

Northern Planning Committee

Agenda

Date: Wednesday, 5th June, 2019
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 5 - 10)

To approve the Minutes of the meeting held on 10 April 2019 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. **Terms of Reference** (Pages 11 - 12)

For Members' information, the Committee's terms of reference, as set out in the Constitution, are attached.

6. **18/3938M-Erection of 34 dwellings with associated works to include open space, play area and a flood mitigation area, Land opposite, Lowerhouse Mill, Albert Road, Bollington for Hillcrest Homes (Est. 1985) Ltd and Aval** (Pages 13 - 38)

To consider the above application.

7. **19/0739C-Outline application for an agricultural workers dwelling (permanent), Land to the West of, Pexall Road, Bramhall Hill, Congleton for Mr & Mrs David and Julie Platt** (Pages 39 - 50)

To consider the above application.

8. **18/4060M-Erection of a replacement potato processing factory following demolition of the existing potato processing factory, Bentworth, Lees Lane, Newton for Mr Richard Park, E Park and Sons Ltd** (Pages 51 - 64)

To consider the above application.

9. **18/6157M-Demolition of existing 1920's Cottage on the site of 'The Owls', Legh Road in Knutsford and replacing with a new 4-Bedroom detached family residence. (revised plans for reduction of length of rear projection on northern side; single vehicular access; change to materials; amendments to roof lights), The Owls, Legh Road, Knutsford Mr Peter Hawley** (Pages 65 - 78)

To consider the above application.

10. **18/6374C-Proposed site clearance and construction of a four/five storey building for 44 apartments (Use Class C3) with under croft car parking, access, surface car parking, retaining walls, landscaping and associated infrastructure, Former Dane Bridge Mill Site, Mill street, Congleton for Susan Alexander, Selyor Properties Ltd (Pages 79 - 98)**

To consider the above application.

11. **19/1926C-Front, side and rear single storey extension together with a single garage conversion, 70, Vicarage Lane, Sandbach for Mr Ian Bunn (Pages 99 - 104)**

To consider the above application.

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 10th April, 2019 at The Capesthorpe Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

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

Councillors Rhoda Bailey (Substitute), L Durham, S Edgar (Substitute),
H Gaddum, A Harewood, O Hunter, N Mannion, M Warren and G Williams

OFFICERS IN ATTENDANCE

Ms S Dillon (Planning Lawyer), Mr K Foster (Principal Planning Officer), Mr N Jones (Principal Development Officer) and Mr M Keen (Senior Planning Officer)

51 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors E Brooks, T Dean and L Wardlaw.

52 DECLARATIONS OF INTEREST/PRE DETERMINATION

It was noted that Members had received correspondence in respect of application 18/4024M.

In the interest of openness in respect of application 19/0681N, Councillor Edgar declared that he was closely acquainted with the applicants and therefore would not take part in the debate or vote on the application. He left the table prior to consideration of the application and sat in the public gallery.

It was noted that in respect of application 19/0681N, that Mrs Clowes was known to the Committee as she was a Member of Cheshire East Council.

In the interest of openness in respect of application 19/0313M, Councillors C Browne, R Bailey and H Gaddum declared that they were Members of the National Trust who was the applicant.

53 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 13 March 2019 be approved as a correct record and signed by the Chairman.

54 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

55 **18/4024M-DEMOLITION OF EXISTING 2 DETACHED PROPERTIES AND ERECTION OF 65NO. BEDROOMS CARE HOME WITH ASSOCIATED LANDSCAPING, CAR PARK AND ACCESS, 51 & 53 HANDFORTH ROAD, WILMSLOW FOR NEW CARE PROJECT LLP**

Consideration was given to the above application.

(Councillor B Burkhill, the Ward Councillor, Town Councillor David Pincombe. representing Wilmslow Town Council, Mike Ramsden, an objector and Paul Carr, the Architect attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. Over development of the site resulting in a lack of car parking provision.
2. Impact on the amenity of the neighbouring property due to the bulk and massing.

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

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

- Healthcare contribution of £31,324.00.
- TRO consultation of up to £7,000

And the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Pile Driving
5. Landscaping - submission of details
6. Landscaping (implementation)
7. Landscaping to include details of boundary treatment
8. Construction specification/method statement to include wheel washing facilities
9. Arboricultural method statement
10. Service / drainage layout

11. Lighting details
12. All arboricultural works shall be carried out in accordance with submitted tree works and tree protection plan
13. Ecological Mitigation and Enhancement
14. Bat mitigation
15. Wildlife sensitive lighting
16. Nesting birds
17. Breeding birds
18. Major Development Construction Phase Environmental Management Plan
19. Foul water
20. Drainage strategy
21. Travel information pack
22. Electric vehicle infrastructure
23. Contaminated Land (investigation works)
24. Contaminated Land (verification report)
25. Contaminated Land (soil)
26. Contaminated Land (unexpected)
27. Surface water drainage
28. Broadband
29. Cycle storage

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

56 19/0313M-REPLACEMENT OF EXISTING TEMPORARY CAFE WITH A PERMANENT CAFE BUILDING, QUARRY BANK MILL, QUARRY BANK ROAD, STYAL FOR MRS PHYLLIS BAYLEY, NATIONAL TRUST

Consideration was given to the above application.

(Joanne Hudson, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Landscaping - submission of details
5. Landscaping (implementation)

6. Development to be carried out in accordance with the Method Statement detailed in section 3 of the submitted Ecological Assessment
7. Nesting bird survey to be submitted

In addition it was agreed that power be delegated to the Head of Planning (Regulatory) in consultation with the Chairman to remove permitted development rights should he consider it necessary.

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

57 19/0681N-BESPOKE LEAN-TO EXTENSION TO BE CONSTRUCTED IN REPLACEMENT OF THE CURRENT CONSERVATORY TO THE RIGHT OF THE EXISTING DWELLING, THE OLD VICARAGE, BRIDGEMERE LANE, HUNSTERTON, FOR MR & MRS CLOWES

Consideration was given to the above application.

RESOLVED

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

1. Time limit for commencement of development (3 years)
2. Approved Plans
3. Materials as per application-Details to be submitted and agreed by the Planning Officer

58 LAND TO THE SOUTH OF 18 GASKELL AVENUE, KNUTSFORD

Consideration was given to the above report.

RESOLVED

That the withdrawal of the second reason for refusal be noted and the Officers be instructed to advise the Planning Inspectorate that the appeal would only be contested on the remaining reason for refusal.

Note of Thanks

Prior to the close of the meeting, Councillor G Walton announced that he would not be standing for re-election. As this would be his last meeting as Chairman he thanked Members and Officers for their assistance and

support over the years with his role not only as Chairman but as a Councillor too.

On behalf of the Committee, Councillor C Browne thanked the Chairman for his hard work as Chairman and wished him the best of luck for the future.

The meeting commenced at 10.00 am and concluded at 11.33 am

Councillor G M Walton (Chairman)

This page is intentionally left blank

Northern and Southern Planning Committees

Terms of Reference

- 28 To exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges. Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Director of Planning and Sustainable Development: the following are retained for the Planning Committees:
- 28.1 Applications for Small Scale Major Development for:
- 28.1.1 residential developments of 20 to 199 dwellings or between 1 and 4ha
- 28.1.2 retail or commercial/industrial or other floor space of between 5,000 and 9,999 square metres or 2-4ha.
- 29 This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.
- 30 Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
- 31 However, there will be a presumption that a Referral request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.
- 32 To determine any other planning and development control matters:
- 32.1 advertised as a departure from policy, which the Director of Planning and Sustainable Development is minded to approve
- 32.2 submitted by a Councillor, senior Council officer (Grade 12 or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these where representations objecting to the application have been received. Where objections have been received, applications recommended for refusal can be dealt with by officers under delegated powers
- 32.3 significant applications by the Council either as applicant or land owner. This category will not normally include minor developments which accord with planning policy and to which no objection has been made
- 32.4 referred up to them by a Councillor in accordance with the Committees' Referral procedure. However:

- 32.4.1 any request must be received within 15 working days of the issue of the electronic notification of the application, and set out the material planning consideration(s) which warrant the application going before committee
 - 32.4.2 applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers
 - 32.4.3 applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will not be eligible for call in and will be dealt with under delegated powers
 - 32.4.4 there will be a presumption that a call in request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.
 - 32.5 any other matters referred up to them at the discretion of the Director of Planning and Sustainable Development.
- 33 The Committees will refer up to the Strategic Planning Board matters involving a significant departure from policy which they are minded to approve contrary to recommendation by the Director of Planning and Sustainable Development.

Application No: 18/3938M

Location: LAND OPPOSITE, LOWERHOUSE MILL, ALBERT ROAD,
BOLLINGTON, CHESHIRE

Proposal: Erection of 34 dwellings with associated works to include open space,
play area and a flood mitigation area

Applicant: Hillcrest Homes (Est. 1985) Ltd and Aval

Expiry Date: 07-Jun-2019

SUMMARY

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

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

There is an environmental impact in the locality due to the development taking place on a green field, however, the proposal falls on land which is allocated for employment uses and appeals on this site and the land opposite have been allowed and development has been found to be acceptable. It is considered that a scheme for housing would fall in line with policies contained within the NPPF and the Development Plan. The principle of developing the land, which is allocated for employment purposes, has been established. It is considered that housing on the application site will also have a more positive impact on the local area than industrial development.

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

Local concerns of residents are noted, particularly in respect of highway matters and flood risk, but the impacts are not considered to be 'severe' under the NPPF tests. The impact from a residential scheme would be less than that of a commercial one in highways terms and the proposal would not increase the risk of flooding elsewhere (subject to mitigation). Further, the sequential and exception test when considering proposals in Flood Risk Zone 3 have been satisfied and the built form would not occupy land falling within the functional flood plain (Flood Zone 3b).

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

RECOMMENDATION:

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

DESCRIPTION OF SITE AND CONTEXT

The application site consists of predominantly flat agricultural grassland surrounded by mature hedgerows. The site measures approximately 3.13 hectares in size. The central section of the site is, in part, characterised by elongated and rectangular mounds of top soil, scraped from the rest of the site a number of years ago. To the south, it is bounded by industrial buildings, which are occupied by Slater Harrison. The road to the west of the site terminates at the Council's Household Waste Recycling Centre. To the north of the site is the River Dean, with open countryside beyond it. Access to the site is taken from Albert Road.

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

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

DETAILS OF PROPOSAL

This is a full application for the erection of 34 dwelling houses with associated works, including open space, play area and flood mitigation area.

The submitted plans have been amended during the life of the application to take into account comments received in respect of design and landscaping.

The dwellings would be laid around a circular access road, running on a north - south axis with a lower section of road crossing east - west . This would allow the continued access to the field adjacent to the east of the site.

The area to the north of the site would contain a play area with open space and an informal walking route through the land adjacent to the existing river.

The eastern area boundary of the site would contain banded areas and informal visitor pull in bays off the access road.

The central area of the site would contain 12 detached dwellings and an area of open space. The area to the west of the site between the new internal access road and Albert Road would contain 9 terraced dwellings and one pair of semi-detached dwellings facing Albert Road with a parking court to the north. The land to the south of the site would contain 5 terraced dwellings and 6 dwellings in three pairs of semi-detached dwellings. The southern area of the site would lie adjacent to an existing mill known as Lowerhouse Mill. It is proposed to erect a 3m high acoustic fence along this boundary.

10 houses are proposed to be affordable and are distributed around the site

APPLICANTS SUBMISSION

The applicant's submission includes;

- Site layout
- Elevations and floorplans
- Landscape layout
- Design and access statement
- Planning policy statement
- Topographical survey
- Transport statement
- Ground Investigation report
- Arboricultural impact and method statement
- Flood risk assessment and Drainage strategy
- Air quality screening report
- Extended Phase 1 Habitat Survey
- Noise Assessment
- Acoustic statement

RELEVANT PLANNING HISTORY

15/1683M Development of 30 new dwelling houses including 9 affordable houses landscaping, landscape buffer zones, flood mitigation and ground works, roads, associate highways and infrastructure
Withdrawn 11.4.2018

09/3836M Erection of 3 no detached industrial buildings divided into 16 no. small units with associated parking and landscaping (renewal of 06/2355P) – Approved 3rd February 2010

06/2355P Erection of 3no detached industrial buildings divided into 16no small units with associated parking and landscaping – Approved 27th November 2006

05/0270P Renewal of application 99/2296P for industrial development (B2 usage) – Approved 29th March 2005

99/2296P Industrial development (B2 usage) revised scheme – Refused 10th January 2000 – Appeal Allowed 21st July 2000

99/0695P Industrial development (B2 usage) – Withdrawn 16th June 1999

CONSULTATIONS

Lead Local Flood Authority – No objection subject to condition, but recommend consultation with the Environment Agency with regard to the risk of flooding from Lamaload Reservoir.

Education – No objection subject to a secured contribution of £81,713

United Utilities - No objection subject to condition

Ecology - No objection subject to condition

Environmental Protection - In respect of Environmental Health comments, they advise that many of the plots are acceptable in relation to internal and external noise but that 2 plots could be impacted in terms of external noise. However, they note that there may be material considerations to outweigh the external harm.

Strategic Housing – No objection

Environment Agency – No objection, subject to conditions. With respect to Lamaload Reservoir, the reservoir will be in compliance with the Reservoir Act 1975 and given that it as a UU owned asset it would be subject to regular safety checks by their panel engineer to prevent it from failing.

VIEWS OF THE TOWN COUNCIL

The Town Council resolved NOT to object to this application subject to the following:

- The provision of a riverside path. It is an ambition of the Town and Council to establish a River Dean path through the Town ultimately connecting with the Bollin Way. This development will provide a section of it.
- Cheshire East's Environmental Health should be asked to confirm that the noise levels from the Lowerhouse Mill will not cause a nuisance to residents, particularly those occupying the proposed dwellings adjacent to Mill, and if so suitable mitigation measures should be specified and conditioned.
- The existing trees at the gate should be retained within the development.
- The developer is considering a gated development where the residents have access via an electronically controlled gate and presumably control fobs/cards. The Town Council felt that this could serve to increase the price of the 9 affordable units.
- Because of the tandem nature of the parking provision, the garages should be large enough to accommodate a large car.
- There should be conditions imposed concerning the hours of construction, particularly in terms of HGV access to and from the site, so as to avoid school times on Albert Road which is heavily parked at these times. Also to prohibit the use of Moss Brow for such access at all times, with appropriate signage.

The Town Council met the developers on 4th September and discussed the above points, which were accepted by them. A presentation was also given concerning the design of the properties and the materials to be used. The Town Council was happy with the design and layout of the proposed development.

REPRESENTATIONS

Over two periods of consultation, comments have been received from 7 residential properties which object to the proposal and raise the following concerns:

- It is the Council's duty to safeguard the land from development as it is needed for flood management. The 2008 Macclesfield Borough Flood Risk Assessment states that the council should safeguard areas of functional floor plain.

- Paragraph 110 of the NPPF states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk
- Also Local Plans should take account of the impacts of climate change by safeguarding land from development that is required for current and future flood management
- Photographs are submitted regarding historic of flooding on this site and Information regarding Historic water levels for the Albert Road Bridge are submitted which is taken from the Hydrorock report for 14/3844M that this site provides for the surrounding area.
- Quotations in respect of an appeal Ref number is also submitted APP/A2525/W/16/165749 relating to a site in Spalding - Richborough estates.co.uk are submitted and it is stated that this case is almost identical to this application.
- The application is contrary to CEs development plan which states that employment land should be retained therefore the proposal departs from the development plan
- There are other sites in the area that are more suitable for the development of 30 houses
- The Officer's Report 15/1683M (previous submission) sets out, "The site is situated in a sensitive location with respect to controlled waters. The site has potentially been subject to significant previous contaminative land, which may be potential sources of contamination to Controlled Waters in the vicinity of the site."
- Evidence that will be presented in Court to show that there have been and will continue to be other 3 hectare sites that are more suited to housing than this site.
- The borders of this site are adjacent to a river that floods, a factory and the local tip. In fact, it is hard to believe that there is a site less suitable than this for development
- All the lorries, waggons, site equipment etc will have to use Albert Road to access the site as the alternative is Moss Brow, a steep hill that is single track near the top. There are 2 primary schools and a nursery on Albert Road which means that local children walk, scoot or cycle up to the nursery and school anytime between 7.30am to 6pm, Monday to Friday. Therefore the lorries will pose a danger.
- Albert Road has already suffered significant damage because of the lorries that drove along it to bring the tonnes of infill used to raise the land for the adjacent piece of Land. These heavy wagons also damaged the sewage drains that run under Albert Road. This meant United Utilities had to manually pump sewage from the drains every 3 days to prevent it leaking. The tonnes of rock that would be needed to build up the height of the land will only cause further damage to Albert Road
- Bollington Fire Station is on Albert Road. Lorries travelling to the adjacent site caused Albert Road to be blocked on various occasions at school drop off and pick up. Any future blockages could prevent emergency rescue vehicles from being able to leave Albert Road in an emergency.
- There have been and will continue to be Sequentially Preferential sites. These have previously been provided to the Council's Legal Department.
- As the development is located within an area of significant flood risk under the requirements of the National Planning Policy Framework the developer is required to submit Exception & Sequential tests to justify development. The Local Council should therefore ensure that the testing has been carried out in a robust manner and that the resulting proposal is acceptable. The Sequential testing has not been carried out robustly.

- There has been previous litigation where a high Court Injunction was granted regarding land adjacent to 15/1683M because of the increased risk of flooding due to the building work being carried out on it. Floodplain has already been lost because of building work on the adjacent land. Therefore, it is vitally important that no more floodplain is lost. All the local residents know that this land has severely flooded on numerous occasions and have written to the Council but these views have been ignored.
- The Flood Risk Plan from the Applicant's Report shows that the land proposed as alternative flooding storage is already Functional Floodplain. To designate existing Functional Floodplain as storage for lost Functional Floodplain is negligent as it will increase the risk of flooding to the surrounding land and properties. Request that CEC recommends its Councillors refuse the application for 18/3938M and that the Officer's Report specifically refers to 1) The High Court Injunction granted against 14/3844M and that the Judicial Review claim was withdrawn due to it being out of time not because there was not a prospect of success. The Council's legal representative Matthew Barrett can confirm this. 2) That the Council has a duty to protect Floodplain. 3) That the decision to vote in favour of 15/1683M was being reconsidered due to flooding matters subsequently raised. The supporting road network in and out of that area is already at over capacity and additional dwellings will add further pressure to the already congested roads of Bollington. There are the 2 schools and the tip and residents all requiring road use already. The access roads (Albert Road and Moss Brow) are not capable of handling further increases in vehicular traffic
- The residents would have a further degradation in the quality of their lives as vehicles speed past or queue up in some cases only a few feet away from their living-room space, exposing them to unacceptable increases in noise as well as particulate and gaseous pollution specially as there are other, better located sites where such development will have a less devastating effect on local residents' health and well-being.
- There is very little up to date traffic measurement available or a consequential impact statement for this development as regards these two roads
- The town does not currently have sufficient resources to deal with more housing. There will be another 60 cars (roughly) which there is not adequate parking for. It will also add to current congestion making it difficult to commute for work and increase air pollution.
- There will not be enough doctors or fire services requirements to meet the demand of people.
- The alternative route for the extra traffic is via Moss Brow, which is a steep 1:7 hill with a blind summit and no footpath. There are only two ways to exit the estate - via busy Albert Road or steep Moss Brow (which is a known danger spot for pedestrians and vehicles).
- Albert Road is already impassable at certain times of the day due to high volumes of people and traffic entering and exiting and is a constant danger to school children leaving and entering their schools. In my opinion the new development will exacerbate the problem even further with the extra vehicles they will inevitably bring from new residents and their visitors.
- The new homes are to be built on another section of flood plain. A committee set up under the Climate Change Act said that "Flooding is likely to become more common in the UK, even if efforts to reduce greenhouse gas emissions are effective, because of the effects of climate change. The average national rainfall is no longer a good guide to the likely effects because instances of localised but more intense rainfall are

becoming more common as an effect of climate change that has been predicted by researchers including the Met Office." This year, locally, we have experienced several flash floods due to intense bursts of rainfall and this could be a problem should this building go ahead. The more flood plains that are covered in buildings, the higher the risk of flooding to buildings in the surrounding area

- There will be 60+ new dwellings on Albert Road which is a dead-end road can more than double its housing footprint without an unacceptable increase in traffic and associated pollution/road safety impact.
- The recently erected houses on Albert Road remain unsold which is considered to be due to concern about them on a flood plain and on an access road which is not a public highway.

In addition to the resident's comments, the occupants of Lowerhouse Mill (Slater Harrison) have submitted the following objection.

- Slater Harrison and Co Ltd has occupied the Lowerhouse Mill site since the 1930's. They coat or laminate paper-based product then convert and package it for sale.
- Particularly concerned with the application's proposed proximity of houses in Plots 1 – 7 and 8 – 11 to our boundary as we believe future residents would be likely to suffer excessive noise at all hours, and also smell from our operations due to the prevailing wind direction.
- They believe that if the application is allowed to proceed, it could have a detrimental effect on our business and will potentially have an adverse effect on the quality of life of future property owners in that area.
- The Air Quality Screening Report dated 11 July 2018 noted potential odour from the HWRC to the north (downwind) of the proposed site, but makes no reference at all to activity at Slater Harrison which is in fact upwind of the proposed development. We believe the report is deficient in this respect.
- The pigment mixing facility and our effluent treatment plant is located to the North end of our site. This is an operational requirement as it needs to be physically located close to the coating facility within our factory. Containers that used to contain pigment mixes are stored adjacent to the effluent plant. A key ingredient of our processes is Casein which is a milk protein based product. Whilst we try to minimise odour by good general house keeping an odour will be generated as this product degrades, particularly during the summer months.
- Empty colour containers can be seen which have been accumulated over a 12 month period, pending bulk collection for disposal. They are stored in an area protected by a bunded wall in case of leakage. The tank on the left contains Styranol, a bonding agent. No matter how good the housekeeping is, these will inevitably smell.
- Slater Harrison operates solely at the Lowerhouse mill site. Being Grade II listed building and a large site it is expensive to maintain with significant overheads, and as such the company aim to have it operating at maximum output to secure the long term viability of the business.
- The operating hours as stated in section 2.6 of the Noise Assessment Report dated 7 August 2018 are not representative of our operating levels. We often operate for a full 24 hours a day and also at weekends, as we have done in the month of August 2018. It is essential to our business that we retain this flexibility in future.

- The extraction system from our coating area exhausts to a high level and is operational whenever our coaters are run. As stated in the report, due to the high-level nature of the source it is not feasible to reduce the noise levels in the area of the proposed development using an acoustic barrier.
- In addition to the fume extraction the coating facility itself is a high noise area due to rotating machinery within it, requiring operators to wear ear protection. This noise will travel outside the building every time an external door is opened in the course of production.
- Outside of our building there will be additional intermittent noise generated by movement of goods in the effluent plant and chemical mixing areas and due to the emptying and cleaning of containers.
- We noted that the mitigation proposed in the Noise Report for houses in plots 1 to 7 and 8 to 11 was for residents to keep windows closed to maintain noise below WHO levels at night time (Para 5.9). We believe that this is not an acceptable long term arrangement and will create an unwanted conflict between the business needs of Slater Harrison to run the factory throughout the night and desire of future residents to enjoy a peaceful rural setting. It is essential for our ongoing success to maximise use of our assets and as such we cannot be constrained by our operating hours. In this respect we have concerns about the statements regarding the use of our effluent plant. We suggest that CEC does not rely on the stated frequency and duration of operation stated in this document when making their judgement, we continue to look for ways to grow our coating volumes in future and the plant will be operated for a greater duration and frequency than that stated if the needs of our business dictate. In addition, the overall noise levels recorded in this document are of our existing equipment and do not make any allowance should our manufacturing processes change in the future. For these reasons, the application for the proposed development should be rejected.

POLICIES

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

PG3: Green Belt

MP1: Presumption in favour of sustainable development;

PG7: Spatial Distribution of Development;

SE1: Design;

SE2: Efficient Use of Land;

SE3: Biodiversity and Geodiversity;

SE4: The Landscape;

SE5: Trees, Hedgerows and Woodland;

SE6: Green Infrastructure;

SE7: Heritage Assets

SE9: Energy Efficient Development;

SE12: Pollution, Land contamination and land instability;

SE13: Flood risk and water management;

EG3: Existing employment sites;

IN1: Infrastructure

IN2: Developer Contributions:

SC1: Leisure and Recreation

SC2: Indoor and Outdoor Sports Facilities

SC4: Residential Mix
SC5: Affordable Homes
SD1: Sustainable Development in Cheshire East;
SD2: Sustainable Development Principles; and
CO1: Travel Plans and Transport Assessments.

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. However, there are ‘saved’ policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Macclesfield Borough Local Plan (saved policies):

BE2 – Historic Fabric
DC3 – Amenity
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC35 – Materials and Finishes
DC36 – Road Layouts and Circulation
DC37 – Landscaping
DC38 – Space Light and Privacy
DC40 – Children’s Play Provision and Amenity Space
DC41 – Infill Housing Development
DC63 – Contaminated Land
E4 – General Industrial Development
NE11 – Protection and enhancement of nature conservation interests
NE17 – Nature Conservation in Major Developments
RT5 – Open Space

Bollington Neighbourhood Plan:

HO.P2 – Housing location
HO.P3 – Type of housing
HO.P4 – Design of housing
HO.P5 – Parking provision for new dwellings
Policy EB.P1 – Regeneration of existing employment land
Policy EB.P3 – Encourage the growth of home-based businesses
EOS.P2 – Maintenance of Open Space allocations
EGB.P3 – Development in the Green Belt
ENE.P1 – Natural Environment Policy
ENE.P2 – Maintenance of views
ENE.P3 – Provision of Landscape Plan
ENE.P4 – Footpaths, Quiet Lanes and Bridlepaths
MA.P1 – Improve safety and efficiency of moving around
MA.P2 – Parking provision

Other Material Considerations:

National Planning Policy Framework (NPPF)

National Planning Practice Framework (NPPG)
Cheshire East Borough Design Guide Supplementary Planning Document
Cheshire East Strategic Flood Risk Assessment (2013)
Strategic Housing Market Assessment (SHMA)
SPG on Section 106 Agreements (Macclesfield Borough Council)

OFFICER APPRAISAL

The key issues to consider in the determination of this application are:

- Principle of the Development;
- Loss of land allocated for employment purposes;
- Affordable housing;
- Impact on open space
- Design, layout and visual impact;
- Landscape/Trees;
- Highways;
- Nature Conservation;
- Flood risk;
- Environmental Health; and
- Other Material consideration or matters raised by third parties

Principle of the Development

The principle of erecting dwellings in this location is acceptable provided all detailed matters have been fully addressed. Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

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

Para 11 of The Framework indicates that there is a presumption in favour of development except were policies indicate that development ought to be restricted. This advice is reflected in the adopted Policies MP 1, PG 7 and SD 2 of the Cheshire East Local Plan Strategy (referred to hereinafter as CELPS) which seek to direct residential development to sustainable locations.

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

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

The site is allocated as an existing employment area where policy E4 (which normally permits Use Classes B2, B8, B1b and B1c) applies. Furthermore, CELPS Policy EG 3 much like the legacy Policy E1 seeks to retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

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

These are:

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

Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential development on this site is acceptable in this location and that a case to retain employment land would not be sustainable.

This is considered in more detail below.

Loss of Employment Land

CELPS Policy EG 3 seeks to retain employment land for employment purposes. However, EG 3 also accepts that it may not be possible to retain land for employment purposes where they

are causing “significant nuisance or environment problems or are no longer suitable for employment uses”. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of it being used for that purpose. Land allocation should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use application for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities” (NPPF para 120).

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

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

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

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

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

Whilst the adoption of the Cheshire East Local Plan Strategy has identified that more employment land is required in Cheshire East as a whole, this needs to be of the right type, and in good accessible locations. In the context of NPPF paragraph 120 and CELPS Policy EG 3, on the evidence to date, it would be difficult to argue that there is a reasonable prospect of the site being used for employment purposes and therefore be protected for such use. It is also important to note that the Cheshire East Local Plan Strategy has been adopted in the knowledge that this site would be released for housing and not retained for employment use.

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings

over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date.

These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

As the site has been subject to a previous resolution to approve residential development (15/1683M) the development of the site has been included in these figures.

SOCIAL SUSTAINABILITY

Affordable Housing

Policy SC 5 of the CELPS states that in Local Service Centres, developments of 11 units or more will be required to provide 30% affordable housing provision.

This is a proposed development of 34 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 10 dwellings to be provided as affordable dwellings.

The CELP states in Policy SC 5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Bollington as their first choice is 159. This can be broken down to 88x 1 bedroom, 49x 2 bedroom, 19x 3 bedroom and 3x 4+ bedroom dwellings.

The Strategic Housing Market Assessment (SHMA) 2013 shows the majority of the house type demand annually up to and including 2018 in Adlington Prestbury and Bollington is for 1x 1 bedroom, 11x 2 bedroom and 1x 4 bedroom dwellings for general needs. Also the data in the SHMA shows an annual need for 2x 2 bedroom dwellings. These can be via flats, cottage style flats, bungalows and lifetime standard homes.

On this site therefore with the need data a range of 1, 2 and 3 bedroom dwellings with older person provision would be acceptable.

The applicant states that they will provide 10 dwellings as affordable and these will be 1, 2 and 3 bedroom houses. Also that the tenure split would be 65:35 split affordable rent: intermediate. This would be secured by way of a S106 agreement and is in accordance with Policy SC 5.

Open Space

The proposed development would accommodate a children's play area to norther end of the site. The play area has been moved out of the flood zone following officer concerns. There are no detailed designs submitted for the play equipment but this can be conditioned to ensure an appropriate amount and type of equipment.

There is a requirement for offsite Recreation Open Space (ROS) provision via a commuted sum of £1,000 per family dwelling. The com sum would be used towards works of addition, improvement and enhancement to the sports pitches, courts and greens at Bollington Recreation Ground and within the period of 15 years from receipt, in line with the Playing Pitch Strategy and Parks Strategy.

Some concerns were raised by the Council's Open Spaces Officer. However, the issue of levels and the type of play equipment can be addressed by condition. In addition, the applicant states the development on the opposite side of the road has provided a play area, which future residents the proposed development would also have access to.

They applicant is providing a substantial over-provision of amenity greenspace against the policy requirement of 480sqm. The open space being provided has been integrated within the proposed development. The open space would be well overlooked by habitable windows as per the latest house type plans, and officers have clarified that a useable and attractive

riverside walk (as requested by the Bollington Town Council) would be provided alongside an accessible Village Green and an area of open space adjacent to plot no. 1. As such, the scheme is acceptable in this regard and accords with CELPS Policy SE 6.

ENVIRONMENTAL SUSTAINABILITY

Design, Layout and Visual impact

The design and layout of the proposed development has been amended during the life of the application following officer concerns in respect of compliance with the Cheshire East Design Guide.

The proposed dwellings are 2 storey and would be constructed from local stone and render with slate roofs. The detached dwellings would have a combination of internal garaging and private parking spaces.

Many of the units are dual aspect and face Albert Road and also the internal area of the site. The village green area would be visible from Albert Road as it lies close to the site entrance.

The surface materials have been suggested, however, these will need to form part of an appropriately worded condition to ensure they comply with the specification as described in the Design Guide to match the character of the area i.e. Silk Cotton and Market towns. Boundary Treatments: will also be conditioned but the layout as shown appears acceptable.

A riverside walk has been incorporated into the layout that connects to the existing public rights of way, the details of how this connect will form part of a condition.

Several gable ends now include windows providing natural surveillance. There is a mix of on-plot and side-plot parking and there appears to be a good mix of housing types. The proposed design and layout of the site conforms with the Cheshire East Design guide in respect of proposed materials and layout. The proposed riverside footpath will integrate the development into the surrounding area.

The proposed group of dwellings close to Albert Road and the adjacent mill site will give the appearance of a converted barn style structure which takes reference from the adjacent mill building and adds character to the entrance to the site. Subject to conditions, the design and layout is found to be acceptable.

Landscape/Trees

The trees identified for removal have been accepted previously as part of various historic applications for this site. The revised layout from an arboricultural perspective is an improvement on the previous submission allowing the retained trees associated with access off Lowerhouse Mill to be managed without impacting detrimentally on the adjacent proposed dwellings. There are no other Arboricultural issues associated with this site.

Highways

There is one point of access to the site which would serve the 34 dwellings. The technical designs of the access points are acceptable and visibility has been provided to a satisfactory standard. The parking provision for the residential units within the site is deemed to be acceptable.

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

In regard to the traffic implications of the development, a development of 34 units is not considered a major development in highway terms and is likely to generate less than 22 two-way trips in the peak hours along Albert Road and Moss Brow. It has to be borne in mind that the historic industrial consent for the site as well as its employment allocation would have produced a similar level of traffic on the road network but would have also included an element of HGV's. All of the development trips to and from the site would not use Albert Road. A proportion of trips will be via Moss Brow.

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

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

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

The traffic associated with the site will be distributed on two routes and also only a percentage of development traffic will travel during the peak school time. The revised internal layout is now acceptable although it is not suitable or intended for adoption.

The level of off-street parking is acceptable for the units proposed and is in accordance with CEC parking standards. It is considered acceptable and it complies with policies saved policies DC6, DC36 and DC41 of MBLP.

Nature Conservation

The proposal complies with policy SE 3 as there is an 8 metre buffer between The River Dean which runs along the northern boundary of the site which will act as a wildlife corridor and priority habitat. Conditions are suggested in respect of the retention and enhancement of existing hedgerow or any new/replacement hedgerow sections being of native species composition. Condition relating to the eradication of Himalayan Balsam and the submission of an ecological enhancement strategy are recommendation and subject to these, the scheme is acceptable in terms of its ecological impact having regard to saved policy MBLP Policy NE 11 and CELPS Policy SE 3.

Flood risk

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

The NPPF Technical Guidance includes a table / matrix (Table 3 refers) which advises on the flood risk vulnerability and flood compatibility' of uses dependent on the flood zone it finds itself in. Residential uses are classified as 'more vulnerable' uses. It states that more vulnerable development (including residential) are appropriate within Flood Zones 1 and 2 and is also appropriate in Flood Zone 3a subject to an exception test. It states that development for more vulnerable uses should not be permitted within Flood Zone 3b (functional floodplain).

The Local Planning Authority is responsible (in consultation with the Environment Agency) for designating Flood Zones 3a and 3b. As stated earlier in this report, the site is located partly within Flood Zones 2 and 3.

Parts of the site that fall within Flood Zone 3 are within 3b, the functional flood plain according to the Council's Strategic Flood Risk Assessment (SFRA). However, the exact proportion was not quantified in the SFRA as it included a wider area and did not include the eastern extremities of this site. Accordingly, in the absence of an SFRA which covered the whole site, the advice of the Technical Guidance to the NPPF is that 'the Sequential Test will be based on the Environment Agency flood zones'.

The application is accompanied by an FRA, and it has been confirmed and agreed that the proposed areas occupied by the proposed dwellings would not occupy any part of the functional flood plain.

No part of the more vulnerable parts of the proposed development (i.e. the residential uses) would be sited within Flood Zone 3b the functional flood plain. However, there are more vulnerable parts of the development that fall within Flood Zone 3a and this will need further consideration.

Para 163 of the NPPF states that:

“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

In light of concerns raised regarding flood risk and drainage in the wider area of Bollington and having regard to the advice of the Framework and CELPS, the applicant has submitted a Flood Risk Assessment and Drainage Strategy report and sequential assessment based on the Bollington area. They also submit that the last sequential and exception test prepared by GL Hearn in 2018 for the previous planning application is of relevance.

In respect of the sequential assessment and for the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”

This identified 6 potential housing sites and discounted each on the basis of several reasons. The draft 2018 committee report accepted that the sequential test and exception test had been satisfied.

The latest assessment submits 7 alternative sites none of which are suitable for either development due to being located in the green belt, being under construction or being taken forward by another developer, is too large or too small and are not available.

The applicant submits that the proposed development would assist in meeting the aims and objectives of the CELPS. It would address housing needs and support Bollington in fulfilling its role as a local service centre. It would provide family size accommodation and a contracting working age population by providing smaller units.

The FRA submitted demonstrates the proposed development would be safe for its lifetime and the more vulnerable parts of the development would be sited outside of the most vulnerable areas of the site for flooding.

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

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

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

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

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

The applicant has submitted Counsels opinion in respect of the objection received from a third party. This opinion confirms that the flood risk information submitted by the applicant is accurate and that the third party does not offer any alternative flood risk assessment themselves. Also that they misinterpret para 158 of the NPPF and that the Gedney Road appeal decision is not comparable to this application.

Education

The development of 30 dwellings is expected to generate: 6 primary children (30 x 0.19) 5 secondary children (30 x 0.15) and 0 SEN children (30 x 0.51 x 0.023%). Contributions which have been negotiated on other developments are factored into the forecasts both in terms of

the increased pupil numbers and the increased capacity at secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains. The proposal is not forecast to impact upon primary or SEN school provision. To alleviate forecast pressures, the following contributions would be required:

$5 \times £17,959 \times 0.91 = £81,713$ (secondary) - Total education contribution: £81,713

This would be secured by a Section 106 agreement.

Environmental Health

Comments have been received in respect of internal and external noise in relation to the adjacent development to the south.

Internal noise - In order to achieve the applicant's suggested internal noise level limit of 25dB_LA_{eq}, windows would need to be kept closed and alternative means of ventilation would need to be provided to the bedrooms on the southern elevation of Plots 1 to 7, and on the western elevation of Plots 8 to 11. Sound insulation would ensure that sleep disturbance would not constitute a significant health problem. Sufficient mitigation measures to control indoor noise levels have been detailed.

External noise - Due to the height of the dust extraction discharge stacks at the adjacent Mill, erecting the proposed 3m acoustic barrier (offering at least a 12dB reduction), along the southern site boundary would not provide any noticeable benefit. Aerial noise sources cannot be mitigated by acoustic fences and a line of sight will be maintained between these elevated noise sources and the proposed noise sensitive residential properties. However, some environmental noise is permitted to occur in private noise sensitive amenity gardens on the proviso that the occupants of those dwellings have a relatively quiet:

- façade as part of their dwelling. It could be reasoned that Plots 1-7, have a quiet façade containing windows to habitable windows on the northern facades not the southern ones.
- protected, external publically accessible amenity space is nearby easily within a 5 minute walking distance. The applicants are providing a public space to the north of the development which will not be affected by noise from Slater Harrison, accessed by the residents at all times. The public space will include a children's play area, a small park and access to a public right of way alongside the river.

In addition BS8233:2014, acknowledges that for traditional external areas that are used for amenity space, a 50 dB LA_{eq}, is desirable. However, an upper guideline value of 55 dB LA_{eq} is acceptable in noisier environments. BS8233:2014 further recognises that these guideline values are not achievable in all circumstances where development might be desirable.

BS8233:2014 calls for a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.

NPPF 2018, paragraph 180, details that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on living conditions, in doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Although it is noted that noise has been of some concern, many of the matters raised can be conditioned and the economic and sustainable benefits such as affordable housing and the provision of a riverside walk can be balanced against these matters.

Odour – In response to concerns about odour, the Environmental scientist acting for the applicant states the scope of the submitted assessment was agreed with Environmental Health in writing and accords with the latest Institute of Air Quality Management guidance on odour. Site visits were undertaken by surveyors who have been tested for odour acuity in accordance with BS EN 13725:2003, both at times when meteorological conditions were considered to be conducive for odour generation and also during more typical conditions in accordance with guidance.

They conclude that although there is potential for odour to be experienced at the site the overall risk is considered to be “not significant”. Environmental Health have offered no counter evidence in this respect and therefore the scheme is found to be acceptable in this regard.

Contaminated Land - No objection is raised subject to conditions.

Other Material consideration or matters raised by third parties

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

ECONOMIC SUSTAINABILITY

The proposal would contribute to the economic well being of Bollington as the new residential occupants would add to the vitality and viability of the local shops and restaurants in the town centre, which is within easy walking distance of the site. The proposal would also provide an economic benefit to the construction industry supply chain during construction.

CONCLUSION

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

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

During the application process, negotiations have taken place between officers and the developer, which has resulted in the submission of a revised layout plan, which has improved the design of the proposed development and removing the proposed play area out of the functional flood plain.

Further, following concerns raised regarding flood risk and drainage in the wider area of Bollington and having regard to the advice of the Framework and adopted Local Plan Policy, the applicant's Flood Risk Assessment has met the Sequential Test and subsequently the Exception Test.

The Council is satisfied that the exception test has been met as the site specific flood risk assessments have demonstrated that the proposal will not increase flooding elsewhere and the benefits of the proposals would outweigh this harm. The benefits can be summarised as follows:

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

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

Therefore approval is recommended.

In such circumstances policy MP1 of the CELPS (and paragraph 11 of the NPPF) state that *"Planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise."*

RECOMMENDATION

APPROVE subject to conditions and a S106 Agreement making provision for:

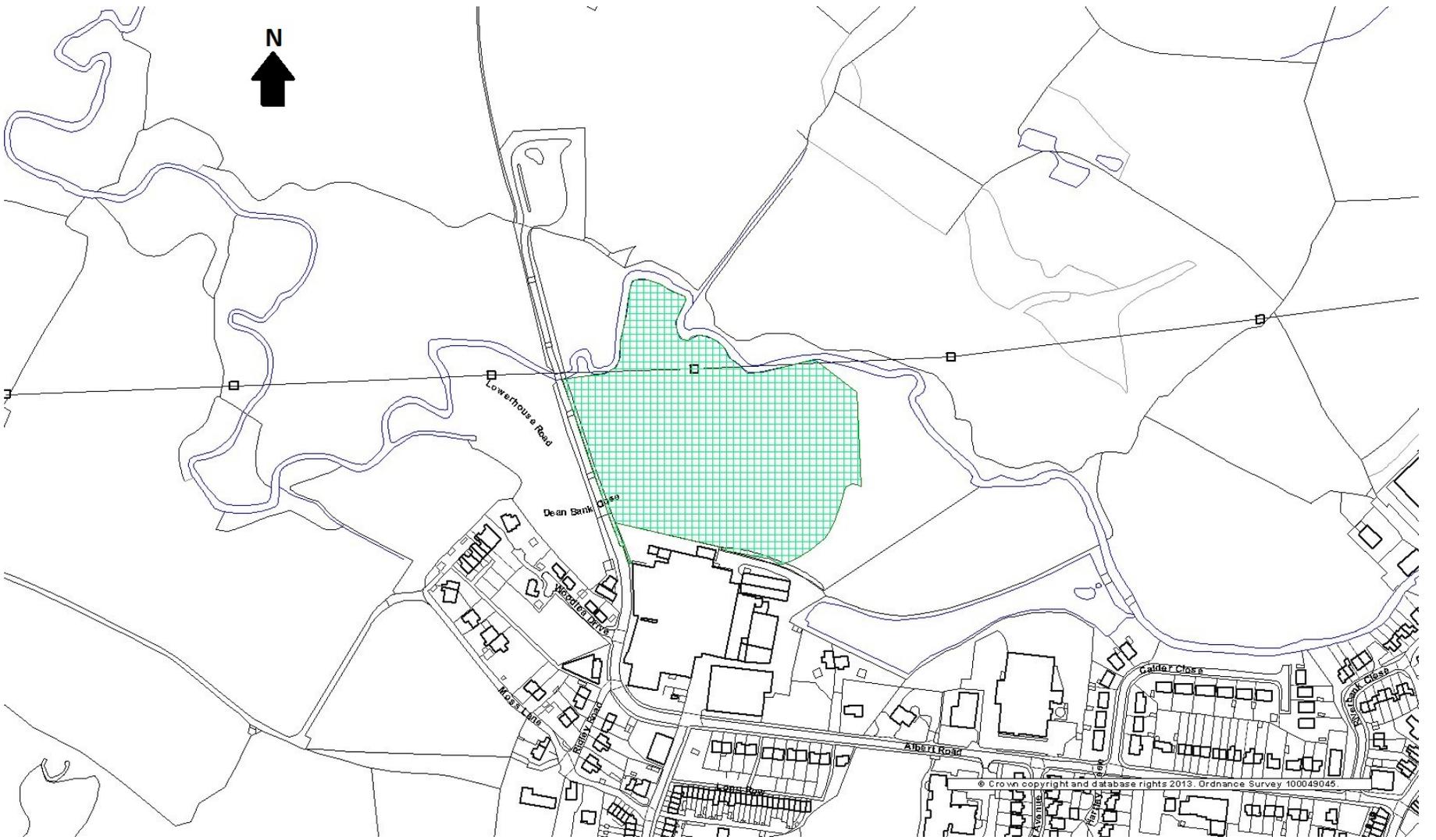
S106	Amount	Triggers
Affordable Housing	30% (10 units) (65% Affordable Rent / 35% Intermediate)	No more than 80% open market occupied prior to affordable provision
Education	Primary 0 Secondary 5 £81,713 Total education contribution: £81,713	50% Prior to first occupation 50% at occupation of 17th dwelling
Public Open Space	£34,000 towards works of addition, improvement and enhancement to the sports pitches, courts and greens at Bollington Recreation Ground and within the period of 15 years from receipt.	On first occupation

And the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved and amended plans
3. Removal of permitted development rights for Classes A-E
4. Construction of access prior to first occupation
5. Landscaping - submission of details and to include retention of west boundary hedge where possible and planting with native species
6. Landscaping (implementation)
7. Protection for breeding birds during bird nesting season
8. Submission of landscape management plan
9. Details of ground levels to be submitted including cut and fill
10. Nesting bird mitigation measures
11. Notwithstanding submitted detail, details of boundary treatments to be submitted and approved
12. Details of proposed noise fence to be submitted and approved
13. Should any contamination be found, a remediation strategy shall be submitted to the EA
14. Features for roosting bats to be incorporated into housing
15. Method statement for the safeguarding of the river corridor and associated habitats during the construction process.
16. Submission of an ecological enhancement management strategy including proposals for the eradication of Himalayan Balsam
17. Submission of updated badger survey prior to commencement of development.
18. Details of pile foundations to be submitted and approved
19. Electric Vehicle Infrastructure to be provided at each property with private driveway
20. Scheme of dust control to be submitted and approved
21. Contaminated Land Survey to be submitted and approved
22. Development to be carried out in accordance with Flood Risk Assessment
23. Finished floor levels of habitable dwellings shall be set 600 mm above the modelled 1 in 100 annual probability (plus a 30% allowance for climate change) flood level.

24. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted
25. A scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events to be submitted and approved
26. Detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods to be submitted and approved
27. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing public sewerage systems
28. Details of facing, roofing and surfacing materials to be submitted and approved
29. Scheme of Tree Protection to be submitted and approved
30. Tree Pruning/Felling Specification to be submitted and approved
31. Construction Management Plan to be submitted
32. Standard broadband condition
33. Details of bin stores to be submitted
34. Scheme of play equipment to be submitted, approved and implemented.

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



Application No: 19/0739C

Location: LAND TO THE WEST OF, PEXALL ROAD, BRAMHALL HILL
CONGLETON

Proposal: Outline application for an agricultural workers dwelling (permanent)

Applicant: Mr & Mrs David and Julie Platt

Expiry Date: 10-Jun-2019

SUMMARY

The existing business is well-established. However, the future enterprise will change significantly as a result of its relocation. The uncertainties regarding the tenure of the land and the required construction of the building mean that, at this time, it has not been demonstrated that there is a long term need for a permanent dwelling on the site.

The functional need for a dwelling on the site is also questioned, given the loss of the dairy herd. Whilst it is accepted that there is a need for an on-site presence during the lambing season, it is not accepted that the livestock could not be managed adequately through the use of technology, such as CCTV and alarms.

Given the uncertainty resulting from the relocation, it is considered that a temporary permission for three years would be the most appropriate way forward. This would give the applicants the opportunity to establish the relocated business and demonstrate the long term functional need for the dwelling. Such an approach would comply with policy DC24 of the MBLP. As the application is made in outline form for a permanent dwelling, it is not possible to amend this without changing the application, which the applicant has not agreed to. As such the application is recommended for refusal.

SUMMARY RECOMMENDATION

Refuse outline planning permission

REASON FOR REPORT

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

“The Platt family has been farming their land in and around Gawsworth for many years, father and son. The current lease is not going to be renewed due to Cheshire East policy regarding

council owned property. Therefore this family need to continue with their business as best they can in the neighbourhood. There are no suitable properties to acquire in the area. The situation of the family has generated much local interest with residents and in the press. The land is not greenbelt and although homes in the countryside are not acceptable, agricultural work is accepted. Other land is owned and rented by this farming business, so to move further away would be a great burden for the operation of this farming business and for the welfare of creatures that need full attention night and day. The lease has been extended in order for the Platt's to find other accommodation in the area. Mrs Platt teaches at the local school and children are settled at schools locally with important exams looming."

PROPOSAL

This application seeks outline planning permission for the construction of a permanent agricultural worker's dwelling. All matters (access, appearance, landscaping, layout and scale) are reserved for subsequent approval.

SITE DESCRIPTION

The site lies within the open countryside as identified in the MBLP. The site currently comprises an open field used for grazing. However, planning permission and prior approval have been granted for agricultural buildings.

RELEVANT PLANNING HISTORY

19/0706M – Access track - prior approval not required, 5 March 2019

18/3787C – Erection of an agricultural building – Approved, 26 September 2018

18/3072C – Prior notification of agricultural storage building - prior approval not required, 28 June 2018

15/4315M – Outline application for the erection of agricultural workers dwelling – refused, 18 November 2015

DEVELOPMENT PLAN POLICY

Cheshire East Local Plan Strategy (CELPS)

MP 1 – Presumption in Favour of Sustainable Development

PG 2 – Settlement hierarchy

PG 6 – Open countryside

SD 1 – Sustainable Development in Cheshire East

SD 2 – Sustainable development principles

SE 1 – Design

SE 3 – Biodiversity and geodiversity

SE 5 – Trees, hedgerows and woodland

Macclesfield Borough Local Plan (MBLP)

DC6 – Circulation and Access (new development)

DC8 – Landscaping for new developments

DC9 – Tree Protection

DC23 – Green belt and countryside – permanent agricultural dwellings

DC24 – Green Belt and countryside – temporary agricultural dwellings

NE11 - Habitats

Other Material Policy Considerations

National Planning Policy Framework (NPPF 2019)

Paragraph 79

Chapter 9 – Promoting Sustainable Transport

Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance

CONSULTATIONS

Jodrell Bank – No reply

United Utilities – No objections

Strategic Infrastructure Manager – No objections

Flood Risk Manager – no objections provided the applicant does not increase flood risk on or off site.

North Rode Parish Council - Support the application provided that the animal welfare justification within the submission is valid and that the application complies with all relevant Planning Policy considerations including a financial case. An Agricultural Occupancy condition should be included in any Planning Permission and that permitted development rights should be removed.

REPRESENTATIONS

Comments have been received from the neighbouring Parish Council, Marton Parish Council, supporting the proposal noting that, notwithstanding its preference for brownfield development, they are keen to support the development of local farming business in their locality. This planning application would allow for the establishment of an additional farm in the area, increasing the supply of local produce for local consumption as well as local employment, both directly and indirectly.

APPRAISAL

Principle of development

The application site lies within the open countryside, where policy PG 6 of the CELPS applies. This policy sets out the types of development which may be acceptable within the open countryside. This includes development that is essential for the purposes of agriculture.

Saved policy DC23 of the MBLP deals with permanent agricultural worker's dwellings. This states that planning permission will be granted for a full-time farm employee in the countryside, where all of the following criteria are met:

- i) ***There is a long term need for the dwelling and it is essential to the efficient working of an existing agricultural activity on a well established agricultural unit***

The existing farming enterprise comprises 250 acres, which includes 69 acres of land at New Pastures Farm, 26 acres of owner occupied land and a further 155 acres of rented land. The rented land is rented in several parcels on the basis of a yearly rolling tenancy.

The existing farm buildings and house are located at New Pastures Farm and have been farmed by the Platt family since 1967. The tenancy on the land at New Pastures Farm expires on 31 March 2020. The remaining owner occupied and rented land would continue to be farmed by the applicant. This land is separated over several sites within the local area.

Given the expiry of the tenancy at New Pastures Farm, the applicant is looking to relocate the farm enterprise to the application site, understood to be the only land within the applicant's ownership. The applicant has confirmed that the existing farm is a mixed dairy, sheep and turkey enterprise. The applicant intends to cease the dairy element of the enterprise, when the existing tenancy expires. The applicant intends to continue farming turkeys and sheep on the remaining 181 acres (155 acres rented and 26 acres owned).

Planning permission and prior approval were granted for two new agricultural buildings on land adjacent to the application site on the land owned by the applicant. Works have not yet commenced on these buildings.

In the first instance, it needs to be demonstrated that the proposal relates to an established agricultural unit. It is not disputed that in its current form, the enterprise is established and well-run. However, the base of the enterprise is at New Pastures Farm, which would not form part of the business going forward.

The majority of the land farmed is not within the applicant's ownership and is rented on a yearly basis. Whilst the owners of the rented land have indicated that they hope to continue renting the land to the applicant, this offers no guarantee that the land will continue to be available and rented to the applicant. If the applicant was no longer able to rent the land, only 26 acres would remain available to them. This would be unlikely to be sufficient to sustain the enterprise as proposed.

There are no farm buildings, which would serve the relocated enterprise. Indeed, the application proposals relate to a field currently free from development. Whilst permission has been granted for two agricultural buildings and an access track, there is no guarantee that these buildings would be constructed. It is considered that a legal agreement would not be sufficient to ensure the agricultural buildings are constructed first or secure the long term need, as if the works were to commence, without being fully completed, the permission for the dwelling would remain extant indefinitely.

The insecurity of the current position both in terms of tenancy of the remaining rented land and the lack of buildings associated on the new site indicate the fundamental changes to the enterprise. Given this, it is not considered that it has been demonstrated that there will be a long term need for the dwelling.

It also needs to be demonstrated that the proposed dwelling is essential to the efficient working of the unit.

The agricultural appraisal confirms that the sheep enterprise currently consists of 600 lambing ewes and 800 store lambs. The applicant intends to increase the numbers of livestock to 800 lambing ewes and 1000 store lambs. The turkey enterprise consists of 3200 birds. The applicant has not indicated any intention to increase this aspect of the business.

The submitted appraisal calculates a need for 2.76 workers for the business, equating to a need for two full time workers. These figures are not disputed. However, a need for 2 full time workers does not mean that both or any of these workers need to be resident on the application site.

The appraisal sets out the key times of year for both the sheep and turkey enterprises and asserts that there is a need for a full time worker to live permanently on the site. It states that sheep farming is a year round enterprise. This is also not disputed. However, for much of the year, the ewes and lambs are out grazing in the fields, out of sight and sound of the current residential dwelling. It is acknowledged that during the lambing period, there is a need for a skilled stockperson to be within sight and sound of the sheep, as lambs can arrive at any time of day or night. The stockperson would need to be available to cut the umbilical cord, provide colostrum and intervene if needed. The lambing period runs between March and May. As such for the remaining months of the year, which is most of the year, it is not accepted that the sheep enterprise warrants a resident stockperson on the site.

The appraisal advises that whilst turkey farms can run year round, the applicant's business focuses on the Christmas market. The turkeys arrive as poults in July. They are then reared on the site before being slaughtered and sold for the Christmas market in December. Turkeys on arrival are kept under heaters, until they are 6 weeks of age, as up to this point, they cannot cope with an ambient temperature. The appraisal confirms that during this period it is essential that the heat lamps are monitored as any failures in the heat supply could result in the loss of turkeys. It also confirms that the turkeys require regular checks to ensure the correct conditions in the house, including at night during the first few weeks.

The statement advises that whilst CCTV can be useful it is not a substitute for the stockperson being within proximity to the livestock. However, it has not been demonstrated that all technological options have been explored or that they would not be able to monitor the

temperature within the shed and alert the applicant to any fluctuations or failures. Likewise, it has not been demonstrated that the overnight checks could not be carried out by operating a shift pattern.

It is acknowledged that the applicants currently occupy the dwelling at New Pastures Farm. However, this dwelling exists as a matter of fact. This application for a new, permanent agricultural workers dwelling is subject to stringent tests which do not apply to the existing property. Additionally the applicant currently manages a dairy herd, which has different requirements.

It is accepted that there is a need for regular care and maintenance of the livestock. It is also accepted that during the lambing period, there is a need for a stockperson to be on site 24/7. However, outside of this period, it would appear that the enterprise could be managed without having a stockperson within sight and sound of the livestock.

Given the uncertainties regarding the basis for the relocated enterprise and questions regarding the functional need for a dwelling given the loss of the dairy herd, it is not considered that the proposal meets this criterion.

- ii) ***The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so***

The applicant has provided financial records which demonstrate that the business has been established for more than 3 years and is currently profitable excluding the dairy enterprise, which will not be continuing. They have also provided projected figures for future years, which also indicate a profit.

That the existing business is currently profitable is not disputed. However, the future business is based on predominately rented land, which is rented on a yearly rolling tenancy. Additionally neither of the buildings approved as part of the relocated farmstead have yet been constructed. Whilst projected business forecasts have been provided, these are only estimates. Consequently, in its present form it is not considered that it has been demonstrated that there is a clear prospect that the relocated enterprise would continue to be profitable.

- iii) ***The need cannot be met by another dwelling on the unit***

There are no other dwellings on the unit to be retained by the applicant.

- iv) ***There are no buildings available for conversion***

There are no other buildings on the unit which could be converted.

- v) ***The need cannot be met by any other existing accommodation in the area; and***

A search carried out on 19 May 2019 found 6 properties within 1 mile of the site, although only one of these had three or more bedrooms, and was on the market for £359 950. Within three miles of the site, there were 225 properties for sale with three or more bedrooms. The properties ranged from £72 000 to £3.2 million.

There would therefore appear to be a range of properties which could potentially be available for the applicant within the locality.

- vi) ***The dwelling should be appropriately located and wherever possible should be site within and designed in relation to a nearby group of dwellings or a farm complex.***

The current application is in outline form with all matters reserved. If this application had been recommended for approval, the exact siting and appearance of the dwelling would have been dealt with by a separate reserved matters application.

In summary, for the reasons set out above, it is not considered that there is a need for a permanent agricultural worker's dwelling on the site. The construction of a new dwelling would therefore not fall within one of the types of development which may be acceptable in the open countryside, as set out within policy PG 6 of the CELPS.

The existing site is an open field, devoid of structures. Permission has been granted for two agricultural buildings, these have not yet been constructed. In any case, whilst these buildings would be large and functional structures, they would not appear out of keeping within their rural setting. The construction of a dwelling on the site with the associated residential paraphernalia would have a domesticating impact, which would result in encroachment into the open fields, undermining the rural and open appearance of the surrounding countryside.

In the absence of further evidence demonstrating the need for a permanent agricultural worker's dwelling, the benefits would not outweigh the harm resulting from the proposal.

However, given the circumstances as set out above, a temporary permission is something that should be considered. Temporary dwellings are often granted on newly established enterprises to give time for the new business to establish itself. Of course, a temporary dwelling would not be a permanent structure, instead it would be provided by a caravan or other temporary structure which can easily be removed from the site, in the event that the business has not established itself over the temporary period. Therefore even though details of the dwelling are reserved for future approval, any temporary permission would be an easily reversible form of development. Whilst this would not be the applicant's preferred choice it would give them the opportunity to establish the relocated business. This essential need for a rural worker could then be reviewed at the expiry of a 3 year temporary permission, in order to determine whether a permanent dwelling can be justified at that time. In order to be able to grant a temporary permission, the applicant would need to agree to change the description of development.

Ecology

All new development should be designed and sited to minimise the impacts on protected species as a result of development and where impacts are expected mitigation methods are advanced and where not possible to do this on site financial contributions for off-site Nature Conservation may be expected. The most relevant policies for consideration are SE3 of the CELPS and NE11 of the MBLP.

The site lies within an existing agricultural field, which is covered with grass land. The Council's Nature Conservation officer has not raised any objections to the proposal.

A condition is recommended to retain and enhance the existing hedgerow, requiring compensatory native species to compensate for any unavoidable sections of hedgerow loss. Further conditions relating to a nesting bird survey and provision of features for house sparrows and roosting bats are also recommended in the event of approval. Subject to these conditions the proposal will comply with policy SE3 of the CELPS and NE11 of the MBLP.

Trees and hedgerows

All development should seek to protect and provide management for the retention of trees, woodland and hedgerows, including the provision of new planting where removal is cited given that the natural environment is a key characteristic of places within Cheshire East. The most applicable policies for consideration are SE5 of the CELPS and DC8 and DC9 of the MBLP

Hedgerows are identified as a priority habitat and a material planning consideration. The new access track, which affects the hedgerow, was approved under the prior approval process. If planning permission had been granted it would have been subject to an informative, advising the applicant of the possible need for a hedgerow removal notice.

Highways

All new development is expected to provide safe access onto the highway, protect pedestrian safety, provide parking for vehicles and cycles in line with adopted standards with sufficient manoeuvring space. Where updates to infrastructure to serve the development are required, developer contributions may be sought to ensure where the development would be unacceptable in policy terms without it. Development sites should be in sustainable locations shifting the emphasis of travel by private vehicle onto public transport, cycling and walking.

The most applicable policies are SD1, SD2 and appendix C of the CELPS and policy DC6 of the MBLP.

Whilst layout would be dealt with as a reserved matter, the site area would be sufficiently large to accommodate parking in line with the adopted parking standards set out within appendix C of the CELPS (1 space per dwelling for 1 bedroom dwellings, 2 spaces per dwelling for 2/3 bedroom dwellings and 3 spaces per dwelling for 4/5+ bedroom dwellings). Similarly access would be dealt with as a reserved matter, but it is evident that a suitable access can be provided.

The Strategic Infrastructure Manager has not raised any concerns regarding the proposal.

Sustainability

The site lies within the open countryside. The road is national speed limit and there are no pavements or streetlighting. As such it is highly likely that any new residents would be reliant on the use of private cars. This would conflict with the emphasis on travel by public transport, cycling and walking promoted within chapter 9 of the NPPF and policy SD2 of the CELPS.

Paragraph 79 of the NPPF sets out the circumstances in which isolated dwellings in the countryside may be acceptable. This includes where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

However, in this case, it is not accepted that there is an essential need for a rural worker to live permanently at or near their place of work. Consequently, the proposal would fail to comply with the requirements of policy SD2 and paragraph 79 of the NPPF.

Amenity

All development should be located and designed so as not to result in harmful or cumulative impacts on residential/ amenity of neighbouring form or on the surrounding environment regarding air quality, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment or detrimentally affect amenity or cause harm. The most applicable policies to consider are SE1, SE8, SE9 and SE12 of the CELPS and policies DC3, DC13 and DC14 of the MBLP.

The closest neighbour is Bramhall Hill Farm which is located on the other side of Bramhall Hill Road. Given the nature of a residential use and the distance of separation, there would be no adverse impact on residential amenity. The detail of such considerations would be considered at reserved matters stage in any event.

There would be sufficient space within the site to provide appropriate internal and external residential amenity space for the future occupiers.

CONCLUSION

The existing business is well-established. However, the future enterprise will change significantly as a result of its relocation. The uncertainties regarding the tenure of the land and the required construction of the building mean that at this time, it has not been demonstrated that there is a long term need for permanent agricultural workers dwelling on the site. These concerns cannot be addressed by way of a legal agreement.

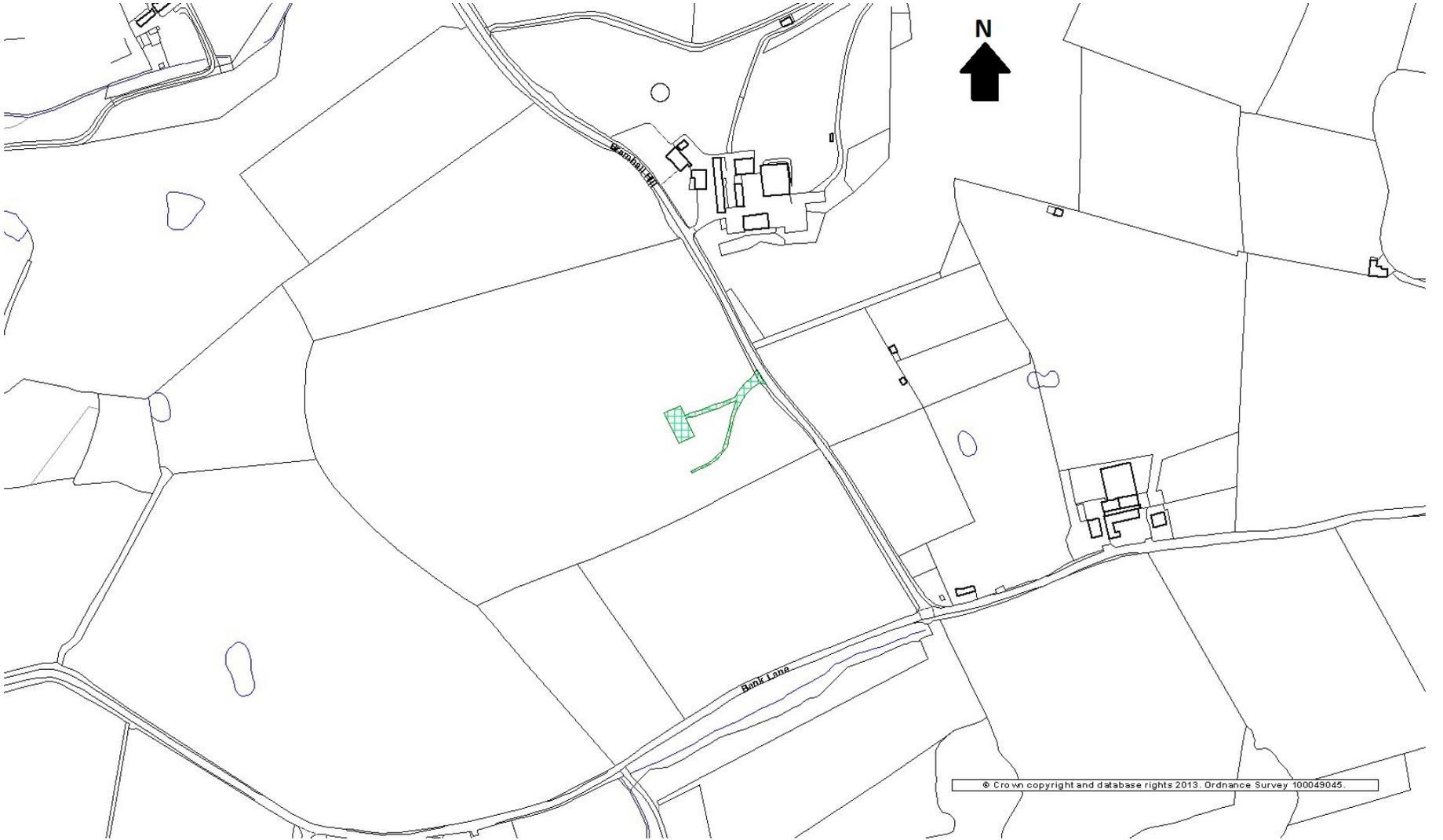
The functional need for a dwelling on the site is also disputed given the loss of the dairy herd. Whilst it is accepted that there is a need for an on-site presence during the lambing season, it is considered that the remaining elements of the business could be effectively managed with through a combination of technology (such as alarms and CCTV) and/or staffing on a rota basis.

Given the uncertainty resulting from the relocation, it is considered that a temporary permission for three years would be the appropriate course of action. This would give the applicants the opportunity to establish the relocated business and demonstrate the long term functional need for the dwelling. Such an approach would comply with policy DC24 of the MBLP. As the application is made in outline form for a permanent dwelling, it is not possible to amend this without changing the application, which the applicant has not agreed to. As such the application is recommended for refusal for the following reason.

- 1. The proposal would not comply with the requirements of policy DC23 of the Macclesfield Borough Local Plan. It has not been demonstrated that the proposal is essential to the efficient working of an existing agricultural activity and at this time, the local planning authority cannot be satisfied that there would continue to be a need for an agricultural worker's dwelling. The construction of an isolated dwelling in this location would result in encroachment into the open countryside, harmful to its visual character and appearance. The proposal**

would fail to comply with the requirements of policy PG6 of the CELPS and paragraph 79 of the NPPF.

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



This page is intentionally left blank

Application No: 18/4060M

Location: BENTWORTH, LEES LANE, NEWTON, CHESHIRE, SK10 4LJ

Proposal: Erection of a replacement potato processing factory following demolition of the existing potato processing factory

Applicant: Mr Richard Park, E Park and Sons Ltd

Expiry Date: 28-Feb-2019

SUMMARY

The site is previously developed land with an existing, historic family business which is a significant local employer in this rural area. The proposal would ensure the retention of the existing employees and enable the business to employ further staff resulting in social and economic benefits.

The development would make effective use of a previously developed site and would also result in improved energy efficiency, improved environmental credentials and improved sustainability. The development would enhance the appearance of the site with improved landscaping and improved access.

The proposed development is considered to have a materially greater impact upon the openness of the Green Belt, however very special circumstances are considered to exist which clearly outweigh the harm. The proposal also raises no significant design, amenity or highway safety issues.

RECOMMENDATION: Approve subject to conditions and referral to the Secretary of State.

REASON FOR REPORT

Due to the scale and nature of the development within the Green Belt, the application has been referred to the Northern Planning Committee by the Head of Development Management.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of E Park and Sons (EPS) potato packing facility located within a rural area of Newton, close to Wilmslow. The site is well screened from view with mature planting to the south and west of the site along the boundaries, glasshouses to the east and open fields to the rear (north) of the site. Parking for the wagons and cars takes place to the rear of the site along with the storage of a significant amount of pallets stacked on top of each other.

The surrounding area consists of plant nurseries, some residential and greenhouses.

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 and the erection of a larger replacement building along with associated landscaping.

RELEVANT HISTORY

None

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

IN1 Infrastructure

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient Development

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

Appendix C – Parking Standards

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)

DC38 (Space, light and Privacy)

GC1 (New buildings in the Green Belt)

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)
The Cheshire East Borough Design Guide (2017)

The Wilmslow Neighbourhood Plan has reached regulation 17 stage and has been through public consultation. On this basis some weight can be given to the relevant policies which are;

SP2 Sustainable spaces
NE1 Countryside around the town
NE2 River Valley Landscapes

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are Chapters 2, 4, 6, 8, 9, 10, 11, 12, 13, 14 and 15.

CONSULTATIONS (External to Planning)

Strategic Infrastructure Manager - no objections

Flood Risk - no objections subject to conditions

Environmental Health - no objections subject to conditions relating to piling, lighting, contaminated land and electric vehicle charging points

United Utilities - no objections

VIEWS OF THE PARISH COUNCIL

Mottram St Andrew Parish Council - *“The Parish council support the application. The Parish Council feel it is essential in the rural community particularly to support local businesses to preserve employment and in this case attract further jobs locally. They were impressed by the sympathetic proposals which have clearly been designed to respect the location and fit in as well as possible with the environment.”*

OTHER REPRESENTATIONS

None received

APPLICANT’S SUPPORTING INFORMATION

The applicant has submitted a bat and Great Crested Newt report, a landscape visual impact statement, transport statement and planning statement. The planning statement concludes that:

- Modern technologies required to sustain the business can only be provided in a new or significantly enlarged new building. Without technologies the business will have to reduce operations at the site to administration only.
- Without a processing facility direct employment will be lost by around 20 no. jobs and many indirect jobs on farms in Cheshire and surrounding areas would suffer.
- 15no. new jobs would be created by the proposed development.
- Improved energy efficiency from the new facility with recycling of water and soil etc.
- Improved work environment for employees.
- External storage of large stacked wooden bins would be removed improving the character of the appearance of the site and character of the Green Belt.
- Improved design.
- Access will be improved – the visibility is poor at present and this would be significantly improved.

OFFICER APPRAISAL

Green Belt

Paragraph 145 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 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 causes greater harm to the openness of the Green Belt. 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 significantly larger than the existing buildings. The existing volume of the buildings on site equates to 8,825m³ with the proposed volume of 16,494m³ almost twice as large. To the rear of the site there is an area which permanently contains significant numbers of stacks of pallets which although not permanent structures do have a permanent impact on the openness of the Green Belt. The pallets are used to transport the potatoes on and off site and so the total volume of these would vary over time. An average volume has therefore been calculated by the applicant of 2,478m³ and due to their degree of permanence at the site should be used in the existing figures with the existing volume of structures on the site equating to 11,303m³.

The increase of 46% over the existing volume clearly constitutes a greater impact on the openness of the Green Belt than the existing development and therefore the proposed development is considered to constitute inappropriate development in the Green Belt. Policy PG3 of the CELPS states that planning permission will not be granted for inappropriate development, except in very special circumstances. Further to this, paragraph 144 of the Framework states *“When considering any planning application, local planning authorities*

should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

The other considerations are explored in detail later in this report.

Openness

It is noted that the policy test is the effect on the openness of the Green Belt, not the openness of the site. Therefore, effect on openness cannot just be determined by reference to scale of the increase alone. An assessment must be made on the basis of the context of the site and the wider area and how the change may impact on openness.

The context of the site must be taken into consideration. While the increase in volume of the building is fairly significant the site is well contained from most views with extensive screening to the south and west and glasshouses to the east. The increase in height is fairly significant and would be visible from outside the site and so would lead to a greater impact on the openness of the Green Belt.

Residential Amenity

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby residential properties through a loss of light, overbearing effect or loss of sunlight/daylight 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 closest residential property is Highfield, to the west of the application site, which is positioned over 70m from the closest point of the proposed building. There is significant screening between the properties. Although the use may intensify following the proposed development it is considered that the space and screening would ensure that any intensification would not cause any significantly adverse additional impacts to the occupants of this property.

The additional indoor space should also reduce the external noise around the site with the majority of the activity taking place within the proposed building.

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

Landscape

The application is for a replacement potato factory building and ancillary works including remodelling and widening of the site access off Lees Lane, altered parking arrangements and landscaping around the site. The replacement building would have a greater footprint (almost double) and would be 0.8 metres higher than the existing. However, the new building would reduce the need for stacked wooden storage crates at the rear of the site.

The site is in the Green Belt and is located about 3km east of Wilmslow town centre. It is surrounded by a cluster of rural businesses including a farm shop, nurseries and garden centres with extensive glass houses and poly tunnels and a small number of residential

properties. The Dean Valley is 350 metres to the north and the Bollin Valley Local Landscape Designation Area (LLDA) is around 800 metres to the south.

The application is supported by a landscape and Visual Assessment (LVA). The LVA does not refer to the latest planning and landscape policies i.e. the Cheshire East Local Plan Strategy 2017, the Cheshire East Landscape Character Assessment 2018, or the Local Landscape Designation Area Review 2018. The document therefore refers to superseded Character Types (CTs) and Character Areas (CAs) and to Areas of Special County Value (ASCVs) rather than the current LLDA. However, the CT, CA & LLDA boundaries have not changed and the LVA is generally a thorough assessment of potential landscape and visual impacts.

The LVA study area is quite large, extending 1Km west, 3Km to the north and south and 10Km to the east - to consider the long-distance view from Cage Hill, Lyme Park.

In accordance with GLVIA the assessment considers potential landscape and visual effects separately and predicts likely impacts for the construction stage and the operational stage at year 1 and year 10.

Landscape Effects

The assessment considers the following landscape receptors: Land cover, Field Patterns and enclosures, Historic Landscape Character and Perceptual Qualities.

Summary of landscape effects:

Construction phase

Land cover – medium adverse effect due to building machinery and activity. All other receptors – low adverse due to containment provided by surrounding trees and hedges.

Operational Phase

Effects at years 1 and 10 on all receptors are negligible or low beneficial due to the height of surrounding buildings and vegetation and the beneficial effect of the mitigation planting.

Visual Effects

The assessment considers the effect on views from 15no. close, medium and long-range residential and PROW viewpoints:

Construction Phase

The effect on cottages 9 & 10, Lees Lane opposite the site would be moderately adverse. For all other receptors the effect would be either neutral or slightly adverse.

Operational Phase

At year 1 the effect on all receptors would be neutral. At year 10 the effect on Dean Hill House (viewpoint 5) would be slightly beneficial, and on Deanside Swallow and Wheelwrights Cottage, Lees Lane (viewpoint 13) the effect would be moderately beneficial. The effect on all other receptors would be neutral.

The LVA concludes:

'The proposed building, though larger will be set further back from Lees Lane and will entail the replacement of the existing building and large container stacking area to the north east boundary of the site with a building designed to be sympathetic with its context and which provides extensive landscape mitigation. Land at the front and back of the site allows for

effective amenity and mitigation planting to filter and screen views of the development and integrate the development in to the landscape.

No adjacent visual receptor has a view of the entire site and views are oblique, screened, substantially obscured or heavily filtered. Mitigation planting will substantially screen views after establishment. The scheme is acceptable in terms of its landscape and visual effects.'

These conclusions seem reasonable and no objections are raised by the Council's Landscape Officer. The new factory would be viewed as part of the cluster of development on either side of Lees Lane and would be partially screened by the surrounding buildings, and vegetation. The landscape scheme submitted with the application would provide tree and hedge planting around the site boundaries and on the Lees Lane frontage which when mature would further screen and filter views of the building.

If the application is approved landscape and boundary conditions are recommended in order to ensure full hard and soft landscape details and boundary treatment details are submitted for approval within a specified timescale. A landscape management condition would also be advisable to ensure that the planting is properly maintained in the long-term. Building materials and colours should also be submitted for approval to ensure the building is not conspicuous in the landscape.

Ecology

Great Crested Newts

It is considered that there is a low risk that the proposed development may have an adverse impact upon great crested newts which may occur within an adjacent water body. The Council's Nature Conservation Officer is happy that the risks will be adequately mitigated against by the implementation of reasonable avoidance measures detailed within the provided Great Crested Newt Method Statement. This would be conditioned with any approval.

Breeding Birds / Roosting Bats

The impact of the development on bats/breeding birds is considered to be acceptable subject to appropriate recommended conditions.

Subject to these conditions the proposal will comply with policy SE3 of the CELPS and NE11 of the MBLP.

Highways

There are changes to the access proposed as part of the application involving widening the access to improve the available space for turning movements in and out of the access.

Whilst, the floorspace of the building is larger there is no material increase in trips to and from the site in the peak hours resulting from the proposals. Car parking is set at 48 spaces and there are 40 employees proposed on site, this is considered an acceptable parking provision.

No objections are raised with regards to the proposals by the Strategic Infrastructure Manager.

Design

The site is well screened and the existing building is not prominent within the street scene with a large set back from Lees Lane. The proposed building has been designed so that the front element closest to Lees Lane is a similar height to existing with the more bulky rear element located a significant distance (over 90m) from Lees Lane and well screened by existing and proposed landscaping.

Overall the design is considered to be an improvement over the existing slightly tired building and no objections are raised in design terms.

Flood Risk

Although the Council's Flood Risk section have no objections in principle to the proposals the applicant has not submitted any information in relation to the surface water management on site therefore, appropriate conditions are recommended.

Very Special Circumstances

The very special circumstances put forward by the applicant will be assessed in more detail below:

- **Modern technologies required to sustain the business can only be provided in a new or significantly enlarged new building on the site.**

The company has been in operation for over 80 years and has developed a strong reputation both nationally and internationally. Potatoes are collected by the EPS wagons from across the UK, including across Cheshire and are delivered to their two UK processing plants, the application site on Lees Lane and another plant at Bentworth, Epworth, Doncaster.

The application site is the head office, however the site does not have the facility to wash the potatoes, which is now an essential component of potato processing, as the factory is older and not capable of undertaking the most recent technological advancements in potato processing. The site at Epworth is a modern facility and can accommodate up to date potato washing and packaging.

Increasingly, clients require modern technologies for washing potatoes using only water, and packaging in a modern facility. New facilities are therefore required by EPS and their customers and in order to accommodate these facilities either significant extensions are required or preferably a new building is required as proposed. EPS propose to install state of the art potato washing with equipment which recycles the mud from potatoes into mud bricks that can be sold to farmers, also with 100% recycled water for use back in the plant.

The need for the site is given significant weight when considered alongside the submitted Sequential Test exploring other sites in the area.

The sequential test was completed by S. Kershaw and Sons – Chartered Surveyors. Due to the nature and needs of the business certain criteria must be satisfied in the search for a suitable site. These are as follows:

- Site of circa 2.45 acres including at least 1.75 acres of yard.
- Building of circa 2,700m².
- Eaves height of 6.5m.
- Ridge/apex height of 8.8m.
- Standard water supply capacity.
- Minimum power provisions of 300KVA/400a power supply (sub station).
- Minimum of 3no. vehicle service bays.
- Internal trailer storage.
- Gas connection.
- Standard drainage capacity.
- Floor loading capacity of at least 35KN/m².
- The site also had to be available for immediate occupation (vacant) and also available for purchase due to the costs involved in installing the equipment etc. so all leaseholds were excluded.

Due to the existing employees and potential travel issues a search radius of approximately 5 miles was included. Four potential sites which showed the most potential in the search area were explored and are listed in the table below:

Location Number	Property Address	Distance
1	Hurdsfield Industrial Estate, Hulley Road, Macclesfield, SK10 2LP	5.00 Miles
2	Unit 8a Newby Road Industrial Estate, Newby Road, Stockport, SK7 5DA	4.20 Miles
3	Unit 3 Pepper Road, Bramhall Tech Park, Hazel Grove SK7 5BW	4.80 Miles
4	Unit 24 Demmings Road Industrial Estate, Demmings Road, Cheadle SK8 2PE	4.29 Miles

Figure 1.0 – Table showing sites that were marketed and available at the time of our search

1. Hurdsfield Industrial Estate

The property is available for sale and has the benefit of staff parking. The property has a reasonable site area but large sections are undeveloped and would require extensive alterations and works. Demolition of part of the main warehouse would be required to aid circulation and access. Internally the eaves heights provided would not fulfil the key height requirements and the property lacks in a number of other key areas as summarised below:

1. Does not provide a site area of circa 2.45 acres and does not include 1.75 acres of yard.
2. Does not provide warehouse accommodation of at least 2,700m².
3. Does not provide a minimum eaves height of 6.5m.
4. Does not provide a ridge/apex height of 8.8m.

2. Unit 8a Newby Road

The property offers a reasonable level of floor area in a good industrial locality. It is well connected for transport with a good catchment area for labour provisions. The site contains a reasonably sized yard, however, the site is not particularly uniform and access to the rear yard is along a long narrow access way from front to rear. The property is currently occupied on an informal basis by a charity selling used furniture. Accordingly, immediate vacant possession could be an issue. It was concluded that the property lacks in a number of key areas including floor areas with the issues summarised below:

1. Does not provide a site area of circa 2.45 acres and does not include at least 1.75 acres of yard.
2. Does not provide warehouse accommodation of at least 2,700m².
3. Does not provide a minimum eaves height of 6.5m.
4. Does not provide a ridge/apex height of 8.8m.
5. Does not provide 3no. vehicle service bays.
6. Vacant possession may not be immediately available.

3. Unit 3 Pepper Road

The property is well positioned just off Pepper Road providing a two-storey warehouse and offices suitable for technology, trade and distribution use. However, the property provides limited floor areas of just 898m² and, save for a small area of shared loading and some parking, it has limited yard or external space. The property lacks in the majority of key areas as summarised below:

1. Does not provide a site area of circa 2.45 acres and does not include at least 1.75 acres of yard.
2. Does not provide warehouse accommodation of at least 2,700m².
3. Does not provide minimum eaves height of 6.5m.
4. Does not provide a ridge/apex height of 8.8m.
5. Does not provide 3no. vehicle service bays.
6. Does not provide minimum power provisions of 300KVA/400a Power Supply – (sub station).
7. Does not provide internal trailer storage.

4. Unit 24 Demmings Road Industrial Estate

The property comprises of a single storey workshop/industrial unit that is brick built including 6no. parking spaces. The property also has a limited floor area of just 4,552m² and, apart for a small area of parking, it has limited yard or external space. The property lacks in the majority of key areas as summarised below:

1. Does not provide a site area of circa 2.45 acres and does not include at least 1.75 acres of yard.
2. Does not provide warehouse accommodation of at least 2,700m².
3. Does not provide minimum eaves height of 6.5m.
4. Does not provide a ridge/apex height of 8.8m.
5. Does not provide 3no. vehicle service bays.

6. Does not provide minimum power provisions of 300KVA/400a Power Supply – (sub station).
7. Does not provide internal trailer storage.

It is considered that a suitable search for alternative sites was undertaken and that no suitable sites are available for the reasons outlined above. Thus, there are no sequentially preferable sites at this time to accommodate the proposals.

- **Without technologies the business will have to reduce operations at the site to administration only.**

The evidence and statements from the owner of the business have confirmed that this is likely to be correct and the loss of employment in the area is afforded significant weight.

- **Without a processing facility direct employment will be lost by around 20no. jobs and many indirect jobs on farms in Cheshire and surrounding areas would suffer.**

Again significant weight is afforded to the potential loss of employment.

- **15no. new jobs would be created by the proposed development.**

Significant weight is afforded to the potential job creation the proposal should bring.

- **Improved energy efficiency from the new facility with recycling of water and soil etc.**

Significant weight is afforded to the environmental benefits of the proposal.

- **Improved work environment for employees.**

This is afforded neutral weight as it is assumed that the work environment could be improved without the need for significant extensions or new buildings.

- **External storage of large stacked wooden bins would be removed improving the character of the appearance of the site and character of the Green Belt.**

The removal of the significant and untidy pallets to the rear of the site, along with the landscape improvements and reduced visibility of the site are afforded significant weight.

- **Improved design.**

As mentioned above the design would improve with the proposed building and would be afforded moderate weight.

- **Access will be improved – the visibility is poor at present and this would be significantly improved.**

The access would be improved and when the size of the wagons that currently use the site and volume of traffic currently and proposed, the benefits to highway safety are afforded significant weight.

Although the increase over the existing building is significant the impact is limited by the enclosed nature of the site and lack of prominence from all views together with the improved landscaping of the site which will reduce the impacts of the proposal. Overall the above benefits of the proposal are considered to comprise very special circumstances that clearly outweigh the harm by reason of inappropriateness. The application is therefore considered to comply with the relevant Green Belt policy outlined above.

Due to the potential increased harm to the Green Belt and in order to control future development it is recommended to remove permitted development rights with any approval.

PLANNING BALANCE & CONCLUSION

The site comprises previously developed with an existing, historic family business which is a significant local employer in this rural area. The proposal would ensure the retention of the existing employees and enable the business to employ further staff resulting in social and economic benefits.

The development would make effective use of a previously developed site and would also result in improved energy efficiency, improved environmental credentials and improved sustainability. The development would improve the appearance of the site with improved landscaping and improved access.

The proposed development is considered to have a materially greater impact upon the openness of the Green Belt, however very special circumstances are considered to exist which clearly outweigh the harm. The proposal also raises no significant design, amenity or highway safety issues.

The application is therefore recommended for approval subject to conditions.

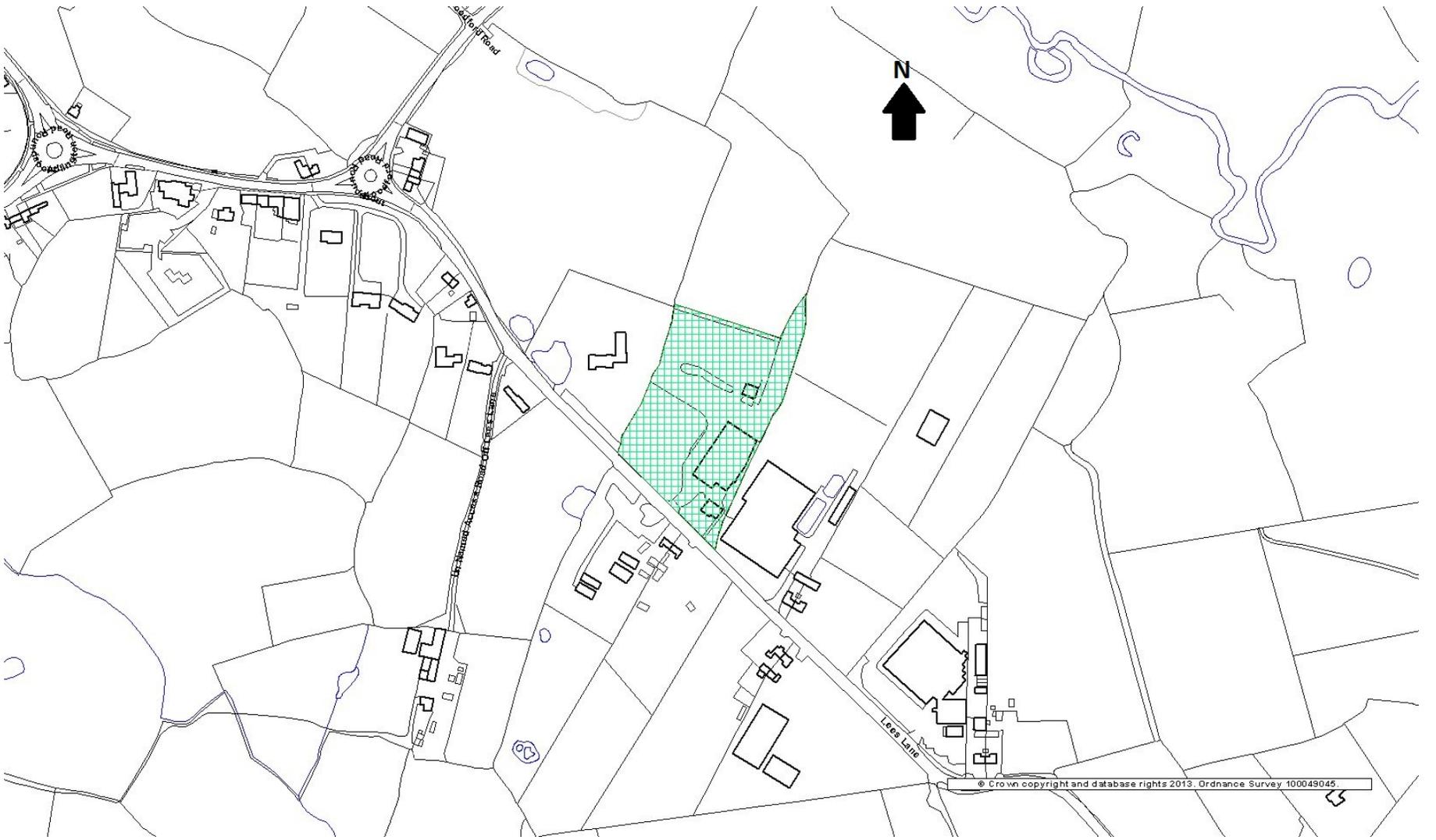
Should Members be minded to approve the proposals, as an inappropriate form of development in the Green Belt, the application will need to be referred to the Secretary of State, under the requirements of The Town and Country Planning (Consultation) (England) Direction 2009: circular 02/2009.

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 Development Management has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Pile Driving
5. Landscaping - submission of details
6. Landscaping (implementation)
7. Landscaping to include details of boundary treatment
8. Submission of landscape/woodland management plan
9. Lighting
10. Nesting birds
11. Breeding birds
12. Dust control
13. Removal of permitted development rights
14. Surface water flood risk mitigation
15. Surface water drainage
16. Electric vehicle infrastructure
17. Contaminated Land



© Crown copyright and database rights 2013, Ordnance Survey 100049045

Application No: 18/6157M

Location: The Owls, LEGH ROAD, KNUTSFORD, CHESHIRE, WA16 8NT

Proposal: Demolition of existing 1920's Cottage on the site of 'The Owls', Legh Road in Knutsford and replacing with a new 4-Bedroom detached family residence. (revised plans for reduction of length of rear projection on northern side; single vehicular access; change to materials; amendments to roof lights)

Applicant: Mr Peter Hawley

Expiry Date: 13-Feb-2019

SUMMARY

The application lies within the Legh Road Conservation Area and within a Low Density Housing Area in Knutsford. The application seeks Full Planning Permission for demolition of the existing 1920s Cottage and replacement with a new 4 bedroom detached dwelling.

The current application is the third on the site for a replacement dwelling, the first, 17/5355M having been withdrawn, followed by 18/2564M refused 08 October 2018.

Subject to conditions it is considered that the development is acceptable in terms of design, impact on the Conservation Area and Low Density Housing Area, residential amenity, trees, landscaping, pollution, highways, nature conservation and water management planning policies both at a local and national level.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The application has been called into Northern Planning Committee at the request of Cllr Tony Dean, on 07 January 2019 for the reasons below:

Complete lack of detail on hand drawn submission plans

Large number of factual and visual inaccuracies in submission documents

Increase in height, width, footprint and bulk from previous refused application

Overbearing to neighbours

Against saved policies regarding Conservation Area, and against Policies in submitted Neighbourhood Plan

Not in keeping with the street scene in this Conservation Area

Since this time amendments have been received for the scheme, and this report relates to the latest revisions to the proposal.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached two storey dwellinghouse dating from circa 1920s in the Legh Road Conservation Area with protected trees fronting the boundary to Legh Road, and garden to the rear (west) of the house. The property was formerly known as "Arngibbon". The site is surrounded by other large detached properties within spacious landscaped plots.

DETAILS OF PROPOSAL

The application seeks full planning permission for demolition of the existing dwelling and replacement with a new 4 bedroom detached dwelling. The scheme includes an additional vehicular entrance south of the existing entrance, with new resin bound gravel path with kerbs.

RELEVANT PLANNING HISTORY

81026P SINGLE STOREY REAR EXTENSION AND REAR DORMER EXTENSION
Approved with conditions 20-May-1995

17/5355M Demolition of the existing 1920's Cottage on the site of 'The Owls', Legh Road in Knutsford and replacing with a new 4-Bedroom detached family dwelling including a basement. Withdrawn 17-Jan-2018

18/2564M Demolition of the existing 1920's Cottage on the site of 'The Owls', Legh Road in Knutsford and replacing with a new 3-Bedroom detached family residence including a basement. Refused 08-Oct-2018

POLICIES

Cheshire East Local Plan Strategy (CELPS):

MP1 Presumption in Favour of Sustainable 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

SE7 The Historic Environment

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood risk and water management

Appendix C – Parking Standards

Macclesfield Borough Local Plan – saved policies (MBLP)

BE13 Legh Road Conservation Area
DC3 Amenity
DC6 Access and Parking
DC8 Landscaping
DC9 Tree Protection
DC38 Space, light and privacy
DC41 Infill Housing Development
NE11 Nature Conservation
H12 Low Density Housing
DC63 Contaminated land

Knutsford Neighbourhood Plan – Made 14th March 2019

D1 Knutsford Design Guide
D2 Local distinctiveness
HE1 Landmarks, Views, Vistas and Gateways
HE2 Heritage Assets
HE3 Conservation Areas
H2 Previously Developed and Infill Development

Other Material Considerations

National Planning Policy Framework
National Planning Practice Guidance (NPPF) 2019
Cheshire East Residential Design Guide SPD 2017 Volumes 1 and 2
Legh Road Conservation Area Appraisal

CONSULTATIONS (external to planning).

Revised plans have been received during the course of the application. Initial drawings were hand sketched and replaced by CAD drawings for the same proposal (21 January 2019). Subsequent amendments have been received on 22 February and 9 April, and neighbours and the Town Council were re-consulted at each stage, along with selected consultees as considered necessary.

Highways – no objection (both to initial proposal and latest amendment). Informative required regarding the need for a S184 Agreement under the Highways Act 1980 .

United Utilities – (In response to initial proposal) Recommendations for hierarchy of drainage options and condition for foul and surface waste to be on separate drainage systems.

Environmental Protection – (In response to initial proposal) Informatives/conditions requested.

Knutsford Town Council - Objection (to initial hand drawn sketch proposal - December 2018)

Key points as follows:

- Neighbours privacy
- Impact on light on neighbouring properties
- Height – impact on street scene
- Impact on character of Conservation Area
- Loss of a period property
- Lack of space between properties
- Lack of detail on drawings initially submitted

Following the revisions replacing hand drawn sketches with CAD drawings (received 21 January 2019) the Town Council responded with the points previously raised, with the additional points as follows:

- Concern of the relationship between the building's height, width and depth.
- Considered the proposal contrary to CELPS SE1, SE7 and KNP HE1, HE2, HE3.
- Concerns over accuracy of plans and boundaries, and information in the Design and Access statement.

Following amendments received 22 February, removing the "side wings" the Town Council responded raising issues as follows:

- Concerns over non standard scales being used
- Inconsistency of measurements
- Query over change of opinion from the Conservation Officer

Final amendments were received in April, which removed the single storey rear element, removed one of the vehicular entrances and amended materials. In response to this Town Council re-iterated previous issues raised.

REPRESENTATIONS

(Initial hand drawn sketch proposal)

Representations were received from 18 addresses to the initial proposal, (including one non local address on behalf of a relative who is stated as a neighbour, neighbour's address not provided, and including the South Knutsford Residents Group). 12 of the above have submitted objections, 6 in support. Full comments can be found on the application file, the following are key issues raised:

Objections / Concerns raised by members of the public/neighbours:

- Little change since previous application
- Quality and clarity of initial drawings
- Inaccuracies on the drawings and no dimensions provided
- Loss of existing 1920s building of character
- Out of character with the Conservation Area
- Proximity to neighbouring properties, space between buildings
- Scale of proposal for the size of the site
- Height of the building in the street scene
- Concern over demolition and building work hours
- Concern over piling
- Traffic management during construction concerns
- Lack of information/details particularly on materials specifications
- Cladding not in keeping with the area

- New structures on the existing site
- Concern for retrospective applications/ future additional development - basement and/or further ground floor outriggers
- Amenity impact on neighbours- loss of light, overbearing, privacy
- Party Wall concerns

Comments in Support:

- No impact on existing trees
- Time considerations, impact of the existing disused building
- Comments on design – considered attractive, variety of design considered positive, existing variety of house designs

Revisions replacing hand drawn sketches with CAD drawings (received 21 January 2019)

Responses from 9 addresses in objection, again including one non local on behalf of a local resident, and the SKRG. Issues raised are included in those listed above.

Amendments received 22 February

8 objections were received, from neighbours/members of the public, including one from the South Knutsford Residents Group and 7 from neighbouring/nearby properties.

These included a number of the issues raised above.

April amendments

Representations were received from 9 addresses of neighbours/members of the public, plus the SKRG, raising concerns/objections as outlined above. One comment welcomes removal of previously proposed timber boarding but still concern over lack of detailing to design.

OFFICER APPRAISAL

Principle of Development

The site is located within a predominantly residential area of Knutsford and in the Legh Road Conservation Area where development involving a replacement dwelling may be acceptable subject to compliance with relevant planning policies.

Design and Impact on the Conservation Area.

CELPs policy SE 7 requires new development to seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment. Policy SD2 (1i) requires proposals to contribute positively to an area's character and identity, creating or reinforcing 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.

Relating specifically to the Legh Road Conservation Area, Macclesfield Borough Local Plan saved policy BE13 seeks to preserve and enhance:

1. The low density housing.

2. The interesting and individual design of the large houses set in spacious grounds with mature trees and grounds.
3. The boundary enclosures, comprising boundary walls, shrubs and trees.

The Conservation officer's initial comments on the application outlined the character of the Legh Road Conservation Area as follows:

"The Legh Road Conservation Area is a residential area, most dwellings being detached and sitting within large plots. Many of the houses are architect designed and there is considerable variety in their appearance and the external construction materials used. A number of dwellings are designed with a principal central element with lower elements to the sides. The roads in the Conservation Area are typically lined with mature trees and are laid out with grassy verges, with mature planting on the frontages of many buildings, which filters views of the buildings beyond. The southern end of Legh Road has a slightly different character than the north side, slightly smaller plots and houses form the early 20th century, some have been demolished and rebuilt with larger dwellings, but generally the plots are spacious and mature planting maintained, retaining the character of the conservation area and allows some permeability in terms of views to the rear and provides a sense of spaciousness in the street scene."

The following key points were raised by the Conservation Officer:

- The proposal should not be a dominant feature in the street scene
- Alterations from the previous scheme include some variation in roof heights and designs
- Two storey side wings create a prominent large dwelling with little relief from the entire frontage
- The building sits closer to the road than other dwellings in the street.
- Neighbouring replacement dwellings maintain a spacious setting and mature planting, have varying eaves and ridge heights, and overcome dominance through interesting gable details and changes in height.
- The building sits uncomfortably between adjacent Somerville and Oak Lodge, creating a cluster of development inconsistent with the surrounding grain of the area, intense in its presence within the street scene.

The comments include the following:

"The plot position and size varies to neighbouring [properties] and therefore makes it hard to draw direct comparisons with neighbouring properties, where the design fails is in its positioning on the size, filling the plot in width. The overlap between the footprint of the proposed replacement dwelling and the neighbouring boundary makes this relationship appear uncomfortable.

To be acceptable there needs to be a significant reduction in footprint to bring the building away from the boundaries of the site /or reduction in the massing of the building, especially to the side wings, whereby they could be single storey only. Revisions have been made from the previous comments made, but haven't addressed the full extent of the issues raised. It has been suggested the two replacement dwellings either side of The Owls fill the plot to the boundary, however, each site must be taken on its own merits and the merits of each scheme

considered. There no uniformity in the width or size of plots within the conservation area, each must be taken on its own merits. Whilst the CAA sets out that plot sizes for new dwellings should be no smaller than 0.3 hectares, the plot sizes of the significant majority of dwellings on Legh Road are within this figure.”

The Conservation Officer concluded that the proposal would cause harm and a negative impact, and would not preserve the character and appearance of the Conservation Area.

In response to the above, the agent provided amendments to the scheme (February 2019) which remove the “side wings”, to the north and south of the building, which reduces the overall width and massing of the proposed building within the street scene.

The Conservation Officer has provided the following comments following these amendments:

“The latest revisions to the current application reduce the width of the building, allowing visual relief between adjacent properties which is in keeping with other properties and boundaries within the Conservation Area. The eaves are significantly lower than the previous refusal, with a steeper pitch resulting in a reduced bulk to the roof and development which is consolidated and has more architectural variation, especially important to the front elevation. Collectively, these architectural changes, deep set backs on the front elevation, varying eaves, and interesting fenestration has resulted in a more appropriate and comfortable elevation which addresses Legh Road.

Whilst the garage element is further forward it is not significantly further than the adjacent property to the north and the layout echoes the staggered building line between properties either side.

There is an increase in overall footprint, however, it is noted that this utilises roof space with elements of the two storey section appearing 1 ½ story rather than a full two storey.

Concerns have been raised with the planning officer over the use of timber cladding, however so not to delay the application, these materials can be provided in full for later discussion by conditions.

The changes made have addressed my concerns, the demolition and acceptable replacement dwelling does not harm the conservation area, therefore the proposed development will have a neutral effect on, and therefore preserve the character and appearance of the CA, it is compliant with the objectives in the Macclesfield Local Plan and the NPPF, which seek to ensure development preserves and enhances the character or appearance of Conservation Areas. It will also comply with saved MBC policy on low density housing, which seeks to ensure that development within low density housing areas is sympathetic to the character of the established area and plot width and apace should be commensurate with the surrounding area.

Subject to conditions on materials to be provided for full consideration /samples and a full landscape scheme, it is acceptable. I also request PD right be removed so to restrict development which could undermine the above permission.”

The proposed ridge height at 8.1m is between the highest points of the buildings either side, based on approved elevations to Chimneys (south) (ref: 17/1033M)and at Oak Lodge (north) (ref: 07/2534P). Neighbours were concerned about the height appearing higher than this on the initially submitted hand drawn sketches. The CAD drawings submitted subsequently are clearer. Proposed levels can adequately dealt with by condition.

The revised scheme (April 2019) further reduced the footprint by removal of a single storey element at the rear. The latest revisions also include an amendment from two vehicular entrances to the site to a single entrance. Boundary treatment is an important element of the character of the conservation area, and this single entrance would enable greater retention of soft landscaping to the boundary. Boundary treatment details can also be dealt with by condition.

Concerns raised by neighbours and the Town Council regarding non standard scales is noted. The assessment of proposals has been made taking into account the scales as indicated on the drawings.

With regard to neighbour comments regarding the design of the front elevation with a chimney to the centre of the gable is noted. The revised site plan shows the vehicular entrance leading towards the front entrance between the two west facing gables and whilst there would be some visibility of this gable from the street scene it is further back than the garage gable and also slightly further back than the existing building line of Arngibbon. There are also windows on either side of the gable at ground and first floor, which help to visually soften the impact of the gable. There is a range of design features found within Legh Road and taking into consideration the arrangement within the elevation as a whole it is considered acceptable in design terms.

Comments from residents about the loss of an historic building are acknowledged. The Conservation Officer has confirmed verbally (22 May 2019) that the amended proposal would be considered to preserve, and not to cause harm to the character of the conservation area, resulting in a neutral impact on the heritage asset. The amendments include a materials change from timber to tile hanging, and the conservation officer is satisfied that details can be dealt with by condition.

Knutsford Neighbourhood Plan policy HE3 includes specific requirements relating to the Legh Road Conservation Area, requiring buildings to be set back from the public highway, no more than two storeys high and resisting loss of mature trees because of their importance in the street scene. The requirement for preserving mature vegetation is also included in policy H2. It is considered that the proposals would be acceptable with each of these elements.

Subject to conditions the proposal is considered to avoid harm to the Legh Road Conservation Area, a designated heritage asset, and therefore complies with policy SE7 of the CELPS and BE13 of the MBLP, relevant elements of KNP H2 and HE1, 2 and 3.

Impact on the Low Density Housing Area

MBLP policy H12 requires new housing development to be sympathetic to the character of the established residential area, particularly taking into account the physical scale and form of new houses and vehicular access. The plot width and space between the sides of the housing should be commensurate with the surrounding area and existing high standards of

space, light and privacy should be maintained. KNP policy H2 likewise requires plot ratio, density, scale and height to be commensurate with the surrounding townscape. The low density housing is an important element which contributes to the character of the Legh Road Conservation Areas, also referenced in policy BE13.

The Town Council has queried the comments from the Conservation Officer, moving from a strong objection to previous submissions to accepting the current revised proposal. The footprint measures at approximately 324sqm which is a slight increase on the previous application at approximately 315sqm. This excludes open sided roof areas, and a comparison of roof plans shows the reverse – the current proposal as slightly smaller than the previously refused. As expressed by the Conservation Officer, the reduction in eaves height and steeper pitch to the roof compared to the previous application 18/2564M has resulted in a reduced massing to the roof. This has also resulted in significantly reduced width of the ridge to the front elevation in comparison to the previous application. The reduction on width at first floor and roof level results in an overall reduced massing on the front elevation.

The proposal, as amended, is approximately 2m shorter than the refused scheme, (or approximately 4m less if including the proposed porch to the refused scheme) measured east to west.

Although the building line has moved forward in the site, the front section to the northern side of the site is alongside the neighbouring property, accommodating a garage with dormer bedroom over. The front part of the main two storey element has been moved further back into the site from the refused scheme which further reduces the impact of the massing on the street scene.

In a comparison of footprint to plot sizes, the proposal would be commensurate with those immediately either side to the north and south, and to the opposite plot on the corner of Legh Road and Lovat Drive. This assessment has been made using the documents submitted under approved schemes for each of these neighbouring properties as well as the submitted details for the current application.

A comparison of footprints alone does not fully take into account the impact above ground. In this case it is considered that the cumulative impact of the reduction in massing above ground and the consolidation of built form within the site (rather than a more dispersed layout with a similar footprint area) is acceptable in its relationship with surrounding buildings within the street scene, resulting in a proposal which is considered acceptable in terms of the impact on the low density housing, in accordance with MBLP policies BE13 and H12 and KNP policy H2.

With regards to maintaining the existing high standards of space, light and privacy, the impact on the neighbours is discussed in greater detail under the Amenity section below.

Residential Amenity

Saved policy DC3 requires development to not significantly injure the amenities of adjoining or nearby residential property due to a number of factors including loss of privacy and overbearing effect.

Concerns about the length of the building and impact on light to Oak Lodge have been acknowledged. The length of the northern elevation of the proposal has been substantially reduced through amendment to the application. At ground floor level, approved drawings for Oak Lodge (ref: 07/2534P) show a drawing room closest to the boundary shared with the application site, which benefits from several windows, including the patio doors to the bay at the rear. Based on the revised site plan, the proposed development will not cut into a 45 degree line, where taken from the approximate position of the centre of these principal windows to the drawing room of the adjoining property. This is used as a guideline as to the impact on light to an adjoining property, suggesting that the impact on light is within acceptable limits. The queries raised by neighbours over accuracy of plans is noted. As part of this assessment, the relationship between existing properties has been cross checked with the Council's GIS and the approved site plan for the above application for Oak Lodge, in comparison with the revised proposed site plan for the current proposal, which includes an outline of both the existing and proposed buildings on the application site. From this it is concluded that the proposed location of the north elevation within the application site and in relation to Oak Lodge is sufficiently accurate to be shown to satisfy this guideline.

The northern site boundary is irregular, with the application site widening at the rear. Taking into account the distance between the buildings and the overall length of both plots it is not considered that a refusal on grounds of overbearing impact could be sustained in this instance.

The south facing dormer bedroom windows above the garage are in excess of 20m from the southern boundary, towards an area in front of the garage to the Chimneys and not towards a main amenity space. Other rooflights to the north and south elevations facing out of the site are annotated as having sills no lower than 1.7m for privacy and can be conditioned to be obscurely glazed and non opening.

The concern raised about the impact on the kitchen window to the Chimneys is noted, however taking into consideration the distance to this window to the boundary, the projection of the Chimneys utility room adjacent to the kitchen and that the proposal does not extend as far into the site so as to be directly opposite the kitchen window it is considered that the proposal this relationship will not result in a significant impact upon this window in terms of overbearing effect, loss of light or privacy.

Concern has been raised by neighbours about accuracies of the site boundaries and relationship with the Chimneys and Oak Lodge as shown on the drawings. Officers have assessed the information available and it is considered that the plans are sufficiently accurate. Any discrepancies on drawings would be negligible and would not have a material impact on the living conditions of neighbours. The floor plans would be only for the purposes of clarification of the building layout rather than the site boundaries, therefore any discrepancies of site boundaries on floor plan would not be material to the development.

Subject to an obscure glazing condition for specific rooflights to the north and south elevations it is considered that the proposal would have an acceptable impact upon the living conditions of neighbouring properties in terms of overlooking, impact on light and overbearing impact, and would be compliant with saved MBLP policy DC3.

Environmental Protection - Air Quality

Policy SE12 of the 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 181 of the NPPF and the Government's Air Quality Strategy.

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Knutsford has an Air Quality Management Area and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Accordingly a condition is recommended requiring the provision of electric vehicle infrastructure.

Environmental Protection – additional matters

The application has been assessed by the Council's Regulatory Services and Health team and conditions / informatives have been requested for the following:

- Low emission boilers
- Construction hours of operation
- Adherence to regulations relating to land contamination.

Concern has been raised by a neighbour over piling, which can also be dealt with by condition in the case of an approval. Requirement for a low emission boiler by condition is not considered to meet the NPPF paragraph 55 tests for planning conditions, and is therefore not recommended.

Nature Conservation

The application is supported by a bat survey prepared by a qualified ecological consultant. No evidence of roosting bats was recorded during the surveys and the existing property has limited potential to support a roost. The Nature Conservation Officer therefore advised that protected species do not present a constraint on the proposed development, but has advised that if works are delayed beyond May 2020 then an updated survey would be required to confirm the continued absence of bats, which may require an updated bat mitigation strategy. It is considered that subject to a condition relating to the above, the proposal complies with policies SE3 of the CELPS and NE11 of the MBLP.

Arboriculture

There are protected trees to the front of the site. Boundary trees and shrubs are an important element of the character of the Legh Road Conservation Area. Protected trees are shown for retention. An Arboricultural Report and Arboricultural Layout Plan were submitted following a request from the Arboricultural Officer, and these documents demonstrate that there are no significant arboricultural implications associated with the proposed development

Should this application be approved, conditions for tree retention and tree protection and a method statement/ construction statement are recommended. Details of the proposed landscaping scheme and boundary treatments including gates would also need to be conditioned.

Highways

The proposal has been amended to a single vehicular entrance, and it has been confirmed that there are no highways concerns for the revised access proposal. Concerns raised by a neighbour over the location of the entrance in relation to the property on the other side of the road is noted; however, the proposal has been assessed by the Highways Authority, who raise no objections and is considered to be acceptable in terms of highways safety.

Comments received regarding parking restrictions for and the washing of construction vehicles for construction vehicles are noted, however conditioning these matters is not considered to be necessary for a development of this scale in this location. Similarly it is not considered reasonable to require a traffic management plan during the construction period for a replacement dwelling.

For the above reasons, the proposal is considered to comply with policy DC6 of the MBLP.

Drainage

United Utilities have been consulted and responded with a recommended condition in line with NPPF and NPPG for a hierarchy of drainage options and for foul and surface water to be on separate drainage systems. The reason for the condition is to secure proper drainage and to manage the risk of flooding and pollution, in accordance with policy SE13 of the CELPS

Other matters

It is noted that other structures have been erected within the site, and an outbuilding is shown on the revised site plan at the rear. No details have been submitted as part of this application. The current application is for proposed replacement dwelling development. Existing structures can be dealt with separately through retrospective applications where necessary.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Subject to conditions the proposal as amended is considered to be acceptable to the character of the Legh Road Conservation Area and the Low Density Housing Area. It is considered that the proposal would be acceptable in its impact on neighbouring amenity, nature conservation aims and impact on trees. There are not considered to be any other material considerations that would carry sufficient weight to refuse the application. It is considered that the proposal as amended is a sustainable form of development which is compliant with the objectives of relevant planning policies and the National Planning Policy Framework.

A recommendation of approval is therefore made, subject to conditions.

Conditions

1. Time- commencement of development within 3 years
2. Development to be carried out in accordance with approved (revised) plans
3. Removal of Class A –E permitted development rights
4. Proposed Levels to be submitted
5. Materials – details and samples of facing materials to be approved.
6. Rooflights to be flush with the roof slope

7. Rooflights obscurely glazed/ non opening (to North & South elevation facing out of the site)
8. Rainwater goods – metal, black or a colour agreed with the LPA.
9. Garage to be retained for parking of motor vehicles and cycles
10. Notwithstanding details on elevation - Garage doors to be timber, vertically boarded unless otherwise agreed with the LPA.
11. Boundary treatment details to be submitted
12. Landscape Plan to be submitted
13. Landscaping Plan Implementation
14. Trees to be retained as shown on approved do.
15. Scheme for Tree Protection to be submitted.
16. Updated bat survey if works commence after May 2020.
17. Method Statement / Construction Specification for alterations to the driveway within RPA of protected tree.
18. Electric Vehicle Infrastructure to be provided
19. Drainage- foul and surface water on separate systems
20. Pile Driving – method statement to be submitted.

Application No: 18/6374C

Location: Former Dane Bridge Mill Site, MILL STREET, CONGLETON

Proposal: Proposed site clearance and construction of a four/five storey building for 44 apartments (Use Class C3) with undercroft car parking, access, surface car parking, retaining walls, landscaping and associated infrastructure.

Applicant: Susan Alexander, Selyor Properties Ltd

Expiry Date: 21-Mar-2019

SUMMARY

Congleton is a Key Service Centre where local plan policies support sustainable development appropriate to the scale and context of the area. The proposal will provide market and affordable housing within an existing settlement where there is existing infrastructure and amenities. This proposal would bring economic, environmental and social benefits through the delivery of 44 no. residential units in a highly sustainable location, investment in the area and by bringing a vacant brownfield site into viable use. The principle of developing the site is acceptable given that housing will have a more positive impact on the local area than industrial type development as previously seen.

In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development and the parking provision is deemed appropriate having regard to the size of units and the highly sustainable location.

The proposal is acceptable in design terms and would respond positively to the gateway location and neighbouring uses. As such the scheme would not harm the character or visual amenity of the area.

The risk of flooding has been demonstrated to be acceptable and can be controlled by condition as can the impacts on species protected by law.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The application would offset the impact on public open space, education and subject to satisfactory negotiations, healthcare through the provision of financial contributions. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, noise and air quality.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy and the saved policies of the Congleton Borough Local Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligations.

SUMMARY RECOMMENDATION

Approve subject to conditions and S106 Agreement

DESCRIPTION OF SITE AND CONTEXT

The application site comprises approximately 0.23ha of land located to the north of Rope Walk off Mill Street, Congleton. The site runs alongside the River Dane and formerly hosted the Danebridge Mill until it was demolished in 2011 following a fire.

The site occupies a prominent position, adjoining the River Dane and the Dane Bridge, at the northern approach to Congleton Town Centre. The site has been predominantly cleared and is of a linear shape which runs from the rear of nos. 76 - 94 Mill Street in a westerly direction alongside the River Dane. An existing public car park lies to the south and a new build residential development lies to the west on the site of the former Providence Mill now known as 'The Sandpipers'.

The site is within the settlement zone line of Congleton as designated in the adopted Congleton Borough Local Plan First Review (2005). Part of the site is included within Flood Zone 3 on the Environment Agency Flood Map.

DETAILS OF PROPOSAL

This application seeks full planning permission for the 'site clearance and construction of a part four/five storey building for 44 apartments (Use Class C3) with undercroft car parking, access, surface car parking, retaining walls, landscaping and associated infrastructure.

RELEVANT HISTORY

- | | | |
|------|---------------|---|
| 1998 | (26666/3) | Permission for proposed offices and relocation of the loading/unloading facility on land adjacent to Providence Mill. |
| 2000 | (31593/1) | Refusal of outline permission for residential development on Danebridge Mill, Providence Mill and adjoining land. |
| 2001 | (32196/1) | Use of land and buildings for residential development. Application withdrawn. |
| 2003 | (34327/1) | Permission for use of buildings for residential development and land for office development. |
| 2004 | (04/0177/FUL) | Permission for Conversion of Danebridge Mill to A3 (food & drink) and B1 (office) use including ancillary storage and car parking. Possible Phase 2 - construction of part 1st floor conversion of Providence Mill into 14 social housing units. Two storey erection of new build apartments of former car park - 36 units, 5 storey. |
| 2014 | (13/1246C) | Outline approval for 14 residential units, ranging from 2-2.5 storeys, 2-4 bedroom housing, with undercroft carparking. |

POLICIES

Development Plan

Cheshire East Local Plan Strategy

MP1	Presumption in favour of sustainable development
PG1	Overall Development Strategy
PG2	Settlement hierarchy
PG7	Spatial Distribution of Development
SD1	Sustainable Development in Cheshire East
SD2	Sustainable Development Principles
IN1	Infrastructure
IN2	Developer Contributions
SC1	Leisure and Recreation
SC2	Indoor and Outdoor Sports Facilities
SC3	Health and wellbeing
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
SE7	The Historic Environment
SE9	Energy Efficient development
SE12	Pollution, land contamination and land stability
SE13	Flood risk and water management
EG3	Employment Land
CO1	Sustainable travel and transport
CO3	Digital connections
CO4	Travel plans and transport assessments

Congleton Borough Local Plan (saved policies)

PS4	Towns
S5	Other Town Centre Areas
GR3	Residential Developments of More than 10 Dwellings
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR20	Public Utilities
GR22	Open Space Provision
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

Congleton Neighbourhood Plan – (Regulation 17 Stage – Examination underway – Limited Weight)

Other Material Considerations

National Planning Policy Framework (The Framework) 2019
National Planning Practice Guidance

Cheshire East Design Guide

CONSULTATIONS (External to Planning)

ANSA and CEC Leisure – No objection subject to financial contributions of £4,920.19 along with £13,064.75 towards enhancement and future maintenance (25 years) of Congleton Park Town Wood.

Education – No objection subject to financial contributions of £54,378 towards primary and secondary school places.

Environment Agency – No objection subject to conditions requiring accordance with the submitted Flood Risk Assessment and submission of a contaminated land and waste strategy.

Environmental Protection – Recommend that the any noise mitigation required must meet recognised standards. No objections subject to conditions and informatives relating to electric vehicle infrastructure, a travel information pack, low emission boilers, a construction management plan and contaminated land.

Flood Risk Manager – No objection subject to conditions requiring accordance with the submitted Flood Risk Assessment and submission of design strategy for a surface water drainage.

Strategic Housing – No objection subject to 8 units being provided as Social/Affordable rent and 5 units as Intermediate tenure.

Head of Strategic Infrastructure (Highways) – No objection subject to a condition requiring the submission of a Construction Management Plan (CMP).

NHS Eastern Cheshire Clinical Commissioning Group – no comments received.

Public Rights of Way – No objections – the proposal does not directly affect the definitive public right of way which runs between the site and the River Dane.

United Utilities – No objection subject to foul and surface water drainage being connected on separate systems and submission of a surface water drainage scheme.

VIEWS OF THE CONGLETON TOWN COUNCIL

No objection – subject to s106 to improve the Dane walkway and cycling infrastructure.

OTHER REPRESENTATIONS

One representation has been received objecting to this application on the following grounds:

- Loss of view from objector's apartment
- Proposal would damage the objector's quality of life
- Impact on objector's financial investment

OFFICER APPRAISAL

Principle of Development

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The application site is located within the settlement zone line for Congleton where saved Policy PS4 states that there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. Similarly, Congleton is identified as a Key Service Centre in the CELPS where Policy PG 2 states that 'development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability'. In this case, the provision of 44 no. units would be of an acceptable scale relative to the surrounding area and would deliver housing within a highly sustainable location.

The site is also identified as being within the Town Centre and is allocated as a mixed use site in the Congleton Borough Local Plan. Saved Policy S5 states that within the Town Centre areas not otherwise allocated as the Principal Shopping Area, proposals for non-retail uses, commercial uses or for residential uses on the periphery of the town centre will be permitted provided that it does not detract from the overall town centre function of the area and is sympathetic to neighbouring and future amenity. It is considered that the residential use of the site is acceptable in principle as the site is on the periphery of the Town Centre where residential uses prevail. The site has been vacant and redundant for a number of years and has failed to attract commercial or business re-use.

CELPS Policy EG 3 seeks to retain employment land for employment purposes. However, EG 3 also accepts that it may not be possible to retain land for employment purposes where they are causing 'significant nuisance or environmental problems or are no longer suitable or viable for employment uses'. This aligns with Paragraph 121 of The Framework which states that:

"Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework"

The site is of poor environmental quality and heavy employment uses are not ideal in this location given the current access and parking arrangements, the predominantly residential nature of the area and the fact that the site previously provided a low level of employment for the size of the site.

In this case, the site has already been accepted as being suitable for residential purposes owing to a previous resolution to grant planning permission for residential development. It is considered that the site is unsuited to industrial uses and the site has remained vacant for a number of years and therefore its redevelopment would serve as an efficient use of brownfield land within a sustainable location. This proposal will bring direct and indirect benefits to the local economy, the town and the community through the delivery of housing in one of the Key Service Centres in the borough. The site is in a sustainable location as it is accessible and well connected to public transport and local community facilities and services hosted within The Town Centre. Subject to conformance with other relevant material planning considerations, the principle of 44 new residential units on the site is deemed to be acceptable. This is supported by the NPPF which advocates making the most efficient use of land, particularly Brownfield land such as this.

As per para 11 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (economic, social and environmental) and compliance with the Development Plan. These will be considered accordingly.

SOCIAL SUSTAINABILITY

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

Whilst the Council can now demonstrate a 5 year supply of land for housing, it is important to note that this proposal would deliver 44 no. dwellings within one of the Borough's Key Service Centres. It is important to keep the supply rolling and proposals to redevelop redundant brownfield sites such as this one will assist in relieving pressure on other edge of settlement sites and the countryside. As such, this is a key benefit of the scheme.

Affordable Housing

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC 5 in the Local Plan Strategy outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size. Thus, a scheme of 44 units would normally be expected to provide 13 no. affordable units. The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives.

The Strategic Housing Market Assessment 2013 (SHMA) shows the majority of the demand in Congleton per year until 2018 is for 27x 1 bedroom, 10x 3 bedroom and 46x 4 bedroom dwellings for General Needs. The SHMA is also showing a need for 37x 1 bedroom Older Persons dwellings. The Older Person dwellings can be flats, cottage style flats or bungalows

The current number of those on the Cheshire Homechoice waiting list with Congleton as their first choice is 724. This can be broken down to 229x 1 bedroom apartments, 39x 2 bedroom apartments, 211x 2 bed houses, 96x 3 bedroom houses, 32x 4 bedroom houses and 295 bungalows. Therefore the mix of affordable properties on this site will need to reflect this need information. 8 units should be provided as Social/Affordable rent and 5 units as Intermediate tenure. Subject to this, the Council's Strategic Housing Officer has offered no objection to the proposals. As such, the scheme is found to be acceptable in this regard.

Education

In the case of the current proposal for 44 apartments, only 11 of the units would have 2+ bedrooms which would be likely to generate a need for school places. The Council's Children's Services has advised that this size would generate:

- 2 primary children
- 2 secondary children

The development is expected to impact on both primary school and secondary places in the immediate locality. Any contributions which have been negotiated on other developments are factored into the forecasts undertaken by the Council's Children's Services both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that there remains a shortfall in school places.

To alleviate forecast pressures, the following contributions would therefore be required:

- $2 \times £11,919 \times 0.91 = £21,693$ (primary)
- $2 \times £17,959 \times 0.91 = £32,685$ (secondary)
- Total education contribution: £54,378

Without a secured contribution of £54,378, Children's Services would raise an objection to this application. This position is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 2 primary children and 2 secondary children would not have a school place. The applicant has confirmed acceptance of these contributions, which will need be secured by way of a s106 legal agreement.

Healthcare

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has been consulted on the application but has not commented. Discussions regarding the potential contribution towards the NHS have been sought and will be reported by way of a written update.

Public Open Space

Policy SE6 of the Cheshire East Local Plan Strategy seeks to deliver a good quality and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits. There is an existing quantity deficit of amenity green space within the local area.

No public open space is being provided on site in line with Policy SE 6, however, there is landscaping which has been improved for both the residents and users of the adjacent public right of way by incorporating seating and planting for the residents. Due to the small site constraint, no public open space is being provided therefore this development will place extra burden on existing provision in the area. Within the Green Space Strategy and contained within Policy SE3 in the emerging Congleton draft Neighbourhood Plan, opportunities to protect and enhance the existing network of green spaces is sought. Five new Key Green Space Policy Areas are proposed, one of which is the River Dane Valley and environs (including Town Wood).

Consequently, in lieu of the open space, offsite contributions to enhance Congleton Park Town Wood, which is located less than 150 metres away has been requested by the Open Spaces Officer. This would offset the open space impact of the proposed development by increasing the capacity and accessibility of existing open space at Town Wood by way of commuted sums of £4,920.19 along with £13,064.75 for maintenance spread over 25 years. Subject to the above being secured by way of a legal agreement, the scheme is found to accord with CELPS Policies SE 6.

ENVIRONMENTAL SUSTAINABILITY

Design, Character and Appearance

Whilst the redevelopment of this vacant site, comprising the demolition of existing buildings would be an immediate betterment on the wider views to the development from existing built form and nearby infrastructure, the buildings that replace them need to be high quality with an architectural design style, material palette, layout and landscaping treatments that are reflective of local area characteristics to strengthen and raise the standard of design and character in the area.

Between them, the NPPF and Local Plan Policies SD1, SD2, SC4, SC5, SE1, SE4 and C01 from the CELPS seek that all development should be: locally distinctive; high quality; sustainable; well-designed and durable responding to the heights, scale, form and grouping, materials, massing, green infrastructure and relationship to existing built form in the immediate as well as wider areas.

The site occupies a prominent position on one of the main gateways to the town. The site also benefits from a riverside frontage. Consequently, the development will need to be high quality in design terms and will need to address and respond to the riverside frontage and views from Rood Hill.

To do this, the proposed new building has been designed as a single block but with intermittent breaks in scale and massing along the elevations facing the riverside. Its length has been divided into sections, with the heights stepping up between three, four and five storey levels from the boundary with Rood Hill up to the adjoining 5 storey apartments at Providence Mill / The Sandpipers'. This has allowed a variation in heights thus avoiding monotony in the elevational treatment.

Balcony features are included above the undercroft parking with the main window openings of the apartments addressing them. This will provide an active frontage as viewed from Rood Hill and will provide visual interest. The end gable of block facing onto Rood Hill turns the corner well will has recessed features running vertically accentuated with a change in material palette that will help to break up the massing of this elevation and will also look out over the street thereby providing some frontage The windows will include aluminium frames and galvanised and glass railings.

The elevations to the whole development will be articulated with brickwork, metal cladding and stone blockwork. These features will help to add a bespoke and contemporary element to the building which has been designed largely to emulate the traditional style of the

surrounding development. Overall it is considered that the proposed new build represents a high quality of design that will complement the existing mill buildings that characterise this area. Further, the ground floor to Rood Hill will retain and reference the only part of the historic Mill which is left, with its large arched niches.

With respect to the proposed undercroft at ground floor, this has been used to address issues of flood risk, which will be discussed in due course. This has been designed with openings so that it looks out and addresses the adjacent footpath along the river and is similar to that at the adjoining the former Providence Mill now the 'The Sandpipers'. It would not therefore appear incongruous along the section of the riverside and the details of the proposed light installation and treatment can be controlled by condition.

Having regard to the above, the design is found to be acceptable and in accordance with Policies SE 1 and SD 2 of the CELPS.

Archaeology

The proposed development lies within Congleton's Area of Archaeological Potential, as defined in the Local Plan of the former Congleton Borough Council. The site was formerly occupied by the demolished Danebridge Mill, which was constructed in the later 19th-century and is recorded in the Cheshire Historic Environment Record (CHER 2887/61). This was not, however, the first structure on the site as the Congleton Tithe map of 1846 depicts an earlier structure which, although not identified on the apportionment, may have been an earlier mill, perhaps with an engine house on the southern wall. Below ground remains of these industrial remains are likely to be damaged, if not wholly destroyed by the proposed development, especially as basement car parking forms part of the scheme.

It is acknowledged, however, that this level of archaeological potential is not sufficient to justify an objection to the development on archaeological grounds or to generate a requirement for any further predetermination work. It would, however, be reasonable to secure some further mitigation in the event that planning permission is granted, with the work secured by condition. This work should take the form of a watching brief during intrusive groundworks and should aim to record evidence of the sequence of earlier buildings on the site, with particular emphasis on the remains of any engine houses and power systems. A report on the work will need to be produced and the mitigation may be secured by the condition. Subject to this, the proposal is found to be acceptable in this regard and compliant with Policy SE 7 of the Cheshire East Local Plan.

Trees and Landscaping

There are existing trees within the vicinity of the proposed development, on and adjacent to the site. The application is supported by a Arboricultural Impact Assessment (AIA).

The AIA indicates that the development would require the removal of all existing trees on the site (three individual trees and two tree groups). These are all grade C specimens, which are trees of low quality. Proposed site security fencing would afford protection for the retained off site trees.

Compensatory planting is recommended as part of a new landscape scheme which includes proposed trees. The Councils Tree Officer is satisfied that the tree losses are not high value specimens and in respect of retained off site trees, conditions could secure their retention. Subject to this, the scheme is found to be acceptable in terms of tree and landscape impacts.

Highways and Parking

Saved Congleton Local Plan Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway.

The site would be accessed via an existing roadway positioned in between 72 and 76 Mill Street. This emerges onto an access limb serving the properties fronting Mill Street and as such is not directly onto the main road. This access was deemed acceptable for the proposed residential use previously approved at the site in 2014 and prior to that in 2004, which was for residential and commercial use with a greater number of units and a larger scheme. There have been no significant changes in highways terms and as such, the increase in traffic from the development would not be significant in terms of the local highway network.

An overall provision of 50 parking spaces are proposed for the 33 one bed and 11 two bed apartments. This is 5 spaces below the standard set out in Appendix C of the CELPS. However, having regard to the highly sustainable location of the site, the character of the local area and the lower car ownership levels for apartments, this provision will not result in overspill parking. The Head of Strategic Infrastructure (HSI - Highways) has assessed the application and has offered no objection to the application on highways or parking grounds.

With respect to pedestrian links, the site is well connected and benefits from a footpath running directly alongside the site and the River Dane (Congleton FP23). The proposed development would be sited back from the footpath and would not therefore directly affect it. The requirements of saved policy GR9 are satisfied. Accordingly, the application is found to be acceptable in this regard.

Residential Amenity

In respect of the residential amenity afforded to neighbouring properties, the proposals would achieve the minimum interface distances advised within SPG2. The scheme would not give rise to any significant loss of sunlight or daylight to the properties situated to the east (beyond the A34), south or west. Sufficient separation distance would be maintained between the proposed building and the existing residential properties surrounding the site to avoid any overlooking, visual intrusion or other problems of un-neighbourly development. The closest neighbour, no. 94a is situated side-on to the development and whilst it has 2 windows in its side elevation, these are non principal. The adjoining Sandpipers development to the west does not have any sole side facing windows that would be unduly harmed by the proposals. An application of the 45 degree test would support these conclusions.

Elsewhere, the proposal would meet with the separation standards and the amenity afforded to future residents (in terms of light and outlook) of the proposed scheme would be

acceptable having regard to the character of the area and subject to further considerations relating to noise.

Noise

The application is supported by a noise impact assessment which details noise mitigation measures in order to ensure that occupants of the proposed apartments are not adversely affected by the adjoining traffic noise on the A54 (Rood Hill / Mounbatten Way). Provided that the noise mitigation measures as detailed in the noise impact assessment are implemented and meet the recommended British standards, it is considered that there should be no adverse impacts on health and quality of life of the future residents resulting from road traffic noise in the area. Subject to conditions, it is considered that the proposal complies with Policy SE12 of the CELPS and GR6 of the CBLP relating to noise and soundproofing.

Air Quality

Policy SE 12 of the 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 181 of the NPPF and the Government's Air Quality Strategy. When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015).

The scheme itself is not of a scale which would require an air quality impact assessment. However, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area, in particular, the impact of transport related emissions on Local Air Quality.

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 the adverse air quality impact. This can be achieved by conditions relating to dust control and the provision of electric vehicle infrastructure, which are accordingly recommended. Subject to these conditions, the proposal will comply with policy SE 12 of the CELPS.

Ecology

Saved Congleton Borough Local Plan Policy NR3 and CELPS Policy SE 3 seek to protect nature conservation interests and indicate that where development would adversely affect such interests, permission should be refused. The application has been supported by an ecological assessment.

Three of the trees on the site have been identified as having moderate bat roost potential. These trees are proposed for removal as part of the proposed development. The submitted Ecological Appraisal recommends that these trees are subject to a detailed bat survey prior to their removal. The applicant is currently undertaking this survey, which has indicated that these tree specimens are not being used by bats. However, this will be reported to Members by way of a written update following the receipt of the final survey.

Local Plan policy SE 3 (5) requires all developments to deliver an overall gain for biodiversity. This site located on the River Dane corridor provides an opportunity to deliver significant biodiversity benefits. The Council's Nature Conservation Officer has advised that these benefits could be realised through the incorporation of a brown or green roof. The roof should be designed to mimic the short perennial/ephemeral vegetation currently found on the site. The applicant has agreed to this provision, which would be secured by condition requiring the submission of a Ecological Enhancement Strategy.

The scale of the proposed apartment block means that it provides an excellent opportunity for the incorporation features for declining bird species that are associated with the built environment. It is therefore recommended that the applicant submits proposals for the incorporation of house sparrow terraces and swift bricks into the design. Swift bricks should be provided in clusters on non-south facing elevations at 5 meters above ground level. This has been agreed with the applicant and will be the subject of condition as will conditions relating to nesting birds. Subject to this, the proposal complies with policies NR3 and SE 3.

Flood Risk and Drainage

The proposed development falls partly within flood zones 2 and 3. CELPS Policy SE 13 sets out criteria to be considered when determining applications within identified flood risk areas. The NPPF states that LPAs should in determining planning applications, ensure that *'inappropriate development is directed away from areas at highest risk, but where development is necessary, making it safe without increasing flooding elsewhere'* (para 155). The application is supported by a Flood Risk Assessment (FRA) and this has been considered and assessed by the Environment Agency and the Council's Flood Risk Manager.

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

The NPPF Technical Guidance advises on the 'flood risk vulnerability and flood compatibility' of uses dependent on the flood zone it finds itself in. Residential uses are classified as 'more vulnerable' uses. It states that more vulnerable development (including residential) are appropriate within Flood Zones 1 and 2 and is also appropriate in Flood Zone 3a subject to an exception test. It states that development for more vulnerable uses should not be permitted within Flood Zone 3b (functional floodplain).

The scheme has been designed so that the lower ground floor does not host habitable accommodation and instead is used for less vulnerable undercroft parking. The more vulnerable uses would not therefore be within Flood Zones 2 or 3. This is the same for the adjacent Sandpipers development which sits alongside the site. It is also important to note that prior to the demolition of the former Danebridge Mill, the site was predominantly occupied by the building with the curtilage given over to hard standing. This proposal allows some space around the development for less hard surfacing and therefore offers scope for better drainage and therefore less impact. The Environment Agency has no objection to the

proposal subject to conditions relating to drainage and contaminated land. Such conditions would ensure compliance with Local Policy SE 13 and the advice within the NPPF given that 'sensitive' accommodation would not be located within Flood Zones 2 or 3.

The Council's Flood Risk Manager, the Environment Agency and United Utilities have offered no objection to the proposed development. The development is considered to be acceptable in terms of its flood risk and drainage impact and is found to comply with policy SE 12 of the CELPS.

Contaminated Land

The submitted Phase I contaminated land assessment has been assessed by the Council's Environmental Protection Unit, who have offered no objection. Any risk from further contamination not already identified can be picked up by further monitoring and secured by appropriate conditions. Consequently the proposal complies with saved policies GR7 and GR8 of the CBLP and CELPS Policy SE12.

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

S106 HEADS OF TERMS

A s106 agreement is currently being negotiated to secure the requisite Affordable Housing, Public Open Space provision in lieu of on-site provision and education contribution. As noted above, discussions regarding the potential contribution towards the NHS have been sought and will be reported by way of a written update.

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;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

The commuted sum in lieu of open space is necessary, fair and reasonable, as the proposed development will provide 44 dwellings, the occupiers of which will use local facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

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

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

Other Considerations

Congleton Town Council has recommended that the s106 secures improvements the adjacent footpath. However, it is not considered that the proposed development of 44 units would place undue burden on the existing footpath and consequently it would not be reasonable or necessary to do so and would not therefore meet the tests of the CIL regulations.

The objector's comments about impact on financial investment is not a material planning consideration and there is no 'right to a view' across third party land.

CONCLUSIONS

Congleton is a Key Service Centre where local plan policies support sustainable development appropriate to the scale and context of the area. The proposal will provide market and affordable housing within an existing settlement where there is existing infrastructure and amenities. This proposal would bring economic, environmental and social benefits through the delivery of 44 no. residential units in a highly sustainable location, investment in the area and by bringing a vacant brownfield site into viable use. The principle of developing the site is acceptable given that housing will have a more positive impact on the local area than industrial type development as previously seen.

In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development and the parking provision is deemed appropriate having regard to the size of units and the highly sustainable location.

The proposal is acceptable in design terms and would respond positively to the gateway location and neighbouring uses. As such the scheme would not harm the character or visual amenity of the area.

The risk of flooding has been demonstrated to be acceptable and can be controlled by condition as can the impacts on species protected by law.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The application would offset the impact on public open space, education and subject to satisfactory negotiations, healthcare through the

provision of financial contributions. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, noise and air quality.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy and the saved policies of the Congleton Borough Local Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligations.

RECOMMENDATION

APPROVE subject to conditions and a S106 Agreement making provision for:

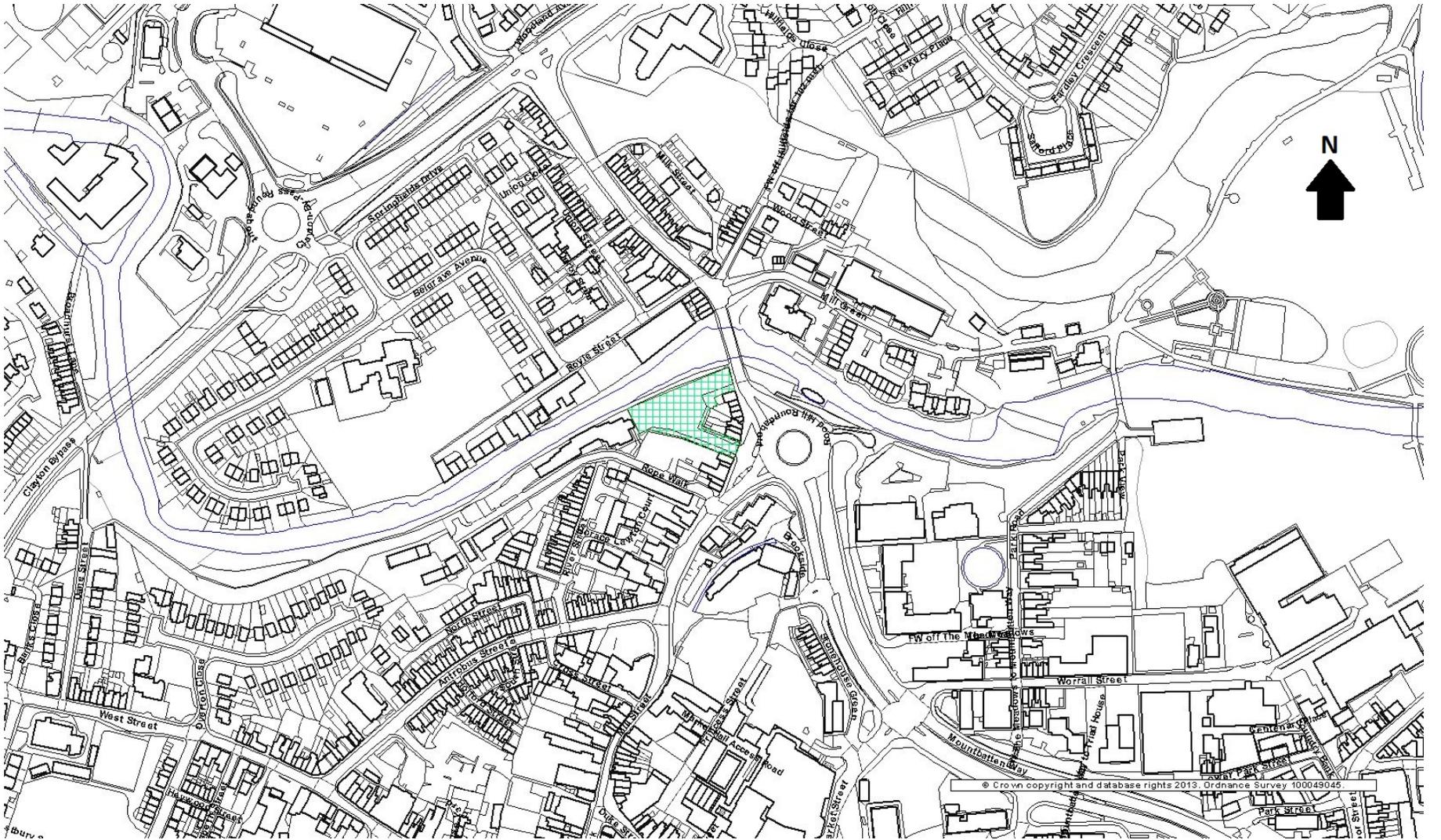
S106	Amount	Triggers
Affordable Housing	30% (13 units) (65% (8 units) Affordable Rent / 35% (5 units) Intermediate)	No more than 80% open market occupied prior to affordable provision
Education	Primary £21,693 Secondary £32,685 Total education contribution: £54,378	50% Prior to first occupation 50% at occupation of 22nd dwelling
Health	TBC	50% Prior to first occupation 50% at occupation of 22nd dwelling
Public Open Space	£4,920.19 and £13,064.75 towards enhancement and future maintenance (25 years) of Congleton Park Town Wood	On first occupation

And the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved and amended plans
3. Landscaping scheme to be implemented in accordance with the submitted scheme
4. Development to be carried out in accordance with submitted Arboricultural Impact Assessment
5. Tree protection of retained trees / hedgerows
6. Protection for breeding birds during bird nesting season
7. Details of ground levels to be submitted, approved and implemented
8. Details of external facing materials to be submitted, approved and implemented
9. Details of boundary treatments to be submitted, approved and implemented

10. Development to be carried out in accordance with submitted noise survey and shall meet British Standards
11. Development to be carried out in accordance with submitted Flood Risk Assessment.
12. Foul and surface water drainage to be connected on separate systems
13. Scheme of surface water drainage to be submitted, approved and implemented
14. Phase II contaminated land investigation to be submitted, approved and implemented.
Remediation of contaminated land to be carried out
15. Verification of remediated contaminated land to be submitted and approved
16. Details of bin storage / waste strategy to be submitted
17. Details of pile foundations / floor floating to be submitted, approved and implemented
18. Electric Vehicle Infrastructure to be provided prior to first occupation (5 Mode 2 compliant charging points)
19. Broadband connection / digital connections to be made prior to first occupation
20. Submission, approval and implementation of Travel Information Pack
21. Submission, approval and implementation of a scheme of archaeological mitigation
22. Submission, approval and implementation of a Construction Environmental Management Plan
23. Accordance with Ecological Assessment
24. Nesting bird mitigation measures to be submitted, approved and implemented
25. Details of external lighting and undercroft lighting to be submitted, approved and implemented
26. Scheme for biodiversity enhancement to be submitted, approved and implemented

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 Development Management has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



This page is intentionally left blank

Application No: 19/1926C

Location: 70, VICARAGE LANE, SANDBACH, CHESHIRE, CW11 3BU

Proposal: Front, side and rear single storey extension together with a single garage conversion.

Applicant: Mr Ian Bunn

Expiry Date: 13-Jun-2019

SUMMARY

The proposed development is considered to be of acceptable design and would not unduly affect the character of the area or the amenity of the neighbouring residents. Neither are there any associated highway safety concerns. Therefore, the proposal complies with all relevant policies within the adopted Cheshire East Local Plan and the retained policies within the Congleton Borough Local Plan and the Sandbach Neighbourhood Plan, and can be recommended for approval.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The applicant is a Civicance staff member.

PROPOSAL

The application seeks full planning permission for the addition of a side extension on the north elevation, which would adjoin the rear of the existing garage and extend the remaining depth of the dwelling. This section would measure approximately 2.4m in width and 7m in length. The proposal involves the addition of a dual pitched roof over the existing front projecting garage, which then drops down to a flat roof, with a lantern style roof light on the proposed side extension. The development would also involve converting half the double garage into additional living accommodation, while retaining one parking space within the garage.

The proposal also seeks permission for the erection of a small rear extension, which would project 2.5m and measure 3.2m in width. This section would have a dual pitched roof with the eaves reaching 2m and the ridge height of 2.7m.

Finally, the proposal includes a small open fronted and open sided porch to the front, measuring 1.6m in width and 0.9m in depth.

SITE DESCRIPTION

The application relates to a detached bungalow located on the eastern side of Vicarage Lane. The dwelling runs length ways within the site and has a dual pitched roof, with the gable end to the front. The property also has a flat roofed double garage attached to the northern side elevation, which also projects forward of the main front elevation. It is located within the Sandbach settlement limit and the surrounding area is predominately residential in character.

RELEVANT HISTORY

0667/3 - DETACHED BUNGALOW AND GARAGE - Approved 1st Nov 1974

DEVELOPMENT PLAN POLICY

Cheshire East Local Plan Strategy (CELPS) (Adopted)

MP 1 - Presumption in Favour of Sustainable Development

SD 2 - Sustainable Development Principles

SE 1 - Design

Congleton Borough Local Plan First Review (CBLP)

PS4 – Towns

GR6 – Amenity and Health

GR9 – Accessibility, Servicing and Parking Provision

Sandbach Neighbourhood Plan (SNP) (Made)

H2 - Design and Layout

Other material policy considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance

CONSULTATIONS (External to Planning)

Environmental Health - No objections subject to a condition on electric vehicle charging point. However, the development only relates to a relatively small extension on an existing residential property. Therefore, it is not considered reasonable or necessary to attach this condition in this instance.

They have also requested informatives on construction hours and contaminated land.

Sandbach Town Council - No comments received

REPRESENTATIONS

None received

APPRAISAL

Principle of Development

The dwelling is located within the Sandbach Settlement Zone Line where there is a presumption in favour of development subject to adherence with other relevant development plan policies in accordance with Policy PS4 of the CBLP.

Design

Policies SE1 and SD2 of the CELPS concerns the design of all new developments and in summary they require development to be sympathetic to the character, appearance and form of the site and the surrounding area. Design and layout is also the subject of policy H2 of the SNP.

The proposed extensions would be sited to the side of the dwelling, behind the existing garage and to the rear of the property. The scale of the proposals are considered reasonable for the host dwelling and given their location they will not be particularly visible within the street scene.

The proposal would involve some alterations to the front of the property by way of the conversion of half of the double garage and replacing the flat roof with a gable end roof to the front. The new window opening within the converted garage would reflect the other windows proposed in the principle elevation and the roof form would reflect that of the main roof. The works are proposed to be constructed in materials to match the host dwelling.

Overall, the scale and design of the proposal are considered appropriate for the property and it would have no significant impact on the visual amenity of the area. The proposal is therefore considered to be in compliance with development plan policies SE1 and SD2 of the CELPS, and policy H2 of the SNP.

Living Conditions

Proposed developments are expected to preserve the amenities of the surrounding dwellings, in line with policy GR6 of the CBLP.

The proposed rear extension would be set in slightly from the shared side boundary with 68 Vicarage Lane and would sit alongside the detached garage within the rear garden area of this dwelling.

With regards to the proposed side extension, it would also be set in from the side boundary with 72 Vicarage Lane and the majority would also sit adjacent to the detached garage at no.70.

Given the layout of the proposals, it is not anticipated that the proposal would have any significant affect on the residential amenities of the surrounding properties. As such the proposal is considered to be compliance with Policy GR6 of the CBLP.

Highways

The proposal includes the conversion of half the garage; however one parking space would be retained within the garage and there is additional space within the driveway for at least two further vehicles. As such, adequate off road parking is retained and therefore the proposal does not present any highway safety concerns.

CONCLUSION

The proposed development is considered to be of acceptable design and would not unduly affect the character of the area or the amenity of the neighbouring residents. Neither are there any associated highway safety concerns. Therefore, the proposal complies with all relevant policies within the adopted Cheshire East Local Plan and the retained policies within the Congleton Borough Local Plan and the Sandbach Neighbourhood Plan, and can be recommended for approval.

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 Development Management 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 Householder

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials to match existing

This page is intentionally left blank