

Northern Planning Committee

Agenda

Date: Wednesday, 10th February, 2021
Time: 10.00 am
Venue: Virtual

How to Watch the Meeting

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

[Click here to watch the live meeting](#)

or dial in via telephone on 141 020 33215200 and enter Conference ID: 128 873 114# when prompted.

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**

Please Contact: Sarah Baxter 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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 13 January 2021 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. **20/3175M-Change of use and conversion of former public house and associated residential accommodation into two dwellings. Demolition of outbuilding structure at rear, The Crown, 96, Church Street, Bollington for Mr Morgan, Alderley GB 1 Ltd** (Pages 9 - 20)

To consider the above application.

6. **20/1866M-Demolition of existing dwelling and construction of replacement building comprising 6 apartments, Fairways, 70, Macclesfield Road, Prestbury for Mrs Brenda Crothers** (Pages 21 - 36)

To consider the above application.

7. **20/3156M-Erection of stone monument to commemorate the Silk Route which extends from China to Macclesfield, Sparrow Park, Churchside, Macclesfield for Macclesfield Town Council** (Pages 37 - 50)

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, 13th January, 2021

PRESENT

Councillor C Browne (Chairman)
Councillor T Dean (Vice-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 R Hamilton (Conservation Officer), Mr P Hurdus (Highways Development Manager), Mr P Wakefield (Planning Team Leader) and Mrs M Withington (Acting Team Manager-Property Team)

58 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor B Murphy.

59 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 20/2211M, Councillor I Macfarlane declared that he had received email correspondence from Councillor T Fox.

In the interest of openness in respect of application 20/2211M, Councillor N Mannion declared that he was the Portfolio Holder for Assets and the applicant was Engine of the North who were part of Cheshire East Council. He had no involvement in the application or discussed it with officers.

In the interest of openness in respect of application 20/3347M, Councillor T Dean declared that he was a Vodafone user.

In the interest of openness in respect of application 20/2211M, Councillor J Nicholas declared that he had received email correspondence from Councillor T Fox.

In the interest of openness in respect of application 20/3347M, Councillor P Findlow declared that his wife was a Vodafone user.

In the interest of openness in respect of application 20/3347M, Councillor L Smetham declared that she was a Vodafone user.

In the interest of openness in respect of application 20/3347M, Councillor A Harewood declared that she had been in discussions on this matter

when she was a member of the Planning Committee with Macclesfield Town Council, however she was no longer on the Planning Committee and had not pre-determined this application.

60 MINUTES OF THE PREVIOUS VIRTUAL MEETING

RESOLVED

That the minutes of the virtual meeting held on 2 December 2020 be approved as a correct record and signed by the Chairman subject to Councillor L Smetham's declaration being amended to include the insertion of the word 'previous' before ward and subject to minute number no.51, application 20/0113M being amended to state Alison Freeman, the agent for the applicant spoke in respect of the application and not Nick Smith.

61 PUBLIC SPEAKING-VIRTUAL MEETINGS

RESOLVED

That the public speaking procedure be noted.

62 20/4483M-DEMOLITION OF EXISTING TWO DETACHED PROPERTIES AND ERECTION OF 63-BEDROOM CARE HOME WITH ASSOCIATED LANDSCAPING, CAR PARK AND ACCESS, 51 & 53, HANDFORTH ROAD, WILMSLOW FOR J PARR, NEW CARE PROJECTS LLP

Consideration was given to the above application.

(Councillor B Burkhill, the Ward Councillor and Glynn Traynor, an objector 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 approved subject to referral to the Secretary of State, subject to the completion of a S106 Agreement securing the following:-

A contribution of £30,360 towards health care provision.

And subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Samples of materials to be submitted
4. Details of soft and hard landscape details to be submitted
5. Electric vehicle charging points to be provided

6. Detailed drainage strategy to be submitted
7. Nesting Bird survey to be submitted
8. Works to be in accordance with ecology report
9. Details of equipment to control fumes and odours to be submitted
10. Scheme of sound insulation to be submitted
11. Details of air vents, air conditioning units or fans to be submitted
12. Construction method statement to be submitted
13. Travel plan to be submitted
14. Contamination report to be submitted
15. Tree works and tree protection method statement to be submitted

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

63 20/1432M-THE DEMOLITION OF THE EXISTING BUNGALOW AND THE ERECTION OF TWO DWELLING HOUSES, 12, BOLLIN HILL, WILMSLOW FOR TILDER PROPERTIES LIMITED

Consideration was given to the above application.

(Councillor D Stockton, the Ward Councillor and Mr Ball, representing the applicant attended the virtual meeting and spoke in respect of the application).

RESOLVED

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Removal of permitted development rights (Classes A - F)
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Materials as application
7. Electric Vehicle Charging Points to be provided
8. Nesting Bird Survey to be submitted
9. Tree protection measures to be implemented

10. Development carried out in accordance with Tree Construction Specification / Method Statement
11. Arboricultural works in accordance with Tree Survey Schedule
12. Incorporation of features into the scheme suitable for use by breeding birds including house sparrows, and roosting bats

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

64 **20/2211M-OUTLINE APPLICATION FOR PROPOSED PARK AND RIDE FACILITY, INCLUDING ASSOCIATED INFRASTRUCTURE, LAND NORTH OF, STATION ROAD, HANDFORTH FOR ENGINE OF THE NORTH**

Consideration was given to the above application.

(Councillor B Burkhill, the Ward Councillor, Roger Small, representing Handforth Neighbourhood Plan Steering Group and the Friends of Handforth Station, an objector and Mr Boden, representing 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 approved subject to the following conditions:-

1. Outline matters reserved
2. Outline timescales
3. Approved plans/documents
4. Materials to be submitted
5. Landscaping details to be submitted, to include:
 - Site soils management proposals – to be in accordance with the current DEFRA Code of Practice and relevant British Standards.
 - Details for any SUDs features incorporated within the scheme e.g. permeable surfaces, swales etc.
 - Hard landscape details including proposed surfacing materials, street furniture, lighting, signage etc.
 - Full soft landscape proposals including detailed planting plans and specifications
 - The positions, design, materials and type for all proposed boundary treatments
6. Landscape implementation
7. Landscape management plan

8. Tree Retention/Protection- to include method statement including supervision to be submitted as part of any Reserved Matters application.
9. Levels details to be submitted
10. A management scheme to ensure residents of the Garden Village at Handforth have preferential access shall be submitted to and approved
11. Notwithstanding the submitted plans, the signal controlled narrowing of the carriageway on the railway bridge is not approved
12. Electric vehicle infrastructure.
13. A detailed strategy / design, ground investigation, and associated management / maintenance plan for the site drainage to be submitted.
14. Lighting (Amenity & Bats)
15. Ecological enhancement strategy
16. Proposals to seek retention and enhancement of existing hedgerow
17. Any future reserved matters application should be supported by an up to date metric calculation and a long term (30yrs) ecological management strategy
18. Bird nesting season
19. Details of cycle provision and disabled parking/access to be provided as part of any Reserved Matters application

Furthermore it was requested that the Reserved Matters application be brought back to the Northern Planning Committee for determination.

In order to allow the applicant to review the road narrowing proposal, in conjunction with Cheshire East Council, to ensure it was the optimum solution given the surrounding constraints and being mindful of the future Access for All works at Handforth station; any revised proposals would be considered as part of the Reserved Matters application.

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

(The virtual meeting was adjourned for lunch from 1.18pm until 2.00pm).

65 20/3347M-THE INSTALLATION OF A 5M HIGH LATTICE STUB TOWER SUPPORTING 3NO. ANTENNAS, 2NO. 300MM TRANSMISSION DISHES, PROPOSED 2NO. EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT THERETO INCLUDING 18NO. REMOTE RADIO UNITS (RRU'S) AND 9NO COMBINERS, SITE AT, GOODALL STREET, MACCLESFIELD FOR VODAFONE LIMITED

Consideration was given to the above application.

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

RESOLVED

That the application be deferred in order for evidence of alternative location sites to be provided, including reasons as to why those sites were discounted and for the applicant to consult with residents on the potential location of the infrastructure.

66 20/2966M-RESERVED MATTERS FOR APPROVAL OF APPEARANCE, LANDSCAPING AND SCALE FOLLOWING OUTLINE APPLICATION 19/3201M FOR CONSTRUCTION OF A DETACHED BUNGALOW, 79, SHRIGLEY ROAD SOUTH, POYNTON FOR MR JOHN PARROTT

Consideration was given to the above application.

(Town Councillor L Clarke, representing Poynton Town Council attended the virtual meeting and spoke in respect of the application).

RESOLVED

That the application be delegated to the Head of Planning to approve in consultation with the Chairman of the Northern Planning Committee subject to clarification of the absence of historic mining in or adjacent to the site and subject to the following conditions:-

1. To comply with outline permission
2. Development in accord with approved plans
3. Materials as application
4. Implementation of landscaping scheme submitted with application
5. Obscure glazing requirement
6. Development in accordance with the Tree Protection Scheme and Arboricultural Method Statement

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

The meeting commenced at 10.00 am and concluded at 3.19 pm

Councillor C Browne (Chairman)

Application No: 20/3175M

Location: The Crown, 96, CHURCH STREET, BOLLINGTON, MACCLESFIELD, CHESHIRE, SK10 5QD

Proposal: Change of use and conversion of former public house and associated residential accommodation into two dwellings. Demolition of outbuilding structure at rear.

Applicant: Mr Morgan, Alderley GB 1 Ltd

Expiry Date: 17-Sep-2020

SUMMARY

This application seeks planning permission for the change of use of the Crown Public House, Church Street, Bollington and the partial demolition of some outbuildings to the rear of the premises.

There has been a serious attempt to market the pub as a going concern which has been unsuccessful. The use as a public house, owing to remedial works and the lack of interest to continue its current use have demonstrated that the premises are no longer viable. The loss of the pub is therefore accepted.

The site is located sustainably within the village of Bollington and the proposal represents an efficient re-use of a building. It is considered that the proposal is environmentally, socially and economically sustainable and accords with the Development Plan and the National Planning Policy Framework.

The proposal is acceptable in terms of its impacts on the Conservation Area, character and appearance of the site and area and neighbouring amenity.

Bearing all the above points in mind, it is considered that the proposal accords with relevant Development Plan policies.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

The application is to be presented at Northern Planning Committee as Cllr Stott has requested it be called in to Committee for the following reasons;

- *Under the Employment and Business Policy Regulations for the Regeneration of existing Employment Land in Cheshire East Council's Planning Rules it states that proposals for change of use from C1, B1, B2 and B8 which reduce overall employment will not be supported.*
- *It should be demonstrated that no alternative user can be found and that although the Bollington Neighbourhood Plan gives a period of two years there is a minimum term in Cheshire East Council of 6 months.*
- *Bollington Neighbourhood Plan states There should be an appropriate and realistic marketing exercise which includes onsite visible signage, online marketing detailing the sale, viewing and negotiating opportunities, records of enquires and outcomes, an asking price in line with similar properties in the region, and consultation with Bollington Town Council at the outset.*
- *This public house is not redundant nor is it an unused car park.*
- *The site is within 20 metres of a water course*

DESCRIPTION OF SITE AND CONTEXT

The site is a public house known as 'The Crown' which is located on Church Street in the Bollington and Kerridge Conservation Area. This part of the Conservation Area is also the subject of an Article 4 direction, which seeks to control minor proposals which would usually be permitted development such as external modifications to protect the character of the conservation area.

The building is a traditional double fronted Public House constructed from local Kerridge stone with an outbuilding to the rear which lies between the pub and a large car park at the rear. This provides vehicular access off Ingersley Vale.

The pub has a central entrance with dining/snug and lounge areas to the front area of the building and kitchen, servery and toilets to the rear of the ground floor. The first floor contains a manager's flat comprising three bedrooms, a bathroom, kitchen and lounge.

DETAILS OF PROPOSAL

Full planning permission is sought for the change of use of the Public House to two residential flats. The building would be vertically split with each flat having a lounge/kitchen, family room, 3 bedrooms, bathroom and en-suite. There would be private amenity space to the rear and 2 parking spaces for each flat.

The proposal would include the partial demolition of an outbuilding to the rear and the infilling of a rear entrance corridor.

The front elevation would remain the same as existing and the rear elevation would include some changes to fenestration, mostly at ground floor. The side elevation would have an old door way reopened to create access to Flat 2

RELEVANT HISTORY

54930P - Internal illuminated sign - Refused 13-Oct-1988

44269P - Kitchen extension - Approved 14-Mar-1986

40274P- Extension to form gents toilets and bedroom - Approved 04-Apr-1985

20/3162M - Proposed erection of three dwellings together with associated access and car parking - Pending

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

IN1 Infrastructure

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient development

SE12 Pollution, Land Contamination and Land Instability

SC4 Residential Mix

SE7 The Historic Environment

Appendix C – Parking Standards

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

Macclesfield Borough Local Plan (MBLP) – Save Policies

DC3 (Protection of the amenities of nearby residential properties)

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

DC8 (Landscaping)

DC9 (Protected Trees)

DC38 (Guidelines for space, light and privacy for housing development)

DC42 (Subdivision of properties for residential purposes)

NE11 (Nature conservation)

BE2 (Preservation of historic fabric)

Bollington Neighbourhood Plan (made on 1 June 2018)

R.P1 Retain retail offerings

BE-P2 Conservation area

Other Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Framework (NPPG)

Cheshire East Design Guide

CONSULTATIONS (External to Planning)

United Utilities – No comments received

Manchester Airport – No objection

Head of Strategic Infrastructure (Highways) – No objection

Lead Local Flood Authority (LLFA) - No comments received

Environmental Protection – No objection

Bollington Town Council -.Object for the following reasons:

- The marketing exercise submitted is inadequate. It is neither realistic nor appropriate and does not accord with Bollington Neighbourhood Plan Policy Retail Policy R.P1 Retain and develop retail offerings which states *Other than as provided for in the GPDO*, change of use from Classes A1 and A3 - A4 will be supported where it can be demonstrated that no alternative user can be found through an appropriate and realistic marketing exercise. * Town and Country Planning (General Permitted Development) (England) Order 2015.*
- Inaccurate and misleading information provided in the application
- No loss of employment which is incorrect, unknown date for closure which is incorrect, and the premises is in flood Zone 1 which is not detailed in the application
- There is a Covenant on the car park of this development which is alleged to prevent its development for housing (which may not be a planning consideration)
- There should be an appropriate and realistic marketing exercise which includes onsite visible signage, online marketing detailing the sale, viewing and negotiating opportunities, records of enquires and outcomes, an asking price in line with similar properties in the region, and consultation with Bollington Town Council at the outset. This has not met basic Planning Rules nor taken into account the Bollington Neighbourhood Plan.
- The application is inaccurate and written in such a way to suggest that the premises have been closed for some time. This was not a redundant public house or an unused car park and has been in every day use until quite recently.
- The application also states that it is not within 20 metres of a water course and in fact it is much closer to a watercourse than that so should be resubmitted with all the necessary guidelines observed.

REPRESENTATIONS

3 letters of objection have been received which raise the following concerns:

- Church Street and neighbouring Lord Street are very narrow village lanes subject to a high volume of traffic which could not cope with further traffic that will be brought with the addition of more dwellings
- When a previous development was approved a number of years ago it resulted in a approx. 15 metres of neighbours boundary hawthorn hedge being unlawfully removed by the developer to enhance the views from the gardens of the new properties, resulting in litigation
- This area of Bollington has been developed enough
- Bollington Neighbourhood Plan was overwhelmingly passed following the referendum in March 2018
- Following a difficult period for all retail businesses, public houses were permitted to reopen on the 4th July, nearly all the pubs in Bollington and Kerridge have reopened except for The Crown
- The proposal does not accord with Bollington Neighbourhood Plan Retail Policy R.P1 to retain and develop retail offerings as the submission does not address this and therefore does not accord with the wishes of Bollington residents who predominately supported the adoption of the plan
- A period of time should be allowed before consideration of change of usage from the Crown Pub as a business to conversion for housing. Due to Covid 19 having played a part in the closure of the pub which is on the edge of popular walks. It is a pub with a large beer garden unlike many in the area. Additionally given the knock on effects of Covid 19 consideration should be given to whether the statutory requirements should be extended in these exceptional circumstances

OFFICER APPRAISAL

Principle of Development

The site lies within the Bollington and Kerridge Conservation Area and a Predominantly Residential Area as designated in the adopted Macclesfield Borough.

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

As stated in paragraph 11 of the National Planning Policy Framework (NPPF) and Cheshire East Local Plan Strategy (CELPS) Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6). The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay".

Principle of the Change of Use

Paragraph 92 of the NPPF advises planning policies and decisions should guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs. CELPS Policy SD 1 states that '*Sustainable development in Cheshire East*' requires development to, wherever possible, provide appropriate infrastructure to meet the needs of the local community, including community facilities". Also "that it should contribute to protecting and enhancing the natural, built, historic and cultural environment".

Bollington Neighbourhood Plan Policy R.P1 – Retain and develop retail offerings states that:

"... 3. Other than as provided for in the GPDO, change of use from Classes A1 and A3 - A4 will be supported where it can be demonstrated that no alternative user can be found through an appropriate and realistic marketing exercise. * Town and Country Planning (General Permitted Development) (England) Order 2015"*

The explanation of what is required in an active and realistic marketing is explained as follows

- i. On-site display of visible, prominent signage, including contact details – this is mandatory for vacant premises. For occupied premises, if it is unacceptable to the seller a satisfactory written explanation must be included in the required Notification to Bollington Town Council;*
- ii. A website detailing the sale;*
- iii. Viewing and negotiating opportunities;*
- iv. A record of enquires and outcomes;*
- v. An asking price in line with similar properties in the region;*
- vi. Notification of Bollington Town Council at the opening of the exercise"*

In respect of Policy R.P1, the information submitted as part of the application states;

- i. "The premises were still in business when marketing of the premises first began. It is normal practice for businesses not to display the fact that the premises are for sale as this would be likely to have a detrimental impact on the clientele and subsequently business trade. Any interested party looking for a public house premises would have looked at specialist web sites such as Christie & Co, where the building and business were advertised.*
- ii The property was actively marketed by the agents Christie & Co online and a copy of the sales brochure has been provided.*
- iii Christie & Co's website lists public houses for sale. The property was listed by the agency on 17 July 2019 with the property going live on the agency system on 29 July 2019. As part of their marketing campaign, details of the property were emailed to a total of 1,069 clients registered with the agency. The property received an additional 148 web views with four parties requesting further details and information thereafter.*
- iv Christie & Co confirmed that despite their best endeavors, there were no requests for viewings or offers received to continue the use of the premises as a licensed public*

house. Given that our client was the only party to progress with the sale, no other outcomes are available.

- v The premises were marketed at £425,000, a realistic asking price, and whilst it is effectively an end terraced premises, it incorporates three bedrooms, plus outbuildings together with a large car park, which is quite different to the adjacent terraced properties within Bollington. Research on Zoopla confirms that in December 2020, the average house price in Bollington is £295, 638. No 88 Church Street sold in June 2020 for £225,000 and includes only two bedrooms. The views of independent estate agents Gascoigne Halman were obtained on the selling price of the premises, who stated that “Given the opportunity that has presented itself to us in terms of the redevelopment of the pub and the site I feel that £425,000 is an extremely modest and fair sum to pay”*
- vii As referred to, the marketing of the premises started prior to the applicants involvement in the site and therefore they would not have had any control discussing the matter with Bollington TC over this via the planning application process. However, Bollington TC would and have had an opportunity to comment on the application.”*

The submitted marketing exercise demonstrates that efforts to market the pub as a going concern have been undertaken and no one has come forward to continue to operate the business. Active marketing started over 12 months prior to the submission of the application.

The lack of erecting a signage to advertise the sale of the property is not unusual as many businesses feel that it can negatively impact upon the existing business. In respect of not contacting Bollington Town Council in advance of the submission, this is something that most members of the public would not expect to undertake. 4 parts of the explanation of the policy have been complied and 2 parts have not.

The applicant has submitted further evidence to state *‘that the business was only open prior to the covid shut down as the pub overtraded significantly and that a fair maintainable trade for a good was a lot lower than that achieved at the peak of the business three/four years previously’*. It is also important to note that *Bollington ‘has several pubs so competition is high. Regional/National operators have invested large sums and written off large debts therefore smaller companies breweries have found it hard to compete’*.

Information has been submitted about the structural condition of the building and the cost to rectify the repairs required. The structural faults listed include a dangerous chimney, the roof being in poor condition, bulges in the front and side wall, vertical cracking, beams bending in the cellar, water ingress and a degree of settlement with underpinning to the rear extension required. The costs for works to undertake remedial works and renovate the pub to an acceptable standard would be £522,000. It is submitted by the applicant that to the continuing use of the building as a public house would not generate sufficient funds to be able to undertake these works. However, the conversion of the building to residential use would allow those works to be undertaken.

It has been demonstrated by the submitted marketing information and structural information that the use of the premises as a public house is no longer viable. The proposal would not result in a designated community asset and the proposal is considered to comply with CELPS Policy SD 1 and the aims of neighbourhood plan Policy R.P1.

Heritage

The existing building lies within the Conservation Area and is in a prominent position on the corner of Church Street and Ingersley Vale and therefore adds to the character of the area.

A Heritage Impact Assessment is submitted which states *that the test contained within the NPPF, 'is whether the harm to a heritage asset is outweighed by the public interest and benefits of a proposal'*. It concludes that *'the proposed works will result in a neutral/benign impact on the heritage asset the conservation area and that there are strong public interests to overcome this impact'*. This is also confirmed by the Council's Conservation Officer. It is submitted by the applicant that continuing the use of the building as a public house would not generate sufficient funds to be able to undertake the remedial works required and this evidenced by a structural survey.

There is policy support for the preservation and reuse of such buildings in CELPS Policies SD 1 and SE 7 which state that development should *'contribute to protecting and enhancing the natural, built, historic and cultural environment'* and also *"that heritage assets should be retained and reused where practicable"*. Also, saved policy BE2 of MBLP which seeks to preserve, enhance and interpret historic fabric and Policy BE.P2 of Bollington neighbourhood Plan. The proposal complies with these aims and would give the premises a viable use, which would safeguard the heritage asset.

Design and Impact on the Character and Appearance of the Area

The property lies within the Bollington and Kerridge Conservation Area where the main consideration is whether or not the proposed development would preserve or enhance the character or appearance of the Conservation Area. The proposal is considered to have a neutral impact upon the conservation area as the building would be seen "as existing" as the building would be sympathetically converted with minimal external alteration. On this basis, the proposal will preserve the character and appearance of the Conservation Area and the overall impact of the proposal on the character of the area is acceptable in relation to Policies SE 1, SD 2 and SE 7 of the CELPS.

Residential Amenity

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, 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. However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m.

As the building sits on the corner of Church Street and Ingersley Vale, the impact upon adjacent neighbour amenity would be acceptable due to the distance between the new flats

and adjacent neighbours (in excess of 28 metres). The upper floor is already in use as manager's accommodation so there is currently some overlooking of the surrounding area.

The insertion of windows on the rear elevation at ground floor level could be screened by appropriate boundary treatment around the rear and southern elevation. This detail could be secured by condition.

The change of use to residential use would reduce the potential for noise particularly in the evening. Therefore it is considered that the impact of the proposal on the residential amenity of the neighbouring properties subject to condition is within acceptable limits in line with saved Policies DC3, DC38 and DC42 of the MBLP.

Highways and Parking

Bollington is designated as a Local Service Centre where the parking standards at Appendix C of the CELPS advise that a parking provision of 2 spaces per 2/3 bed dwelling is provided.

The proposal includes four parking spaces to the rear of the building with access off Ingersley Vale. It is considered that the pedestrian and vehicular access to the site is safe and suitable; and off-street car parking provision is in accordance with the parking standards.

The location of the Public House in a local service centre means that it is within walking distance of many facilities. Accessibility is considered to remain in accordance with the objectives of saved Policy DC6 of the MBLP.

Trees and Landscape

There will be no trees lost as a result of the proposed conversion and landscape impacts would be neutral. The scheme therefore complies with Policies SE 4 and SE 5 of the CELPS and saved Policy DC9 of MBLP.

Nature Conservation

A Bat Survey was submitted which indicated that there are no bats present in the building and it has very low potential for a bat roost. It is considered that it complies with Policy SE 3 of the CELPS.

Flood Risk / Drainage

The site is located over 30 metres away from the Dyers Pond at Ingersley Vale. Comments have been received regarding the potential for flooding. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. As such no flood risk concerns are raised. The application is deemed to comply with policy SE 13 of the CELPS, which broadly requires that new development should reduce flood risk. No comments have yet been received from United Utilities and these will be reported to members by update should they be received.

CONCLUSIONS

Bollington Neighbourhood Plan Policy R.P1 seeks to retain and develop retail offerings in Bollington. It is designed primarily to protect existing retail clusters due to it being a linear town. It does acknowledge that *“hotels, cafés and restaurants are important to residents, employees and clients of Bollington’s businesses and tourists”*. However there are also heritage policies within the development plan, which seek to protect the historic fabric of the Conservation Area and there is a policy presumption in favour of the re-use of buildings for sustainability reasons. While the objections are noted, much of the work required to show that the public house has been the subject of a detailed marketing exercise has been undertaken and submitted. The costs involved in making the building safe and secure for the building to continue as a public house are significant. There are other public houses within walking distance of the site further north on Church Street. Therefore, there has been a serious attempt to market the pub as a going concern which has been unsuccessful. The loss of the pub is therefore accepted.

The use of the building, part of which is currently a manager’s flat at first floor would ensure the continued protection of the building which forms an important feature in street scene of Bollington and Kerridge Conservation area.

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

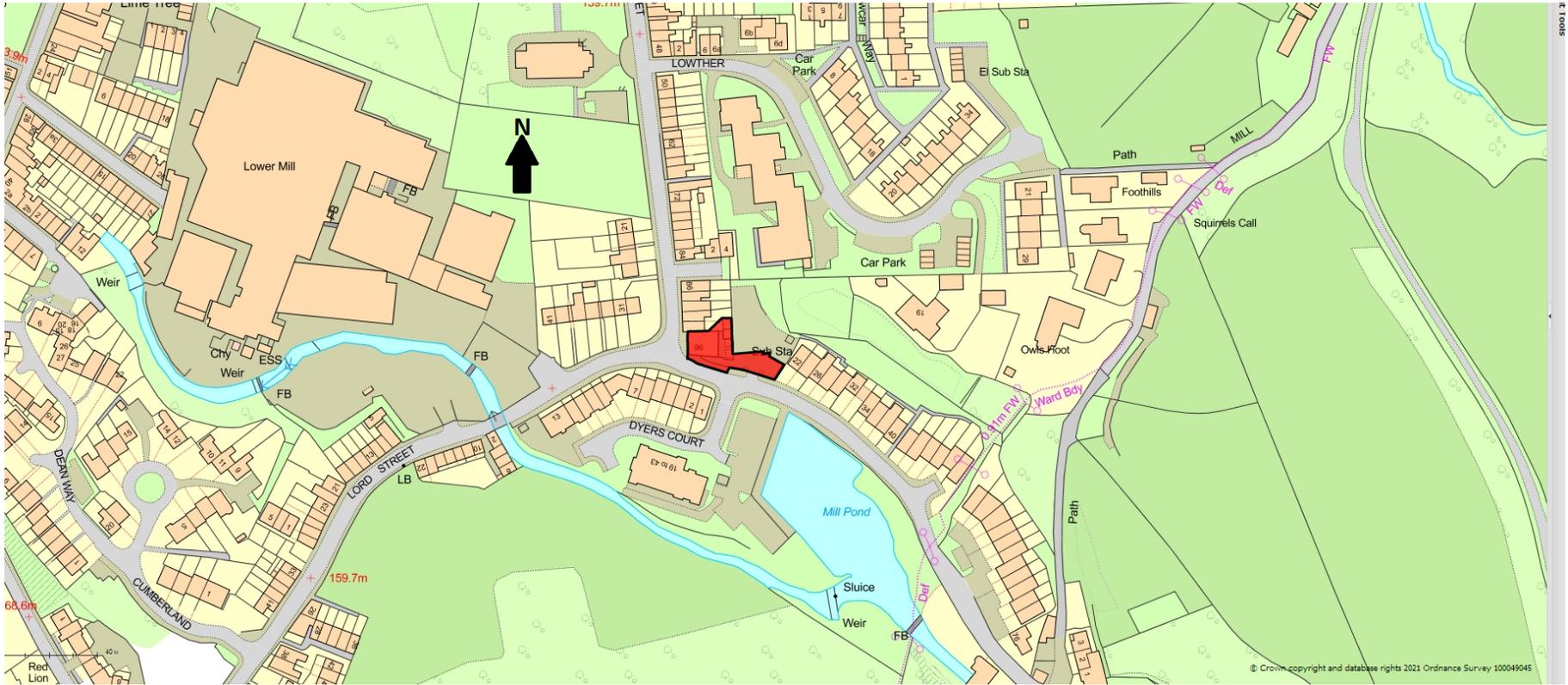
RECOMMENDATION

APPROVE subject to the following conditions:

- 1) **3-year commencement**
- 2) **Development to be carried out in accordance with approved plans**
- 3) **Details / samples of facing materials to be submitted for approval**
- 4) **Details of lighting scheme to be submitted for approval**
- 5) **Removal of permitted development rights for extensions and outbuildings**
- 6) **Parking spaces provided prior to first occupation**
- 7) **Details of bin storage to be submitted and approved**
- 8) **Details of cycle storage to be submitted and approved**
- 9) **Details of boundary treatments to be submitted with stone wall retained**
- 10) **Electric vehicle charging point to be provided at each property**
- 11) **Dust Management Plan to be submitted and approved**
- 12) **Contaminated land – verification of any imported soils**
- 13) **Contaminated land – watching brief for removal of any hard standing**
- 14) **Protection for nesting birds**
- 15) **Scheme of features for breeding birds to be incorporated into the development to be submitted and approved**

In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated

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



Application No: 20/1866M

Location: Fairways, 70, Macclesfield Road, Prestbury, SK10 4BH

Proposal: Demolition of existing dwelling and construction of replacement building comprising 6 apartments

Applicant: Mrs Brenda Crothers

Expiry Date: 30-Jun-2020

SUMMARY

The application site comprises an existing dwelling with its surrounding garden and driveway in a sustainable location with good access to local services and facilities. The proposed development would add to the stock of housing in the local area and would provide an increased affordable housing offer since Members first considered this item at Northern Planning Committee on 2nd December 2020.

The proposal provides a modern but locally distinctive design which also raises no significant highways safety, ecological or flood risk concerns and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours. The comments from neighbours and the Parish Council are considered within this report, however the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore given that there are no material considerations to indicate otherwise in accordance with policy MP1 of the CELPS, the application should be approved without delay.

RECOMMENDATION

Approve subject to conditions and the prior completion of a s106 agreement

REASON FOR DEFERRAL:

This application was presented to Members on the 2nd December 2020 and the application was deferred to secure further information from the Council's Strategic Housing section and the applicant in respect of the off site commuted sum figure for affordable housing.

Following Members comments regarding the proposed figure of £106,917 for off site provision for affordable housing provision, further discussions have taken place between the applicant's

agent and Strategic Housing, who have confirmed that they would require a contribution based on the notional provision of 1 x bed apartment for affordable rent and 1 x 2 bed apartment for shared ownership, supported by evidence of open market value (i.e. a formal RICS valuation) as well as an offer from a Registered Provider (RP).

A valuation report was commissioned from a RICS accredited surveyor which confirmed open market values of £225,000 and £270,000 respectively for the notional 1 and 2 bed apartment provision (i.e. a gross value of £495,000).

An offer from a Registered Provider was obtained which confirmed that an RP would have paid £123,750 for a 1 bed apartment for rent and £180,900 for a 2 bed apartment for shared ownership (i.e. a gross offer of £304,650). The calculated contribution is therefore £495,000 *minus* £304,600 *equals* £190,350 (for 2 dwellings) x 1.8 = £171,315. This represents an increase of £64,398 on the original contribution proposed when Members considered the item at December's Committee.

The applicant has now amended the proposed payment of a financial contribution in lieu of on-site affordable housing provision from £106,917 to £171,315. This has been accepted by the Council's Strategic Housing section and accordingly, the scheme is considered to be acceptable in this regard and in accordance with CELPS Policy SC 5. The application is therefore recommended for approval subject to the conditions outlined in the original report that follows and a S106 Agreement making provision for:

- Contribution of £171,315 towards Affordable Housing in lieu of on site provision

REASON FOR REFERRAL

The application has been called to Committee at the request by Cllr Sewart who is making the request for a call in on behalf of the Prestbury PC as a neighbouring ward member for the following reasons;

“The proposal would be in contravention of the extant HS12 low density housing policy in the Macclesfield Borough Local plan.; It would be significantly greater in mass than the existing one; The development would be at odds with CE Council's decision in respect of application 19/1955M- land adjacent to Withinlee Hollow, Withinlee Road; It would increase traffic flows on Macclesfield Road to those expected once the new King's School is opened as there would be traffic generated by 6 households instead of one.

DESCRIPTION OF SITE AND CONTEXT

The application site currently contains a large dwelling house located to the north of its entrance. The land rises to the north of the site and the house is therefore clearly visible from the entrance. The house is two storeys high

The site lies within a predominantly residential area and a low density housing area. It is accessed from the access road to Prestbury Golf Club which lies within the Green Belt. The site is the subject of a TPO - The Macclesfield Borough Council (Prestbury - Land West of Macclesfield Road) Tree Preservation Order 1997.

The application site is located approximately 145m along the private drive to the west of Macclesfield Road and is located on a ridge of higher land that slopes to the west towards Spencer Brook, located to the western side of the golf course at a distance of approximately 300m, and eastwards to the River Bollin approximately is 530m to the east. The site itself is covers an area of approximately 0.6 hectares and the existing dwelling is located approximately towards the central part of the site, which has mature vegetation along the site boundaries.

Three Public Rights of Way are close to the site - Footpath 36 Prestbury follows a route along the private drive to the front of the property, Footpath 16 Prestbury follows a route off the drive in a north easterly direction along the eastern site boundary and Footpath 23 Prestbury follows a route off the drive in a northerly direction immediately to the west of the site

Land to the west of the site is Green Belt land occupied by Prestbury golf club.

DETAILS OF PROPOSAL

This application seeks full planning permission to demolish the existing dwelling on site and erect a replacement building comprising 6 apartments. It would be located on a similar footprint to the existing building but due to an increase in the scale of the building's footprint, it would be set slightly forward of the existing building. The new building would have a basement containing parking bays and storage areas and three floors above with two apartments on each floor. It would measure 19m deep with an overall width of 36m and be between 14m – 15m high. It be constructed from Cheshire brick with glazed balustrades and timber louvres and brick chimney structures

The front elevation would be broken into vertical and horizontal blocks and contain recessed windows and balconies. The entrance to the car park would be set down to the right-hand side of the building when viewed from the access to the site. The garden area would be managed as a communal amenity space under a management agreement.

RELEVANT HISTORY

18/5917M

Demolition of an existing dwelling and the erection of 16 no apartments with associated landscaping and infrastructure

Refused 15.3.2019 for following reasons:

1. *The approval of the development proposed would be contrary to policies SE1 and SE4 of CELPS and guidance contained with Prestbury Village Design statement due to its scale, design and density and would thereby cause harm to the objectives of those policies by virtue of being overly large in this location.*
2. *There is evidence of bat activity the form of minor roosts within the house which would be lost as a result of the proposed development. The loss of the buildings on this site in the absence of mitigation is likely to have a low impact on bats at*

the local level and a low impact upon the conservation status of the species as a whole. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE 11 of the saved Macclesfield Borough Local Plan and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the National Planning Policy Framework.

3. *Insufficient information has been submitted with the application relating to the impact of the proposal upon the loss of protected trees in order to assess adequately the impact of the proposed development having regard to loss of amenity. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.*

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
IN1 Infrastructure
IN2 Developer Contributions
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE8 Renewable and Low Carbon Energy
SE9 Energy Efficient development
SE12 Pollution, Land Contamination and Land Instability
SC4 Residential Mix
SC5 Affordable homes
SE13 - Flood risk and water management
C01- Sustainable travel and transport

Appendix C – Parking Standards

Macclesfield Borough Local Plan (MBLP)

Policy DC3 - Amenity
Policy DC6 - Circulation and access
Policy DC8- Landscaping
Policy DC9 Tree protection
Policy DC35 Materials and finishes
Policy DC37 Landscaping in housing developments

Policy DC38 - Space, light and privacy
Policy DC41 - Infill housing development or redevelopment
Policy NE11 - Nature conservation
Policy H12 - Low density housing
Policy DC41 - Infilling housing or redevelopment

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
Cheshire East Design Guide
Cheshire east Parking standards – Guidance note
Prestbury Village Design Statement
Prestbury SPD

*There is no Neighbourhood Plan for Prestbury

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are Chapters 2, 4, 5, 6, 8, 9, 11, 12, 15.

CONSULTATIONS (External to Planning)

Environmental Health - No objection subject to conditions and informatives relating to hours of construction, dust management, contamination, electric vehicle points

United Utilities - No objection subject to conditions relating to surface and foul water drainage

Strategic Housing Manager – No objection

Head of Strategic Infrastructure – No objection

Public Rights of Way Team -No objection subject to advice note to keep the adjacent public footpaths FP23 FP36 and FR16 clear during construction

Prestbury Parish Council – Object on the following grounds :

- The development would be in contravention of the extant HS12 low density housing policy in the Macclesfield Borough Local Plan which will continue to apply unless it is changed through Part 2 of the Cheshire East Local Plan, the Site Allocations and Development Plan Document.
- Would be very significantly greater in mass than the existing one, it would spread over a significantly larger area than the existing property, possibly by as much as 100% and it would be higher as well as bulkier.
- It would also consist of four storeys - a basement (hewn into sandy soil) and three storeys above ground, as opposed to two storeys at present.

- It would be at odds with Cheshire East Council's decision in respect of application no.19/1955M – Land adjacent to Withinlee Hollow, Withinlee Road, Prestbury, which was refused for the following reasons: *“The proposed development would be contrary to policy H12 of the Macclesfield Borough Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy by virtue of the development not being commensurate with the surrounding area in terms of the size, form and mass of the building within its plot”*.
- Would further increase traffic flows on Macclesfield Road to those expected once the new King's School is opened as there would be traffic generated by six households instead of one.

OTHER REPRESENTATIONS

One letter of representation has been received signed by the occupants of 4 apartments in the adjacent apartment building at Fallibroome House which states that they have no objection in principle but raise the following concerns:

- Footprint considerably larger than the present one.
- Ground levels appear to be disproportionately altered to facilitate a new basement.
- 6 flats is excessive given the area of the site and is out of keeping with the densities of this particular Prestbury location.
- Damage to protected trees. Building is far too near those facing the golf course (West) to avoid future tree loss.
- Two substantial properties would be more in keeping.
- Any approval should be specific to be cover permitted normal working hours and deliveries etc.

OFFICER APPRAISAL

Principle of Development and impact on character of the area.

The site lies in a predominantly residential area which is also a low density area as defined in the MBLP.

A previous proposal for the erection of two separate apartment blocks containing 16 apartments was refused on 15.3.2019 due to the scale, design and density of the development, the lack of information regarding the impact upon protected species and insufficient information relating to the impact of the proposal upon the loss of protected trees.

This submission has sought to deal with the previous reason for refusal and address below and was the subject of pre-application discussions.

Density

Saved MBLP Policy H12 relating to Low density housing areas states that within low density housing areas “*new housing development will not normally be permitted unless the following criteria are met:*

- *The proposal should be sympathetic to the character of the established residential area, particularly taking into account the physical scale and form of new houses and vehicular access*
- *The plot width and space between sides of the housing should be commensurate with the surrounding area*
- *The existing low density should not be exceeded in any particular area*
- *Existing high standards of space light and privacy should be maintained*
- *Existing tree and ground cover of public amenity value should be retained; and*
- *In Prestbury, both the new housing plots and the remaining plot should be approximately 0.4 hectares (1 acre)”*

It is considered that the proposal is sympathetic to the character of the area. The proposed building would be on a similar, albeit slightly larger footprint as the existing house. The plot width would remain the same as existing and the space between dwellings remains commensurate as the surrounding area. The existing high standards of space light and privacy would be maintained and the existing tree and ground cover of public amenity value still available to public view from the road frontage and the adjacent Public rights of way. The size of the plot would remain at 0.58 ha which is slightly bigger than the 0.4 noted as being appropriate for Prestbury.

The Prestbury Village Design Statement states “that within this area (Dale Head Road and Squirrels Chase and part of Macclesfield Road in the vicinity) the average plot size is 0.25 ha with an average density of 4 dwellings per hectare. However Cheshire East Design guide states “the average of 5 dwellings per hectare is typical of this area of Prestbury.

The density of the proposal would be 10 dwellings per hectare. However the 6 apartments would be in one single building, not spread across a site, thereby significantly reducing the impact upon the character of the area. In addition the proposed parking would be at basement level avoiding the spread of built development across the site. This allows for the retention of existing mature landscaping and the protection of the TPO trees, which are part of the existing character of the area.

In this respect the proposed development would be very similar to the 6 apartments at Fallibroome House immediately adjacent to the site. This site is very well screened but much closer to the road frontage than Fairways. The retention of the large open area to the front of the site would assist with retaining the character of low density housing.

Design / Character

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 of the CELPS 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

Saved Macclesfield Local Plan policy DC41, relates to infill housing or redevelopment and requires development to have appropriate space light and privacy standards; not result in overlooking of existing private gardens or excessive overshadowing; have reflect the typical ratio of garden space in the area suitable for the intended purpose; not introduce excessive amounts of new traffic into a quiet area; enjoy an open outlook onto a highway or open space from one elevation; not result in tandem or backland development; have sufficient parking and have safe vehicular and pedestrian access

In respect of this saved policy it is considered that the proposal would continue to enjoy a higher space light and privacy standard due to the apartment block being sited in a similar position to the existing large dwelling. There would be no overshadowing or overlooking of existing private gardens or neighbouring properties resulting from the development. The garden space would remain similar to that which currently exists and the adjacent properties. There would not be excessive amounts of traffic and there would be adequate parking and turning space within the site for resident's vehicles.

It would not result in backland or tandem development and the vehicular and existing access would remain safe.

In respect of the design of the proposed building, detailed discussions took place with the councils design officer and it was requested that reference be taken from the buildings in Prestbury village as well as the immediate context. There is a wide variety of residential buildings on Macclesfield Road with variable styles, including large houses immediately adjacent to the site and a large apartment block to the south east.

The proposed building includes traditional eaves, chimneys, projecting gables, a front door and an articulated frontage to create an interesting frontage more akin to a dwelling rather than an apartment "block".

Therefore, it is considered that the proposed development now provides a modern but locally distinctive design, which is in keeping with and will make a positive contribution to, the character of the area and is in accordance with policies SE1 and SD2 of the CELPS, and the Cheshire East Design Guide.

Residential mix

Policy SC4 of the Cheshire East Local Plan states that “*New residential development should maintain, provide or contribute to a mix of housing tenures and types and sizes to help support the creation of mixed, balanced and inclusive communities*”.

The creation of six 2 bed apartments within this residential area would contribute to the mix of housing types and sizes and would complement the existing provision in the area, in accordance with SC4 of the CELPS.

Affordable housing

Policy SC 5 of the CELPS requires In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable.

In this case the proposed development of 6 apartments lies within a site of 0.58 ha in the local service centre of Prestbury. The gross internal floor space exceeds 1,000sqm. Therefore 30% of the units (1.8 units) should be affordable units.

The applicant has submitted an affordable housing statement that states that the payment of a financial contribution in lieu of the provision of affordable units on site is the only practical means by which the requirement to provide affordable housing can be addressed in connection with the subject site. Due to the nature of the type of accommodation and the ongoing maintenance costs associated with the site management.

Additional information was submitted which detailed how the applicant has approached three Registered Social Housing providers who all confirmed that they would not be willing to take the units proposed on site as affordable dwellings for social rent or intermediate housing.

Therefore, a financial contribution of £106,917 is proposed which would be secured through a suitably worded planning obligation sufficient to secure the delivery of 1.8 affordable dwellings off-site. The contribution has been calculated by estimating an open market value of 2 x 1 bed apartments based on the residential sales price adopted for viability testing in the “Prime “ are of Cheshire East (which includes Prestbury) in the Council’s CIL Viability Study. The price that a Registered Provider would pay for the two affordable units is then deducted from the open market values to calculate the contribution, which is then adjusted to relate to a 30% contribution (1.8 dwellings) as opposed to a 33% contribution (2 dwellings).

Following this additional information being submitted, the Strategic Housing Officer has withdrawn their initial objection, is satisfied with the financial contribution, and the proposal is considered to comply with policy SC5 of the CELPS.

Arboriculture and Forestry

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 site is the subject of The Macclesfield Borough Council (Prestbury - Land West of Macclesfield Road) Tree Preservation Order 1997 protects a number of trees within the site and a linear group off site to the east which are considered to be a material consideration.

The submitted arboricultural report states that the proposal would require the removal of some mainly low quality trees and most of the higher quality trees can be retained and protected during construction. Some works are proposed within the RPAs of three of the retained trees but given the minor nature of the incursions the risk of long term damage is low. The proposed relationship of the development with the retained trees is no worse than the current situation and details can be resolved by planning condition.

Comments are awaited from the Council's Tree officer to confirm this position and will be reported as an update.

Landscaping

Policy SE 4 relates to the landscape and requires all development to conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

The proposal has been submitted with a detailed landscaping scheme to ensure the development is integrated within the existing landscaping to maintain and retain existing trees and shrubs within the site and ensure an appropriate transition from the residential plot to the surrounding green belt.

The existing views of the site from the adjacent Fairways are restricted and appropriate conditions to ensure the implementation of the suggested landscaping scheme would ensure the plot remains well screened and appropriate to its location. It is therefore considered that the proposal would comply with policy SE4 of the local plan.

Amenity

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

The proposed eastern elevation of the new building would contain balconies and habitable room windows but they would be 49m way from the eastern boundary of the site and 115m away from the nearest point of Fallibroome House located to the south east. In addition there is a significant amount of landscaping along the boundary which would be retained and a Public footpath running between the two sites with further landscaping either side of the path.

The southern elevation would be 102m from the southern boundary of the site and the access road serving the golf club. There are no properties to the north or west of the site as this land from part of the golf club fairways.

The proposed development is therefore considered to provide a satisfactory level of space light and privacy, and does not significantly injure the living conditions of adjoining properties, in accordance with policies DC3 and DC38 of the MBLP.

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.

This proposal is for the residential development of 6 apartments. Whilst this proposal is small scale, and as such does not require an air quality impact assessment, there is a need to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Conditions relating to travel information packs for residents and electric vehicle charging are therefore recommended, and to ensure compliance with the air quality objectives of policy SE12.

Contaminated Land

Policy DC63 of the MBLP and policy SE12 of the CELPS also seek to ensure that development for new housing or other environmentally sensitive the development is not located on areas of contaminated land. In this case, the application is for a proposed use that would be particularly vulnerable to the presence of contamination.

The Contaminated land officer raises no objections to the proposal, and whilst no Contamination report has been submitted, they draw the applicant's attention to their duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land via an informative.

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.

United Utilities raise no objection subject to appropriate conditions regarding the drainage of surface and foul water details being submitted and agreed.

Therefore subject to this condition the proposal will comply with policy SE13 of the CELPS.

Highways

The existing access lies adjacent to the public footpath which runs alongside Prestbury golf club and it would be reused and not relocated.

The parking standards within the CELPS require 2 parking spaces to be provided for each of the 6 dwellings, which are shown on the latest site plan, thereby meeting the relevant parking standards. 14 parking spaces are proposed.

It is also recommended that the provision of cycle storage is the subject of a condition to encourage alternative transport to the private car. There are no objections to the application raised by the Head of Strategic Infrastructure, and therefore no highway safety issues are raised.

Public Rights of way

The property is adjacent to public footpaths Prestbury Nos. 23, 36 and 16. The footpaths remain unaffected and no objection is raised by the Public Rights of Way team but request an advice note to make the applicant aware of their obligations.

Nature Conservation

Policy SE3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

In addition, Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy

Bat surveys were carried out in 2018 and evidence of bat activity in the form of a minor roost of a relatively common bat species was recorded within the house. An updated survey was carried out and no bat roosts were identified. The report concluded that that property likely no longer contained a legally protected roost therefor a mitigation licence is not required. But conformity with the submitted reasonable avoidance measures detailed within the provided *Bat Activity Survey* report is suggested as a condition.

Should there be any loss of hedging a bird nesting survey is required. And is suggested as a condition..

Subject to these conditions, the proposal will comply with policy SE3 of the CELPS.

Heads of Terms

If the application is approved a Section 106 Agreement will be required, to secure a financial contribution in lieu of onsite provision of affordable housing of £106,917.

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of an affordable housing contribution is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

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

CONCLUSION

The application site comprises a previously developed site in a sustainable location, with good access to a range of local services and facilities. The proposed development would add to the stock of housing in the local area.

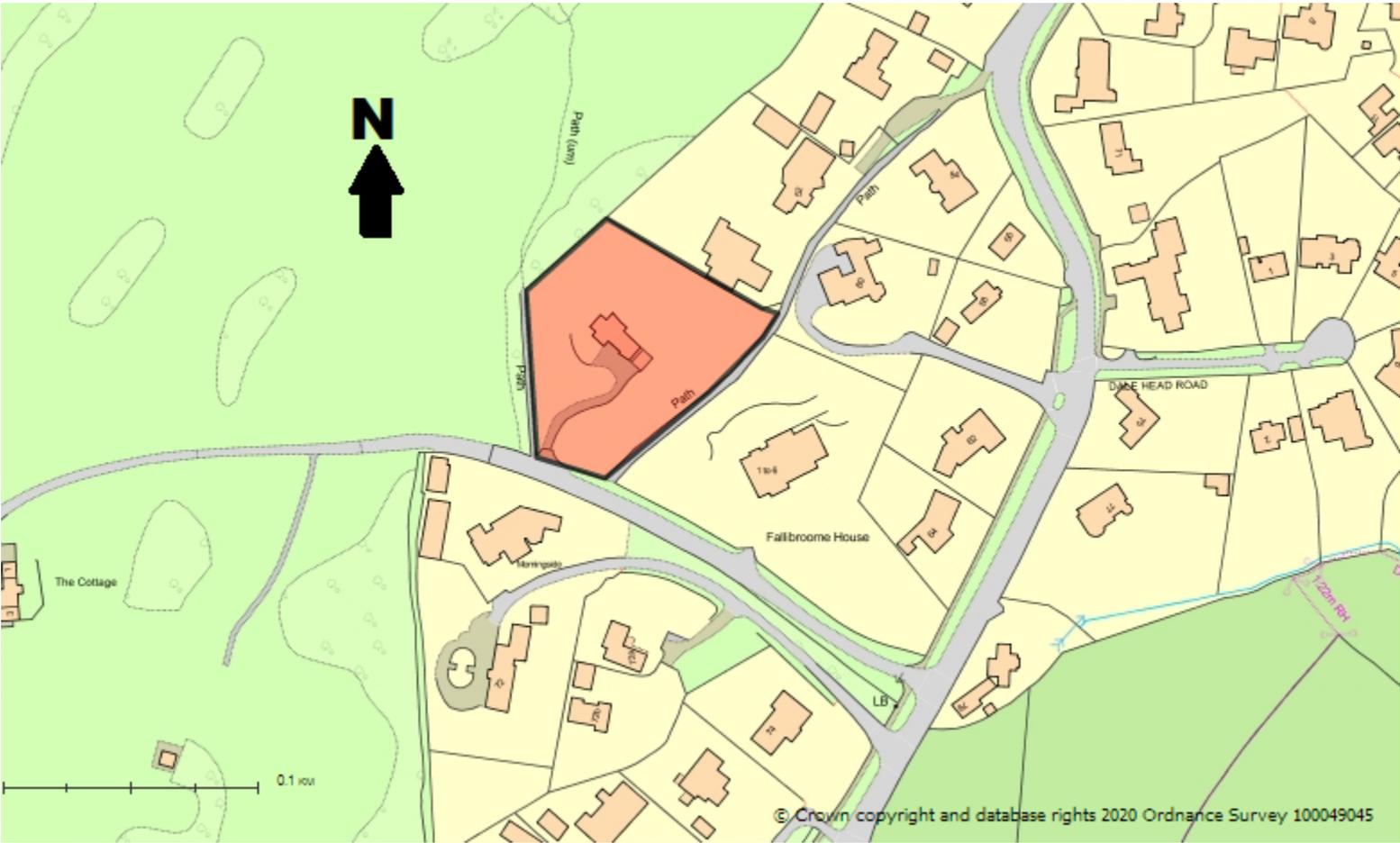
The proposal provides a modern, but locally distinctive design, which also raises no significant highway safety, ecological or flood risk concerns, and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours.

The comments from the neighbours and Parish are acknowledged and have been considered within this report; however the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay,

RECOMMENDATION: Approve subject to the following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Implementation of submitted landscape scheme
5. Nesting bird survey to be submitted
6. The implementation of reasonable avoidance measures detailed within the provided *Bat Activity Survey* report (Rachel Hacking Ecology, 2020).
7. Foul and surface water shall be drained on separate systems.
8. Surface water drainage details to be submitted
9. Electric vehicle infrastructure to be provided
10. Car parking spaces to be provided and retained at all times thereafter (including garages)
11. Details of proposed finished floor levels and land levels to be submitted
12. Cycle storage to be provided

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: 20/3156M

Location: Sparrow Park, Churchside, Macclesfield, SK10 1EA

Proposal: Erection of stone monument to commemorate the Silk Route which extends from China to Macclesfield

Applicant: Macclesfield Town Council

Expiry Date: 04-Dec-2020

SUMMARY

The application site is 'Sparrow Park', a small area of public open space to the rear of St Michael and All Angels Church in Macclesfield Town Centre. The proposal is for a new monument, to be located at the north side of the park, together with minor landscaping changes.

The application is considered to represent an appropriate form of development within Macclesfield Town Centre and is acceptable in terms of design, effects on heritage assets, the landscape, trees and residential amenity, public spaces and nature conservation, subject to matters controlled by condition. It is not considered that the proposal would give rise to any other material planning considerations.

RECOMMENDATION

APPROVE WITH CONDITIONS

REASON FOR REFERRAL

This application is being considered by the Northern Planning Committee following call-in by Cllr Braithwaite for the following reasons:

- the scale and height of the proposed monument*
- the impact on the Conservation Area*
- impact on the street scene*
- residential amenity of residents in nearby streets adjacent and below Sparrow Park*
- stability of the ground "*

SITE DESCRIPTION AND CONTEXT

The application site is 'Sparrow Park', a small area of public open space owned by Cheshire East Council, located to the rear of St Michael and All Angels Church in Macclesfield Town Centre. The park comprises planting beds, bushes and trees, benches and pathways. The

park provides views out over the east side of Macclesfield and the landscape beyond. The site is designated as Existing Open Space in the Macclesfield Borough Local Plan.

The park is in the setting of St Michael and All Angels Church, a Grade II* listed building, and 9-17 Churchside and 31, 33 and 35 Churchside, two Grade-II listed blocks of terraced houses, all of which are set to the immediate west of the park. The site is within the Town Centre (Macclesfield) Conservation Area. Mature trees on and around the site are protected by virtue of being located within the Conservation Area. The site lies within an identified Area of Archaeological Potential.

There are dwellings to the west of the site on either side of the church. Otherwise the site is surrounded at the east by commercial buildings on Waters Green.

DETAILS OF PROPOSAL

This application seeks full planning permission for a new monument.

The structure would comprise a 7.5m stylised stone column, set within a new hard landscaping arrangement at the northern side of the park. The monument is described in the application as being 'to commemorate the Silk Route which extends from China to Macclesfield'. The design is intended to represent a stylised silk bobbin. The monument would replace an existing sunken paved area hosting several benches.

The monument is to be donated by the People's Republic of China to Macclesfield Town Council.

RELEVANT PLANNING HISTORY

64959P - FORMATION OF NEW DISABLED PEDESTRIAN ACCESS GATE INTO SPARROW PARK. Approved, 07-Nov-1990

POLICIES

Cheshire East Local Plan Strategy (CELPS):

MP 1 Presumption in Favour of Sustainable Development
SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 Green Infrastructure
SE 7 The Historic Environment
SE 12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management

Macclesfield Borough Local Plan (MBLP) Saved Policies:

NE3 Landscape Conservation
NE11 Nature Conservation
NE15 Habitat Enhancement
BE16 Setting of Listed Buildings
BE21 Sites of Archaeological Interest
BE23 Development Affecting Archaeological Sites
BE24 Development of Sites of Archaeological Importance
DC3 Design – Amenity
DC9 Design – Tree Protection

Other Material Considerations

National Planning Policy Framework (2019)
National Planning Practice Guidance
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Equality, Diversity and Inclusion Officer – Object from an equality, diversity and inclusion perspective. Historical links to slavery aside, given the current conversation around the treatment of the Uighur Muslim community in Xinjiang, China, construction of the monument, paid for by the Peoples Republic of China, would constitute tacit endorsement of the human rights abuses taking place there.

Macclesfield Town Council - Support this application which commemorates the silk industry of the town and given that Macclesfield is the Western end of the Silk Road. The location of the monument will encourage visitors to the town centre.

Macclesfield Civic Society - Support the idea of a monument to acknowledge the European end of "The Silk Road" and consider the location appropriate. Note the expressions of concern regarding scale and appearance. The scale is monumental and the design industrial. Suggest a monument celebrating Macclesfield at the Asian end of "the Silk Road" is appropriate.

Environmental Protection Unit – No objection subject to informatives on working hours and land contamination.

Lead Local Flood Authority – No objections - if any groundwater problems are evident on-site the applicant should contact the Flood Risk Manager.

REPRESENTATIONS

Nine letters of representation were received comprising seven letters of objection and two letters supporting the proposal.

Objections mainly related to the design and location of the proposed monument, it's effect on views out of and towards the park and on the park environment itself, and effects on the views of the adjacent church building.

Concerns were also raised about historical connotations of the Silk Road and political issues associated with the present day Chinese government.

These objections are summarised as follows:

Political, historical and cultural sensitivity

- Concerns with Silk Road's historical links to slavery. Consideration should be given to educating people on the dark side of Macclesfield's industrial history as well as the great aspects.
- Concerns about associating Macclesfield with Chinese government, given human rights record. Against current government policy.
- Basis of the monument is factually inaccurate – Silk Road didn't end in Macclesfield, it ended in Turkey. Silk cocoons used in Macclesfield came from Italy, not China.

Design

- Contrary to character of historic area
- Far too big and dominant
- Design should be reduced in height and size
- Will spoil views outwards from the park and upwards from the surrounding area towards the Church
- Will crowd sightlines of the historic buildings
- Will be apparent from the railway station, as a gateway to Macclesfield, spoiling views of the Church.
- Will give the general public a totally different image of Macclesfield
- Large and vulgar, won't encourage tourists
- Park is small for such a large and imposing monument, size of monument will dominate the space
- Bobbin reel is apparent

Location

- Would be better located elsewhere – could form focal point of a Station Gateway or one of Macclesfield's larger parks (West Park or South Park). Christ Church and the Silk Heritage Museum have more logical connections to Macclesfield's silk history.
- Will crowd monuments and historic buildings into one area instead of spreading them around the town

Antisocial behaviour

- Might be graffiti'd particularly given secluded location. Could attract vandals.
- Park has history of ASB, littering and drug use. Tourists attracted by the monument would encounter this.

Other matters

- Flood lights – who will pay for this. CEC used to pay for the Church to be floodlit.
- Who will pay for the monument?
- Civil engineering works and associated traffic, noise and disruption would be intrusive, affecting my enjoyment of my property
- Concerns about general maintenance of the park.

Supporting comments noted that:

- A Chinese garden in an urban setting should be in a secluded setting such as this
- The site is appropriate as the park is dedicated to Francis Dicken Brocklehurst of the famous silk family.
- The monument is potentially of significant benefit to the development of the visitor and broader economy of Macclesfield.

OFFICER APPRAISAL

Principle of Development

Policy MP1 Presumption in Favour of Sustainable Development of the Cheshire East Local Plan Strategy (CELPS) notes that:

1. *When considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants to find joint solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*
2. *Planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.*
3. *Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the council will grant permission, unless material considerations indicate otherwise, taking into account whether:*
 - i. *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
 - ii. *Specific policies in that Framework indicate that development should be restricted.*

The application site is an existing public space within the centre of Macclesfield, one of two towns identified as being a Principal Town in the CELPS.

Policy SD 1 Sustainable Development in Cheshire East notes that '*Development should wherever possible... Prioritise investment and growth within the Principal Towns and Key Service Centres...*'

It is not considered that there are any policies within the development plan or within the National Planning Policy Framework or Guidance which would stand against the principle of development of a new monument in the centre of one of the borough's Principal Towns, subject to acceptability in terms of all relevant planning issues.

Design

Policies SE 1 and SD 2 of the CELPS seek to ensure that development is of a high standard of design which reflects local character and respects the form, layout, siting, scale, design, height and massing of the site, surrounding buildings and the street scene. CELPS Policy SD 2(1) (ii) states development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, materials, external design and massing.

The Council's Design Officer initially advised that:

"The scale and position seem appropriate to the surroundings but my concern would be that the location of the monument would detract from the view to the church from the lower levels of the town. A montage showing the monument as proposed from this perspective would reveal whether or not this would be an issue, particularly the night view where both would be lit and therefore highlighted further."

In response, the applicant submitted day and night photo montages of the monument set within the existing scene. The Design Officer provided revised comments to confirm support for the proposal as follows:

"They (the montages) confirm that the visual impact of the structure, both in the day and lit at night would be minimal. They also illustrate that the proposal is in scale and character to the surrounding context and would therefore enhance the existing street scene and amenity value of far reaching viewpoints."

It is considered that the proposal and surrounding hard landscape arrangement would be sympathetic to the character of the park and the wider surrounding area. Whilst the monument would be contemporary in form, its overall appearance, owing to the use of stone, is considered to be neutral and as such would not be incongruous with the appearance of the site and wider area. Whilst the height of the proposal is noted, its overall scale and the resulting visual impact would be limited by its general narrow proportions. It is considered that it would be appropriate to require approval of specific materials prior to commencement of development in order to ensure the final appearance of the monument and hard landscaping is acceptable.

The public objections in design terms are noted. Subject to the condition noted above, it is considered that the proposal would contribute positively to the area's character and would reinforce local distinctiveness, and would therefore accord with the design requirements of SE 1 and SD 2, and be acceptable in design terms.

Open Space

CELPS Policy SE 6 Green Infrastructure notes that:

"Cheshire East aims to deliver a good quality, and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits. This will be done by:

...

3. *Working with partners, to support the potential of strategic green infrastructure assets to contribute to the aims of the wider green infrastructure. The strategic green infrastructure assets identified in Cheshire East are:*

...

iv. Heritage town parks and open spaces of historic and cultural importance

...

4. *Strengthening the contribution that sport and playing fields, open space and recreation facilities make to Cheshire East's green infrastructure network by requiring all development to:*

i. Protect and enhance existing open spaces and sport and recreation facilities;

ii. Encourage multiple use and improvements to their quality;

..."

Comments from the Council's Parks Officer included the following points:

"The proposed monument is substantial. Standing at 7.5m and with a base of 4m, this has been placed in one of the main viewing areas of the park. The section shows the scale of the monument in relation to surrounding properties and I am concerned about scale and impact in such a small space. The monument will tower above those at the base and unfortunately it seems hinder the all important views out. The area to the base becomes a little cramped and the seating not necessarily in the right place. Anti Social Behaviour is also a concern

...

Whilst not an obvious planning issue as such, all our open spaces must be welcoming and inclusive spaces for all. Sensitivity and awareness is needed when introducing elements into a public space about the message they send to an increasingly aware and diverse community. They must not deter or disenfranchise parts of our community. Our open spaces should be designed and enhanced to make all feel welcome. The Silk Road also transported and traded enslaved people."

It is considered that the proposed development would support the objectives of Policy SE 6. The monument would enhance the appearance of Sparrow Park, a heritage town park, and provide an attraction which would encourage use of and visits to the park. The issues noted by the Parks Officer are noted. Whilst the monument will have some effect on the outward views enjoyed from within and to the rear of the park, it is not considered that the impact will be substantial, given the position of the monument towards the northern side of the park, largely surrounded by trees which compromise the outward views from that part of the space.

Whilst the monument would have some impact on the sense of openness of the park due to it's height, this would be mitigated by it's generally slender proportions and as such, it is not considered that this effect would be significant given the general orientation of the park and it's open aspect over the surrounding landscape which would be retained.

Issues raised in terms of the historical connotations of a monument to the Silk Road are noted. No representations have clarified the extent or significance of slavery within the broader history of the Silk Road, which spanned nearly 2000 years and multiple countries and cultures. Whilst it is considered that such historic links are worthy of debate and

consideration, including in terms of whether public spaces are welcoming and inclusive, in this case it is not considered that significant weight can be attributed to this consideration in planning terms.

Concerns raised in relation to anti-social behaviour at the park are noted. Whilst a new monument could potentially attract such behaviour, it is not considered that this would be a sustainable reason to resist any proposals for improvements and new developments within an existing public space.

Trees

CELPS policy SE 5 notes 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...”

The application is supported by an Arboricultural Impact Assessment relating to the trees on-site and the impacts of the proposal which has been reviewed by the Forestry Officer. The officer notes that:

- The development will not require the removal of any existing trees;
- Will require pruning of lower branches of one tree during construction;
- There is some potential for disturbance to the roots of four trees resulting from the removal and replacement of existing hard surfaces, but subject to the proposed methodology for this work, that there will be no additional impact on the health and well being of the trees

Subject to the implementation of the proposed tree protection measures, which would be secured by condition, it is considered that the impacts on trees would be acceptable and that the development would therefore accord with policy SE 5.

Heritage – Conservation Area, Listed Buildings and Archaeology

CELPS Policy SE 7 notes that:

“All new development should seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment

...

The council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal...

Saved policy BE16 of the MBLP notes that:

“Development which would adversely affect the setting of a Listed Building will not normally be approved.”

The development site is within the Macclesfield Town Centre Conservation Area and within the setting of the Grade II* St Michael and All Angels Church, and the Grade II listed terraced houses to the north and south of the church.

A Heritage Statement was submitted with the application which assesses the significance of the Conservation Area and considers the impact of the proposal, noting that the proposal will provide a focal point for the Conservation Area, and that the materials specified for the refurbishment of the park (in the area around the monument) will enhance the setting of the Conservation Area.

The Heritage Officer has advised as follows:

“The property is adjacent to a Grade II church (and) as such in considering whether to grant listed building consent for any works the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

This property lies within the Macclesfield Town Centre Conservation Area, the main consideration is whether or not the proposed development would preserve or enhance the character or appearance of the Conservation Area.

The proposal is for the erection of stone monument to commemorate the Silk Route which extends from China to Macclesfield. Having had discussions on this some time ago I am satisfied that the introduction of this memorial in this location will be acceptable with the character and appearance of the Conservation Area and setting of the listed building. Although this monument will be adjacent to numbers 9 to 17 Churchside and within sight of numbers 31, 33 and 35 Churchside all of which are listed I would consider that they are at such a distance that this new iconic monument will not affect the setting of the listed buildings.”

The Heritage Officer has offered no objection to the proposal, subject to a condition requiring the development be undertaken in accordance with the submitted details. General facing materials details are described in the application, but it is considered necessary that details or samples of specific materials be approved prior to implementation to ensure that the effect on the setting of the listed buildings and Conservation Area is acceptable, and that this should be secured by condition.

The public comments regarding the effect of the proposal upon the setting of the church are noted. However, the proposal is considered to comply with the requirements of policy SE 7.

Saved Policy BE21 of the MBLP notes that:

“The Borough Council will promote the conservation, enhancement and interpretation of site of archaeological importance and their settings. Development which would adversely affect archaeological interests will not normally be permitted.”

The Development Management Archaeologist has advised as follows:

“There is likely to be archaeological remains located under the proposed development area which may be impacted by this development. There are buildings shown on the first and second edition OS Maps, located directly below the proposed location of this monument. A programme of archaeological observation during construction will allow for any of these archaeological deposits to be identified and recorded, this work may take the form of a developer funded watching brief during the excavation of foundations for this monument. This may be secured by condition.”

Subject to a condition to this effect, it is considered that the development would not adversely affect archaeological interests and would therefore be accord with saved policy BE21.

Landscape

CELPS policy SE 4 notes that:

“The high quality of the built and natural environment is recognised as a significant characteristic of the borough. All development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.”

The proposed development will be visible from the surrounding areas to the east side of Macclesfield Town Centre. Given the acceptability of the proposal in terms of design, heritage considerations and effects on trees set out above, it is considered that the proposal would conserve the landscape character of the local area. The Landscape Officer does *not consider that the proposed monument will result in any adverse impacts and has offered no objection.* Accordingly it is considered that the proposal would be acceptable in terms of Policy SE 4.

Impacts on Residential Amenity

Saved MBLP Policy DC 3 requires that new development should not significantly injure the amenities of adjoining or nearby residential property or sensitive land uses due to loss of privacy, overbearing effect, loss of sunlight or daylight, or other forms of disturbance and nuisance.

There are a number of residential properties in the vicinity of the site. Whilst the scale and height of the proposed monument is noted, it is not considered that this will result in harm to amenity of any of the nearby dwellings, including in terms of visual intrusion, overbearing effect, or loss of sunlight or daylight. No. 17 Churchside, located at the immediate west of Sparrow Park, has windows facing towards the park and which would look out onto the monument, but taking into account the distance, difference in levels (the park is set at a slightly lower elevation than the house), height and overall profile of the monument, it is not considered that the arrangement would result in any amenity harm to occupants of the house, including in terms of overbearing effect. There would also be views of the monument from other dwellings on the south side of the park (and in areas further to the east of the site), but for similar reasons the development would not result in amenity harm to occupants of these houses.

A public comment relating to disruption arising from the development phase is noted, but does not relate to the acceptability of the proposal in planning terms.

Flood Risk

The application site does not fall within a Flood Risk Zone 2 or 3. As such no flood risk concerns are raised. In terms of surface water management the proposal would mainly involve the replacement of existing hard surfaces with new hard surfaces. The Council's Flood Risk Officer has raised no objections, recommending that development should be drained in accordance with the hierarchy of drainage set out in Building Regulations. The application is deemed to comply with policy SE 13 of the CELPS, which broadly requires that new development should reduce flood risk.

Nature Conservation

Policy SE 3 of the CELPS notes that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. The Nature Conservation Officer has advised that lighting to be used to illuminate the monument would have potential to cause light disturbance to protected species and requested that details of the lighting scheme be submitted and approved prior to commencement of development. Subject to a condition to this effect (and approval of the details) it is considered that the proposal would be acceptable in terms of effects on biodiversity and nature conservation and would therefore support the objectives of policy SE 3.

Other matters

The political matters relating to the People's Republic of China referred to in public comments and by the Equality, Diversity and Inclusion Officer are noted. However, it is not considered that this matter relates to any material planning matter.

Comments relating to the location of the monument are noted. Given that the impact on all relevant material planning considerations is considered to be acceptable, potential other locations for the monument would not be a sustainable reason for refusal.

Cllr Braithwaite's reference to land stability is noted but it is not apparent that the development would have any impact on stability.

CONCLUSIONS

The proposed development is considered to be acceptable in principle and to be acceptable in terms of design and flood risk and effects on heritage assets, public open spaces, landscape, trees and amenity.

Public objections in terms of design, effects on the setting of the heritage assets, visual impacts, the location of the monument, and political and cultural matters are noted. However, for the reasons set out above, it is considered that the proposal would accord with the

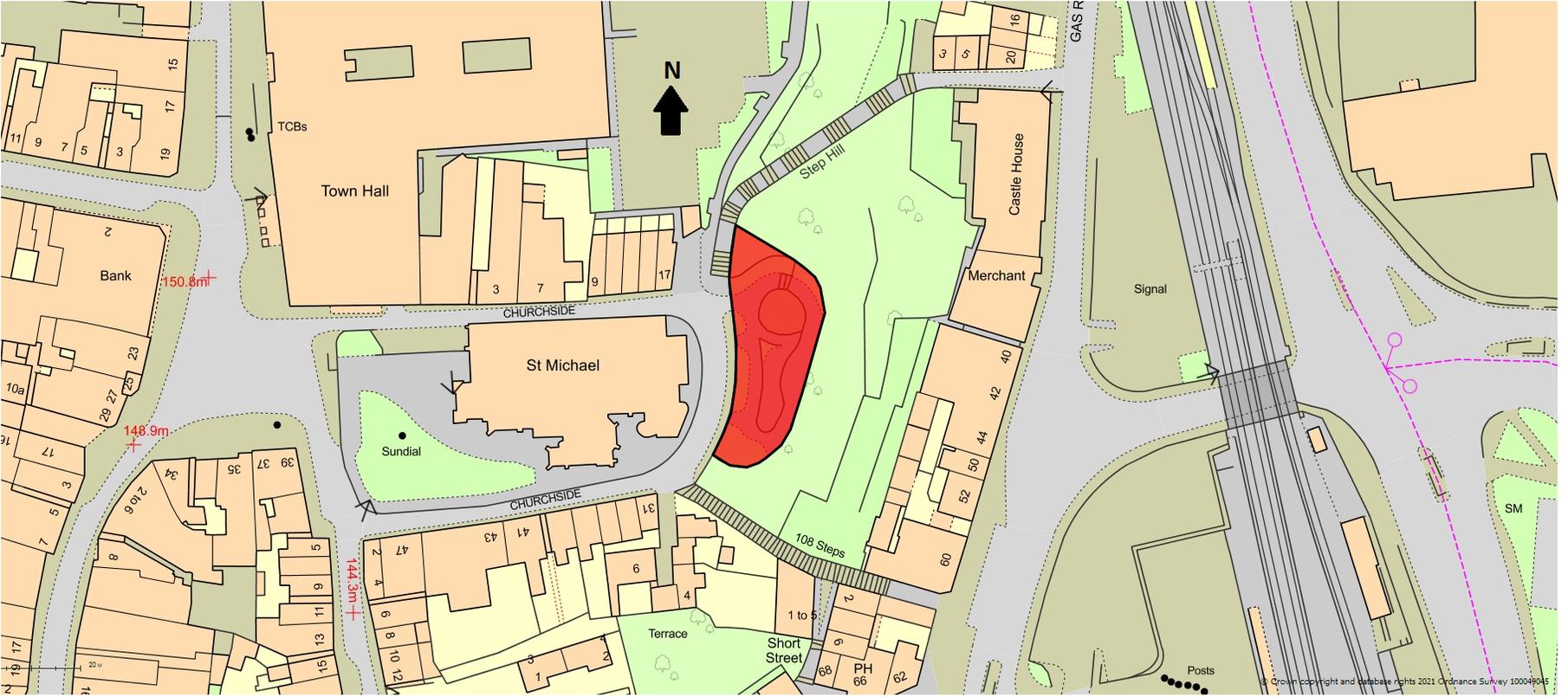
relevant policies of the development plan and is therefore recommended for approval, subject to the conditions that follow.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) 3-year commencement**
- 2) Development to be carried out in accordance with approved plans**
- 3) Details / samples of facing materials to be submitted for approval**
- 4) Details of lighting scheme to be submitted for approval**
- 5) Trees – implementation in accordance with Arboricultural Impact Assessment and Tree Protection Measures**
- 6) Archaeological watching brief to be implemented during development**

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



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