales floor area is used.

The CELPS states that CEC parking standards will only apply where there is clear and compelling justification that it is necessary to manage the road network. It continues to state that the Council "*will accept representations to vary from car parking standards on a site-by-site basis with reference to evidence obtained locally or from a suitable data source (e.g. TRICS) outlining predicted parking profiles.*"

In this case the submitted Transport Assessment states that analysis of the estimated trips generated from the proposed development (using data from existing Lidl stores and TRICS) concludes that the highest combined number of vehicles visiting the proposed store will be 75 vehicles on a Saturday. Accordingly, the parking provision outlined above is considered to be acceptable.

Sequential Assessment

A sequential assessment has not been submitted. The applicant has submitted a Counsel opinion which considers the status of the site in sequential terms, which states the following:

"the application of the sequential test in national policy terms involves directing development to town centres first, then edge of centre (within the meaning of the glossary to NPPF) and

only then to out of centre locations (§24). An application for retail development within a town centre would therefore not ordinarily require the demonstration of having passed the sequential test.

The NPPF defines the term “town centre” in the following terms:

“Town centre: Area defined on the local authority’s proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in Local Plans, ...”

Dean Row is designated as a local centre within the adopted Macclesfield Local Plan (policy S4) and whilst it is not also listed as a town centre in the CELPS that is expressly written in anticipation that retail policy in the adopted local plan will persist pending the adoption of Part 2 of the Cheshire East Local Plan. Indeed it is wholly unsurprising that local centres are not defined within the strategy DPD. Moreover it cannot have been the intention that the CELPS was intending to promulgate a retail strategy which is at odds with NPPF.

It follows therefore that when approaching the sequential status of the Site the question that must be asked is whether or not it is within a defined town centre within the meaning of NPPF. Since Local Centres are explicitly included within the definition of what is meant by a “town centre” then self-evidently what is proposed is an “in centre” proposal which complies with the terms of the development plan. Whilst it might be argued that retail designations within the MLP are to be treated as out of date – in fact there is no evidence at all that Dean Row is likely to be downgraded from its position as a local centre within the forthcoming Cheshire East local plan part 2.

It follows that I am of the view that what is proposed comprises an in centre proposal for retail and the recommendation of officers that there was no contravention of retail policy is one that I wholeheartedly endorse.”

The original committee report outlines the view of officers that the proposed store is commensurate with the role the centre serves, and that the Dean Row Road Local Centre is much more than a small parade of shops of purely neighbourhood significance. Consequently, the area would be defined as a local centre under the terms of the Framework, and as such is town centre development. As stated in the original report a sequential approach does not need to be applied in this case.

Liaison with Public Health Department

Comments from the Public Health Department are awaited and will be reported as an update.

Air Quality

The air quality concerns that were raised by Members were as a consequence of the potential reduction in bus services resulting from the Supported Bus Service Review. As noted above, the bus service will remain operational, and therefore the air quality impacts remain as they were at the time of the original report. Environmental Protection (Air Quality) raises no objections subject to conditions relating to a travel plan, electric vehicle infrastructure and dust control during demolition / construction.

Swimming Pool Data

This query related to why the swimming pool at Energie was excluded from the list of community accessible pools in the Council's Indoor and Built Facilities Needs Assessment. Discussions with the Council's Leisure team are ongoing and will be reported as an update.

CONCLUSION

Further details from consultees are awaited on the reasons for deferral. Subject to the satisfactory receipt of these comments, as in the original report, the application is recommended for approval.

It should also be noted that the Secretary of State has received a request to intervene on this application, therefore, any resolution will be subject to the outcome of this process.

ORIGINAL REPORT FROM 6 DECEMBER COMMITTEE MEETING

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. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A03TR - Construction specification/method statement (trees)
7. A01LS - Landscaping - submission of details
8. A04LS - 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

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Application No: 17/3837M

Location: HOLLINS PARK NURSING HOME, VICTORIA ROAD, MACCLESFIELD, CHESHIRE, SK10 3JA

Proposal: Demolition of the existing buildings and redevelopment of the site to provide a replacement care home (Use Class C2) arranged over two storeys together with associated car parking, landscaping and amenity space.

Applicant: Mr Andrew Brett, Care UK Community Partnerships

Expiry Date: 11-May-2018

Summary

This application would provide a modern, enlarged care home which would facilitate advances to the health and social care infrastructure within Cheshire East. 30 additional beds would be provided alongside a further 16 parking spaces. The care home would be registered with the Care Quality Commission and incorporate up-to-date design approaches to alleviate symptoms of dementia, Alzheimer's and wider disabilities.

In accordance with policies SC3 and SC4, a continued need for this provision is demonstrated. Supporting specialist housing types are essential in social wellbeing and quality of life and the borough has a population older than the national average. The opportunity to support the redevelopment and modernisation of this site, in a sustainable location, close to a major health facility (Macclesfield hospital) should be encouraged as this would contribute significantly to the Councils social objectives in supporting quality of life for present and future generations.

The presence of built development would be greater along Victoria Road, although the design is of good architectural merit. Notwithstanding this, its appearance would be softened through landscaping implementations. Adopted parking standards on this site are adhered to which will ensure that any parking pressures in the area would not be exacerbated. The provision of 33 spaces would directly accord with the adopted parking standards set out in the Cheshire East Local Plan Strategy. The application raises no significant issues relating to design, residential amenity, highway safety, parking provision or any adverse impact in respect of environmental issues.

Moderate economic benefits would also exist through the creation of 26 full time equivalent jobs, construction benefits, and the spending power within the area through the greater number of residents, visitors and employees.

The social and economic benefits of this scheme significantly and demonstrably outweigh the slight environment (visual) impact of the built form residing closer to Victoria Road. The NPPF supports a strong presumption in favour of sustainable development, which includes

supporting social progress for present and future generations. This development would make a significant contribution to the social and economic sustainability of Cheshire East without causing any significant environmental harm.

The NPPF, at paragraph 14, requires development proposals that accord with the development plan to be permitted without delay and thus this application goes before the Planning Committee with a recommendation of approval subject to conditions.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application is referred to Northern Planning Committee due to the scale of the development.

PROPOSAL

This application seeks planning permission for the demolition of the existing 2-storey care home, and erection of a larger replacement 2-storey, 70 bed care home (Use Class C2) which would spread further to the front of the site. Parking, landscaping and amenity space would be provided. The building itself would provide 70 beds, appearing as single, not-shared, rooms to accommodate residents with dementia. The bedrooms would be equipped with en-suite bathrooms, and facilities within the building include hairdressers, café, and cinema, in addition to dining rooms and shared space. 24 hours on-site nursing care provision would exist.

The building would be constructed in Cheshire Brick with sections of light cream render. The roof would be a combination of hips and pitches with small projecting elements beyond the principal elevations. The roof would be covered in brown concrete tiles with windows framed in grey uPVC. The building largely incorporates contemporary elements in a more traditional structure. A connected walkway would exist around the site with various landscape features erected, which would provide the main external amenity space within the grounds. Some trees would be felled within the site itself, predominantly to the areas around the car-park and NE boundary. The trees along the western and northern boundaries are indicated to be retained. The details of the buildings are as follows:

Building details	Existing	Proposed	Difference
<i>Floor Space</i>	1601m ²	3698m ²	+2097m ²
<i>No. of parking spaces</i>	17	33	+16
<i>No. of bedrooms</i>	40	70	+30
<i>Gap to Victoria Road</i>	32.0m	7.50m	-24.50m

Full consultation has been carried out on the revised plans submitted as part of this application, in addition to the original plans. The application indicates that Care UK have undertaken a public consultation process which included 150 addresses in the area (including parts of Victoria Road, The Whitfields, Birch Ave, Fernlea Drive, Charnwood Close). Key issues raised relate to parking in the area and an overbearing presence of the proposal.

The supporting documents outline that as the demolition and construction works are occurring, residents would be accommodated within nearby care homes.

SITE DESCRIPTION

The application site comprises a residential nursing home (C2 Use Class) constructed on an area of land of approximately 0.5ha. The building has the capacity to care for up to 49 residents. The Design and Access statement outlines that the existing building has 37 single bedrooms and 7 shared bedrooms, with shared bathroom facilities. The building is arranged over 2-storeys, set back within the site and finished in facing brickwork with a pitched concrete tile roof. The footprint is one of a largely linear nature across the width of the site, with projecting 2-storey aspects to the front and rear. 2 access points into the site exist, one to a parking area to the rear, and one to the main pedestrian access where there is space for emergency vehicle parking. The site is landscaped to the front with a maintained area of grass, existing trees and small shrubbery. The grass is established on a mound which gently rises from the front of the building and then back down towards Victoria Road.

Access is provided into the site from Victoria Road. . There are 17 spaces provided within the existing site which serve residents, staff and visitors. Macclesfield Town Centre exists to the east of the site, immediately north is a residential area, and west is a Cricket ground. The site is contained within the C2 Community Use MBLP Area, titled 'Macclesfield District General Hospital'. There are no protected trees within the site.

38 full time staff are employed and 16 staff employed part-time. The applicant (Care UK) operates nationally.

RELEVANT SITE HISTORY

01/2455P – Two storey extension to existing nursing home. *Approved with conditions (21st November 2001).*

LOCAL AND NATIONAL POLICY

Macclesfield Borough Local Plan (2004)

C2 (Macclesfield District General Hospital)
DC3 (Design & Amenity – Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC35 (Materials and Finishes)

DC37 (Landscaping)
DC38 (Space, Light and Privacy)
DC57 (C2 Residential Institutions)
NE11 (Nature Conservation)

Cheshire East Local Plan Strategy (2010-2030)

EG1 (Economic Prosperity)
IN1 (Infrastructure)
PG1 (Overall Development Strategy)
PG2 (Settlement Hierarchy)
PG6 (Spatial Distribution of Development)
SC3 (Health and Wellbeing)
SC4 (Residential Mix)
SC5 (Affordable Homes)
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)
SE9 (Energy Efficient Development)
SE12 (Pollution, Land Contamination and Land Instability)

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 (adopted 2017)

CONSULTATIONS

CEC Highways: No objections

Environmental Health: No objection subject to conditions relating to:

- Acoustic assessment report
- Pile foundation method statement (if floor floating is required)
- Dust control method statement
- Floor Floating method statement (if floor floating is required)
-
- Electric vehicle infrastructure
- Contaminated land

United Utilities: No objections subject to conditions relating to drainage

Macclesfield Town Council (01/09/17):

The application was supported by the committee, although concern to ensure adequate staff and visitor parking was included in the development was a priority consideration.

NB, further comments are being awaited from Macclesfield Town Council whom meet on 27th April 2018. Any comments will be provided as a verbal update to members during the committee meeting.

REPRESENTATIONS

11 letters of objection received from 8 surrounding properties, summarised as follows:

- Harm to the character of the area
- Dominance / Overbearing impact
- Impact on amenity (Loss of privacy, noise intrusion, loss of light)
- Inadequate parking provided
- Parking already problematic in the area
- Crowded relationship with Victoria Road, damaging to green, landscaped land to the front of the site
- Impact on accessibility for other vehicles
- Ensuring of right of way for ambulances during construction
- No benefits to the care home being sited in this location
- Fails to respect local character
- Impact on neighbouring properties greater during winter (when trees are not in leaf)
- Travel survey not properly detailed
- Victoria Road is at present a dangerous road
- Unsuitable outlook for neighbouring occupiers and families with younger children
- Survey cards issued at the community engagement meeting misleading
- Noise and traffic issues during construction
- Light pollution
- Not in sympathy with the surrounding architecture
- Ecological impacts
- Contrary to planning policy
- Overdevelopment of the site
- Vehicles may manoeuvre in surrounding residential areas
- Other sites available in Macclesfield to accommodate the care home.

- If approved, suggests conditions relating to construction, travel plans and landscaping.

1 x letter broadly supporting the proposal summarised as follows, received from Macclesfield Civic Society:

- Very welcome contribution to the provision of special needs residential accommodation involving care facilities
- Design, visual impact and landscaping well thought through although hint of overdevelopment in terms of site coverage
- Increased provision on site previously deemed acceptable
- Extent to which parking provision is suitable needs to be assessed in detail.

Further representations have been received following the revised plans (4x letters of objection, and 1 x general observation) which largely reflect the concerns outlined above. The observation seeks to ensure that the boundary wall to the front is protected.

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

Issues relating to working hours and construction are not material planning considerations which can be afforded significant weight in this decision making. It is noted, however, that the site does reside very closely to Macclesfield District General Hospital, and thus conditions regarding construction method statements could be appropriate to ensure no obstruction of the highway network.

The details submitted are considered to be sufficient to enable the Local Planning Authority to satisfactorily determine this application. Three site inspections have been carried out. Public consultation has been carried out in accordance with statutory requirements and the applicant has undertaken their own community engagement process, the details of which are viewable on the file.

One letter of objection details suitable conditions that could be attached to any grant of planning permission. This is noted and the details are discussed in the appraisal. NB, it is only where conditions are deemed reasonable, necessary, relevant and enforceable.

APPRAISAL

Key Issues

- Principle of development
- Design considerations
- Character of the area
- Impact upon amenity of neighbouring properties
- Highway safety and parking
- Flooding issues
- Ecology Implications
- Arboriculture and Forestry
- Environmental Health

- Sustainability

Principle of Development

The application site lies within the policy C2 designation (MBLP 2004) titled “Macclesfield District General Hospital”. Within this designation, health and related developments will normally be granted. The reason being that the Health Authority’s development programme is to concentrate general hospital provision on the existing site at Victoria Road.

The adopted Cheshire East Local Plan Strategy (2010 – 2030) reiterates the local authority’s priority in working with the health and social care providers to improve health across Cheshire East and ultimately reduce inequalities in wellbeing (SC3). In 2015, the Government released a Guidance note titled ‘Dementia-friendly Health and Social Care Environments’. This emphasised the need to modernise care homes and ensure that 21st century residents have a health and social care system that will meet present and future needs. Internal design, and space can contribute immensely to people’s quality of life, this can include the materials and layout of the building, which research has shown to reduce confusion, isolation, and anxiety. There is unprecedented demand for such facilities, largely due to the increasing age of UK residents and research into accommodation and how design can address some of the more serious symptoms. Whilst the internal appearances of the rooms are important, the use of windows, balconies and landscaping are key components. In respect of the latter, design should support way-finding and provide access to the outdoors.

Balconies are largely absent from the design, however, there is a strong element of glazing, use of a connected outdoor pathway with landscaped features indicated, and internally there are clear identified shared space areas. These include hairdressers, cafes, a cinema, and lounges. Nurse stations, sluice rooms, and drug stores are all set out within areas of the building which should help to facilitate a better quality of life for residents. The Care home will be registered with the Care Quality Commission.

Local Plan policy SC4 of the CELPS (2010 – 2030) is most applicable here which specifically requires development to meet the needs arising from the increasing longevity of the borough’s older residents and to support the long term needs of this specific group of people. The accommodation should be designed specifically for the elderly and people who require specialist accommodation, including those with dementia and other vulnerable people. This includes the development of dementia-friendly communities. This proposal is specifically targeted at those vulnerable communities within Cheshire East and specifically those who suffer from dementia and Alzheimer’s. The approach of policy SC4 is reflected strongly at a national level through paragraphs 50 and 69 of the NPPF (2012). The location of the development is encouraged in terms of its principle. The site is located in close proximity to the district hospital and it is most practical and beneficial to keep such facilities in close proximity. Macclesfield is one of the most sustainable towns within Cheshire East, and one of the identified ‘Key Service Centres’. In principle it makes sense to focus increasing capacity (+30 beds) close to the centre of Macclesfield, and on the site of an established C2 Class use near to a hospital.

The co-dependent integration of services can benefit both the hospital and care home. For example, elderly patients who are not sufficiently independent to move home following hospital treatment, or patients of the care home that may require urgent, acute care at the

hospital. In spatially integrating and enhancing this type of infrastructure, the benefits to the users of both of these services are apparent.

It is noted that there are other care homes within Macclesfield, including 'Belong', 'Prestbury House' and 'Rowans'. However, as per both national and local guidance, and policy, the needs for the increasingly older generation with better designed facilities and further capacity is clear. The principle of replacing this care-home with increasing capacity on the same site is strongly supported in principle. Issues relating to the design, amenity, highway safety and other material planning considerations are discussed in the following sections.

Design assessment and impact on the character of the area

The replacement care home has been designed such that it is future-proof in terms of demand, and of a layout that would best serve the existing residents. The existing building is of limited architectural merit and its demolition would not be significantly harmful to any wider design cues or the overall character of the area. As indicated in the application, the residents would be temporarily moved to other nearby care homes.

As noted by residents, one of the main contributions the existing site provides to this section of Victoria Road is the maintenance of a strip of grassland to the front of the site. This adjoins to a section of grassland to the east fronting the hospital, and to the west are the cricket grounds. The result is a green, landscaped section to this part of Victoria Road. To the opposite side are largely detached houses which present a more profound built form

The replacement care home would spread much further to the front of the site into the existing open grassed area. At 2-storeys in height, this would result in a more prominent structure contrary to the present open character. Whilst landscaping could be established to the front of the site, the design of the building itself should be of such merit to ensure a positive design contribution to Victoria Road. The architecture makes good use of punctuation in the building line to break the mass, and the use of hips and gables ensures an interesting character. The glazing and juxtaposition of render and Cheshire Brick ensures a contemporary appearance, without resorting to pastiche. The glazing has added benefits in terms of ensuring suitable and consistent natural lighting internally. The 1st floor balcony and gable end fronting Victoria Road adds a visually stronger feature to the principal elevation. This would be set-back from the pavement and landscaping to the corners of the site would help to integrate its appearance with the wider streetscape character. It is noted that the building would be set marginally lower than the street scene with the existing grass mound likely to be re-profiled.

The footprint of the care home would occupy the majority of the site, however, the development does make more efficient use of the land. The site is sustainable, and advantage should be taken of its sustainable location close to the hospital in a Key Service Centre. The spread of the development and overall site coverage would not be readily apparent in the street scene. The main street elevation would be the prominent section within the public realm, which would diversify the appearance to this part of Victoria Road, but not to a harmful extent by virtue of the design's good aesthetics. Minimal information has been supplied regarding external lighting. The details of this can be requested via a pre-commencement condition. This is not likely to be a significant issue. Any external lighting is likely to be maintained within the site and not cause spillage which would be detrimental to either visual, or residential, amenity.

The proposal has been assessed by the Councils Urban Design Officer who agrees that the design is of a standard sought by Cheshire East Design policy (SD2, SE1 of the CELPS, 2010 - 2030) and the adopted Borough Design Guide (2017).

The Councils Landscape Officer has commented on the scheme advising no objection to the works. Conditions are recommending regarding a landscaping scheme to be submitted and full details of hard and soft landscaping provided. The intention to provide a connected pathway with sensory areas, terraces and landscape features is encouraged, which will facilitate in a better quality of life for residents and would accord with policy SE4. The exact details re. landscaping can be secured by condition. The external amenity space would be in excess of the 10sqm per resident guidance outlined in policy DC57 (MBLP, 2004). The majority of the external space forms along the southern and western areas outside the building, and would likely receive sufficient sunlight, and space which could be enjoyed privately.

It should be noted that following discussions with the applicant further reductions in the building have been agreed. These are shown in the revised plans, and include a larger area of landscaping to the NE corner of the site adjacent to Victoria Road. On approach towards the site, this helps in softening the presence of the building and providing a more landscaped approach on the entrance towards the care home and hospital. This will also support further external amenity space for residents of the care home, whilst reducing some of the parking requirements.

Residential amenity

A gap of 32.2m would be maintained between the 2-storey care home and the 2-storey dwellings opposite Victoria Road. This is policy compliant with DC38 (MBLP, 2004) requires a gap (2-storey front-front) of 21m. The building would not be significantly overbearing to the properties along Victoria Road, and there would be no significant losses of privacy. The public perceptions of the properties along Victoria Road are already well established through the public highway and pavements. Clearly, the outlook of these properties would be affected, but not through any unduly dominant built form. The main roof pitch is only marginally higher than the residential properties and set significantly back. This also prevents any significant losses of light despite the building residing south of the dwellings. Landscaping shall also be established to the front, thus softening the impact visually.

Residents have raised concerns about noise from any distressed residents within the care home. Environmental Health Officers have not considered this to be a significant issue but have requested that an acoustic assessment report be conditioned. This will ensure that noise levels are sufficient for the residents of the care home and any mitigation required is implemented. This will also serve to lessen any noise impacts from within the care home. Notwithstanding this, the gap of 32m would prevent any significant noise disturbances to the residents of Victoria Road. The proposal is considered to comply with policies DC38 and DC3 (MBLP, 2004).

Highways

The vehicular access points into the care home would be widened slightly and are appropriate in terms of visibility upon entering and exiting the site. The existing accesses and intensification of the existing access points would not compromise highway safety nor significantly inconvenience users of the road.

Under Appendix C (Parking Standards) of the CELPS (2010 – 2030), the recommended parking provision for this development would be 33 spaces. This is calculated through:

Residents – 1 per 3 beds

Staff – 1 per resident staff, and 2 per non-resident staff.

The application indicates that there would be 21 staff on site at any one time, and 70 residents. The requirements are respectively 10 spaces and 23 spaces.

Following discussions with the applicant, 33 parking spaces are to be provided which indicates full compliance with the CEC recommended parking standards. The agent and a highways consultant, have also conducted extensive travel surveys. The surveys provided indicate that an average Care UK home would require 0.31 spaces per bed, thus the requirement being for a 70 bed care home: 22 spaces. In collecting this data, 10 new build Care UK homes were analysed as was data extrapolated from the existing Hollins Park home (which highlighted a requirement of 0.36 spaces per bed when fully occupied). Supporting data found that the majority of visits lasted less than 1 hour, and the peak car-park use was around mid-day. The data and graphs to this are available within the Transport Survey submitted at Section 6.0 (Car Parking Assessment). The Council recognises that the CEC parking standards of Care Homes are generous, however these have due regard to the local demographic and potentially higher car-ownership in this borough. The Council can accept variations to the parking standards, however given the sensitive location here, it is not considered appropriate to do so. The provision of 33 spaces would be +11 over the evidence based projections acquired from Care UK. The provision would, however, match to those outlined in the Local Plan.

The parking bays provided would be of 2.5m x 4.8m size in accordance with the standard bay size. Those bays to the end of the parking area would be larger (2.85m wide) to allow extra manoeuvrability. The parking provision would also include disabled bays, an ambulance bay and a delivery bay.

It is further recognised that the site is sustainably located, close to Macclesfield Town Centre including Whalley Hayes Public Car Park and slightly further is Macclesfield Train Station where there are taxis and buses available. Notwithstanding that most visitors are likely to use private car, other parking facilities and public transport is available in the area. A cycle store is also indicated within the site plan (for up to 8x bicycles) which could be used by staff and some visitors in the area of Macclesfield. Pedestrian access into the site from nearby bus stops is acceptable. The buses in the vicinity of the site serve Wilmslow, Manchester, Knutsford and Macclesfield.

In considering the acceptability of the parking provision, significant weight has been given to the parking pressures of Macclesfield District Hospital and the on-street parking along Victoria Road. It is considered, however, that the development would not exacerbate any parking issues in the area nor compromise access for emergency vehicles into the hospital. The

provision accords directly with the recommended standards of the CEC Local Plan. This is much greater than the provision initially deemed adequate by the travel surveys and extrapolated data. Significant weight has been afforded to the locality and strong need to prevent any future overspill car parking. Officers are satisfied that this would not occur as a result of this development and the development would be self contained in respect of parking.

No objection has been received from the Councils Highways Officer, and there is no departure from the recommended parking standards. The proposal would thus accord with policies CO1, CO2 and Appendix 2 (CELPS, 2010-2030) and T5 (MBLP, 2004).

Flooding issues

The site is located within EA Flood Zone 1 meaning there is a “low probability of flooding”. Adequate drainage could be achieved on-site and areas of permeable surfacing can be ensured via landscaping condition. It is not expected that the development would significantly increase surface water flooding in this location.

The conditions suggested by United Utilities shall be added to the decision notice including a sustainable drainage management plan for the lifetime of the development. This will contribute to a more sustainable design, and prevent issues relating to drainage and any surface water flooding beyond the site.

Ecology and Nature Conservation

The Councils Nature Conservation Officer has commented on the proposals raising no objection to the works. Conditions are recommended and agreed regarding nesting birds, breeding birds and the installation of bat and bird boxes. Subject to the above, the proposal would accord with policy NE11 (MBLP, 2004) and policy SE3 of the CELPS

Arboricultural impacts

The Councils Arboricultural Officer has considered that the trees which are to be removed (Low Value – Category C, and 4 x Moderate Value – Category B) are not worthy of formal protection under a Tree Preservation Order. The retained trees can be protected in accordance with current best practice. It is noted that some of the trees to the northern side will require pruning, but these are not indicated for removal and again, are not worthy of formal protection. One protected tree, identified as an aging Sycamore, exists to the northern side of the western boundary which is not outlined for removal.

The landscaping scheme, which will be conditioned, will ensure that adequate planting remains, or is established, to the front of the site to help integrate the development into the wider sylvan character of Victoria Road. Arboricultural conditions recommended are for the development to be carried out in accordance with the Arboricultural Development Statement (29th March 2018). Subject to this condition, the development would accord with policy DC9 (MBLP, 2004).

Air Quality

A condition shall be attached to any approval ensuring that Electric Vehicle Infrastructure is provided on-site. This will be achieved through the installation of a charging point with the capability to add a further one at a later date. This accords with the NPPFs aims of moving to a carbon free future and reducing vehicle emissions. There are 4x Air Quality Management Areas in Macclesfield. In encouraging the use of more environmentally friendly modes of transport, such as electric cars, cycling etc, this will make a small contribution in reducing air quality issues in the wider town.

Contaminated Land

Any soil to be imported into the site shall be tested for contamination. This has been requested by the Councils Environmental Health department and can be conditioned. Furthermore, an informative can be added outlining that if any contamination not previously identified is discovered, works must stop in the immediate area and the Local Authority informed. An informative will also advise the applicant of their duty to conform with Part 2A of the Environmental Protection Act 1990.

Sustainability

The National Planning Policy Framework defines sustainable development as:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations.

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

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 and design merits of the immediate and wider locality.

The Councils specialist Officers have been consulted who have confirmed that the development would not compromise highway safety or operations, adversely impact arboricultural interests, harm the ecological value of the area nor compromise public health.

It is acknowledged that there would be a greater impact on the character of the area through the replacement buildings presence in the street scene and the green space to the front of the site would be built over. Whilst the green space does contribute to an open character to this side of Victoria Road, it is not protected by any planning designation. Furthermore, the replacement building, whilst prominent, is of good architectural merit incorporating good form, materials, design cues, and landscaping, which would contribute to a more animated street scene.

Conditions are recommended regarding landscaping, and the plans do indicated that trees to the front of the site will largely be retained. Any landscaping condition shall allow for some planting to the front of the site to help soften the impact of the development and ensure it assimilates well into the existing character of Victoria Road.

Social sustainability

The proposed development will help to maintain a varied residential mix within the Borough directly in accordance with SC4 (CELPs, 2010 – 2030). This scheme would assist in the Council achieving wider social policy goals including reducing social exclusion, strengthening quality of life and recognising the growing need to suitably accommodate the Boroughs aging population (which is higher than the national average). This is a priority nationally, and locally, and is a key component of sustainable development as advocated by the Government through the NPPF (2012). The scheme would internally support a high quality environment suitable for sufferers of dementia, Alzheimer's (and other wider illnesses) which would directly respond to current research and incorporate design measures in alleviating symptoms. The care home would be registered with the Care Quality Commission and contribute to the boroughs health and longevity of the residents lives. Housing remains a priority nationally, and locally, and this must include specialist housing.

In enhancing the functionality of the care home on this site, as well as providing +30 additional beds, this would amount to a significant social benefit in favour of this scheme. The accommodation provided for those whom are frail and elderly would also enable the release of some private dwellings for private sale or public rent.

Further to the above, this site is sustainably located in close proximity to the district hospital. C2 of the MBLP supports the principle of health related developments in this area outlining the social and infrastructural benefits of concentrating such uses.

Economic sustainability

The existing Care Home supports the equivalent number of 44 full time staff, whereas the replacement would support up to 70 full time staff (equivalent) (+26) with 21 on-site at any one point. This would provide employment within Macclesfield in a sustainable location. There would be a modest contribution to spending power within Macclesfield associated with the larger development, including the greater number of residents, visitors and employees.

This would result in clear benefits to local shops and cafes, as well as local businesses in Macclesfield Town Centre. 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.

The staff employed would include managers, team leaders, carers and assistants. Supporting employment would include chefs/kitchen assistants, housekeepers, maintenance/gardeners. There would be opportunities generated for hairdressers, occupational therapists and other as required workers.

It is acknowledged that these economic benefits (spending power, construction and employee generation) are considered to be quite significant.

Conclusion

The objections have been noted. Negotiations have been carried out on this scheme including significantly increasing the parking provision to ensure compliance with the CE Local Plan and incorporating further landscaping to the Victoria Road boundary. The environmental impacts of this scheme are considered less than significant. The presence of the building in the street scene is greater, but the architecture and aesthetics contribute positively in respect of the built presence. The green corridor identified by residents is not protected through policy, and the scheme would incorporate soft landscaping to the front which would help to mitigate the presence of the building and assist the sylvan quality to this side of Victoria Road. The outlook of the residents to those opposite the site would be changed, however, at a gap of 32m, the development would not be significantly overbearing.

The impacts described above, do not, outweigh the significant social benefits, and modest economic benefits associated with this development. The proposal responds to a local, and national need, for higher quality care homes and further bed spaces to which this proposal would support. The improvements to quality of life, health, and life expectancy for present and future residents weigh strongly in favour of the proposal. This would all be provided in a sustainable location close to the District Hospital and Macclesfield Town Centre.

Notwithstanding other care homes approved within Cheshire East, there remains a strong local need. This is emphasised through the increasing life expectancy, greater knowledge of disabilities such as dementia, issues and diagnoses and Cheshire Easts increasing population. Independent data submitted with the application identifies the pressures placed on hospitals (beds) as a result of there being inadequate space in care homes. There is a proven need for care home provision and in accordance with policies SC3 and SC4, this facility should be supported.

To conclude, the proposal accords with local and national planning policy, and enhances the social infrastructure and sustainability of Macclesfield / Cheshire East. A refusal on this site would not be justified.

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

In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Development shall be in accordance with the approved plans
2. Details of materials to be submitted (Submitted to LPA prior to commencement)
3. Development shall commence within 3 years of planning permission being granted.
4. Parking shall be provided prior to occupation of the care home
5. Landscaping scheme (submitted to LPA prior to commencement)
6. Details of boundary treatments (submitted to LPA prior to commencement)
7. Hard/soft landscaping details (submitted to LPA prior to commencement)
8. Drainage to be carried out in accordance with the submitted Flood Risk Assessment
9. Sustainable drainage management and maintenance plan (submitted to LPA prior to commencement)
10. Acoustic assessment report (submitted to LPA prior to commencement)
11. Development to proceed in accordance with the Biodiversity Enhancement recommendations
12. Details of Piling foundations (submitted to LPA prior to commencement, if required)
13. Dust details during construction phase (submitted to LPA prior to commencement)
14. Floor floating details (submitted to LPA prior to commencement, if required)
15. Developer to provide Electric Vehicle Infrastructure
16. Details of soil or soil forming materials brought into the site (submitted to LPA prior to commencement)
17. Contamination remediation scheme (submitted to LPA prior to commencement)
18. NPPF Informative
19. Contaminated Land Informative
20. Details of any external lighting (submitted to LPA prior to commencement)
21. Survey for nesting birds (submitted to LPA prior to commencement, if vegetation removed between 1st March and 31st August)
22. Features for breeding birds (submitted to LPA prior to commencement)
23. Hours of construction / demolition Informative
24. Public sewer Informative
25. NPPG Drainage Hierarchy Informative
26. Arboricultural works to be carried out in accordance with the arboricultural statement
27. Construction Method Statement (submitted to LPA prior to commencement)



Application No: 17/6072M

Location: Ollerton Nursery, CHELFORD ROAD, OLLERTON, CHESHIRE, WA16 8RJ

Proposal: Redevelopment of former garden centre to 16no. Dwellings, public open spaces including associated landscape works together with conversion of existing building to office use

Applicant: Brighthouse, Brighthouse Homes (Mobberley) Ltd

Expiry Date: 11-May-2018

Summary

The proposal is for the redevelopment of previously developed land within the Green Belt. The existing site, Ollerton Nursery, has a lawful development certificate for use as a garden centre (A1 use class).

Following the refusal of 16/3647m, the scheme has been revised to accommodate 16 2-storey dwellings on the site, of a contemporary design set along 2 separate cul-de-sacs which extend from the single site entrance. The dwellings would be of a design more substantial in construction than the existing light-framed buildings the scheme seeks to replace, and would be of a marginally taller roof height. 3 of the 16 dwellings (sited to the northern corner of the site) would also be sited on land which is not presently occupied by any structures. This is contrary to the definition of openness which is *the absence of built development*.

This proposal does constitute inappropriate development by virtue of the replacement buildings having a significantly greater impact on the openness of the Green Belt than the existing development. The proposal would therefore be contrary to policies PG3 (Cheshire East Local Plan Strategy), GC1 (Macclesfield Borough Local Plan) and the guidance contained within the National Planning Policy Framework.

Summary Recommendation

Refuse

DESCRIPTION OF SITE AND CONTEXT

The application site is Ollerton Nursery which is located off Chelford Road. The site has a number of buildings on it, the majority of which are glasshouses and polytunnels, the site covers an area of 1.4ha in total there are a total of 10 buildings on site, the majority of the site

is covered by hardstanding, with the front of the site being laid to grass and a number of individual trees and groups of trees exist on site. Ollerton Nursery has clearly operated from the site for many years, and part of the site is in a poor condition of upkeep towards the rear of the site.

There is a formal driveway access to the site with off road customer parking.

DETAILS OF PROPOSAL

The application proposes the redevelopment of Ollerton Nursery, the nursery was granted a certificate of lawfulness for retail use of the buildings and land in June 2016. Therefore the site is considered lawfully to be previously developed land. The proposed redevelopment would involve the demolition and clearance of all buildings on site save for the traditional redundant farm building to the front of the site and their replacement with 16 dwellings. The scheme has been amended following the initial submission, which has increased the number of dwellings by 1 following comments with regard to affordable housing to provide two apartments. As one building has been subdivided to form two units.

Following the refusal of a previous scheme at the site which proposed a converted barn style concept and gated community. The application has been completely redesigned in terms of the form of the proposed buildings, the amount on the site which has been reduced from 26 to 16 and the positioning of the buildings on the site.

The proposal features 16 units encircling a green which contains the TPO trees which have a high amenity value within the site. The site is opened up through the centre with built development moved to the site's edges. The built development is rearranged across the site, however the built up centre of the site will be cleared of development. The proposed dwellings are of contemporary design using a mixture of traditional and modern materials. The dwellings are low in height with large glazed elements, to reflect the existing development on site and to be sympathetic to the Green Belt setting.

The mix of units comprises of 6 affordable units (4 social rented 1 and 2 bed units and 2 intermediate 3 bed units) which is 30% on site provision and 11 market units comprising of 6 x 3 bed units and 5 x 4 bed units.

There are a total of 6 housetypes across the site.

The proposal also includes the conversion of the existing barn building located to the front of the site for office use which is currently disused.

Three areas of public open space are proposed, two to the front of the site and the main green in the centre of the site.

Planning History

06982P - Garden centre and associated car parking - Refused - 08-01-1990

56711P - Garden centre and associated parking - Withdrawn 20-03-1989

72668P - Glasshouse and polytunnel (determination) - Approved 11-01-1993

77020P - Glasshouse and polytunnel - Approved - 03-03-1994

96/0448P - Glasshouse and polytunnel - Approved - 13-05-1996

98/1285P - Formation of new delivery access off Seven Sisters Lane - Refused - 12-08-1998

98/1287P - New glasshouse - Approved - 01-09-1998

03/0291P - Erection of two-storey detached dwellinghouse for agricultural worker with double garage and granny annexe and construction of two polytunnels - Approved - 19-04-2004

13/3560M - Lawful Development Certificate For Existing Use As A Single Dwellinghouse – Approved - 05-Nov-2013

16/1775M – Lawful Development Certificate for existing use of the land as a Garden Centre (A1 use class) – Approved - 27-Jun-2016

16/3647M - Development of former garden centre to 26no. dwellings, community shop, public open spaces including associated landscape works – Refused - 05-May-2017

POLICIES

Para 215 of The Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with The Framework.

NATIONAL & LOCAL POLICY

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

Macclesfield Borough Local Plan Policy:

Policy DC3: Amenity

Policy DC6: Circulation and Access

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC35: Materials and Finishes

Policy DC36: Road Layouts and Circulation

Policy DC37: Landscaping

Policy DC38: Space Light and Privacy

Policy DC40: Children's Play Provision and Amenity Space

Policy DC63: Contaminated Land

Policy NE11: Protection and enhancement of nature conservation interests

Policy NE14: Natural habitats

Policy NE17: Nature Conservation in Major Developments

Policy NE18: Accessible areas of nature conservation from residential properties

Policy H9: Occupation of Affordable Housing

Policy RT1: Recreational land and open space
Policy RT2: Open spaces/amenity areas in residential areas
Policy RT5: Standards for open space provision
Policy GC1: Green Belt – New Buildings
Policy GC8: Reuse of Rural Buildings – Employment and Tourism

Cheshire East Local Plan Strategy – Adopted July 2017

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG3 Green Belts
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
EG1 Economic Prosperity
EG3 Existing and allocated employment sites
SC1 Leisure and Recreation
SC3 Health and Well-being
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO4 Travel plans and transport assessments

Ollerton with Marthall Neighbourhood Plan – Regulation 7 – Area designated only no plan, no weight can be attached.

The National Planning Policy Framework

14. Presumption in favour of sustainable development
49. Housing supply policies
50 and 54. Wide choice of quality homes
56-68. Requiring good design
Part 9 Green Belts
109. Conserving and enhancing the natural environment
186-187. Decision taking
196-197 Determining applications
203-206 Planning conditions and obligations

Supporting Information

Planning design and access statement
Landscape and Visual Impact Assessment
Design justification
CE design guide checklist
Arboricultural Impact Assessment
Arboricultural Method Statement
Daytime bat and barn owl survey
Extended Phase 1 Habitat Survey
Transport Statement
Site Analysis
Below Ground Drainage plan
Flood Risk Assessment
Revised Acoustic Report
Phase 1 Contaminated Land report

CONSULTATIONS (External to Planning)

Ollerton with Marthall Parish Council – Objection

Object to the proposal on the following grounds:

- Drainage issues
- Premature to the neighbourhood plan
- Harm to the character of the area
- Inappropriate green belt development, harmful to its openness
- 2 new dwellings approved on Seven Sisters Lane, this scheme would contribute to further overdevelopment of the area
- The site is clearly agricultural
- Not submitted under call for sites
- Poor design contrary to local vernacular
- Highways issues
- Unsustainable site

ANSA – No objections subject to conditions and commuted sum of £11,000 towards offsite provision of Recreational Open Space (improvements to playing fields at Oaklands Road facility).

Flood Risk Team – No objections subject to conditions

United Utilities – No objections subject to conditions

Environmental Health – No objections subject to conditions

Highways – No objections subject to conditions

REPRESENTATIONS

Neighbour and public comments –

20 letters of objection have been received from residents and a local residents group on the following grounds:

- Impact on openness of Green Belt
 - No special circumstances to outweigh the harm
 - Uncharacteristic design for location
 - Proposals devoid of character
 - Bad design of buildings
 - Not previously developed land
 - Not a suitable location for development
 - Objection to chimney stacks – too urban in character
 - Scheme is alien in this rural location
 - Drainage and flooding issues locally
 - Detrimental to the landscape
 - Premature to the neighbourhood plan
 - the proposals fail to meet planning policy and will have a detrimental impact on road safety.
 - Light pollution
 - Christmas trees have been planted to screen the site which will be removed
 - drainage problems will impact existing properties
 - already dangerous junction
 - already new homes planned in Knutsford
 - proposal close to dangerous junction
 - Already been assess as undevelopable by SHLAA
 - No current need for affordable housing in the area
 - Village survey carried out in 2013 confirmed that residents did not want further development.
- Traffic issues
- Out of character with surroundings
 - Loss of ecology
 - Lack of engagement with community
 - Office space not needed
 - Holly House drainage rights of access on building land.
 - No provision for Holly House Oil delivery.
 - No consultation reference party wall Holly House to Proposed Office
 - Only beneficial to land owner and developer
 - Unsustainable location

17 letters of support on the following grounds:

- Respectful innovative design
- Reduction in volume of buildings and hardstanding across the site
- Good use of a brownfield site
- provides much needed housing
- Will attract people of all ages to area
- Good design, fresh look
- Tasteful design
- Will boost the continued growth of Ollerton village
- Offices will be of benefit to the village
- Add value to the immediate and surrounding area

- Will bring new life into the village
- Will remove unsightly commercial buildings
- good use of local materials
- site is derelict and an eyesore, breath of fresh air
- sympathetic development will boost local services
- imagination in the design reflective of times we live in not pastiche
- Horticultural businesses have declined in recent years, proposal will not decrease openness.
- Residential development is welcomed over potential commercial redevelopment of the site which could have a greater impact on residents.

OFFICER APPRAISAL

Principle of development / Green Belt

The proposal is located within the Green Belt where there is a presumption against inappropriate development. There are certain types of development which are considered to be an exception and are not inappropriate by definition. These are set out in saved policy PG3 of the Cheshire East Local Plan Strategy (PG3), policy GC1 of the Macclesfield Borough Local Plan, and within paragraphs 89 and 90 of the National Planning Policy Framework (NPPF).

Paragraph 89 allows for the following:

'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.'

This site received a certificate of lawfulness for a retail use in 2016, therefore the site is previously developed and is a brownfield site. However this does not automatically imply that any development would be acceptable. The proposed development must not have a greater impact on the openness of the Green Belt and further must not conflict with the purposes for including land within the Green Belt.

In terms of openness, the application proposes the redevelopment of the site through the removal of low glasshouses and polytunnels with a very distinctive horticultural character, notwithstanding the certificate of lawfulness. The site has a mixture of sizes of structures within, the main glasshouse covers a very large area with a considerable footprint, however is low, measuring 4.1m to the ridge.

The existing buildings are constructed in glass, plastic and a timber building. Whilst these are considered to be buildings, they are of a very light weight and transparent design. The replacement buildings which would be slightly higher (approx. +0.4m) and constructed in brick and timber with some glazed openings. The designs have clearly sought to maintain a low profile through the contemporary architecture, however the building height would still be higher than the existing buildings on site.

Particular concern is raised with 3 proposed dwellings to the northern corner of the site. These would be sited adjacent to an existing building (at the northernmost point). However, they would not replace any existing permanent structures, and would simply seek to continue

the residential development in a more linear form along the cul-de-sac. Whilst this may make sense in terms of the residential layout, the erection of a building (or 3 in this case) on a siting whereby no building currently resides, would amount to a greater impact on openness. It should be noted that openness is the *absence of built development*. The scheme in its essence seeks to spread the development across the site, contrary to the existing focus of built development to the southern aspect.

The placement of these 3 dwellings, along with increases in height across the site with brick / timber clad buildings and associated boundary treatments and paraphernalia, it is considered that the proposal represents a scheme that will have a greater impact on openness than the current albeit informal built development arrangement.

Some weight has been given to the reductions in volume, and footprint of the buildings on site but this does not outweigh the impact on openness described above.

Paragraph 89 states that the proposal must not conflict with the purposes for including land within the Green Belt. The purposes for including land within the Green Belt are set out in paragraph 80 and below:

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

With regard to the purposes for including land within the Green Belt, whilst the proposal would see the recycling of the land, it is not considered to be urban land as a garden centre. The proposals, by virtue of the 3 dwellings to the northern corner of the site would result in encroachment as these aspects of the site are areas absent of built development within this brownfield land. As outlined in the Glossary of the NPPF, the definition of "previously developed land" outlines clearly that "it should not be assumed that the whole of the curtilage should be developed". This has been given weight in assessing the principle of re-using this brownfield site and the impact on openness identified.

With regard to the re-use of the traditional farm building for the village shop, the re-use of redundant buildings is an acceptable form of development, therefore alone this does not conflict with Green Belt policy at a local or national level.

It is considered that the amount of development proposed, which exceeds that in floor area and height across the site will result in a loss of openness and permanence of the Green Belt contrary to guidance set out in paragraph 89 of the NPPF.

The proposal therefore represents an inappropriate form of development within the Green Belt. The NPPF at paragraph 88 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to harm by virtue of inappropriateness (paragraph 88).

It is noted that no very special circumstances have been put forward by the agent, and generally that no very special circumstances are immediately apparent that would outweigh the definitional harm attributed through inappropriateness.

It is considered therefore, that the proposed development is contrary to national Green Belt policy set out in paragraph 89 of the Framework and PG3 of the Cheshire East Local Plan Strategy.

Housing

The proposed development would provide much needed housing within Cheshire East. The proposal provides a housing mix of units including 1, 2, 3 and 4 bedroom units with 30% of the dwellings being affordable housing. Which is 6 units. The proposal includes 4 social rented units and 2 intermediate tenure units.

Vacant building credit may also be relevant on this site, which may have a direct implication for the number of affordable units to be provided on-site and secured via any s.106 agreement. A verbal update will be provided to members at the meeting.

5 year supply

Local Plan Update - On 27th July 2017 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 ‘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. The Inspector’s Report on the Local Plan was published on 20 June 2017 and signalled the Inspector’s agreement to the plans and policies of the Local Plan Strategy. 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” The Council have recently released the Annual Housing Monitoring Update and this has shown that the Council now has a supply of 5.45 years.

On 8 November 2017 the White Moss Quarry (WMQ) appeal was dismissed due to conflict with the LPS settlement hierarchy and spatial distribution of development. The appeal related to an outline application for up to 400 homes as a second phase to the existing White Moss Quarry development.

However, the Inspector did not come to a clear conclusion whether Cheshire East has a five year housing land supply. His view was that there was a deliverable housing land supply of

between 5.07 years (a headroom of 200 dwellings) and 4.96 years (a deficit of 130 dwellings). He concluded that on the evidence before him and the risk of the housing supply falling slightly below the 5-year requirement, he could not be confident that there is a sufficiently robust deliverable supply: "I conclude that it would be both cautious and prudent in the circumstances of this case to regard policies for the supply of housing to be considered not up-to-date, thus engaging the tilted balance of paragraph 14 of the Framework."

As the Council won the appeal, the decision will not be challenged by the Council. However, having reviewed it, there are serious concerns about the inspector's findings that are material to your deliberation and which will form the basis for the Council's case in relation to other appeals:

- the Council disagrees with the WMQ Inspector's findings on the five year housing land supply;
- in several cases, the WMQ Inspector, reached incorrect conclusions on the evidence before him;
- the Council's housing supply witness at the Park Road Inquiry was able to demonstrate a robust 5 year housing land supply;
- development lead-in time assumptions agreed by the Local Plan Inspector through the more extensive and inclusive Local Plan examination process should be followed, particularly so soon after the publication of the Local Plan Inspector's report (June 2017);
- the Council's approach on the deliverability of housing is consistent with the judgement of the Court of Appeal in *St Modwen (20/10/17)* which post-dated the *White Moss Inquiry*. This judgement confirmed that 'deliverability' in the context of NPPF paragraph 47 means a realistic prospect of the site being delivered. There is no need to demonstrate that every home in the five year supply will be built;
- updated information is now available to further support the Council's judgements as to the contribution that particular sites will make towards the five year supply.

The Council has submitted to the Park Road Inspector that he should find that the Council can demonstrate a 5 year supply of deliverable housing land. There are material differences between the evidence that was before the WMQ Inspector and the evidence that is before the Park Road Inspector to warrant the Park Road Inspector reaching a different conclusion.

For the purpose of determining current planning applications it is therefore the Council's position that there is a five year supply of deliverable housing land. This position has also now been confirmed in a very recent appeal decision (10/04/18) relating to a site at New Road, Wrenbury.

Public Open Space

The proposed development will need to provide an on-site Local Area of Play, which would give the children of the development an opportunity to play without having to cross Chelford Road, a main 'A' road running past the site. This accommodates the required on-site POS provision, and can easily be incorporated into the scheme and is to be secured by condition

including a programme for its management. However a further Recreation and Outdoor Sport off site financial contribution of £11,000 would be required which is to be secured through a s106 agreement towards improvements at improve the playing field area [including pitch] at Oaklands Road facility. Policy SE6 requires that Cheshire East, deliver good quality ,and accessible green spaces for people to enjoy, providing for healthy recreation and biodiversity and to secure social, economic and health benefits. The contribution of £11,000 would contribute towards these goals.

Accessibility

The proposal is within the settlement of Ollerton which is not defined in the Cheshire East Local Plan Strategy Settlement Hierarchy. Therefore this is considered to be another settlement and rural area. However it is within close proximity to Knutsford which is a Key Service Centre with many local services, such as retail, restaurants, bars, schools, leisure facilities, places of worship and greater public transport opportunities through the railway station. The site is located on the Chelford Road and has residential development within very close proximity. There is a regular bus service and the bus stops are located close to the site. It is considered to be a sustainable location in terms of accessibility.

Highways

The internal road layout proposes a 5.5m carriageway with 2.0m footways on the adoptable areas within the site. The internal roads are split into two cul-de-sacs, the proposed design of the internal roads are of an acceptable standard and turning facilities for refuse vehicles are provided.

There is sufficient off site parking provided for the units proposed and also small car park for the office accommodation that has 4 spaces including a disabled space.

There are no traffic impact issues arising from the 16 units and it also has to be borne in mind that this site is a former garden centre that generated trips to the site.

The position of the access has not changed and does provide acceptable levels of visibility in both directions

Considering the accessibility of the site, there is an existing footway that runs along the opposite side of Chelford Road but no footway on the development side. A frontage footway is required to be provided that links to the nearby bus stop to the south of the access. The A537 Chelford Road is a principal route running between Macclesfield and Knutsford and does have a relatively frequent bus service and the location of the bus stops are close to the site.

The current access has restricted visibility to the left and the proposed access will improve this situation by relocating it further south. The level of development proposed will not produce capacity problems on the road network and could not be considered to result in a severe impact on the highway network and subject to conditions no objections are raised.

Trees

From an arboricultural perspective, the proposed layout is now acceptable. The proposed development gives views over the proposed green where the protected trees will be a focal point of the site.

With regard to the submitted Landscape Layout (Barnes Walker Drawing M2917.01C Rev C, the arboricultural officer has requested substitution of the two *Prunus avium* to the south of the access with three large canopy (high forest) trees within the open space. Three Scots Pine would be appropriate in this location. This can be dealt with via a suitably worded condition which would seek to secure the substitution of the above trees. Details of which would be required prior to the commencement of works for assessment by the LPA.

Therefore the proposal is acceptable in respect of trees.

Ecology

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the barn. The usage of the building by bats is likely to be limited to individual animals using the buildings for relatively short periods of time during the night and there is no evidence to suggest a significant roost is present.

The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level.

The submitted report recommends the installation of bat boxes as a means of compensating for the loss of the roost.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

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

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

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

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

considered these issues will be required by Natural England prior to them issuing a protected species license.

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

Alternatives

The alternative would be for any buildings to fall into further disrepair to the detriment of the character of the area and for housing to not be secured.

Overriding public Interest

The proposals would bring about an improvement to the existing site and character of the area whilst providing much needed housing.

Mitigation

Outline bat mitigation proposals have now been submitted, as outlined in the Daytime Bat and Barn Owl Survey 2018 – 2018 Rev. A. It is recommended by our Ecology Officer that the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of the bat concerned. A condition will be included in any approval for the recommended mitigation.

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

It is advised that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

Hedgerows

Native species hedgerows are a priority habitat and a material consideration. The proposed development will result in the loss of sections of hedgerow from the interior of the site. The submitted layout plan includes proposals for the provision of native species hedgerows around the site boundary to compensate for this loss. It is recommended that if planning consent is granted the submission of a detailed specification for the proposed hedgerow planting be secured by means of a condition.

Barn Owls

No evidence of this protected species was recorded during the submitted surveys. No further action in respect of barn owls is therefore required.

Great Crested Newts

The ponds located in the vicinity of the application site appear unsuitable for great crested newts. I therefore advise that this protected species is not reasonable likely to be present or affected by the proposed development.

Nesting Birds and Breeding Birds

If planning permission is granted conditions relating to safeguarding of nests is to be included.

The proposals are acceptable in respect of protected species subject to conditions providing mitigation.

Landscape

The application site covers an area of approximately 1.4 hectares. The A537 Chelford Road forms the north eastern boundary, the south eastern boundary follows the back gardens of properties located along Seven Sisters Lane, the south western boundary links to the wider part of the garden centre and beyond the north west boundary is the wider open countryside. The wider landscape is agricultural, the site itself is characterised by built development and hardstanding areas, with an open grassed area fronting onto Chelford Road.

The Landscape and Visual Impact Assessment indicates that the assessment has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013. The assessment refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also to the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 10 Lower Farms and Woods, specifically LFW1 – Marthall ; landscape type 9 Estate, Woodland and Mere –EWM5 Tabley, is located a short distance to the north of the application site.

The landscape and visual impact assessment identifies that this is a landscape of medium sensitivity, a minor magnitude of change and a minor/moderate landscape effect on the site, the wider agricultural landscape and a minor/negligible effect on the Ollerton residential townscape. The visual assessment identifies that there will be a moderate adverse effect for Footpath 1 Ollerton, a major/moderate effect for Holly House, a major/moderate effect for Tanglewood, a minor effect for properties located at the junction of Chelford Road and Marthall lane and a moderate effect for residents of Yew Tree Cottages, 1, 2 and 3 and Marstan on Seven Sisters Lane.

The Landscape Officer broadly agrees with the Appraisal, and while the proposals will not cause a significant landscape effect, there will be more significant visual effects for two of the visual receptors, the properties known as Holly House and Tanglewood. The visual impact, however would not be significantly dominant due to the scale of the dwellings, landscaping (including boundary treatments) and separation distances between the above properties and the site.

Flooding

A number of objections have been raised in relation to flooding and sewerage, however, the site is not within flood zones 2 or 3. United Utilities and the Council's Flood Risk Team who are the Lead Local Flood Authority have commented on the proposals. Works need to be undertaken in line with submitted FRA and early drainage strategy / design submitted. However, it is worth noting in areas of the development trial hole pits have indicated areas of clay, which is not appropriate ground for soakaways if further ground/percolation tests undertaken deem an unacceptable rate the system will need to be fully drained through flow limited drainage system (5l/s restricted discharge) with additional attenuation. Policy SE13 requires that developments must integrate measures for sustainable water management to reduce flood risk and avoid adverse impacts on water quality and quantity within the borough. The Council's Flood Risk team have considered the details outlined in the submitted Flood Risk Assessment (FRA). Conditions will ensure that the development proceeds in accordance with the above FRA, and that a detailed drainage strategy, and finished floor levels, are submitted to the LPA prior to the commencement of works. Subject to these conditions, the proposal would be acceptable in respect of flood risk and in accordance with the direction of policy SE13 .

Contamination

Objections have been raised in relation to contaminated land; however, the Council's Environmental Protection team have commented on the proposals and raise no objections subject to conditions.

Design

Affordable: The units are the same architectural styling as the market value types and so blend seamlessly.

Architectural Styling: It is of modern styling but uses materials commonly found in the local area – red brick and zinc panels that reflect the local slate roofs.

Massing: The units reflect the scale of the existing barn. With the proposed units partially sunken, the height is further softened within the landscape.

Visual impact of development: Overall the scheme is very well screened on all sides, the scale is in keeping with the adjacent properties. The layout takes into account screening to protect long and short views into the site as well as planned green infrastructure within the site.

Office: The office will provide the opportunity for local enterprise and so is a bonus to the site's offer. The form compliments the residential units and so tie in stylistically.

Ground materials: The road layout should comply with CEC residential Design Guide and reflect the existing area's material palette and specification.

Design conclusion

The scheme is well considered all around with a good architectural design that refers to the local vernacular in its material palette and overall scale. The design itself would contrast with

some of the surrounding architecture, in its contemporary form and scale. Saying this, the site is well landscaped and the visual impact would not result in a significantly intrusive impact on the character of the area. Following the minor amendment to remove the large chimney stacks it is considered that the contemporary nature of the design is acceptable in this location.

Neighbour Amenity

Due to the juxtaposition of the proposed development sufficient boundary treatments, in relation to the proposed dwellings along with interface distances achieved, the minimum being 24m from the nearest property, it is not considered that the proposed development would have a detrimental impact by virtue of loss of light, overlooking or loss of privacy to neighbouring dwellings or future occupiers of the units. Therefore the proposal accords with policies DC3 and DC38 of the MBLP.

A neighbour has expressed concerns regarding the impact on a party wall, although this is not a material planning consideration. This would be a civil matter for discussion between the two parties.

Employment

The development proposes the introduction of offices; this will generate an employment opportunity within the locality. The submission does not provide employment details, however does specify opening hours (Monday to Friday: 0800 – 1800), Saturday (0800 – 1700), and closed on Sundays/Bank Holidays. It is considered that employment would be generated as a result of the proposals, probably a small increase to the current level of employment at the site. The opening hours are recommended to be conditioned.

The proposal would generate jobs in the short term through the construction and landscaping of the proposed development along with associated contractors.

It is considered that the proposal will create employment opportunities, and will provide an economic boost by facilitating new development. Therefore the proposal is economically sustainable.

Representations

A large number of representations have been received in respect of this application many in support and in objection to the proposals. Material planning considerations have been addressed in the report. Some representations have mentioned the lawful use of the site, a certificate of lawfulness confirms the status of the site which is previously developed land. Concerns have also been raised over light pollution, a condition for a lighting scheme is recommended to be submitted to ensure that lighting is appropriate for this rural setting and not excessive. A number of representations relate to flooding and other drainage issues, these matters can be appropriately mitigated through conditions.

CIL

The application proposes in excess of 10 dwellings, therefore requires on-site and off site

planning obligations. The application proposes affordable housing provision, 30% on-site provision is required through policy SC5 of the CELPS (subject to clarification on the vacant building credit). Further on site POS and off-site ROS contributions are required which include improvements to the local play facility in Ollerton. Consultation comments in respect of education requirements have not been received at the time of writing the report, however members will be provided with an update in respect of this matter prior to the meeting.

Section 106 agreement

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

- Provision of 6 affordable units on site. – which can be clarified as an update to members during the committee meeting.
- Recreation open space financial contribution of £11,000 secured
- Public open space (Local Area of Play) on site provision secured and managed

Community Infrastructure 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. 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.

Conclusions and Recommendation

The proposal represents an inappropriate form of development within the Green Belt where there is a presumption against inappropriate development. No very special circumstances have been put forward to justify this scheme in light of this inappropriateness and the substantial weight which is attributed to this definitional harm.

Therefore for this reason the proposal would not accord with local or national policy and the application is recommended for refusal.

Recommendation – Refuse subject to the following reason:

- 1. The proposal represents an inappropriate form of development within the Green Belt. The proposed redevelopment of this previously developed site would have a greater impact on the openness of the Green Belt and would conflict with the purpose for including land within the Green Belt through encroachment. The proposal is therefore contrary to the National Planning Policy Framework (2012) and policies PG3 of the Cheshire East Local Plan Strategy (2010 – 2030) and GC1 of the Macclesfield Borough Local Plan (2004).***

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



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Application No: 17/4989M

Location: The County Hotel, HARDEN PARK, ALDERLEY EDGE, CHESHIRE, SK9 7QN

Proposal: Demolition of existing County Hotel and redevelopment to provide 2no. residential blocks consisting of 26no. 2 bed apartments, alongside parking, landscaping and associated works

Applicant: Mr Andrew Hall, Harden Park Gardens Limited

Expiry Date: 19-Feb-2018

SUMMARY

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby and has good public transport links. It would add to the stock of housing and its construction and occupation would result in economic benefits, albeit relatively minor.

The development would make effective use of a previously developed site and would also result in the removal of the existing unsociable use of the hotel and pub, given the proximity of existing residential properties. The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.

The proposed development is not considered to have a materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing development. The proposal also raises no significant design, amenity or highway safety issues.

However the proposal does not allocate any on-site affordable housing provision for which there is a clear, proven need and the justification for this is insufficient. There is also a lack of information as to the impact of the proposal on the bat roost potential of the trees affected by the proposed development.

Together these negatives of the scheme outweigh any benefits the scheme offers and with this in mind the application is recommended for refusal

RECOMMENDATION: Refuse

REASON FOR REPORT

Due to the scale of the proposal the application requires determination by the Northern Planning Committee under the terms of the Council's constitution.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the existing County Hotel building, associated car parking area and outdoor amenity area. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing buildings on site and the erection of 2no. replacement buildings comprising 26no. apartments with associated landscaping and basement car parking. 20no. apartments would contain two bedrooms and 6no. apartments would contain one bedroom.

RELEVANT HISTORY

12/4353M Full planning permission for the demolition of the existing former County Hotel building and construction of 14 No. residential units with car parking and associated landscaping and external works.

Approved 01 October 2013

11/4542M Full planning permission for the extension, refurbishment, alterations and conversion of the former County Hotel to create 6 residential apartments; erection of new four storey block of 8 residential apartments; together with car parking, landscaping and associated external works.

Withdrawn 06.03.2012

POLICIES

Cheshire East Local Plan Strategy – adopted 27th 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 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.

Saved Macclesfield Borough Local Plan Policies

NE11 (Nature conservation interests)
DC3 (Amenities of residential property)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree protection)
DC35 (Materials and Finishes)
DC36 (Road layouts and circulation)
DC37 (Landscaping in housing developments)
DC38 (Space, light and Privacy)
DC41 (Infilling housing or redevelopment)
DC63 (Contaminated Land)

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)
Alderley Edge Neighbourhood Plan – currently under consultation at regulation 7
The Cheshire East Borough Design Guide (2017)

National Policy:

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

Of particular relevance are Chapters 1, 4, 5, 6, 7, 8, 9, 10 and 11.

CONSULTATIONS (External to Planning)

Highways: no objections

Environmental Health: no objections subject to conditions relating to noise and a travel pack

United Utilities: no objections, subject to conditions relating to drainage

Housing: objection – on site provision required

Education: awaiting comments.

Public Open Space: awaiting comments

VIEWS OF THE PARISH / TOWN COUNCIL

Alderley Edge Parish Council: *“The Parish council recommends refusal and call in to NP committee – This proposal constitutes significant overdevelopment within the greenbelt. The increased footprint and footage is significant. Ingress and egress from Harden Park will have considerable risk with added pressure from the former “Yesterdays” site, currently being developed, proposed developments on the Royal London site and ever increasing traffic on the A34/Alderley Road. A round about likely won’t allow exit and so traffic lights could be the only option. The PC objects to the proposal being a gated complex. The positioning of the entrance directly opposite existing houses compromise their amenity and privacy.”*

It should be noted these comments were for the original proposal and no comments have been received since the revised plans were submitted.

OTHER REPRESENTATIONS

Amended plans were received during the application period. 6no. objections were received prior to the amendments with a further 1no. objection received following the re-consultation which is a repeat of the earlier comment. The last date for comments is the 2nd May so an update will follow if any further comments are received. Below is a summary of the main, relevant issues:

- Highway safety issues due to the number of cars proposed.
- Green Belt issues – inappropriate development.
- Over development of the site.
- Underground parking will not be used, Harden Park will be used.
- Incorrect access position.
- A site management plan should be conditioned.
- Residents would have to drive into Wilmslow or Alderley edge due to the distance. There is no pavement into Alderley edge.
- Bats are roosting in the existing building and would be disturbed by the development.
- Design is an ‘architectural disgrace’.
- No visitor parking.
- The conditions were not discharged properly before commencement of development, so the previous permission is not extant.
- The block to the north would fall short of the Council’s space guidance distance of 28m to Orchard Cottage.
- There are more trees to be lost with this application than the previously approved development.
- The transport statement contains numeric errors.
- Protected species would be impacted by the development.
- Concerns regarding the impact on trees.

APPLICANT’S SUPPORTING INFORMATION

The applicant has submitted a bat report, arboricultural statement, transport statement, design & access statement and planning statement. The planning statement concludes that:

- Redevelopment will remove an unsightly and imposing building, enhancing the setting and appearance of the site.

- There is an extant permission, 12/4353M, which establishes the principle of the development and allows an increase in the overall scale and massing of development when compared to existing.
- The proposal provides three high quality residential blocks, carefully laid out and sited to minimise their visual impact. In this case, the proposals seek to divide a large form of development (permitted under the extant consent) into two smaller forms, breaking up the built form and massing that could be delivered on site, ultimately reducing the prominence of buildings on site.
- The separation of the buildings helps to increase the openness at the site by increasing views through the site.
- The building would result in an increase in floor area above ground floor level. However, this has to be considered alongside the significant reductions in the hardstanding areas compared to existing and also the 'extant' permission. The overall height of the building would also be no higher than the existing.
- The site is well screened and so has no impact on the openness of the wider Green Belt.
- The replacement of the former County Hotel with a building of a traditional design which reflects the architectural features of the original building would also be of positive benefit to the site and Green Belt.
- The proposed development will not conflict with any of the five purposes of maintaining land in the Green Belt and will not result in a materially greater impact on Green Belt openness.
- There would no harm to highway safety or the amenity of neighbouring residential properties as a result of the proposed development due to the nature of the use and the distances between buildings.

OFFICER APPRAISAL

Key Issues

- Impact on the character of the area,
- Impact on trees,
- Impact on the amenity of neighbouring properties,
- Highway safety implications

SOCIAL SUSTAINABILITY

Housing Land Supply

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was 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"

The Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted balance' set out in the 4th Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law.

For the purpose of determining current planning applications it is therefore the Council's position that there is a five year supply of deliverable housing land.

Affordable Housing

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) 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 now a proposed development of 26 dwellings within 2 blocks; therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand in the sub area of Mobberley, Chelford and Alderley Edge, Per Year until 2017/8 is for 16x 1 bedroom, 17x 2 bedroom, 11x 3 bedroom and 9x 4 bedroom General Needs dwellings. The SHMA is also shown a yearly need for 9x 1 bedroom and 22x 2 bedroom Older Persons dwellings.

The Older Persons dwellings can be provided via flats, cottage style flats and bungalows.

The current number of those on the Cheshire Homechoice waiting list with Alderley Edge as their first choice is 143. This can be broken down to 70x 1 bedroom, 45x 2 bedroom, 23x 3 bedroom and 5x 4 bedroom dwellings, therefore a mix of 1, 2 and 3 bedroom General Needs dwellings and 1 and 2 bedroom Older Persons dwellings on this site would be acceptable. 7 units should be provided as Affordable rent and 3 units as Intermediate tenure.

The applicant in the planning statement has stated that they are proposing to use a commuted sum in lieu of on site Affordable Housing provision. Their reasoning is that permission for this was given in an extant application. This full application is a new application, and is not accompanied by an agreed viability assessment confirming that this is the case.

There are clear differences between the current application and the previous one. The last application consisted of one block containing three bedroom apartments, which apparently was not acceptable to any RP's. The current application contains two blocks with a mix of one and two bedroom apartments. No discussions appear to have taken place between the applicant and any RP's and so it has not been confirmed whether the current proposal would be acceptable or not.

The Cheshire East Local Plan has also been adopted since the last approval, and of specific relevance to the application is policy SC5 relating to affordable housing. This policy contains the following paragraph:

"Affordable housing is required to be provided on-site, however, in exceptional circumstances, where it can be proven that on-site delivery is not possible, as a first alternative, off-site provision of affordable housing will be accepted; as a second alternative a financial contribution may be accepted, where justified, in lieu of on-site provision."

The increased number of dwellings with this application over the previous approval also creates an increased need for affordable housing and there are no known sites in the area that would be able to provide the affordable housing provision so to receive a commuted sum would not seem appropriate in this case.

With this in mind the Council's Housing Officer objects to this application. There is a clear need for Onsite Affordable Housing provision in Alderley Edge. There is no documentation advising on a Viability Study or the provision of the Affordable Housing via an RP.

Vacant building credit may apply in this instance. The issue is subject to clarification and an update will be provided before the committee meeting.

Open Space

The proposal is above the threshold identified within the Council's SPG on planning obligations for the provision of public open space and recreation / outdoor sport facilities. Normal requirements are for 65 square metres per dwelling. It appears that this cannot be provided on site and therefore financial contributions will be required for off site provision in line with policy SE6 of the Cheshire East Local Plan.

Comments are yet to be received from the Council's Open Space Officer and will be confirmed in an update.

Education

Comments are yet to be received from the Council's Land and Sites Officer and will be confirmed in an update.

ENVIRONMENTAL SUSTAINABILITY

Green Belt

Paragraph 89 of the Framework identifies that the complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development is not an inappropriate form of development.

The key test for this aspect of Green Belt policy is not whether the proposal is materially larger than the existing; it is whether the proposal has a greater impact upon the openness of the Green Belt and the purpose of including land within it. For this reason, it is considered that the assessment should relate more to the overall scale, bulk and massing of the proposed development compared to the existing and the associated impact upon the openness of the Green Belt, rather than a comparative assessment of floorspace / footprint.

The proposed building is clearly larger than the one it replaces. The floorspace figures indicate that whilst the footprints of the buildings remain similar, there is a 24% increase in floorspace, excluding the basement. As the basement is totally subterranean there would be no impact on the openness of the Green Belt from the basement and so, although extensive it is not included in the assessment.

The previous approval contained an increase of 14% over existing. This is still extant due to the commencement of the development within the three year time period. In response to the neighbour it appears that all of the relevant conditions were discharged prior to development and so is a material consideration in the determination of this application. Substantial weight

was previously given to the significant decrease in hardstanding, and associated car parking, and associated level of activity that also currently impact on openness during the operation of the existing hotel / pub use. It is accepted that the extent to which the existing use impacts upon the openness of the Green Belt is more than just the existing building. The current site does contain significant areas of hardstanding, which when fully occupied would have a significant impact upon the openness of the Green Belt. While the previous approval did go some way to decreasing the amount of hardstanding there was still a significant amount approved with 33no. above ground parking spaces in addition to the internal access roads. This hardstanding covered large areas of the site and would have still had a significant impact on the openness of the Green Belt.

The current proposal contains no above ground car parking spaces with all parking confined to the basement, which means that all of the space previously allocated to parking could be used for landscaping which would soften the impact of the proposed buildings, and also help to improve the visual impact of the site.

The proposed buildings comprise two blocks, rather than the one current building and one previously approved building. The block to the rear is lower with two stories which echoes the existing format with a lower section to the rear of the site. The elevations are broken up with a two storey element closest to the main road and three storey element in the middle. This variation in heights helps to reduce the bulk of the proposal. The buildings would be set a similar distance from the main road as the existing building, however rather than large areas of hardstanding adjacent to the main road the proposal would contain a large area of landscaping.

Having regard to the factors noted above, on balance, the proposed development is not considered to have a materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing development. Therefore the proposal is not considered to be inappropriate development as identified under paragraph 89 of the Framework.

Residential Amenity

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

The objections have been carefully considered. The closest property to the proposed buildings is positioned 25.7m from the rear of block 2, Orchard Cottage. This property is not directly opposite the proposed buildings and the distance complies with the recommended distance of 21m between rear to rear of dwellings outlined in the Cheshire East Design Guide and more than the 25m outlined in saved Macclesfield Borough Local Plan policy DC38. The elevation facing onto this property would also contain obscure glazing in order to prevent overlooking of the garden of Orchard Cottage.

The other surrounding dwellings are further still from the proposed buildings with surrounding vegetation further lessening any impacts.

Within the site the two blocks are positioned approx. 10m apart. There are habitable windows facing onto habitable windows at ground and first floors. In order to prevent overlooking an obscure glazing condition should be included to the side facing lounge/dining rooms. These are secondary windows so the impact should be acceptable. The side facing bedroom windows would not contain obscure glazing as these would be the only windows to these rooms. While the 10m is below the 12m recommended in the design guide for habitable windows facing onto blank gables the impact would only be felt by future residents and so there is an element of 'buyer beware' attached to any impact.

With the above in mind an adequate amount of space, light and privacy is retained between the dwellings.

Air Quality

Having regard to the relative scale of the proposal and the existing lawful use of the site, no significant air quality concerns are raised. Environmental Protection have recommended a condition for electric car charging points to be provided, in the interests of air quality and to encourage the uptake of sustainable transport options for future occupants of modern housing, and also for a 'travel information pack' to be available for all new residents of the development.

Noise

Environmental Protection has noted that further information is required to ensure that a satisfactory level of amenity is maintained for future occupiers of the apartments due to the traffic related noise from the A34 road and by pass. It is therefore recommended that any approval is subject to a condition requiring an acoustic survey of the development, in order to ensure that acceptable internal noise levels are achieved.

Contaminated Land

The contaminated land officer advises that this site is within 250m of a known landfill site or area of ground that has the potential to create gas. Therefore adequate gas protection measures are required which can be dealt with by condition.

Trees/Landscape

The Council's Arboricultural and Forestry Officer has provided the following comments:

The application is supported by an Arboricultural Statement by Cheshire Woodlands (CW/7373-AS-17) dated 1st November 2017.

Located off site to the west of the proposed development site within the grounds of The Merlin public house are a group of trees protected as part of the Macclesfield Borough Council (Wilmslow - College Flats) Tree Preservation Order 1992; the trees are protected as part of a Woodland designation.

The development proposals require the removal of four moderate value Category B tree groups (G3, G4, G6, & G7) and four low value Category C individual trees (T3, T4, T6, & T9) and four Category C groups (G1, G2, G5, & G8).; the majority of the trees are located on the south, south eastern boundaries of the site. The removal of an un-classified Goat Willow T5 has also been identified.

The only large mature high canopy tree identified for removal is a Lime located within G3; the tree exhibits signs of reduced vigour and vitality, with dieback and reduced twig development noted. The remaining trees are closely spaced specimens; Elm regeneration was also noted which is likely to succumb to Dutch Elm Disease within the next few years. The collective contribution of these trees is not considered significant, any impact on the amenity of the immediate area and the wider landscape is considered to be moderately low.

The remaining individual trees (T1, T2, 7 T7) associated with the immediate development area are unaffected by the development proposals. It was noted that T2 appears to be decline with significant dieback identified within the trees upper canopy.

Construction works to facilitate the new basement extends within the RPA's of the retained trees identified as T8, G9/1, and G9/2; the incursions are all relatively minor, the presence of existing hard surfacing also mitigates any detrimental impact which is likely to be negligible.

The off site trees G9 protected as part of the Macclesfield Borough Council (Wilmslow - College Flats) Tree Preservation Order 1992 can be retained and protected in accordance with current best practice. The social proximity of the boundary trees associated with G9 to the existing building in some areas is not sustainable; the proposed development does not establish an inferior relationship to what exists at present. Pruning to establish and maintain adequate clearance will be an ongoing requirement, but this will not have a significant impact on the trees or affect external views of the trees.

The landscape details submitted with the application are limited and conflict in terms of tree retention with the submitted Arboricultural statement in terms of tree removal; this clearly has an impact on the Harden Park road frontage. In order to compensate for the proposed tree loses it is important to maximise the landscape space available to accommodate semi-mature high canopy replacement planting; this is particularly pertinent along Alderley Road and Harden Park where the buildings are set back into the site.

Subject to appropriate conditions, the proposal will have an acceptable impact upon landscaping and trees within the site, in accordance with saved Macclesfield Borough Local Plan policy DC9 and policy SE5 of the Cheshire East Local Plan.

Ecology

The Council's Nature Conservation Officer has provided the following comments:

Great Crested Newts

A number of ponds are located within 250m of the proposed development and a small population of great crested newts is known to occur at a pond located just over 130m from the application site boundary. The application site however offers limited habitat for great crested newts. The better quality

habitat, located to the north of the site, will however be used as a community garden as part of the proposed development.

In order to minimise the risk of Great Crested Newts being harmed during the works the applicant's ecologist has recommended the implementation of Reasonable Avoidance Measures.

Considering the distance between the proposed development and the adjacent ponds and the small area of better quality habitat affected by the development, it is advised that provided the recommended measures are implemented the proposed development would be unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

However, as there is a loss of some suitable habitat for great crested newts, albeit on a minor scale, it is advised that the proposed development should include some proposals to compensate for this loss. The Council's Ecologist suggests that this should take the form of the provision of a small additional pond and hibernacula. The applicant has been asked to amend the layout plan to include the provision of these features and a condition could be included to cover this.

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the existing hotel building on a number of occasions. Whilst it is now sometime since the last detailed bat survey was undertaken it is advised that it is unlikely that the level of roosting activity has changed. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Saved Macclesfield Borough Local Plan Policy NE11 and policy SE3 of the Cheshire East Local Plan states that the Council will seek to conserve, enhance and interpret nature conservation interests. Development which would affect nature conservation interests will not normally be permitted.

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case it is considered that the proposal will result in a more sustainable form of development than the existing, particularly in terms of energy efficiency, and any alternatives are likely to involve significant works to the existing building, which would have a comparable impact upon the species. The submitted report recommends the installation of bat boxes on trees and the incorporation of features for roosting bats into the replacement residential building to compensate for the loss of the existing roosts and the supervision and timing of the works by a licensed bat worker to mitigate the risk posed to bats during the works.

The nature conservation officer advises that the proposed mitigation/compensation is acceptable and it is highly likely that the favourable conservation status of the species concerned will be unaffected by the proposed development. However, if planning consent is granted a condition requiring the development to proceed in accordance with the recommendations made by the submitted Ecological Scoping Survey is recommended.

A number of trees will be removed as part of the proposed development. Whilst the submitted Preliminary Ecological Appraisal states that the trees on site were assessed for their potential to support roosting bats no information on this has been included with the submitted report. A survey of the bat roost potential of the trees affected by the proposed development is required prior to the determination of this application. This has not been provided, at the time of writing, so an objection is raised with regard to the lack of information.

To avoid any adverse impacts on bats resulting from any lighting associated

with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Nesting Birds

In the event that planning permission is granted a suitable condition should be included relating to nesting birds.

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 the species may occur on the site of the proposed development. If planning consent is granted a suitable condition is recommended.

Highways

There are two existing access points to the site, one of these points is to be closed and the site access is taken using an existing access to Harden Park that leads to the basement car park.

The car parking provision is 61no. spaces which provides more than 2no. spaces/apartment, this level of provision accords with the CEC parking standards for 2 bed units. There is a communal bin storage located alongside the access road that is convenient for refuse collection from Harden Park.

The applicant has produced figures for traffic generation and the peak hour range is between 15 – 17 trips, this is considered an accurate assessment for apartments by the Council's Strategic Infrastructure Manager. This level of traffic is not considered to have a material traffic impact on the local road network and the former use of the site has also to be taken into consideration as this did generate similar traffic movements to the site.

Therefore, the proposals are considered acceptable and no objections are raised by the Council's Strategic Infrastructure Manager.

Design

The existing site is an eyesore with years of neglect leading to the existing dilapidated building currently on site.

The design of the proposed building replicates traditional features of buildings found in the vicinity and therefore it is considered that the design approach is adequately in keeping with the character of the area. The proposed buildings contain a variety of ridge heights which helps to break up the mass of the proposal. Furthermore, due to the positioning of the buildings within the site, and the existing boundary vegetation, it will be difficult to view the buildings together, with different sections visible from different vantage points. There are also other substantial buildings within the immediate area. The proposal is

therefore considered to have an acceptable impact upon the character of the area.

The reduction of hardstanding will also facilitate the creation of a substantial landscaped frontage to Alderley Road, which will represent a significant visual benefit compared to the existing situation.

Entrance gates are shown on the proposed site plan, however in order to promote inclusive communities in line with paragraph 69 of the NPPF a condition will be included with any approval removing the use of such gates.

ECONOMIC SUSTAINABILITY

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

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Secondary education contributions (amount TBC)
- Open space and recreation outdoor sports contributions (amount TBC)
- Provision of Affordable housing

Community Infrastructure Levy (CIL) Regulations

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of public open space, affordable housing and education contributions are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

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

PLANNING BALANCE

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby and has good public transport links. It would add to the stock of housing and its construction and occupation would result in social and economic benefits, albeit relatively minor.

The development would make effective use of a previously developed site and would also result in the removal of the existing unsociable use of the hotel and pub, given the proximity of existing residential properties. The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.

The proposed development is not considered to have a materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing development. The proposal also raises no significant design, amenity or highway safety issues.

However the proposal does not allocate any on-site affordable housing provision for which there is a clear, proven need and the justification for this is insufficient. There is also a lack of information as to the impact of the proposal on the bat roost potential of the trees affected by the proposed development.

Together these negatives of the scheme outweigh any benefits the scheme offers and with this in mind the application is recommended for refusal for the following reasons:

- **The proposal includes a lack of on site provision of affordable housing, for which there is a clear and proven need in this area. This would be contrary to policy SC5 of the Cheshire East Local Plan.**
- **Insufficient information has been submitted with the application relating to bat roost potential of the trees on site affected by the development in order to assess adequately the impact of the proposed development having regard to policy SE3 of the Cheshire East Local Plan and saved policy NE11 of the Macclesfield Borough Local Pan. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.**

In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice



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