

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 7th October, 2020

**Time:** 10.00 am

**Venue:** Virtual Meeting

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### How to Watch the Meeting

For anybody wishing to watch the meeting live please click in the link below:

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# when prompted.

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

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

It should be noted that Part 1 items of Cheshire East Council decision-making meetings are live recorded and the recordings are 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**

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**Please Contact:** Sarah Baxter 01270 686462

**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

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 Virtual Meeting** (Pages 3 - 8)

To approve the minutes of the virtual meeting held on 9 September 2020 as a correct record.

4. **Public Speaking-Virtual Meetings**

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. **20/1472M-Redevelopment of former Garden Centre to 10no. Dwellings (including 2 affordable units) with associated landscaping, together with conversion of existing site building to office use, Ollerton Nursery, Chelford Road, Ollerton, Cheshire for D Meredith** (Pages 9 - 30)

To consider the above application.

6. **20/1957M-The construction of a single storey 1-bed apartment within the grounds of no 16 Georges Road East, Poynton, 16, Georges Road East, Poynton, Cheshire for Mr Chris Russell, QMS Developements** (Pages 31 - 42)

To consider the above application.

**Membership:** Councillors L Braithwaite, C Browne (Chairman), T Dean (Vice-Chairman), JP Findlow, A Harewood, S Holland, J Nicholas, I Macfarlane, N Mannion, B Murphy, B Puddicombe and L Smetham

## **CHESHIRE EAST COUNCIL**

Minutes of a virtual meeting of the **Northern Planning Committee**  
held on Wednesday, 9th September, 2020

### **PRESENT**

Councillor C Browne (Chairman)

Councillors L Braithwaite, JP Findlow, A Harewood, S Holland, J Nicholas, I Macfarlane, N Mannion, B Puddicombe and L Smetham

### **OFFICERS IN ATTENDANCE**

Mrs S Baxter (Democratic Services Officer), Mr A Crowther, (Major Applications-Team Leader), Mrs N Folan (Planning Solicitor), Mr N Jones (Principal Development Officer) and Mr P Wakefield (Principal Planning Officer)

As a result of a technical issue the start of the meeting was delayed by ten minutes.

### **25 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors T Dean and B Murphy.

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

In the interest of openness in respect of application 19/1601M, Councillor J Nicholas declared that he knew the speaker Joe Mattin in a professional capacity, however he had no conflict of interest.

In the interest of openness in respect of application 20/2717M, Councillor N Mannion declared that he had known the Strategic Manager of Alderley Park for the last 50 years, however had not discussed the application with him or had he known anything about it until he had received the agenda.

In respect of application 19/1601M, Councillor A Harewood declared that she had pre-determined the application and therefore would leave the virtual meeting prior to consideration of the application.

In the interest of openness in respect of application 19/1601M Councillor P Findlow declared that he had met the agent for the applicant a number of years ago.

It was noted that all Members had received correspondence in respect of application 19/3218M.

In respect of application 20/2717M, Councillor C Browne declared a non-pecuniary, personal and prejudicial interest that in his capacity as Deputy Leader of the Council he sat on the Board at Alderley Park and as this position gave him a conflict of interest he would leave the virtual meeting prior to consideration of the application. Due to the Vice Chairman having sent his apologies it was proposed and seconded and a vote was taken that Councillor J Nicholas would take over the chair for this item.

## **27 MINUTES OF THE PREVIOUS VIRTUAL MEETING**

### **RESOLVED**

That the minutes of the virtual meeting held on 12 August 2020 be approved as a correct record and signed by the Chairman.

## **28 PUBLIC SPEAKING-VIRTUAL MEETINGS**

### **RESOLVED**

That the public speaking procedure be noted.

## **29 19/1601M-RESIDENTIAL DEVELOPMENT COMPRISING OF 12NO. 2, 4 & 5 BED FAMILY HOUSES ARRANGED WITHIN TWO TERRACE BLOCKS WITH ASSOCIATED GARDENS, PARKING AND GARAGES, STANLEY PRESS EQUIPMENT LIMITED, BANK STREET, MACCLESFIELD FOR MR STUART BANNERMAN, MSB DEVELOPMENTS LTD**

Consideration was given to the above application.

(Councillor M Warren, the Ward Councillor and Joe Mattin, the agent for the applicant attended the virtual meeting and spoke in respect of the application).

### **RESOLVED**

That for the reasons set out in the report and in the verbal update to the Committee, the application be delegated back to Officers, in consultation with the Chairman and Ward Member, to approve subject further discussions which secure details for the closure of the southern access point to the development for motor vehicles, subject to the completion of a S106 Agreement securing the following:-

- Public Open space contribution of £36,000
- Recreation & outdoor sports contribution of £12,000
- Allotments contribution of £6,750
- Primary and secondary education contributions of £54,378

And subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A23GR - Pile Driving details to be submitted
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A12LS - Landscaping to include details of boundary treatment
8. Nesting bird survey to be submitted
9. Foul and surface water shall be drained on separate systems.
10. Surface water drainage details to be submitted
11. Travel information pack to be submitted
12. Electric vehicle infrastructure to be provided
13. Contaminated Land - phase II investigation to be submitted
14. Contaminated land - verification report to be submitted
15. Ecological Enhancement details to be submitted
16. Imported soil to be tested
17. Steps to be taken in event of unidentified contamination
18. Car parking spaces to be provided and retained at all times thereafter (including garages)
19. Details of proposed finished floor levels and land levels to be submitted
20. Obscure glazing requirement
21. Cycle storage to be provided
22. Removal of Permitted Development Rights

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

(During consideration of the application Councillor P Findlow lost connectivity and was unable to take part in the virtual meeting. In addition due to a technical issue the meeting was adjourned from 11.20am until 12 noon).

**30 19/3218M-PROPOSED 45 NO. RETIREMENT APARTMENTS, GUEST APARTMENT, COMMUNAL FACILITIES, ACCESS, CAR PARKING AND LANDSCAPING, CYPRESS HOUSE, SOUTH ACRE DRIVE, HANDFORTH FOR CHURCHILL RETIREMENT LIVING**

Consideration was given to the above application.

(Councillor J Smith, the Ward Councillor, Councillor B Burkhill, the Ward Councillor, Donna Barber, a supporter and Simon Carter, the agent for the applicant attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reason:-

Overdevelopment contrary to policy SD2 and contrary to parking standards set out in CE Local Plan Strategy.

(This decision was contrary to the officers recommendation of approval. Prior to consideration of the following application, the virtual meeting was adjourned in order for Councillor C Browne to vacate the chair and allow for Councillor J Nicholas to take the chair for the remainder for the meeting.

During consideration of the application, Councillor P Findlow regained connection and was able to re-join the virtual meeting, however he did not take part in the debate or vote on the application).

**31 20/2717M-RESIDENTIAL DEVELOPMENT WITH LANDSCAPING AND ACCESS ON LAND PREVIOUSLY GRANTED OUTLINE APPROVAL UNDER 15/5401M. (RESUBMISSION OF 19/2200M), ALDERLEY HOUSE, ALDERLEY PARK, CONGLETON ROAD, NETHER ALDERLEY FOR ANDREW MCMURTRIE, PH ALDERLEY PARK (ALDERLEY HOUSE) LLP**

Consideration was given to the above application.

**RESOLVED**

That for the reasons set out in the report the application be approved subject to the completion of a S106 Agreement securing the following:-

- Profits to be re invested in life science development
- 15% affordable housing to be provided on site under the established Life Science Employee Housing Scheme or an updated Scheme that could be extended to other Alderley Park employees.

And subject to the following conditions:

1. Standard 3 year consent
2. Approved Plans
3. Materials to be submitted
4. Landscaping including details of the internal access roads/junctions.
5. Implementation of landscaping
6. Tree Protection and Construction Specification / Method Statement
7. Development to be in accordance with the Great Crested Newt Reasonable Avoidance measures
8. Updated badger survey
9. Method statement for the safeguarding of the LWS/ancient woodland
10. Surface water drainage strategy
11. Separate drainage systems for foul and surface water
12. Travel information pack
13. Electrical vehicle infrastructure
14. Contaminated land verification report
15. Measures to deal with unexpected contamination
16. Levels to be submitted

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

The meeting commenced at 10.00 am and concluded at 2.15 pm

Councillor C Browne (Chairman)

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Application No: 20/1472M

Location: Ollerton Nursery, Chelford Road, Ollerton, Cheshire, WA16 8RJ

Proposal: Redevelopment of former Garden Centre to 10no. Dwellings (including 2 affordable units) with associated landscaping, together with conversion of existing site building to office use

Applicant: D Meredith

Expiry Date: 06-Jul-2020

**Summary**

This application seeks full planning permission to re-develop Ollerton Nursery, which has been certified as previously developed land and also already has the benefit of outline planning permission for 10 no. dwellings. The existing structures would be cleared and 10 no. two-storey dwellings would be erected of a contemporary flat-roof style, alongside the conversion of an existing shop to B1 office use. The proposals are considered to cause a slightly greater impact on the openness of the Green Belt, but this impact would be less-than substantial in terms of harm. Two affordable units would be included within the housing mix which would provide a small contribution to the Borough's commitment to providing affordable housing. The less than substantial harm to the openness of the Green Belt coupled with the affordable housing provided on this previously developed site enables compliance with paragraph 145 of the NPPF. The proposal is not an inappropriate form of development in the Green Belt.

The units would be concentrated primarily along the southern boundary of the site to reflect the existing garden centre layout, and would be of a relative low density with ample space for landscaping. The scale (2-storey, approximately 4.8m high) and footprints of the dwellings are appropriate when compared to the existing structures on-site. A modern style with larger extents of glazing should be secured at reserved matters stage to again reflect the lightweight nature of the existing structures, although this has been indicated in the submitted visuals and elevations.

It is expected that details relating to access, appearance and landscaping could be acceptable at reserved matters stage. The proposed layout and scale, coupled with suitable appearances and landscaping, would preserve the rural and landscaped character of the area.

Subject to suitable conditions set out in the report, no issues are raised in respect of ecology, arboriculture, flood risk, highways, or contamination.

The proposals are considered to be in accordance with both the Development Plan and the guidance of the National Planning Policy Framework. Paragraph 11 of the above Framework stipulates that proposals that accord with the Development Plan should be approved without delay. As such, the application is recommended for approval subject to conditions.

**RECOMMENDATION**

**APPROVE subject to conditions and the completion of a S.106 agreement**

**REASON FOR REFERRAL**

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor citing the reasons for objection raised by 'Ollerton with Marthall' Parish Council as follows:

*"The application is located within the Green Belt where development is subject to stricter control and the policy focus is on preserving the openness of space, setting and rural character. Ollerton and Marthall is washed over by the Green Belt and careful consideration should be afforded to maintain the openness of space and avoid harm caused by inappropriate development. The Parish Council have considered this application and responded to all previous planning applications which have been refused, including an appeal which was dismissed by the inspector on 21 June 2019 (APP/R0660/W/18/3206539R). We would like to raise our concerns regarding this proposal which is materially different from the scheme approved in the outline planning permission. We believe that should this application be approved it will have a greater and more substantial impact on the openness of the Green Belt. It was identified by the Inspector that large parts of this site have little or no development, especially in the northern part where buildings are proposed. Our objections to this application are based on the points of concern raised by members of the Parish Council and are explained below:*

*Firstly we would strongly urge that reference is made to the document submitted by Martin Planning on behalf of the owners of 1 Yew Tree Cottage, Seven Sister Lane, which is the neighbouring property to the proposed development site. This report effectively highlights the important issues regarding this application and the substantial impact on the Green Belt. The Parish Council are in total agreement with the points raised and wish to echo them in our appraisal of this application. Despite this proposal being a full application for 10 dwellings, within the Green Belt and following the previously submitted outline application, it is deficient in supporting information. Without these important documents it is difficult to make a measured assessment of this sensitive site. This is also evident by the number of requests for information from interested parties within the council. Such details are the site access, regarding its position and visibility splays, it is also noted that the access is outside the application site. There has also been no engagement with the neighbouring property that shares the original entrance.*

*The Design and Access Statement has not been updated from the outline application (18/3873M) to reflect the material changes. Furthermore there is no up to date ecological survey and more trees which were previously identified as assets (T26, T27 & T30) are also to be felled in the location next*

*to the office, where additional parking will be added. These unnecessary additional spaces require valuable trees to be removed and are not included in the tree survey.*

*An implementable drainage scheme for 10 dwellings is also needed rather than an untested proposal, given the impact it will have on the site and adjacent properties. The drainage documents do not include information showing what will happen with the drainage of neighbouring properties that actually drain onto this site.*

*Most alarmingly though is the lack of a Green Belt impact assessment for such a large development that has changed. Street scene elevations are also absolutely necessary to evaluate this type of development, to judge scale and position of dwellings on this largely undeveloped site. When comparing drawings of the previous application to the current one, it can be seen that the new scheme will have a greater and more substantial impact on the openness of the Green Belt. Given the openness of the Green Belt is fundamentally important in the context of this site, this application is somewhat cavalier in its approach to retain the position of proposed buildings as agreed in the outline*

*planning, which limits the impact on the openness of the site. The new scheme will certainly introduce bulk and massing to previously undeveloped parts of the site. It must be noted that despite the Northern Planning Committee approving 10 dwellings in the outline planning*

application on the 16<sup>th</sup> Jan 2019, this predated the refused appeal by the planning inspector on the 21<sup>st</sup> June 2019, his comments are:

*".. the proposal would spread development noticeably wider across the site than is currently the case. Although the impact would be seen most keenly towards the northern corner of the site where the single existing residential building would be replaced by four dwellings this would not be exclusively so. The proposal would extend built development uniformly closer to the site's perimeter, spreading development out across the site. Thus for the reasons I have set out here and above, I conclude that the proposal would cause substantial harm to the openness of the Green Belt."*

*This site is a horticultural nursery with light weight poly-tunnels and glasshouses which are far from being built in form; the proposed dwellings will have a more permanent appearance impacting the site, changing its appearance to a residential development which has no relation to its surrounding environment. Currently no structures stand higher than 4.5m; however the proposed buildings will be 5.5m high with the addition of chimneys. It can be concluded that the proposed buildings will be incongruous additions to this rural parish and cause even more substantial harm to the openness of the Green Belt, than the outline planning application. The Parish Council are concerned that this development could set a dangerous precedent for future developments given there is no special circumstance to outweigh the harm.*

*It has been raised throughout all of the previous applications that this site is not serviced by regular public transport, despite the claims of the applicant, multiple car journeys will be created from both the dwellings and the proposed office, which now has additional parking. This will be contrary to the sustainability objectives embraced by the Local Plan Strategy.*

*Again another concern which continues to be raised with Highways is the dangerous offset Ollerton junction, which the new entrance will be close to. There is a serious conflict of movement at this junction which this development will exacerbate. The Parish Council are continually asked by residents to improve this junction and make it safer, however this development adds to the issues and offers no solution to mitigate the extra danger that will be introduced. The Nursery, not garden centre as described by the applicant, had very low levels of traffic; the new development will see significantly more traffic.*

*The Parish Council has continuously raised its concerns regarding the challenges faced with respect to problems overcoming poor drainage from septic tanks in the area. The impact septic tanks are having on our brooks and watercourses have finally been identified by The Bollin Environmental Action and Conservation Group with their Call of Nature Campaign. They have stated that Ollerton and Marthall have a significantly high number of properties reliant on septic tanks. This has already damaged our brooks which are in poor ecological condition because of high levels of phosphates and nitrates found in the water. Also given the high water table in the area, we have seen increased flooding. It is no longer acceptable to overlook this and it must be a material consideration when considering larger developments, we request that a robust drainage proposal is submitted which considers neighbouring properties that drain into the Nursery.*

#### *Conclusion*

*The exceptional time it has taken to even reach outline planning demonstrates the extraordinary circumstances required to release this site for development from within the Green Belt. Yet this application fails to provide critical information required to satisfy the many concerns both the residents and the Parish Council hold. It is also transparent to us that the applicant has adjusted properties 9 and 10 from the outline planning, to create a further additional plot. Also requesting more parking hard standing in this area for the office, is an attempt to improve chances of future development. It must also be noted that the same*

*applicant is to build a further two properties immediately next to this site. This is going to change the appearance of this area for sure and any shortcoming in this application should not be acceptable and should lead to a refusal of this application. Permitted development right should be removed and infill development prohibited. All aspects of this application should be scrutinised and not accepted for approval in its current form."*

## **PROPOSAL**

This application seeks full planning permission for the erection of 10 dwellings (including 2 affordable units) with associated landscaping, together with conversion of the existing site building to office use at the site referred to as 'Ollerton Nursery'.

The previous garden centre use has already ceased and some of the associated structures demolished and removed from the site. The exception is a brick built building to the eastern edge of the site, which would be converted to office use (B1 use).

The residential units would be spread across the site in a relatively low-density fashion, with a greater concentration of units along the southern periphery. The access would be branched with 2 cul-de-sacs separated by an area of open space comprising 3 no. protected Oak trees. The site access would be relocated slightly to the south, still off Chelford Road.

Units '1' and '2' would be semi-detached affordable. The remaining 8 dwellings would be detached open market dwellings. The style of the scheme is contemporary with large expanses of glass, flat roofs and modern materials.

## **SITE DESCRIPTION**

This application relates to the former Ollerton Nursery which is located off Chelford Road in Ollerton. The site has a number of buildings on it, the majority of which are glasshouses and polytunnels. The site covers an area of 1.4ha. In total there are a total of 10 buildings on site, the majority of the site is covered by hardstanding, with the front of the site being laid to grass and a number of individual trees and groups of trees existing on site. Ollerton Nursery has clearly not operated from the site for some time and part of the site is in a poor condition of upkeep towards the rear of the site. The frontage to the site with Chelford Road is presently hoarded off. The current access to the site directly adjoins the access serving the adjoining property known as 'Holly House' to the north.

## **RELEVANT SITE HISTORY**

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

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

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

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

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

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

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

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

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

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

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

17/6072M – Redevelopment of former garden centre to 17 dwellings, public open spaces including associated landscape works together with conversion of existing building to office use. Refused – 10-May-2018 (Appeal Dismissed following quashing of original inspectors decision by the High Court).

18/3873M - Outline application with some matters reserved (Access, Appearance, Landscaping) for redevelopment of former Garden Centre to 10 No Dwellings (including 2 affordable units), with associated landscaping together with conversion of existing site building into office use – Approved 24-Mar-2020

## **LOCAL AND NATIONAL POLICY**

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

Policy DC3: Amenity

Policy DC6: Circulation and Access

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC35: Materials and Finishes

Policy DC36: Road Layouts and Circulation

Policy DC37: Landscaping

Policy DC38: Space Light and Privacy

Policy DC40: Children's Play Provision and Amenity Space

Policy DC63: Contaminated Land

Policy NE11: Protection and enhancement of nature conservation interests

Policy NE14: Natural habitats

Policy NE17: Nature Conservation in Major Developments

Policy NE18: Accessible areas of nature conservation from residential properties

Policy H9: Occupation of Affordable Housing

Policy RT1: Recreational land and open space

Policy RT2: Open spaces/amenity areas in residential areas

Policy RT5: Standards for open space provision

Policy GC1: Green Belt – New Buildings

Policy GC8: Reuse of Rural Buildings – Employment and Tourism

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

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

**Ollerton with Marthall Neighbourhood Plan** - Regulation 7 Stage - Ollerton with Marthall has been designated as a 'Neighbourhood Area' although this is only Regulation 7, which is a very early stage in the Neighbourhood Planning process. As such, this is afforded little weight.

### **Other Material Considerations:**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Cheshire East Design Guide

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

**Environmental Protection:** No objection subject to conditions / informatives relating to noise, hours of construction / piling, site specific dust management plan, floor floating, electric vehicle charging infrastructure and contaminated land.

**Head of Strategic Infrastructure (Highways):** No objection

**Manchester Airport:** No objection

**Public Right of Way Unit (PROW):** No objection

**United Utilities:** No objections subject to conditions relating to surface water drainage and foul water drainage.

**VIEWS OF THE OLLERTON WITH MARTHALL PARISH COUNCIL:** Object (summarised as follows):

- Scheme little different to previous refused scheme
- Previous comments made by the Parish Council have not been dealt with
- Will cause additional substantive impact on the Green Belt with further car parking spaces, more hard standing and an additional driveway, which will result in further felling of trees that provided screening and amenity for residents
- Drainage concerns as neighbouring properties rely on the site for their drainage
- Problems with reliance of septic tanks and impacts on biodiversity
- Neighbouring scheme for 2 properties to be built by the same developer should be included in the drainage details
- Scheme is materially different to approved outline
- Reference should be made to the representation made on behalf of a neighbouring property
- Application is deficient in supporting documentation
- Access is outside of the application site
- No engagement with neighbours
- No up to date tree or ecological surveys
- Lack of Green Belt Assessment
- No street scene elevations
- Scheme will introduce bulk and massing to previously undeveloped parts of the site
- Proposed building will be much taller than the building they will replace (4.5 metres to 5.5 metres)
- Proposals could set a precedent
- Site is not serviced by regular public transport
- High water table leading to issues of flooding

## REPRESENTATIONS

Representations have been received from 13 addresses including South Knutsford Residents Group over two periods of consultation. 1 is written in support and 12 object to this application on the following grounds:

- Proposal conflicts with the Development Plan
- Current scheme is materially different and will have a greater and more substantial impact on the openness of the green belt than the consented scheme
- The approval of the consented scheme pre-dated an appeal at the site for 17 houses which was dismissed due to impact on the Green Belt
- Inadequate information comprising of
  - Lack of access detail which appears to be sub-standard and does not show how shared access with Holly House will work



- Location plan does not indicate any other land owned by the applicant in blue
- No up to date ecological survey
- Tree survey not updated to reflect amended layout
- Design & Access Statement was the same submitted for the outline
- Lack of drainage / flood risk assessment
- No Green Belt Impact assessment for openness
- Residents Travel Information Pack is deficient
- No landscape visual impact assessment
- Travel Plan
- Impact on Green and openness particular by the 2 plots in the northern part of the site
- Bulk and massing greater than outline consent
- Development in south east corner comes close to Chelford Road than outline scheme
- Proposal would lead to a greater spread of development, as noted in previous appeal decision and will have an urbanising effect
- Existing buildings by their nature are lightweight and transparent and the site is more open
- Existing hoarding and site / welfare huts should be removed as there is no implementable planning permission and are affecting outlook and tv signal to neighbouring property
- Proposed access moved further along will further impacting on openness
- Dwellings will appear incongruous in this rural setting and will be taller and denser (5.5 metres compared to 4.5 metres of existing structures)
- Design is akin to an industrial estate
- Ollerton is not a Local Service Centre and does not fit with the Council's policy on hierarchy of development
- Ollerton is not a sustainable location and residents will be car dependent
- Highway safety concerns with Chelford Road heavily trafficked including HGV vehicles with speeds in excess of the speed limit
- Ollerton Crossroads is very dangerous and an accident blackspot
- Drainage information is not clear and there is a high water table
- All neighbours to the site have septic tanks that drain in or along this site boundary
- Developer already has permission for 2 further houses on Seven Sisters Lane
- Outline consent was subject to a number of conditions which have not been met
- Removal of trees / hedges
- Boundary line different to previous consent
- Small rear gardens
- Developer has not consulted with neighbours
- Concerns have not been addressed by amended plans
- Suspect it is intended that the existing barn will be converted to residential use
- Adjoining Holly House relies on Nursery car park for oil delivery by tanker
- Plots have been moved to accommodate a further unit in the future
- Area of open space lost to car parking spaces and should be made Public Open Space

Public consultation has been carried out in accordance with statutory requirements.

## **APPRAISAL**

### **Background**

The principle of redeveloping the site for 10 no. dwellings with an office has already been accepted and established by the grant of outline planning permission under planning ref; 18/3873M. Details of layout and scale were approved under the outline with matters relating to access, appearance and landscaping reserved for approval at a later stage. The developer proposes a minor change to the approved layout and accordingly, this application is for full planning permission rather than reserved matters. There has been no significant policy change since the grant of the previous consent that would render the principle of developing the site unacceptable. Nonetheless, this assessment will be revisited.

### **Principle of Development / Green Belt**

The site is located within the Green Belt (as defined by the Macclesfield Borough Local Plan, 2004). The key policies are PG3 (CELPs), GC1 (MBLP) and Chapter 13 of the NPPF (2019), specifically paragraph 145.

Within this designation, the policy focus is on preventing “inappropriate” development in the Green Belt with the fundamental aim being to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. It should be noted that development defined as ‘inappropriate’ is by definition harmful to the Green Belt and attracts substantial weight in decision making. Such development should only be approved in very special circumstances where the harm by reason of inappropriateness (and any other harm) is clearly outweighed by other considerations.

One form of development not considered ‘inappropriate’ in the Green Belt (as set out in para. 145) is as follows:

“(g) – limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

NB: “Openness” is defined, in planning terms, as ‘the absence of built development’. Broader definitions relate to a state of being open and a sense of spaciousness.

Point (g) of para. 145 is considered to be the most relevant policy test to this application.

Whilst agricultural / horticultural uses are excluded from the definition of ‘previously developed land’, it has been certified through the grant of a Lawful Development Certificate (Planning ref; 16/1775M refers), that the lawful use of the site is as a Garden Centre (A1 use class). The site is therefore considered a non-agricultural or forestry use and is occupied by permanent structures and fixed surface infrastructure. As such, the site is ‘previously developed land’ in accordance with the definition set out in Annex 2 of the NPPF. It is noted

that the Planning Inspectorate in determining a previous appeal at the site did not dispute this land classification (planning ref; 17/6072M).

In assessing the impact on openness, due weight has been given to the following:

- The footprint of residential development on the site would be reduced in comparison to the existing garden centre (2695sqm. to 1271sqm. (1300sqm. consented scheme)
- Creation of a landscaped access into the site, with the protected oak trees as a focal point. This replaces the existing access which immediately adjoins a large hardstanding area used for vehicle parking.
- Replacement of the existing buildings (which range up to 4.5m in height) with residential flat-roof units up to 5.8m in height.
- The erection of unit 10 (2-storey) to the northern part of the site which replaces only a small single storey flat-roof structure.
- The replacement of lightweight glass structures (such as greenhouses and polytunnels) with more substantial buildings suitable for residential use

Taking all the above points into consideration, it is considered that the development would have a slightly greater impact on the openness of the Green Belt. Whilst there would be significant reductions in footprint, this is outweighed by the slightly greater height of the replacement buildings. These buildings would visually appear more prominent by virtue of their massing and residential form. Moreover, despite the development being concentrated along the southern periphery (reflecting the layout of the existing development), unit 10 would still result in a larger building in an area on the site which is particularly more open.

Point 2 of (g) is therefore engaged, which states that development which would not “cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority” is not inappropriate. These are the same conclusions drawn previously and given that the layout is largely the same as the extant consent and therefore it would be unreasonable to reach a differing conclusion.

As noted above, whilst the proposal would have a greater impact on the Green Belt’s openness, the harm attached to this would not be considered ‘substantial’.

In terms of housing need, the CELPS (adopted 2017) emphasises the following:

*“Although the borough has a stock of good quality housing with relatively low vacancy rates, in many areas there is an imbalance in the type and tenure of available housing. There is a need to make sure that future housing development in Cheshire East helps to support economic growth by providing for a range of income groups.” (12.43)*

*“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”. (12.44)*

The provision of 2 affordable units on this site would make a small contribution to the objectively-assessed need (>0.5%, annual). There is also recognition that within Cheshire East, the delivery of rural exception sites has been slow and the Council is keen to facilitate a higher provision of affordable homes in rural areas. This aligns with a view to maintaining sustainable communities and meeting resident's specific needs.

It is widely acknowledged that the northern part of rural Cheshire East comprises land values and house prices which are relatively unaffordable (exceeding the regional average by 36.2%). The 2 units proposed here will help to create a more balanced housing market in rural areas, which is an issue highlighted both in the CELPS and nationally in the NPPF as facilitated under the affordable housing exceptions set out in paragraph 145. The 2 units would meet an identified affordable housing need within the area of the Cheshire East authority. The latest CE Housing Strategy (2018 – 2023) draft continues to highlight the need for affordable housing in rural areas. The Councils Housing Officer has recommended that both units be available as 'affordable rent'.

Finally, the existing building to the eastern side of the site is substantial in its construction and a permanent fixture on the site. This building has previously been used as a small shop and would be converted to B1 office use. The conversion of this building would not be inappropriate in the Green Belt, in accordance with paragraph 146 (NPPF).

In summary, the proposal is not considered an inappropriate form of development in the Green Belt, due to compliance with paragraph 145. It is noted that PG3 (CELPS) is not consistent with the NPPF in this regard, and thus the corresponding part of PG3 is afforded reduced weight in the determination of this application.

Further to the inappropriateness test, there is no other significant harm to the Green Belt. The proposal would not conflict with the purposes for including land within the Green Belt. There is a greater impact on openness, although this is discussed above. Paragraph 145 in determining inappropriate (and by virtue appropriate) forms of development in the Green Belt registers an inherent impact on openness.

The proposal complies with the NPPF and is considered to have an acceptable impact on the Green Belt.

### **Affordable Housing**

It should be noted that there is no affordable housing requirement for the site once the principle of vacant building credit is applied. However, as with the previous scheme, the application proposes 2 no. affordable rented units are put forward to ensure compliance with paragraph 145 of the NPPF as noted above. These would be Units 1 and 2 and would have 2 and 3 bedrooms respectively, which would address an identified local need. This is a positive of the scheme and attracts weight in favour of it, albeit only moderate weight given that it is to offset the impact on Green Belt as discussed above.

### **Locational Sustainability**

Para 79 of the NPPF seeks to avoid the creation of isolated homes in the countryside. For the purposes of this application, the site is contained within Ollerton which visually can be defined as small village. Functionally, the site is within close proximity to Knutsford and in a wider context, the greater Manchester conurbation. The occupants of the development would have good access to a range of amenities within Knutsford, including educational facilities, retail, employment and public transport. Knutsford sits 1.7 miles North West of the application site and is easily accessible via the A537. This larger settlement is also accessible via a public bus network and the route has a topography that could support cycling.

For these reasons, it is not considered that the site is an 'isolated' location as set out in paragraph 79 of the NPPF.

### **Design, Character and Appearance**

NPPF paragraph 127 notes that planning decisions should ensure that developments are: visually attractive as a result of good architecture and layout; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. Paragraph 130 notes that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area.

CELPs policy SD2 notes that development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials, external design features, massing of development, and relationship to neighbouring properties, street scene and the wider neighbourhood. Policy SE1 notes that development proposals should make a positive contribution to their surroundings by:

- Ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements
- Encouraging innovative and creative design solutions that are appropriate to the local context
- 

The proposed layout is considered to be suitable for the proposed 10 dwellings. Access would be provided directly from Chelford Road before branching into 2 cul-de-sacs (with turning heads), which circumvent 3 mature oak trees (TPO) centrally within the site. Each unit would enjoy ample garden space and are well set-back from the proposed roads which would allow sufficient space for soft landscaping suitable to this rural environment. Off-road parking could be achieved and the low-density configuration of buildings would create a sense of spaciousness within this development. The concentration of units to the south of the site, whilst important in ensuring compliance with Green Belt policy, also enables the edges of the development closest to the countryside to be less dense.

The appearance of the dwellings would be highly contemporary in style using high quality materials with large expanses of glazing. This partially reflects the glass lightweight nature of the existing structures on-site. The two-storey scale is appropriate as the heights of the buildings remain very modest not exceeding 5.8 metres at most and the footprints of each unit are not excessive. The footprint of the scheme is marginally less than the consented scheme and the number of storeys and relative height consistent with what was approved a

prescribed by the outline approval. Whilst there are slight undulations in the topography of the site, there are no level differences that would render the buildings unacceptably overbearing.

The village of Ollerton already comprises a number of residential properties, bus stops, a main arterial road and a nearby public house. Some letters of objection have cited 'harm' to the quiet character of this area, although the rural serenity of this area has arguably been prejudiced by the present extent of development in this location. The proposed site would fit relatively well into the grain of Ollerton, recycling a redundant brownfield site and with 10 dwellings, it would not create an out of character intensification of the site nor undermine its semi-rural appearance.

The scheme comprises of a high quality cotemporary design with good aesthetics, coupled with a sympathetic conversion of the existing brick building to be retained. The scheme is found to comply with Policies SD 2 and SE 1 of the CELPS and the NPPF.

### **Landscape**

Policy SE4 of the CELPS expects all development to incorporate appropriate landscaping which reflects the character of the area through appropriate design and management; where appropriate, provide suitable and appropriate mitigation for the restoration of damaged landscape areas; preserve and promote local distinctiveness and diversity; avoid the loss of habitats of significant landscape importance, and; protect and / or conserve the historical and ecological qualities of an area.

The proposed dwellings would be well set-back from Chelford Road with Unit 1 approximately 36m back from the road. This will allow sufficient space for detailed landscaping to the east of this unit to help screen the development. Some landscaping here will be important, as whilst the dwellings are relatively low in height and well set-back, their contemporary design would provide a contrast to the surrounding architectural styles. Whilst contemporary design is encouraged in the CE Design Guide, some landscaping fronting Chelford Road will enable the proposal to better assimilate into the existing landscaped character and to soften any visual impacts.

The site is in a poor state of upkeep with hard surfacing and structures becoming dilapidated. The proposal would provide a more attractive site layout of which the oak trees would be a focal point, with further space for soft managed landscaping. It would repurpose a vacant brownfield site, a key theme supported by the NPPF.

The Council's Principal Landscape Architect has offered no objection to the scheme and the associated landscaping put forward and does not consider that the harm to the landscape would be significant. On this basis, the scheme is found to accord with CELPS Policies SE 1 and SE 4.

### **Residential Amenity**

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between

buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

Saved policy DC38 of the Macclesfield Borough Local Plan (MBLP) states that new residential developments should generally achieve a distance of between 21 metres and 25 metres between principal windows and 14 metres between a principal window and a blank / flank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

The nearest neighbouring residential properties are those found on Severn Sisters Lane to the south and the property referred to as 'Holly House' positioned to the north east. The nearest plot to the properties to the south would achieve a separation distance in excess of 28 metres and in terms of Holly House, the nearest proposed plot would be in excess of 40 metres. The conversion of the existing brick building to office use which sits on the boundary adjoining Holly House would not have any greater impact than the current relationship. On this basis, it is concluded that the proposals would not cause significant losses of light nor appear overbearing to properties on these mentioned roads. Moreover, the modest 2-storey height would not significantly compromise privacy or enjoyment of neighbouring sites by reason of direct overlooking, overshadowing or increased sense of enclosure.

Within the development itself, the proposed dwellings would be positioned in a low density arrangement that would create ample space for external landscaping and private amenity space. Units 1, 2, 5 and 6 contain smaller garden areas although the space (approximately 65sq m) would be sufficient for their purposes as private gardens. The properties are situated such that they would not be overbearing upon one another, nor cause significant losses of daylight or sunlight. Most of the proposed gardens contain a south facing aspect.

Noise is not expected to be an issue given the development is clearly focused upon family sized dwellings, and would replace an existing garden centre which has a certificate for A1 retail use. Whilst the site access would be intensified in contrast to the present redundant use, the intensification is not considered excessive compared to the approved lawful use. Thus, no issues are raised with noise given this rural context and the lawful use of the site.

The development is considered acceptable in terms of residential amenity and would comply with policy SD 2 of the CELPS and saved Policies DC3 and DC38 of the MBLP.

### **Highways**

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

There is a small office proposed and there are 8 car parking spaces to serve this unit.

There are no traffic impact issues arising from the 10 units and it also has to be borne in mind that the lawful use of the site as a former garden centre would generate a greater number of trips to and from the site.

The position of the access is acceptable and provides an acceptable level of visibility in both directions.

Sufficient space would exist within the site to accommodate parking in accordance with CE standards. These are as follows:

2/3 bedroom – 2 spaces per dwelling  
4/5+ bedroom – 3 spaces per dwelling

In the absence of any objection from the Head of Strategic Infrastructure (Highways), the proposal complies with Policy CO1 of the CELPS and saved Policy DC6 of the MBLP.

### **Public Rights of Way**

Having consulted the Definitive Map of Public Rights of Way, the proposal would not affect any public right of way. No public rights of way issues are therefore raised.

### **Air Quality**

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

An EVP (Electric Vehicle Infrastructure – Charging Point) condition as recommended by Environmental Protection shall be added to the recommendation ensuring that the occupiers of each dwelling have the infrastructure in place to accommodate more environmentally friendly modes of transport. The application has also been supported by a 'residents' sustainable travel information pack', which will be issued to occupiers on the initial sale of the properties. The travel pack incorporates local information on public facilities, bus services, improvements to public transport, bicycle storage facilities, and any car sharing incentives. This helps to contribute to the Borough's clean air quality targets, and ensure compliance with policy SE 12.

### **Trees**

Policy SE 5 of the CELPS outlines that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

The application is supported by an Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan and Landscape Layout. These have been updated to give



consideration to the Below Ground Drainage Strategy and The Below Ground Drainage Details together with the proposed drainage layouts. This follows comments from the Council's Tree Officer. The Tree Officer has confirmed that the revised drainage layouts avoid the root protection areas (RPA's) of the trees central to the site which are afforded protection by Tree Preservation Order (TPO). The Arboricultural reports also provide additional detail in terms of demolition of existing structures within the RPA;s of other retained trees. The Councils Tree Officer has confirmed that the scheme is acceptable in terms of its impact on trees. Subject to conditions ensuring compliance with the submitted tree information and a condition ensuring retention of the retained trees, it is considered that the proposal can be accommodated without harming the arboricultural value of the site. The proposals accord with Policy DC9 (MBLP) and SE5 of the CELPS.

### **Flooding issues**

The site is sited within Zone 1 (EA Flood Risk) which indicates a low probability of flooding (less than 1 in 1,000 annual probability). It is not considered that this scheme would significantly exacerbate any present flooding within the neighbouring sites or the immediate locality and is thus acceptable in this aspect, in line with the NPPF. As part of any landscaping scheme suitable areas of permeable surfacing would be secured which would facilitate surface water drainage.

United Utilities have been consulted on the proposals and have raised no objection suitable to conditions that secure the following:

- Foul and surface water being drained on separate systems
- A surface water management scheme to be submitted to and approved in writing by the LPA prior to the commencement of any development.
- A sustainable drainage management and maintenance plan for the lifetime of the development

Following concerns expressed by objectors, the Council's Flood Risk Manager are reviewing the submitted drainage strategy and their final comments will be reported by way of a written update.

### **Ecology and Nature Conservation**

#### Bats

Following initial comments from the Council's Nature Conservation Officer (NCO), an updated Bat Survey Report has been carried out owing to the passage of time since the last one was undertaken. There is no significant evidence that the buildings are being used by roosting bats and the NCO has confirmed that no further surveys are required in respect of this application. If works have not commenced within 2 years of the report, an update will be required. On this basis, the proposed development unlikely to have a negative impact upon bats.

#### Hedgerow

The submitted landscaping scheme details the retention and enhancement of existing hedgerows with new/replacement planting to be of native species composition.

### Breeding Birds

Should any demolition/conversion works, or vegetation removal be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August in any given year, a detailed survey should be carried out to check for nesting birds. An appropriate condition is therefore recommended.

### Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with his policy. It is therefore recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

## **Sustainability**

### ***Environmental Sustainability***

Taking into account the above sections, the proposal is not considered to represent an inappropriate form of development in the context of the Green Belt. The scale and layout of the proposals are considered appropriate in this rural area. The visual amenities which contribute to the street scene could be preserved and it is expected that there would be no significant highway issues, flood risk issues, harm to the wellbeing of any significant trees, or harm to the biodiversity of the area.

### ***Social Sustainability / Housing Land Supply***

Paragraph 73 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. This development would contribute to the Council's existing five year housing land supply and provide needed housing for the Borough's growing population.

It is recognised that the provision of 10 additional houses including 2x affordable units within the site would provide some social benefits to the area. The scheme would also help to provide family housing on a 'previously developed' site with Cheshire East, which both locally and nationally is shown to be in demand.

### ***Economic Sustainability***

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

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

The proposed office (B1 use) would also create some local jobs and opportunities for local enterprise, which adds a slight economic benefit to the developments potential.

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

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

- **20% Affordable Housing** (i.e. 2 units as proposed), available for affordable rent.

**Community Infrastructure Levy (CIL) Regulations**

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

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

The provision of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area and to comply with National Planning Policy, specifically point 'g' of paragraph 145 of the NPPF.

This is considered to be necessary and fair and reasonable in relation to the development.

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

**Conclusions**

The objections have been noted and considered. However, the proposals are found to accord with the Development Plan.

The proposals are considered to cause a slightly greater impact on the openness of the Green Belt, but this impact would be less-than substantial in terms of harm. 2x affordable units would be included within the housing mix which would provide a small contribution to the Borough's commitment to providing affordable housing. The less than substantial harm to the openness of the Green Belt coupled with the affordable housing provided on this previously developed site enables compliance with paragraph 145 of the NPPF. The proposal is not an inappropriate form of development in the Green Belt and the proposal is not materially different to a recently consented scheme which has already permitted 10 dwellings on the site in outline form.

The units would be concentrated primarily along the southern boundary of the site to reflect the existing nursery centre layout, and would be of a relative low density with good landscaping. The scale (2-storey, approximately 5.8m at the highest) and footprints of the dwellings are appropriate when compared to the previous structures on-site. The

contemporary style with larger extents of glazing will result in a high quality of design and reflect the lightweight nature of the former structures.

The proposed access provided sufficient visibility and the traffic movements associated with the 10 dwellings would be acceptable and likely less than those generated by the lawful use of the site. The proposed layout and scale, coupled with high quality appearance and landscaping, would preserve the rural and landscaped character of the area.

Subject to suitable conditions set out in the report, no issues are raised in respect of ecology, arboriculture, highways or contamination. Subject to comments from the Council's Flood Risk Manager, the site can be suitably drained and is not within an area of high probability for flooding.

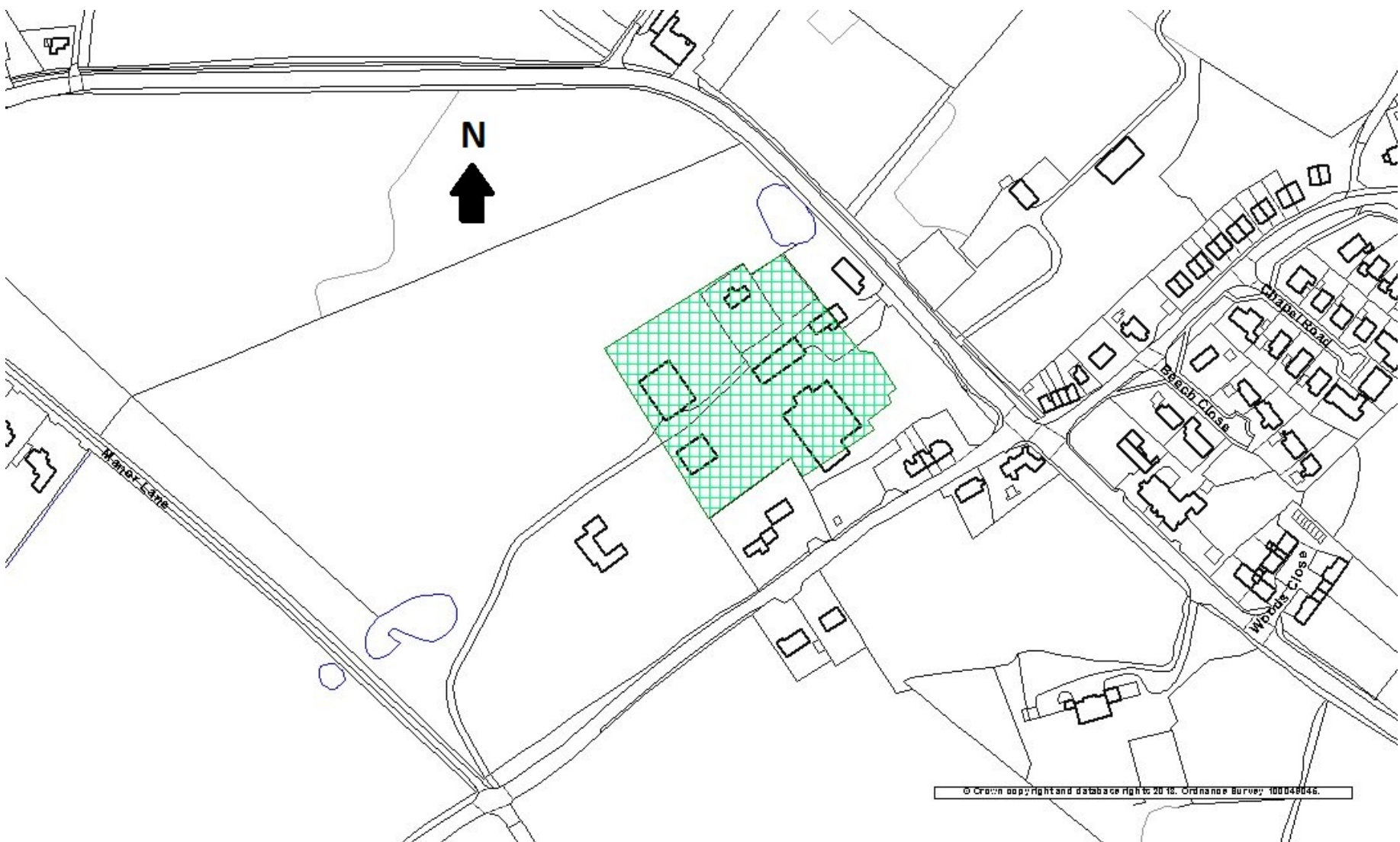
The proposals are considered to be in general accordance with both the Development Plan and the guidance of the National Planning Policy Framework. Paragraph 11 of the above Framework stipulates that proposals that accord with the Development Plan should be approved without delay. As such, the application is recommended for approval subject to conditions.

**Recommendation** – The application is recommended for approval subject to the prior completion of a s106 agreement to secure 2 of the units for affordable / social rent as outlined above and the conditions listed below:

- 1. Commencement of development (3 years)**
- 2. Development in accordance with approved and amended plans**
- 3. Construction of access and parking made available for use prior to first occupation**
- 4. Landscaping scheme to be implemented in accordance with submitted scheme**
- 5. Details of boundary treatments to be submitted, approved and implemented**
- 6. Development shall be carried out in accordance with the Arboricultural Impact Assessment / Method Statement and Tree Protection Plan**
- 7. Retention of retained trees**
- 8. Details of ground levels to be submitted, approved and implemented**
- 9. Foul and surface water drainage to be connected on separate systems**
- 10. Scheme of surface water drainage and management plan to be submitted, approved and implemented**
- 11. Sustainable drainage management and maintenance plan to be submitted, approved and implemented**
- 12. Details of materials to be submitted, approved and implemented**
- 13. Removal of permitted development rights for extensions and outbuildings**
- 14. Development to be carried out in accordance with noise survey**
- 15. Supplementary Phase II contaminated land investigation to be submitted and approved**
- 16. Verification of remediated contaminated land to be submitted and approved**
- 17. Details of bin / refuse storage to be submitted, approved and implemented prior to first occupation**
- 18. Details of pile foundations to be submitted, approved and implemented**
- 19. Travel Plan to promote alternative / low carbon transport options for residents to be submitted, approved and implemented**
- 20. Electric Vehicle Infrastructure to be provided prior to first occupation**

- 21. Scheme of dust control to be submitted, approved and implemented**
- 23. Obscured glazing on side elevations of upper floors**
- 24. Accordance with Ecological Assessments**
- 25. Nesting bird mitigation measures to be submitted, approved and implemented**
- 26. Details of external lighting to be submitted, approved and implemented**
- 27. Scheme of biodiversity enhancement to be submitted, approved and implemented**
- 28. Cycle storage provided prior to first occupation**

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



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Application No: 20/1957M

Location: 16, Georges Road East, Poynton, Cheshire, SK12 1NP

Proposal: The construction of a single storey 1-bed apartment within the grounds of no 16 Georges Road East, Poynton

Applicant: Mr Chris Russell, QMS Developements

Expiry Date: 08-Oct-2020

## SUMMARY

The application site is located on an area of Existing Open Space in the MBLP, and it has not been demonstrated that the open space is surplus to requirements, it is not replaced by equivalent or better provision, and the development is not for alternative sports and recreational provision, as required by policy SC 1 of the CELPS and the Framework. As such the proposal is a departure from the development plan, which weighs heavily against the proposal.

The Council's Open Space Summary Report for Poynton (March 2012) refers to the private allotment site at Georges Road East, but notes that it could not be assessed properly due to the improvement works being carried out on Park Lane. Its use at that time was not identified. The report does however state that there is a shortage of allotment facilities in Poynton.

]

However, policy EGB 2 of the PNP, which seeks to preserve and protect open spaces which characterise the village identity, does not refer to this site in the list of locations to be protected under this policy. The PNP is the most up to date development plan document and as such carries significant weight in the determination of the application.

In addition, the application site, as with all the adjoining sites that fall under this open space allocation in the MBLP, is in individual private ownership, and therefore public access to it is restricted. In visual terms, the site has very limited benefits to the wider area due to it being accessed from the private (no-through) road that serves these plots and the associated dwellings on Georges Rd East. As such its visibility, and appreciation as a public amenity, from public vantage points is very limited. Therefore, in terms of the function of the land as open space as it currently stands, there are not considered to be any significant physical or visual benefits to it.

The application site and all the privately owned plots within this open space allocation all appear to have more of a domestic garden appearance than allotments, with lawns, children's play equipment, domestic outbuildings, car parking all present on these plots. The applicant has suggested that these garden uses have been ongoing for a number of years. On this basis, despite the need for allotments in Poynton, and the previous use of this site, it is considered to be very unlikely that the use of the site for allotments would ever be resurrected.

The site is in a very sustainable location and the proposal would provide a residential dwelling within the key service centre of Poynton, very close to the public transport facilities, shops and services within the town centre. The proposal raises no significant issues relating to the impact upon the living conditions of neighbouring properties, the character of the area, highway safety, trees or flood risk.

Therefore, whilst acknowledging the conflict with the development plan, the proposal accords with the requirements of the most up to date policy document, the Poynton Neighbourhood Plan, and having regard to the details set out above, on balance it is considered that the identified policy conflict is outweighed by other considerations, and the proposal represents a sustainable form of development.



## Summary Recommendation

Approve with conditions

## REASON FOR REPORT

This application has been called-in to the Northern Planning Committee by the local Ward Member, Cllr Jos Saunders for the following reasons:

*Cheshire East flood team commented that the site is at a high water flood risk; the proposal would be cramped and intrusive and out of keeping with neighbouring properties; the property would be very close to existing gardens and is unneighbourly; and it is back land development with no proper road frontage and access which is via an unmade private road.*

## DESCRIPTION OF SITE AND CONTEXT

The site lies located to the north of 16 St Georges Road East which forms part of a row of terraced brick dwellings that face onto a footpath to the south but are accessed by vehicle to the north of the dwellings (to the rear). This private road connects with Clumber Road to the east. There are gardens located to the north of the private road which are mostly long and narrow, however the one associated with no 16 is wider than many of the others at 12.5m wide. The gardens are allocated as existing open space in the Macclesfield Local Borough Plan as they were originally part of an area of allotments, however they were sold to the houses on Georges Road East in 1948 and many are used as gardens or for parking. Some contain outbuildings, gazebos, sheds and play equipment.

The site lies very close to Poynton Town centre where it abuts a rear car park to the rear of shops on Park Lane and also Legh Close, which is used as access to the adjacent care home known as Cedarwood. As noted above the site lies within an area allocated as Existing Open Space in the MBLP.

## DETAILS OF PROPOSAL

This application proposes the erection of a single storey dwelling on the garden area to the north of 16 Georges Road East. It would comprise of a bedroom, a bathroom, kitchen/ dining area and living area. The dwelling would be located to the northern end of the plot close to the boundary with the car park accessed off Park Lane. A parking area and garden for the new dwelling would be accessed off the existing track and parking for the existing house would be located to the south of the track. No 16 would retain private amenity areas to the west and south of the dwelling.

The proposed dwelling would comprise timber cladding with oak posts and a turf roof. This is a similar design to an existing extension to the applicant's house at no 16

Most of the southern elevation would be a fully glazed wall with other elevations being plain with zinc cladding and a moderate amount of fenestration. The design incorporates methods

to reduce energy consumption and carbon dioxide emissions plus a turf roof to reduce surface water run off.

The dwelling would be slightly raised above ground level on brick plinths and posts.

## **RELEVANT HISTORY**

None

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPs)**

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

SE1 Design

SE2 Efficient Use of Land

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

SC1 Leisure and Recreation

Appendix C – Parking Standards

### **Saved policies of Macclesfield Borough Local Plan (MBLP)**

DC3 Protection of the amenities of nearby residential properties

DC6 Safe and convenient access for vehicles, special needs groups and pedestrians

DC8 Landscaping

DC38 Guidelines for space, light and privacy for housing development

DC41 Infill housing or redevelopment

RT1 Open space

### **Poynton Neighbourhood Plan**

EGB1 Surface water management

EGB2 Open spaces

HOU 6 Housing mix

HOU 8 Density and site

HOU 11 Design

HOU 15 Back land and tandem development

.

## **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Cheshire East Design Guide

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

**United Utilities** – applicant should be aware of the requirement for a permit building to build near or over public sewer

**Head of Strategic Infrastructure** - No objection due to the proposed development being accessed from a private road

**Environmental Health** - No objection subject to conditions relating to contaminated land and EVAs

**Manchester Airport** - No safeguarding objections

**Lead Local Flood Authority** - No objection subject to conditions relating to ground and finished floor levels, and drainage strategy

**Poynton Town Council** – Object on the following grounds:

- Represents an undesirable form of back land development
- Position in relation to adjoining residential properties and their gardens would result in an unacceptable reduction in the level of privacy by reason of overlooking
- Due to scale, form and design would result in a cramped and intrusive form of development out of keeping with the character of the existing properties in the area.
- Very close to adjacent garden plots and the car park at the rear of 78 Park Lane and can be regarded as unneighbourly.
- The recent flooding in Poynton in July 2019 show the risk of building over land currently used as gardens as it increases the runoff of water in wet weather increasing the risk of flooding. As noted by the Cheshire Easts Flood Risk team the site is a high surface water flood risk area and the applicants have not provided a flood risk assessment. The development is close to a main sewer.
- The proposal is therefore contrary to policies HOU8, HOU11, HOU 15 of the Poynton neighbourhood plan SD2 of the CELP DC41 of Macclesfield local plan in addition to National Planning policies which seek to promote high and quality and inclusive design

## **OTHER REPRESENTATIONS**

None received

## **OFFICER APPRAISAL**

### **Open Space**

As noted above, the site is allocated within the MBLP as an area of Existing Open Space, the retention of which is promoted by policy RT1 of the MBLP. This policy states that areas of

recreational land and open space as shown on the proposals map will be protected from development. RT1 does however accept that development of a building footprint which does not harm the integrity of the open space will normally be permitted.

Paragraph 97 of the Framework states that existing open space should not be built on unless:

- “a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

These tests are reflected in policy SC1 of the CELPS which seeks to protect and enhance existing leisure and recreation facilities, unless a needs assessment has clearly proven them to be surplus to requirements to local community needs or unless alternative provision, of equivalent or better quality, is to be made. However this policy also seeks to support and promote the provision of better leisure, community and recreation facilities, where there is a need for such facilities, the proposed facilities are of a type and scale appropriate to the size of the settlement, are accessible and support the objectives of the Local Plan Strategy. Similarly, policy SE6 of the CELPS seeks to protect green infrastructure and protect and enhance existing open spaces.

Policy EGB2 of the PNP states that *“areas of recreational land and existing open spaces within Poynton including within the housing estates which characterise the village identity shall be preserved and protected from development. PNP/C32 lists the locations of the sites with accompanying maps”*. The site is not identified in document PNP/C32 as a location to be preserved and protected.

The proposed dwelling will be constructed on an area of Existing Open Space as identified in the MBLP, and it has not been demonstrated that the open space is surplus to requirements; it is not being replaced by equivalent or better provision, and the development is not for alternative sports and recreational provision. Accordingly, whilst there is no direct conflict with policy EGB 2 of the PNP, the proposal does conflict with policy RT1 of the MBLP, SC1 of the CELPS and paragraph 97 of the Framework.

### **Back land development**

Policy HOU 15 of the PNP requires proposals for tandem or back land development within an existing residential curtilage to meet the following criteria:

- “a) A satisfactory and separate means of access to the new dwelling can be obtained to an existing public highway.*
- b) The amenities of residents of existing and proposed dwelling would be safeguarded as a consequence of the proposed development.*
- c) The proposed dwelling would not result in the creation of an over intensive development to the area and detract from the openness of the Green Belt at this point.*
- d) The plot size of the proposed dwelling should be appropriate to the size of the dwelling and the character of the immediate local area.”*

The site would be accessed directly from the private road serving the properties along Georges Road East, which separates them from the gardens on which the application site is

located. This is an unusual orientation and it is therefore unlikely to set a precedent in the wider area as it is not easily repeatable. The dwelling would be located in a corner of a garden plot which is much wider than others along this row and therefore there would be less opportunity to accommodate further dwellings that could comply with development plan policy.

The site has its own means of access to an existing public highway via the private road and the amenities of residents of the existing and proposed dwellings would be safeguarded due to acceptable distances between them. Also, the proposed dwelling would not result in the creation of an over intensive development due to its footprint in comparison to the plot size.

It is therefore considered to comply with HOU 15 of PNP and saved policy DC41 of MBLP.

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

Policies SE1 and SD2 of CELP and HOU11 of PNP seek to ensure that new development respects the character of the area and is of an appropriate design. This is consistent with the provisions of the NPPF and is supported through the Cheshire East Design Guide.

The proposed dwelling is a simple modern designed house whereas the houses on Georges Road East are a traditional brick built terraced dwellings. The adjacent land comprises residential gardens which are linear running north/south and divided by approximately 1m high timber fencing. Some contain timber sheds, outbuildings and play equipment.

The design of the building adopts a T-shape plan with two rectangular blocks with a contemporary appearance. The block that sits across the width of the site will have a green roof. The walls will be constructed on a brick plinth surmounted with oak posts and timber cladding. This is a deliberate reference to the existing extension at the main house at 16 Georges Road East, which was built approximately 5 years ago in order to make the visual connection between the two buildings.

The proposed dwelling is set over 20m away from the terraces and would lie closer to the rear of the buildings on Park Lane and Cedarwood. It would be between 3.5 to 4.1m high and therefore not imposing and it would be set in the furthest corner of the row of gardens to the east and therefore not prominent in the street scene. When approaching the site along the private road it would be seen against the backdrop of Cedarwood and the Park Lane buildings rather than against the backdrop of the houses on Georges Road East. The buildings to the north and west are mixed in design with Cedarwood being brick and black and white timber facing materials and the buildings on Park Lane being simple modern brick-built shops. Given the relatively low level and limited scale of the building, and its design reference to the main house, it would have a similar appearance to a domestic outbuilding, a number of which already exist along this row.

Therefore, it is considered that the proposal would comply with policies SE1 of CELP and HOU11 of PNP due to its subservient design and its location in relation to the adjacent buildings.

### **Living conditions**

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 proposed dwelling would be single-storey and have glazing on the southern, northern and western elevations. The eastern elevation would be a solid wall with no glazing and the elevation facing the adjacent gardens would be zinc clad. Whilst this elevation would be very close to the boundary shared with the adjacent plot, given that this part of the neighbour's garden area is some distance from the neighbour's main dwelling, and the fact that other areas of the garden will be available away from the new dwelling, the proposal is not considered to be significantly overbearing upon this neighbour to justify a refusal of planning permission. The distances between windows on the rear of the dwellings on Georges Road East would be 27m, which exceeds the guideline distance of 25m in saved policy DC38 of MBLP.

The windows facing the rear boundary would be screened by the existing fencing. There would be an oblique view from a single window in the western elevation of Cedarwood Care Home, but this would be approximately 18m away and would not give rise to any significant privacy concerns. A landscaping condition to further plant individual trees within the site would assist to help mitigate any perception of being overlooked.

It is therefore considered that the impact of the proposal on the living conditions of the neighbouring properties is acceptable, and in accordance with saved policies DC3 and DC38 of the MBLP. It is however considered to be necessary to remove permitted development rights for extensions and outbuildings in order to protect the living conditions of neighbours and the character of the area.

### **Highways and parking**

The site is large enough to provide 2 car parking spaces which would not impinge on the private road. The Head of Strategic Infrastructure has raised no objection as the track is a private road. There would also be sufficient room for the existing dwelling to have two vehicles parked off the private road. It is therefore considered that the proposal would comply with saved policy DC6, of the MBLP, which requires safe access to be provided, and the parking standards within the CELPS for both the existing and proposed dwellings.

### **Trees**

Policy SE 5 of the CELPS outlines that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

There are some small domestic trees on the site but none appear to be of any arboricultural significance or worthy of protection and do not provide a significant contribution to the surrounding area. The arboricultural officer also raises no objection in respect of the development.

No significant landscape impacts are identified, given the limited scale of the development, and the landscape character of the area is considered to be appropriately conserved in accordance with policy SE4 of the CELPS. However, it is recommended that a landscaping condition be imposed to ensure that the area which is currently garden laid to lawn be landscaped appropriately with a mixture of soft and hard landscaping. Overall It is considered that the proposal complies with policies SE4 and SE5 of CELPS.

### **Flood Risk**

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

Policy EGB1 of the PNP states, *“Poynton is at risk of flooding due to a number of factors. The management of flood risk and management and maintenance of all culverts, streams and brooks within the town should be co-ordinated into a local Flood Risk Mitigation Plan by the relevant authorities.”*

Whilst the site is located within Flood Zone 1 (very low risk of flooding) the LLFA originally objected to the proposals due to their mapping system indicating that the site is at a high surface water flood risk, and the fact that no Flood Risk Assessment had been submitted.

Following the receipt of a Flood Risk Assessment from the applicant, which provided further details of the potential flood risk, the LLFA withdrew their objection subject to conditions relating to the submission of details of the ground and finished floor levels, and the submission of a detailed drainage strategy.

Subject to these conditions the proposal will reduce flood risk and will comply with policies SE13 of CELPS and EGB1 of PNP.

### **PLANNING BALANCE**

The application site is located on an area of Existing Open Space in the MBLP, and it has not been demonstrated that the open space is surplus to requirements, it is not replaced by equivalent or better provision, and the development is not for alternative sports and recreational provision, as required by policy SC 1 of the CELPS and the Framework. As such the proposal is a departure from the development plan, which weighs heavily against the proposal.

The Council's Open Space Summary Report for Poynton (March 2012) refers to the private allotment site at Georges Road East, but notes that it could not be assessed properly due to the improvement works being carried out on Park Lane. Its use at that time was not identified. The report does however state that there is a shortage of allotment facilities in Poynton.

However, policy EGB 2 of the PNP, which seeks to preserve and protect open spaces which characterise the village identity, does not refer to this site in the list of locations to be

protected under this policy. The PNP is the most up to date development plan document and as such carries significant weight in the determination of the application.

In addition, the application site, as with all the adjoining sites that fall under this open space allocation in the MBLP, is in individual private ownership, and therefore public access to it is restricted. In visual terms, the site has very limited benefits to the wider area due to it being accessed from the private (no-through) road that serves these plots and the associated dwellings on Georges Rd East. As such its visibility, and appreciation as a public amenity, from public vantage points is very limited. Therefore, in terms of the function of the land as open space as it currently stands, there are not considered to be any significant physical or visual benefits to it.

As noted above, the application site and all the privately owned plots within this open space allocation all appear to have more of a domestic garden appearance than allotments, with lawns, children's play equipment, domestic outbuildings, car parking all present on these plots. The applicant has suggested that these garden uses have been ongoing for a number of years. On this basis, despite the need for allotments in Poynton, and the previous use of this site, it is considered to be very unlikely that the use of the site for allotments would ever be resurrected.

The site is in a very sustainable location and the proposal would provide a residential dwelling within the key service centre of Poynton, very close to the public transport facilities, shops and services within the town centre. As noted above, the proposal raises no significant issues relating to the impact upon the living conditions of neighbouring properties, the character of the area, highway safety, trees or flood risk.

Therefore, whilst acknowledging the conflict with the development plan, the proposal accords with the requirements of the most up to date policy document, the Poynton Neighbourhood Plan, and having regard to the details set out above, on balance it is considered that the identified policy conflict is outweighed by other considerations, and the proposal represents a sustainable form of development.

## **CONCLUSIONS**

While the comments from the Town Council are acknowledged, the matters raised within their objection letter have been considered in the preceding text, and for the reasons set out above a recommendation of approval is made.

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



Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Landscaping (to include boundary treatment) - submission of details
5. Landscaping (implementation)
6. Removal of permitted development rights
7. 2 parking spaces to be provided and retained
8. Details of existing ground levels, proposed ground levels and finished floor levels to be submitted
9. Detailed strategy / design limiting the surface water runoff to be submitted
10. Electric vehicle infrastructure to be provided
11. Contaminated land risk assessment to be submitted
12. Verification Report to be submitted in event that contaminated land remediation is required
13. Imported soil to be tested for contamination
14. Actions to be undertaken in event of unidentified contamination being found
15. Details of bin stores to be provided

