

Northern Planning Committee

Agenda

Date:	Wednesday, 7th June, 2023
Time:	10.00 am
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

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

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 5 - 10)

To approve the Minutes of the meeting held on 12th April 2023 as a correct record.

For requests for further information

Contact: Gaynor Hawthornthwaite

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4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **22/2353M - CHERRY DENE, MACCLESFIELD ROAD, ALDERLEY EDGE: Proposed demolition of the existing dwelling and the erection of a replacement dwelling and associated works including the realignment of the internal access road for Mark Hawthornthwaite (Pages 11 - 24)**

To consider the above planning application.

6. **22/1223M - MARBURAE HOUSE, ATHEY STREET, MACCLESFIELD, CHESHIRE, SK11 6QU: Conversion of existing office building to residential apartments for Mr & Mr Harry and Vinny, Edwards and Taylor (Pages 25 - 34)**

To consider the above planning application.

7. **22/0560M - Barclays Bank Plc, Radbroke Hall, Stocks Lane, Over Peover WA16 9EU: Installation of Photovoltaic cells above existing car parking spaces for Barclays Plc (Pages 35 - 54)**

To consider the above planning application.

8. **22/2111M - 1, HILL TOP AVENUE, WILMSLOW, SK9 2JE: Proposed demolition of existing detached residential property and creation of 2no. new build 4 bedroom detached residential properties with amended vehicle access for Mick Regan (Pages 55 - 68)**

To consider the above planning application.

9. **23/0853M - 17 & 19, HOLLY ROAD SOUTH, WILMSLOW, CHESHIRE, SK9 1NQ: Demolition of existing buildings and erection of 34 retirement living apartments including lodge managers office and reception, communal facilities, guest suite, car parking and landscaping. Resubmission of application 22/2347M for Churchill Retirement Living (Pages 69 - 98)**

To consider the above planning application.

10. **22/2347M - 17 & 19 Holly Road South, Wilmslow** (Pages 99 - 106)

To consider not defending reason for refusal No.2 (lack of tree info) from the determined planning application reference 22/2347M at an upcoming appeal.

Membership: Councillors M Beanland, T Dean, K Edwards, M Gorman, S Holland, T Jackson, D Jefferay (Chair), N Mannion, J Place, J Smith, F Wilson (Vice-Chair) and S Gardiner

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 12th April, 2023 in the The Capesthorpe Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor J Nicholas (Chair)
Councillor L Braithwaite (Vice-Chair)

Councillors M Beanland, T Dean, JP Findlow, A Harewood, S Holland,
D Jefferay, I Macfarlane, N Mannion and L Smetham

OFFICERS IN ATTENDANCE

Paul Wakefield - Planning Team Leader
Peter Jones - Planning & Highways Lawyer
Neil Jones - Principal Development Officer
Gaynor Hawthornthwaite - Democratic Services Officer

66 APOLOGIES FOR ABSENCE

Apologies were received from Councillor J Smith.

67 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness the following declarations were made:

- Councillor N Mannion declared that with regard to item 6 – application 22/4661M, he had called in this application and would be exercising his right to speak as the Ward Councillor under the Public Speaking Protocol and would then leave the room for the remainder of the item and that he is known to one of the registered speakers on this item.
- In respect of application 22/4661M Councillor A Harewood declared that she had undertaken a visit to the site during the previous use.
- In respect of application 22/4661M Councillor L Smetham declared that she had undertaken a visit to the site during the previous use but had not pre-determined the application.
- In respect of application 22/4661M, Councillors J Nicholas and L Smetham declared that they knew Mr John Knight who was speaking on the application.
- It was noted that all members had received correspondence in respect of application 22/2688M.

68 MINUTES OF THE PREVIOUS MEETING

That the minutes of the previous meeting held on 22 March 2023 be approved as a correct record and signed by the Chair.

69 PUBLIC SPEAKING

That the public speaking procedure be noted.

70 22/2688M - RED ACRE, MACCLESFIELD ROAD, ALDERLEY EDGE, SK9 7BW: PROPOSED ERECTION OF REPLACEMENT DWELLING

Consideration was given to the above application.

(Councillor Craig Browne, (Ward Councillor), Councillor Vince Fogharty (on behalf of Alderley Edge Parish Council), Dr David Brickwood (Objector) and Joanne Wootton (Applicant) attended the meeting and spoke in respect of the application).

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED, subject to the following conditions:

1. Time (3 years)
2. Development in accordance with approved plans
3. Submission/approval of facing materials (pre-building materials)
4. Submission/approval of new windows and doors at a scale of 1:20 (pre-relevant works)
5. Record of existing historic greenhouse to HE Level 2 (pre-relevant workers)
6. Obscure glazing (first floor ensuite windows in the western facing elevation)
7. Submission/approval of Landscaping scheme (incl all boundary treatment and additional planting between new dwelling and Old Vine)
8. Landscaping – Implementation
9. Submission/approval of levels details
10. Provision of 3 Car Parking Spaces (pre-occupation);
11. Nesting/breeding birds survey
12. Submission of lighting scheme (pre-commencement)
13. Submission/approval of Ecological Enhancement Strategy
14. Submission/approval of revised Arboricultural Impact/Method Statement and Tree Protection Plan (pre-commencement)
15. Submission/approval or proposed underground services (pre-commencement)
16. Removal of Permitted Development rights
17. Construction management plan to be submitted

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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.

The Committee adjourned for a short break.

71 22/4661M - 28, IVY LANE, MACCLESFIELD, CHESHIRE, SK11 8NR: EXTENSION AND INTERNAL ALTERATIONS TO THE EXISTING BUILDING, AND DEMOLITION OF THE EXISTING GARAGE, TO PROVIDE 6 NO. SUPPORTED LIVING APARTMENTS (USE CLASS C3) WITH ASSOCIATED PARKING AND FACILITIES

Consideration was given to the above application.

(Councillor Nick Mannion, (Ward Councillor), Mr Roger Gleave and Mr John Knight (Objectors) and Hayley Knight (Agent) attended the meeting and spoke in respect of the application).

Following speaking as the Ward Member, in accordance with the public speaking protocol, as stated in the Declaration of Interest/Pre Determination, Councillor Mannion left the meeting and returned following consideration of the application.

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED, subject to the following conditions:

1. Time 3 years
2. Approved plans
3. Materials as per application
4. Prior to commencement submission of tree protection details
5. Prior to commencement submission of tree pruning/fell specification
6. Prior to commencement submission of arboricultural method statement
7. Prior to commencement submission of no dig specifications.
8. Prior to occupation provision of secure cycle parking details for 7no. cycles (1no. staff and 6no. residents) with prior to first occupation implementation
9. Prior to occupation provision of parking for vehicles and retention thereafter.
10. Provision of bin store on prior to occupation basis.
11. Prior to occupation landscaping plan and planting as per submitted details and as per landscaping management plan.
12. Prior to erection submission of external lighting details.

13. Prior to first occupation submission of residents' travel plan and prior to first occupation implementation
14. Restriction of Use of the site in line with submitted details as per ISL Service details letter for adults with learning difficulties
15. Maximum number of residents – 6no.

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.

The Committee adjourned for a short break.

72 21/4108M - LONGSHOTT FARM, PEPPER STREET, SNELSON, SK11 9BG: ADDITION OF 2 BEDROOM MODULAR LODGE

Consideration was given to the above application.

(Mr Johnson (Applicant) attended the meeting and spoke in respect of the application).

RESOLVED:

That, for the reasons set out in the report, the application be REFUSED for the following reasons:

The proposal is considered to represent inappropriate development in the Green Belt, which reduces openness and conflicts with the purposes of the Green Belt through encroachment into the countryside. Permanent and temporary uses are not distinguished in the exceptions to inappropriate development in the Green Belt, in national or local planning policy. No Very Special Circumstances have been advanced that outweigh the identified harm to the Green Belt. The development is therefore not considered to represent sustainable development and is contrary to policies MP1 and PG3 of the CELPS, and PG10 of the SADPD and paragraphs 137, 138, 147 – 150 of the NPPF.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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.

The meeting commenced at 10.00 am and concluded at 1.00 pm

Councillor J Nicholas (Chair)

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Application No: 22/2353M

Location: CHERRY DENE, MACCLESFIELD ROAD, ALDERLEY EDGE,

Proposal: Proposed demolition of the existing dwelling and the erection of a replacement dwelling and associated works including the realignment of the internal access road.

Applicant: Mark Hawthornthwaite

Expiry Date: 05-Aug-2022

SUMMARY

The proposed development seeks approval for the replacement of an existing dwelling. The site is within the settlement boundary of Alderley Edge where residential development is acceptable, and within the Alderley Edge Conservation Area.

The development is deemed to be unacceptable with regards to the requirements of heritage policies, specifically in terms of the impact upon the character and appearance of the conservation area. The design of the replacement dwelling would result in the appearance of an austere, dominant, and cramped development of the site.

The layout does not demonstrate that the proposal would not result in damage to an existing veteran tree, and insufficient information has been provided relating to flood risk.

No issues are deemed to be created by the proposal with regards to amenity, highway safety, landscape, or ecology subject to conditions.

SUMMARY RECOMMENDATION

Refuse

REASON FOR REFERRAL

Application 22/2353M was referred to the Northern Planning Committee at the request of Cllr Craig Browne (Alderley Edge Ward) for the following reasons: -

“As the application site is located within the Alderley Edge Conservation Area, the application would benefit from added scrutiny by the members of the Northern Planning Committee with particular reference to the relevant policies within the Cheshire East Local Plan (SE1 - Design & SE4 - Landscape), as well as the corresponding policies within the Alderley Edge Neighbourhood Plan (AE3 - character of the area).”

DESCRIPTION OF SITE AND CONTEXT

The application site is positioned on the southern side of Macclesfield Road within the settlement boundary and Alderley Edge Conservation Area. The site is bound to the east, south and west by residential properties and to the north by Macclesfield Road. A public right of way runs adjacent to the east side boundary between the application site, 'Pine Tree Cottage' and 'Trelawney'.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing dwelling and the erection of a replacement dwelling and associated works including the realignment of the internal access road.

Revised plans were received during the course of the application to overcome the Conservation Officer and Arboricultural Officer's concerns. Concerns raised included:

- Large, linear footprint with little relief, uniform roof line and long blank elevations
- Amount of site visually free from built form
- Blank elevation to Macclesfield Road would be a dominating feature
- Cramped and overly dense development
- Loss of an independently verified veteran tree and inferior relationship to established tree cover of collective amenity value

RELEVANT HISTORY

12/3478M - Approved with conditions / 01-Mar-2013

Amendments to approved application 08/0566P - Proposed apartment block, Oatlands, Alderley Edge

08/0566P - Approved with conditions / 16-Jul-2008

Demolition Of 8 Dwellings to Be Replaced By 4 Detached Houses And An Apartment Block Of 3 Units - Total 7 Dwellings & Separate Security Gate House

08/0567P - Approved with conditions / 16-Jul-2008

Demolition Of 8no Dwellings

96/0360P - Approved with conditions / 16-Apr-1996

Bay Window Extension to Rear

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP 1 - Presumption in Favour of Sustainable Development

PG2 – Settlement Hierarchy

SD 1 – Sustainable development in Cheshire East

SD 2 - Sustainable Development Principles

SE1 - Design

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerow and Woodland

SE7 – The Historic Environment

SE13 – Flood Risk and Water Management
Appendix C Parking Standards

Site Allocations and Development Policies Document (SADPD) (Adopted December 2022)

PG9 – Settlement Boundaries
GEN1 – Design Principles
ENV1 – Ecological Network
ENV2 – Ecological Implementation
ENV3 – Landscape Character
ENV5 - Landscaping
ENV6 – Trees, Hedgerow and Woodland Implementation
ENV16 – Surface Water Management and Flood Risk
HER1 – Heritage Assets
HER3 – Conservation Areas
HOU12 – Amenity
HOU13 – Residential Standards
HER14 – Housing Density
INF3 – Highway Safety and Access

Alderley Edge Neighbourhood Plan (2021-2030)

AE1 – Alderley Edge Development Strategy
AE2 – Design, Scale and Type of New Housing
AE3 – Sustainable Housing Design
AE9 – Landscape Character and Access
AE11 – Protecting and Enhancing the Conservation Area
AE12 – Local and Historic Character

Other Material Considerations

National Planning Policy Framework (NPPF) 2021
National Planning Practice Guidance
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Environmental Protection (CEC) – No objections, subject to a number of conditions including the use of soil and soil forming materials and reporting previously unidentified contaminated land.

United Utilities – No objection.

Alderley Edge Parish Council – The Parish Council has no objection to this application subject to approval by the conservation officers and arboricultural officers.

REPRESENTATIONS

15 neighbour notification letters were sent on 21st June 2022.

1 general observation was received which is summarised below:

- This site and particularly the public footpath to the side of it produces a flow of water across the Macclesfield Road in wet weather. Building sites produce a slurry that blocks the drains and can make the roads hazardous. We request that the Macclesfield Road is subject to regular cleaning/sweeping during the development process for the safety of vehicles using the main road.

In response to the re-consultation exercise, at the time of writing this committee report, 1 objection letter had been received, which raised the following objections:

- Wildlife habitat destroyed over last 18 months
- Loss of landscape maturity of Macclesfield Road
- Concerns regarding overlooking and privacy
- Excavation required will be excessive resulting in heavy machinery for long periods of time, noise pollution and dust

OFFICER APPRAISAL

Principle of development

The application relates to the demolition of an existing two-storey detached dwelling and replacement with a larger detached dwelling within the settlement boundary of Alderley Edge.

Policy PG2 of the Local Plan defines Alderley Edge as a Local Service Centre. Here, small scale development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities.

Policy AE1 of the Alderley Edge Neighbourhood Plan goes on to state new residential development will be supported within Alderley Edge village where proposals are located within the settlement boundary.

The replacement of the existing dwelling with a new dwelling is therefore considered acceptable in principle, subject to compliance with other development plan policies discussed below.

Heritage and Design

CELPS Policy SE1 states that “development proposals should ensure a retained sense of place and management of design quality”. CELPS Policy SD2 further details the design matters that should be considered, including height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene. Policy GEN1 of the SADPD sets out that development proposals should create high quality, beautiful and sustainable buildings and places and should reflect local character.

Policy SE7 of the CELPS refers to the Historic Environment. The crux of Policy SE7 is to ensure all new development avoids harm to heritage assets and makes a positive contribution to the character of Cheshire East’s historic and built environment, including the setting of the assets and where appropriate, the wider historic environment.

The crux of Policy SE4 (Landscape) of the CELPS is to conserve the landscape character and quality and 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. Policy AE9 of the Alderley Edge Neighbourhood Plan states development proposals should be sited and designed to ensure they are sensitive to the distinctive landscape character of Alderley Edge. Proposals must not significantly harm, individually or cumulatively, characteristic features within the local landscape, including mature trees, estate landscapes and traditional agricultural buildings and traditional boundaries such as railings and brick walls.

Policy ENV3 of the SADPD states development proposals should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area. Policy HER1 of the SADPD states all proposals affecting heritage assets and their settings must be accompanied by proportionate information that assesses and describes their impact on the asset's significance. Policy HER3 goes on to state Development within or affecting the setting of a conservation area must pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Policy AE11 of the Alderley Edge Neighbourhood Plan states development proposals in the Alderley Edge Conservation Areas should be carefully designed using good quality materials and detailing. Development proposals that harm the special character of the conservation area and its setting will be resisted.

The existing dwelling at Cherry Dene sits within the Alderley Edge Conservation Area and makes a neutral contribution to its significance as a designated heritage asset. The building and plot size are consistent with the conservation area. The house was one of several built within the grounds of a larger villa, Oatlands. The rest of the site was redeveloped as part of the Oatlands development in 2008. Cherry Dene was not developed with the rest of the site and remains undeveloped. The site has 2 planning permissions which are understood to be extant and able to be built out. These are 08/0567P and 12/3478M. There has been removal of trees on the site, which now has a negative impact on the conservation area as the site is uncharacteristically sparse in planting and leaves much of the site exposed. The extent to which these works were granted under a s211 notice (20/5409T – works to trees in a conservation area) are currently subject to enforcement investigations. The application was not formally determined however the 6-week determination date expired and the tree work went ahead.

The site is visually exposed when viewing the site from Macclesfield Road. It therefore appears as an anomaly within the Conservation Area. It is important that this aspect is carefully considered in light of the current proposal and what would be required to be replanted or should have been replanted under the permission which has already been implemented.

The conservation officer noted that the replacement building for Cherry Dene in 2008 was made to look like a villa which was the success of it. Its scale and mass was consistent with other villas within the area and planting, which appears from the plans to preserve the conservation area at this point, ensuring that the new dwelling was screened with appropriate boundary treatments.

The proposed scheme would have a different impact on the site. It has a large, linear footprint with little relief, uniform roof line and long blank elevations. The footprint appears to spread over more of the site, leaving less of the site visually free of built form. There is a courtyard within the building envelope but the appearance from the road and driveway would only be of built form.

The previous scheme allowed for a generous planting scheme. The ongoing enforcement investigations relate to works on all boundaries of the site, where trees were proposed to be felled. The proposed development would be required to make a positive contribution to the landscaping of the site. The driveway is also being realigned away from the building towards the boundary, which reduces the space for boundary planting. The subterranean nature of the building also limits the amount and type of the planting to the frontage and side.

Even though the extant and proposed footprints are comparable, and the proposal appears slightly lower than what is extant, the impact on the conservation area would be very different. The principle of development of development is accepted and can be implemented under the 2008 permission. Although the architectural style of the 2008 permission is now likely outdated, the format of the former proposal is consistent with the character of the conservation area and would present a positive frontage to Macclesfield Road. The varied roof line and windows fronting the road to appear as one house are all features presented by the 2008 scheme. What is now proposed appears to have an almost blank elevation to Macclesfield Road and due to the elevated nature of the site above the road, this would be an austere and dominating feature, one not felt elsewhere in the conservation area. There are examples of contemporary architecture within the conservation area. This is not in itself a concern, but the length of the building frontage creates an incongruous element which would be negative on the significance of the Alderley Edge Conservation Area.

The issues above contribute to the overall impression of a cramped and overly dense development. The impact of the design in an elevated, prominent position on Macclesfield Road. Overall, the proposal would be an over development of the site and inappropriate design of the replacement dwelling, resulting in harm to the character and appearance of the Conservation Area. The development would therefore fail to preserve both the character and the appearance of the Conservation Area and would result in less than substantial harm to the designated heritage asset. The National Planning Policy Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. There are not considered to be any public benefits to the proposal of sufficient weight to outweigh the identified harm.

The agent has submitted a statement in response to the Conservation Officer's comments. This statement concludes that the position of the building on site and subterranean nature results in low-mass contextual architecture, and that the proposed building has a lower volume than the extant permission. While the proposal under this application may be lower in footprint and volume than the extant apartment scheme, the Conservation Officer has stated the impact would be very different. The character and appearance of both schemes would result in significantly different impacts to the surrounding area and thus volume is not the only consideration. The scale and mass of this proposal is not considered to be consistent with villas in the surrounding area and it is not considered that the proposal results in low mass contextual architecture, as less of the site would be visually free from built form compared to the existing scenario and the extant permission.

The revised landscape proposals received on 22nd February 2023 have presented improvements to the original submission. The building has been reorientated and moved away from the eastern

boundary and the access drive to the basement garage has been realigned and shortened. These amendments have created more space for planting on the northern and eastern boundaries.

On the eastern boundary there is a more appropriate offset between the proposed trees and the dwelling and there is more space for understorey planting. On the site frontage, the planting proposals have been amended to replace the low-growing Thuja trees with 7m high Scots Pine under planted with Holly which is more in keeping with the area. The amendments also provide space for several small trees between the house and the access ramp which would increase the depth of the frontage tree planting.

The boundary hedgerow and tree planting would be carried out prior to the commencement of the building works. The proposed boundary Holly hedges are 2.25m+ in height and all boundary trees are specified as large, semi-mature nursery stock. Soil improvement and a leaky-pipe irrigation system are also proposed to improve establishment and growth.

The 'instant' boundary hedgerows and semi-mature tree planting proposed would provide an initial impact in the street scene. However, it is still considered that the landscaping proposed would not overcome the heritage harm identified, noting that the street scene visuals show that the dwelling would be clearly visible from Macclesfield Road after 5 years.

Heritage and Design Summary

The concerns from the Conservation Team have not been addressed and it is considered that the proposal would have a detrimental impact on the character or appearance of the conservation area and would fail to adhere with Policies SE1, SE7 and SD2 of the CELPS, Policy GEN1, HER1 and HER3 of the SADPD, Policy AE9 and AE11 and AE12 of the Neighbourhood Plan and the National Planning Policy Framework.

Living Conditions

CELPS Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 of the SADPD provides minimum separation distances. Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

The proposed dwelling would be situated over 25m from Pine Tree Cottage to the east, approximately 23m from The Lodge to the south west, over 26m from Cherry Tree House to the south and over 33m from Cornerfield to the north. Due to these separation distances, and the fact

that the dwelling would be situated at a lower ground level than Cherry Tree House and Pine Tree Cottage, the proposal is not considered to significantly harm light exposure to surrounding properties, or result in any overlooking or loss of privacy issues.

With regards to the impacts on future users, all habitable rooms would be provided with sufficient openings to provide light and outlook. Sufficient amenity space would be provided.

The proposals will not result in unacceptable harm to the residential amenity of adjacent neighbours in terms of overlooking, loss of privacy or overshadowing and as such complies with the principles of policies SE1 Cheshire East Local Plan and Policy HOU12 and HOU13 of the SADPD.

Highways

Policy CO1 of the CELPS considers matters of highway safety. Appendix C of the Cheshire East Local Plan identifies minimum Parking Standards for residential development in Principal Towns and Key Service Centres and for the remainder of the borough. The LPA will vary from the prescribed standards where there is clear and compelling justification to do so.

Policy INF3 of the SADPD refers to highway safety and access, stating development should provide safe access to and from the site for all highway users.

There are no highway implications associated with this proposal for a replacement dwelling. Aside from internal revisions to the site access, pedestrian and vehicular access from Macclesfield Road remains unchanged and there is sufficient space reserved within the site for off-street car parking provision to be in accordance with CEC car parking standards.

Sustainable Travel

Having regard for the low volume of traffic movements expected to be associated with the proposal and its proximity to Alderley Edge village centre; there is not considered to be sufficient grounds for refusal based on sustainability.

Traffic Impact

The number of dwellings within the plot would not be increased by the proposal. Therefore, the works are not considered to have a material impact on the safe operation of the adjacent or wider highway network.

Trees & Hedgerows

Policy SE5 of the Local Plan refers to trees, hedgerows and woodland, stating 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.

Policy ENV6 of the SADPD states development proposals should seek to retain and protect trees, woodlands and hedgerows.

The amended layout has been supported by an Updated Arboricultural Planning Assessment (WAL_22_052_P01) dated 6th February 2023 and supporting plans. The updated layout confirms tree losses of some boundary trees which are accepted and indicates the use of above ground construction techniques within a small percentage of the rooting area of high amenity Oak to the front roadside boundary. The layout has also made provision to retain Veteran tree T5 (Tree 235805 on the Ancient Tree Inventory), which is close to the eastern boundary, and proposes the relocation of the new below ground footprint of the swimming pool at 7.5 metres from the stem centre of the tree to the west.

It is important to note that the Arboricultural Assessment references T5 as a low-quality C Category tree and not as a high quality A3 Category tree as a verified veteran tree in accordance with best practice guidance (BS5837:2012 – Table 1).

Paragraph 188 c) of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Supporting Guidance states that ‘for veteran trees the buffer zone should be at least 15 times larger than the diameter of the tree’. Proposed development which could arise in damage, loss of roots to veteran trees is considered to constitute direct damage within the rooting environment.

The supporting information comprises of a detailed above ground inspection of veteran tree features and makes proposals for a reduction to minimize risk of failure above areas of weakness and seeks to demonstrate that the tree can be retained, and that damage will be minimal irrespective of the proposed subterranean construction within 7.5 metres of the stem centre of the tree.

Section 5 of the supporting Arboricultural Report includes the findings of an investigation of tree T5's structural integrity and assessment of the veteran features that contributed to it being worthy of record on the Ancient Tree Inventory. It is accepted that the above ground condition of the tree is a consideration given the tree's position adjacent to a footpath, however Government Guidance (Ancient woodland, ancient trees and veteran trees: advice for making planning decisions) states that; where a proposal involves the loss or deterioration of ancient or veteran trees, you should not take account of the existing condition when you assess the merits of a proposal. Its existing condition is not a reason to give permission for development. A woodland or tree in poor condition can be improved with good management.

Section 5.5 of the report provides images and findings from root excavations carried out up to 7.5 metres from the stem centre of the veteran tree. The report states that investigations initially commenced with an air spade, a recognized less invasive method of establishing root establishment. When these investigations were inconclusive, a 3-tonne excavator was subsequently used to dig to a depth of 1 metre, at which point minimal roots were encountered at 12 metres from the stem centre with the report confirming that at 7 metres ‘no roots exceeding 60mm were encountered’. Images have been provided to confirm the extent of rooting at this location. On this basis the report concludes that construction at this distance where roots no greater than 60mm are encountered will have only a minor impact on tree health

Considering roots up to 60mm diameter were noted at 7.5 metres from the stem base, it is reasonable to assume that roots of a similar size or of a greater diameter extend beyond this, particularly given the soil type being of a sandy nature where nutrients are easily leached out as root extension including that of minor roots would likely increase in order to seek out nutrients and/or to secure anchorage.

The report appears to ignore the veteran status of the tree and the requirement of guidance to keep development and associated incursion to no closer than 15 metres. Given the residential nature of the site it is accepted that if it had been demonstrated that tree roots were absent, that a closer relationship than 15 metres could have been considered. However, the actual calculated radius of the RPA is not respected in the latest layout proposals. Given that roots were encountered at 12 metres, this suggests that the root protection area calculations in BS5837:2012 (Annex D) which provide a guide as to trees ability to tolerate root disturbance or damage and which are described as 'theoretical' within the report, are a significant factor for consideration. Section 7.2.3 of BS5837:2012 states that roots smaller than 25mm may be pruned back but than anything greater could be essential to the tree's health and stability. There are concerns regards damage already caused during confirmation of roots of up to 60mm, and it is considered that severance of roots of this size at this proximity to any tree would have a detrimental impact on tree health and stability.

The agent has submitted a statement in response to the Arboricultural Officer's comments. The statement indicates that the recording of tree T5 in the Woodlands Trust Website does not grant any type of status to the tree. This is considered to be inaccurate as the Woodland Trust Website clearly identifies tree T5 as a veteran tree. The submitted statement concludes that the development would result in a net gain of 68 mature specimen trees, which is not being questioned. There are no ecological concerns or objections to the proposal. The statement goes on to conclude that extensive measures for retention of tree T5 are proposed facilitating its long-term health and growth, and the distance between the proposed building and tree assures the future vitality of the tree. The Arboricultural Officer's comments do not agree with this as the proposal has not demonstrated how T5 would not be damaged due to the proposed layout.

The layout as submitted is not considered to demonstrate that the proposal would not result in damage to Veteran tree T5, nor does it demonstrate that wholly exceptional reasons exist to justify the potential deterioration of a veteran tree which could be reasonably anticipated to arise from excavation to a depth of approximately 5 metres below existing ground levels within 7 metres of the stem centre, which would equate to root loss of approximately 19% of the calculated RPA (Not modified to reflect NPPF Guidance for veteran trees).

The proposed development would therefore have a detrimental impact on the existing trees, notably the Veteran Tree present, and would fail to accord with Policy SE5 of the Local Plan, ENV6 of the SADPD and the NPPF.

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. The following ecological matters are relevant to the current proposal:

Bats

The oak tree known as T5 in the tree plan, while not proposed for removal under the scheme does possess features which may provide roosting opportunities for bats. In accordance with the BCT Guidance Note 08/18 (Bats and Artificial Lighting in the UK), prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority.

The scheme should consider both illuminance (lux) and luminance (candelas/m²). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

Breeding Birds

A condition relating to the protection of breeding birds is recommended due to potential impacts arising from the removal of any hedgerow, tree or scrub or other habitat.

Ecological Enhancement

A condition relating to the submission of a strategy to incorporate features to enhance the biodiversity value of the development prior to the use of building materials is recommended, due to the application providing the opportunity for the incorporation of such features.

On the basis of the above it is considered that the requirements of the proposal would positively contribute to the conservation and enhancement of biodiversity and geodiversity in accordance with policy SE 3 of the CELPS.

Flood Risk and Drainage

Policy SE13 of the Local Plan states development must integrate measures for sustainable water management to reduce flood risk. Policy ENV16 of the SADPD goes on to state approved development proposals will be expected to be supplemented by appropriate maintenance and management regimes for surface water drainage schemes.

The LLFA raised have no objection in principle to the proposals. However, the updated Flood Risk Assessment does not confirm the existing and proposed finished floor levels of the proposed dwelling.

The proposal would lower the existing ground level and the LLFA would need to establish the groundwater level via formal ground investigation prior to approval. This information cannot be conditioned because if the ground water level has been reached / is at capacity, the ground level may not be able to be lowered as this may increase flood risk. Due to the changes in topography on site, the need for boundary drainage may be required to ensure no transfer of surface water runoff on/off site.

As such, insufficient information has been submitted with regards to the impact of the proposal on flooding. The development therefore fails to accord with Policy SE13 of the Local Plan, ENV16 of the SADPD and the NPPF.

Other matters

In response to points raised by objectors which have not already been addressed:

Environmental Health have raised no objection regarding noise and dust pollution, and no significant impacts are anticipated for a development of this scale.

CONCLUSIONS

The proposed development raises no issues in terms of the impact upon the living conditions of neighbours, highway safety, or ecology subject to conditions. However, the proposed development is considered to result in less than substantial harm to a designated heritage asset – the Alderley Edge Conservation Area. No public benefits of such significance have been identified to weigh against this harm. In addition, it has not been demonstrated that the proposal would not result in damage to an existing veteran tree, and insufficient information has been provided relating to flood risk. The application is therefore recommended for refusal for the following reasons:

RECOMMENDATIONS

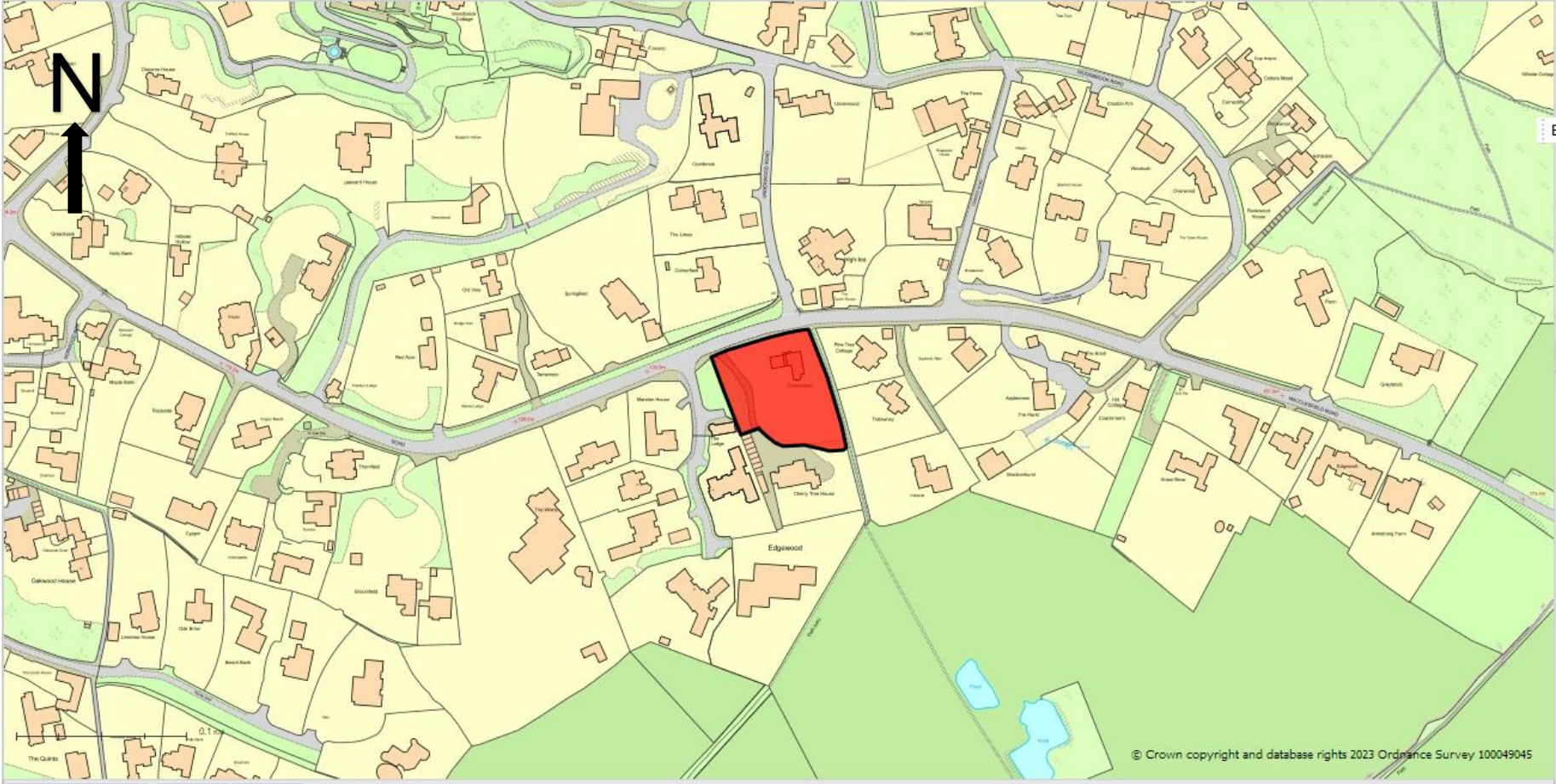
Refuse for the following reasons

1. By virtue of design, the proposed replacement dwelling would have a detrimental impact on the character and appearance of the Conservation Area. The almost blank elevation to Macclesfield Road in an elevated positioning above the road would be a dominating feature within the conservation area. The length of the building frontage creates an incongruous element which would be negative on the significance of the Alderley Edge Conservation Area. The large, linear footprint with little relief, uniform roof line and long bank elevations, as well as little of the site visually being free of built form, contribute to the impression of a cramped, dense development. The proposal is considered be an overdevelopment of the site and by virtue of the inappropriate design, would harm the character of the area. The development results in less than substantial harm to a designated heritage asset, and no public benefits of such significance have been identified to outweigh that harm. The proposal fails to accord with Policies SE1 (Design), SE7 (The Historic Environment) and SD2 (Sustainable Development Principles) of the Cheshire East Design Guide, Policies GEN1 (Design Principles), HER1 (Heritage Assets) and HER3 (Conservation Areas) of the Site Allocations and Development Policies Document, Policy AE9 (Landscape Character and Access) and AE11 (Protecting and Enhancing the Conservation Area) of the Alderley Edge Neighbourhood Plan and the National Planning Policy Framework.

2. The Arboricultural Planning Assessment ignores the veteran status of an existing tree and the requirement of guidance to keep development and associated incursion to no closer than 15 metres. The actual calculated radius of the root protection area is not respected in the layout proposals. The layout as submitted is not considered to demonstrate that the proposal would not result in damage to Veteran tree T5, or that wholly exception reasons exist to justify the potential deterioration of a veteran tree. The proposed development therefore fail to accord with Policy SE5 (Trees, Hedgerow and Woodland) of the Cheshire East Local Plan, Policy ENV6 (Trees, Hedgerow and Woodland Implementation) of the Site Allocations and Development Policies Document, and Paragraph 188 c) of the National Planning Policy Framework.

3. Insufficient information has been submitted with regards to the impact of the proposal on flood risk. The impact of the development on flooding is therefore unknown, contrary to Policy SE13 (Flood Risk and Water Management) of the Cheshire East Local Plan, Policy ENV16 (Surface Water Management and Flood Risk) of the Site Allocations and Development Policies Document and the National Planning Policy Framework.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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: 22/1223M

Location: MARBURAE HOUSE, ATHEY STREET, MACCLESFIELD, CHESHIRE, SK11 6QU

Proposal: Conversion of existing office building to residential apartments.

Applicant: Mr & Mr Harry and Vinny, Edwards and Taylor

Expiry Date: 14-Apr-2023

SUMMARY

The principle of residential development within Principal Towns such as Macclesfield is supported subject to its adherence with other relevant policies of the development plan.

The proposals would be of an acceptable design, that would not result in any significant neighbouring amenity issues.

The size of the apartments exceed minimum nationally described space standards and it is considered that sufficient light and outlook would be afforded to the future occupiers. Whilst there would be no private amenity space, the site is located within close proximity to numerous public outdoor spaces.

Although no off-street parking is proposed, this is also the situation with the existing use. In addition, the site is located not far from the Macclesfield town centre so is within walking & cycling distance to all public amenities and all units would be equipped with internal cycle storage.

For the above reasons, the application is recommended for approval.

SUMMARY RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

The application has been 'called-in' to Northern Planning Committee by Cllr Braithwaite for the following reasons:

- *'The proposed apartments do not appear to meet housing standards. Several rooms are windowless. One ground floor bedroom shares a wall with an electricity substation (although this is not shown on the plans). Housing Standards have already made a submission re. standards and fire safety*

- *The proposed bin storage area is immediately adjacent to the pavement opposite a local primary/infant school.*
- *There is no outside amenity space*
- *There is no provision for cycle storage*
- *Overdevelopment of a part of a commercial premises*
- *Parking - it cannot be assumed that potential residents will be non-car owners. Residential parking is already an issue, and parking on Athey Street is restricted by single yellow lines and a no parking area near the school gates. Further residential development without parking provision will put additional strain on the area.*
- *Housing need has not been demonstrated.'*

SITE DESCRIPTION

The application proposal relates to part of a 2-storey, flat-roofed commercial building on the northern side of Athey Street, Macclesfield within an area outside the town centre which comprises predominantly of a mix of commercial properties. The building is characterised by its flat roof and white tiled finish.

It is advised that the building was last used by an IT company.

PROPOSAL

Full planning permission is sought change the use of the whole building to form x6 residential apartments.

Revised plans were received during the application process primarily in an attempt to address officer concerns in relation to the level of amenity afforded for the future occupiers of the proposed units. A re-consultation exercise was undertaken.

RELEVANT HISTORY

21/0333M - Front elevation amendment - partial removal of wall and insertion of garage door and dropped kerb to allow future garage use – Approved 12th April 2021

21/0331M (Marburae House) - Prior approval for change of use of one office building (ground plus first floor) to residential use (use class C3) – Prior Approval Required and Approved 30th March 2021

Note: This was for x1, 2-bed apartment that included no outdoor private amenity space. However, no outdoor space is required as part of the assessment.

00/2271P (Marburae House) - Second Floor Extension to Existing Offices (Outline Application) – Refused 13th December 2000

Not appealed.

58167P - Proposed Offices in Warehouse – Approved 3rd May 1989

12423P - C/O/U from Machinery Showroom to Office Accommodation – Approved 2nd November 1977

ADOPTED PLANNING POLICY

The relevant aspects of the Cheshire East Council Development Plan include; the Cheshire East Local Plan Strategy (CELPs) and the Cheshire East Site Allocations and Development Plan Document (SADPD). The relevant policies of these documents include;

Cheshire East Local Plan Strategy (CELPs) 2017

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG2 – Settlement Hierarchy, PG7 – Spatial Distribution of development, EG3 – Existing and Allocated Employment Sites, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SC4 – Residential Mix, SE1 – Design, SE2 – Efficient use of Land, SE13 – Flood Risk and Water Management, CO1 – Sustainable Travel and Transport

Cheshire East Site Allocations Development Plan Document (SADPD) 2022

PG9 – Settlement boundaries, GEN1 - Design principles, ENV7 - Climate change, ENV12 - Air quality, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, HOU1 – Housing mix, HOU8 – Space, accessibility and wheelchair housing standards, HOU12 – Amenity, HOU13 – Residential Standards, HOU15 – Housing delivery, HOU16 – Small and medium-sized sites, RET11 – Macclesfield town centre and environs, INF3 - Highways safety and access, INF9 – Utilities

Other material policy considerations

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- 'Technical housing standards – nationally described space standards' 2015 - DCLG

CONSULTATIONS (External to planning)

Head of Strategic Infrastructure (CEC Highways) – No objections

Environmental Protection (CEC) – No objections, subject to the following conditions; implementation of noise mitigation measures, provision of low emission gas boilers, the submission/approval of an appropriate contaminated land risk assessment, the submission/approval of a contaminated land verification report and that works should stop should contamination be identified.

Housing Standards & Adoptions (CEC) – No objections, subject to the installation of an automatic water suppression system to suppress any fire and facilitate escape in the event of a fire

Macclesfield Town Council – Object to the proposed development based on no parking and overdevelopment.

Original comments: Object to the development on the following grounds:

- I. The design is poor quality with lack of amenities (DC38)*
- II. It is over developed*
- III. There are flats with no windows and very small apartments*
- IV. It does not adhere to Cheshire East Council policy SD2 regarding the design in keeping with the surrounding area*
- V. There is no parking in an area that already has parking issues and a primary school*

REPRESENTATIONS

In response to the re-consultation exercise, no neighbouring comments have been received.

In response to the original proposals, representations were received from 1 address, objecting to the scheme on the following grounds:

- No provision for off-street parking

OFFICER APPRAISAL

Principle of development

The application site falls within the Macclesfield Settlement boundary.

Macclesfield is defined as a 'Principal Town' by Policy PG2 of the CELPS. Within such locations significant development will be encouraged to support their revitalisation, recognising their roles as the most important settlements in the borough. Policy PG2 goes on to state that development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

Policy PG7 of the CELPS sets out that it is expected that Macclesfield accommodate in the order to 4,240 new homes (over the plan period 2010-2030).

SADPD Policy PG9 states that within settlement boundaries, development proposals (including change of use), will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan.

The proposal seeks the re-use of 2 floors (ground-floor and first-floor) of an existing, narrow commercial unit. According to the floor plans, the unit comprises of a shop front, common room, bar, W.C, Power Room and storage at ground-floor level and further storage, managers' office shower room at kitchen at first-floor level. It is proposed to covert this space into 6 flats. Changes to existing openings and the introduction of new openings are proposed to facilitate this change in terms of external changes.

Surrounding the site is an events and exhibition company to one side (No.27 Athey Street) and a carpets and beds factory outlet to the other. To the rear, which also adjoins the unit, it is understood that there is a company that sells pallet trucks and electronic weighting equipment. On the opposite side of Athey Street is a school and housing adjacent.

It is deemed that the conversion of this unit to residential use would be in keeping with the scale, role and function of the area, which is mixed commercial and residential use in a built-up part of Macclesfield. Adherence of the proposals to other relevant policies of the development plan is considered below.

Loss of commercial use

Policy EG3 of the CELPS seeks to retain existing employment sites for employment use unless the premises are causing significant nuisance or the site is no longer suitable for employment use and there is no potential for modernisation and no other occupiers can be found.

The submitted Design & Access Statement sets out that the site is currently in use as offices but due to a change in working practices since the pandemic, the building is now only used by ½ employees with the remainder working from home.

There is no suggestion within the submission that the existing use causes significant nuisance or that the site is no longer suitable for its existing purpose.

However, it is deemed a notable consideration that the site benefits from Prior Approval for change of use of the front portion of the building, over 2-storey's, to form a 2-bed dwelling, granted under permission 21/0331M. As such, a large proportion of the building's use could be changed to residential regardless of any conflict with this particular policy. Whilst this fallback position would still be preferable in terms of Policy EG3, as a degree of employment use would be retained, when considered in conjunction with the practicalities of being able to utilise the remaining land for employment use, and the fact that the amount of commercial floorspace which would be lost to the proposed development would not be significant in the context of Macclesfield as a whole and because the location of the development is deemed a highly suitable location for residential use given its position close to the town centre, the loss of the commercial use in this instance to residential use is deemed to be acceptable.

Design

Policy SE1 of the CELPS states that development should make a positive contribution to their surroundings by protecting and enhancing the quality, distinctiveness and character of settlements. Policy SD2 of the CELPS advises that development should 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, green infrastructure and relationship to neighbouring properties and streetscene.

Policy GEN1 (Design principles) of the SADPD sets out that development proposals should create high quality, beautiful and sustainable buildings and places and should reflect local character.

The existing building's front elevation, facing Athey Street, currently comprises predominantly of a white tiled finish with a contrasting blue tile above windows. The openings comprise of white frames. This appearance is currently at odds with surrounding finishes of neighbouring units which have an exposed brick finish.

The external physical changes proposed according to the revised plans are;

- The infilling of a first-floor window within the eastern side elevation

- The infilling of a ground-floor window on the rear elevation and the addition of a ground-floor patio-door style window adjacent
- The infilling of a high-level, ground-floor window on the front elevation (left-hand side) and its replacement with a pedestrian door and a set of double-doors adjacent that would serve a bin store
- Erection of a barrier across an inset section found at ground-floor on the front elevation to create a small outdoor space. Within this inset section, a pedestrian door would be replaced by a set of patio doors
- Re-fenestrate the front of the building and use metal/ceramic cladding

These changes are deemed sympathetic to the host building, subject to a condition requiring the prior approval of any new or facing materials to ensure their finish is appropriate.

Subject to this condition, no design issues are raised and the proposals would adhere with the relevant design policies of the development plan.

Amenity

Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

Policy HOU12 of the SADPD sets out that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to; loss of privacy, loss of sunlight and daylight, the overbearing and dominating effect of new buildings, environmental disturbance or pollution or traffic generation, access and parking.

Policy HOU13 details residential standards for housing including minimum separation distances between buildings. Policies ENV12 & 14 consider air and light pollution.

Neighbouring amenity

To the east (aside from an integral substation), north and west of the application building are commercial uses. On the opposite side of Athey Street is a school. As such, there are no neighbouring properties that would be directly impacted by the application proposals in terms of loss of privacy, light or an overbearing impact.

Amenity of future occupiers

The application proposals seek the creation of x6 flats/apartments. These would be spread over two floors. These flats would range in size between 52.3m² to 87.2m² and comprise of a mix of one and two bed units. More specifically:

- Flat 1 - 1-bed (over 2 floors) – 68m²
- Flat 2 – 1-bed (over 2 floors) – 66m²
- Flat 3 – 1-bed (over 2 floors) – 73m²
- Flat 4 – 1-bed (over 2 floors) – 62m²
- Flat 5 – 2-bed (over 2 floors) – 83m²
- Flat 6 – 1-bed (over 1 floor) – 51m²

With regards to the internal size of the flats/apartments, within the 'Technical housing standards – nationally described space standards 2015', document produced by the DCLG, referred to within Policy HOU8 of the SADPD, the relevant minimum standards are:

- 1-bed, 2 persons (over 2 floors) – 58m² (including 1.5m² of built-in storage)
- 1-bed, 2 persons (1 floor) – 50m², (including 1.5m² of built-in storage)
- 2-bed, 4 persons (1 floor) – 70m² (including 2m² of built-in storage)

As such, the size of the flats/apartments adhere with the nationally prescribed space standards.

In terms of the light & outlook, Flat 1 would benefit from windows which offer a suitable degree of outlook and natural light out to the rear of the site over both floors while flats 4, 5 and 6 would benefit from light and outlook from existing and proposed openings on the front elevation.

Flats 2 & 3 would be sandwiched between existing buildings which limits the degree of natural light and outlook that could be afforded to the future occupiers of these units. However, these units have been designed so the majority of the principal habitable rooms (bedrooms and living rooms) are located at first-floor, where these spaces benefit from light and outlook through existing openings over adjacent single-storey development. At ground-floor within these flats would be the kitchen and bathroom facilities. A section of the first-floor itself, of these flats directly below the existing windows would be cut-out so some natural light from these windows would also filter through to the ground-floor space.

It is deemed that this arrangement provides an acceptable living standard for the future occupiers.

The future occupiers of the proposed flats & apartments would not benefit from any private or shared outdoor space. As such, no outdoor storage is possible. The agent for the application has re-designed the proposals to include a space for internal cycle storage for each unit internally. In addition, a specific bin store has been created within the ground floor of the principal elevation that would open-up onto the pavement when required. The doors will allow the bins to be screened-off from view within the streetscene.

Whilst the specific lack of outdoor private space is far from ideal, as 5 of the proposed 6 apartments will be 1-bed, it's unlikely that families will be attracted to the units and given the location of the site within Macclesfield, it is within a short walking distance from numerous public spaces, on balance, the arrangements are deemed to be acceptable for the future occupiers of the proposed units.

Environmental amenity

Policy ENV15 relates to new development and existing uses. The crux of the policy is that new development must effectively integrate with existing uses and existing uses must not have unreasonable restrictions placed on them as a result of it.

It is considered that the principal consideration in this instance would be possible environmental disturbance.

The Council's Environmental Protection Officer has reviewed the submission and advised that they have no objections, subject to the following condition/s; implementation of noise mitigation measures, provision of low emission gas boilers, the submission/approval of an appropriate contaminated land risk assessment, the submission/approval of a contaminated land verification report and that works should stop should contamination be identified.

As such, no specific concerns have been raised by Council's experts in matters relating to noise, air and ground pollution. Subsequently, subject to the above conditions the proposed use in the location proposed is deemed to effectively integrate with its surrounding uses.

Amenity conclusions

The proposals would not result in any neighbouring amenity issues and it is deemed that concerns about the standard of amenity afforded to the future occupiers of the units have been addressed with a re-design. Subject to the conditions suggested by the Council's Environmental Protection Officer's, minus the gas boiler condition, which is not deemed to be enforceable, the proposals are deemed to adhere with the requirements of the amenity policies of the development plan.

Highway Safety / Parking

Policy CO1 of the CELPS refers to sustainable travel and transport. The policy expects development to reduce the need to travel by; guiding development to sustainable and accessible locations; ensuring development gives priority to walking, cycling and public transport within its design; encourages more flexible working; support improvements to communication technology and support measures that reduce the level of trips made by single occupancy vehicles. It also states that development will improve pedestrian facilities so that walking is attractive for shorter journeys and improve cyclist facilities so that cycling is attractive.

SADPD Policy INF3 considers highway safety and access.

Sustainable Travel

The Council's Highways Officer advises that the proposed change of use from office to six small residential flats would not be expected to result in a material change in the volume of traffic generated by the site; therefore, there are no grounds for refusal based on sustainability.

Access

The Council's Highways Officer advises that the existing pedestrian and vehicular access to the site is acceptable for the proposed use.

Car Parking

No off-street car parking provision is associated with the existing commercial use and none is proposed with the change of use. The Council's Highways Officer advises that this is acceptable, on the basis that parking demand associated with the existing use, which would have been accommodated on-street, is not likely to be materially different to that associated with the proposed use.

Traffic Impact

When compared with the existing commercial use, the Council's Highways Officer advises that the commuter peak hour and daily traffic generation associated with the change of use, would not be expected to have a material impact on the safe operation of the adjacent or wider highway network.

Accordingly, the Council's Highways Officer raises no objections to the proposals and the scheme is deemed to adhere with the relevant highways policies.

Conclusions

The principle of residential development within Principal Towns such as Macclesfield is supported subject to its adherence with other relevant policies of the development plan.

The proposals would be of an acceptable design, that would not result in any significant neighbouring amenity issues.

The size of the apartments exceed minimum nationally described space standards and it is considered that sufficient light and outlook would be afforded to the future occupiers. Whilst there would be no private amenity space, the site is located within close proximity to numerous public outdoor spaces.

Although no off-street parking is proposed, this is also the situation with the existing use. In addition, the site is located not far from the Macclesfield town centre so is within walking & cycling distance to all public amenities and all units would be equipped with internal cycle storage.

For the above reasons, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Time (3 years)**
- 2. Plans**
- 3. Submission/approval of facing and roofing materials**
- 4. Implementation of noise mitigation measures**
- 5. Submission/approval of an appropriate contaminated land risk**
- 6. Submission/approval of a contaminated land verification report**
- 7. Works should stop should contamination be identified**

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



Application No: 22/0560M

Location: Barclays Bank Plc, Radbroke Hall, Stocks Lane, Over Peover WA16 9EU

Proposal: Installation of Photovoltaic cells above existing car parking spaces.

Applicant: Barclays Plc

Expiry Date: 12-Apr-2022

SUMMARY:

The proposed development for a solar array scheme above car parking spaces at this commercial site results in numerous benefits and disbenefits and an overall planning balance of the development is subsequently required.

With regards to the disbenefits, the proposed development would represent inappropriate development in the Green Belt. Additional harm to the Green Belt would be created in relation to openness in visual and spatial terms.

The proposals would also result in 'less than substantial' harm to heritage assets, and according to the Council's Heritage Officer, the degree of harm would be at the upper end of the scale. This harm is primarily due to the adverse impact of the development to the setting of the Grade II listed Radbroke Hall.

Harm would also be derived from possible further tree losses on site around the perimeter given their possible shading implications on the solar panels. This remains a concern given that none of the trees are afforded protection.

The key benefits of this proposal would be that over a year, the development would account for 35% of the electricity demand of the site (during daylight hours) and for the summer months, the site could potentially be completely 'off-grid' in terms of electricity. In addition, there would be electricity to power 100 EV charging points.

It is accepted that the location of the development and the type of green energy proposed is the best option for green electricity production at the site. When this is considered in conjunction with the significant environmental benefits of the scheme and the important fact that the development is easily reversible, therefore any harm to the heritage assets and natural environment would not be permanent, subject to a condition to control the temporary nature of the development and a condition to control its de-commissioning, it is deemed that the environmental benefits of the development are sufficient to represent Very Special Circumstances that clearly outweigh all of the harm identified.

The application is therefore recommended for approval.

As the proposed development represents inappropriate development in the Green Belt and is over a certain scale and is being recommended for approval, the application needs to be referred to the Secretary of State for consideration as to whether they wish to 'call-in' the application for consideration prior to a decision being issued.

RECOMMENDATION:

APPROVE subject to referral to the Secretary of State for consideration, and conditions

REASON FOR REFERRAL

This application has been referred to Northern Planning Committee as it is deemed that the proposals represent a significant departure from policy, on a site of between 2 and 4 hectares.

DESCRIPTION OF SITE AND CONTEXT

The application lies within the grounds of Radbroke Hall, which is located off Stocks Lane and accommodates a large employment site housing Barclays Bank plc.

The complex includes a number of office buildings, including the original Radbroke Hall which is a Grade II Listed Building which also contains a small amount of office accommodation. The site has a number of car parking areas and the site is set within extensive grounds with recreation areas & on site catering.

There are a large number of mature trees around and within the site which provides a parkland setting.

Radbroke Hall is described by the applicant as Radbroke Technology Centre and employs circa 4000 staff on the site. It accommodates the Technology Office, Architecture and Strategy, Technology Quality and Risk and the Global Infrastructure & delivery teams.

The specific site area subject of this planning application relates to two parcels of land, one comprising of a car park to the far west of the site, the other comprising of a car park to the far south-east of the site.

DETAILS OF PROPOSAL

The application seeks full planning permission for the erection of Photovoltaic Cells above 925 existing car parking spaces. This is proposed at two different locations on site, to the far west and to the far south-east of the site.

The scheme would generate 1.4 million kWh (kilowatt hours) of electricity per year, which would account for 35% of the site's annual electricity demand during daylight hours (the equivalent of powering 483 homes per year). In the summer months, during daylight hours, the entire campus electricity demand would be met by the energy generated by the application proposals.

RELEVANT HISTORY

Various on the wider site, but none directly relevant to location of application proposals

POLICIES

Adopted Development Plan Policy

The Cheshire East Development Plan policies relevant to this application, currently comprises of; the Cheshire East Local Plan Strategy (CELPS), the Site Allocations and Development Plan Document (SADPD) and the Peover Superior Neighbourhood Plan (PSNP).

Cheshire East Local Plan Strategy 2017 (CELPS)

MP1 - Presumption in Favour of Sustainable Development, PG1 – Overall Development Strategy, PG2 – Settlement Hierarchy, PG3 - Green Belt, PG6 – Open Countryside, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, EG1 – Economic Prosperity, EG2 – Rural Economy, EG3 - Existing and allocated employment sites, SE1 – Design, SE2 - Efficient use of land, SE3 – Biodiversity and Geodiversity, SE4 – The Landscape, SE5 - Trees, Hedgerows and Woodland, SE7 – The Historic Environment, SE8 – Renewable and Low Carbon Energy, SE12 – Pollution, Land Contamination and Land instability, SE13 – Flood Risk and Water Management, CO1 - Sustainable Travel and Transport and CO4 - Travel Plans and Transport Assessments

Site Allocations and Development Plan Document (SADPD)

GEN1 - Design Principles, GEN5 – Aerodrome safeguarding, ENV1 - Ecological network, ENV2 - Ecological Implementation, ENV5 - Landscaping, ENV6 - Trees, hedgerows and woodland implementation, ENV7 - Climate Change, ENV10 – Solar Energy, ENV16 – Surface water management and flood risk, HER1 – Heritage Assets, HER4 – Listed

Buildings, HER5 – Registered Park and Gardens, HER7 – Non-designated heritage assets, RUR10 – Employment development in the open countryside, EMP1 - Strategic employment areas, HOU12 - Amenity, HOU13 – Residential Standards, INF3 - Highway safety and access

Peover Superior Neighbourhood Plan (July 2021)

LCD1 – Local Character and Design, LCD2 – New development, ENV1 – Biodiversity, ENV2 – Trees, Hedgerows and Watercourses, INF3 – Surface Water Management and ECON1 – Rural Economy

Other Material Considerations

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

CONSULTATIONS (External to Planning)

Head of Strategic Transport (CEC Highways) – No objections, subject to a condition requiring the submission/approval of a Construction Management Plan

Environmental Protection (CEC) - No objections, subject to informatives

Flood Risk Manager (CEC) – No objections in principle, subject to informatives

Manchester Airport - No objections, subject to an informative

Cheshire Gardens Trust – Support the concerns of the Council's Heritage Officer and advise that their original comments still stand (below). Additionally, advise that assets are a finite resource and the Council have a duty to safeguard.

Original comments: No objections to the part of the site concerned with installing photovoltaic cells above existing car park spaces in the south car park, but strongly object to the part of the application concerned with installing photovoltaic cells in the west car park

Peover Superior & Snelson Parish Council – Support the application

OTHER REPRESENTATIONS

No neighbouring comments received.

OFFICER APPRAISAL

Green Belt

The application site lies within the Green Belt.

The acceptability of proposals within the Green Belt are considered against Policy PG3 (Green Belt) of the CELPS. The Green Belt paragraphs within the NPPF are also a material planning consideration.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning applications Local Planning Authorities (LPA's) should ensure that substantial weight is given to the Green Belt harm. 'Very Special Circumstances' (VSC's) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

An LPA should regard the construction of new buildings as inappropriate in the Green Belt. However, there are several exceptions listed in policy.

The application proposals do not fall squarely within any of the listed exceptions to inappropriate development in the Green Belt. However, paragraph 151 of the NPPF states that:

'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.'

As such, the proposals are deemed to represent inappropriate development in the Green Belt and will only be deemed acceptable if very special circumstances exist that will clearly outweigh the harm. These are considered later in this report.

Other Green Belt Harm

The proposed development would be constructed on two different sections of car park within the site, which comprises of various car park areas as well as the various office buildings and heritage assets.

The whole site is well screened from wider viewpoints by mature trees and woodland.

The individual PV structures, including the PV panels themselves, would each be 13.3 metres wide and have a maximum height of 4.2 metres according to the plans submitted.

As such, despite the site being well screened from external viewpoints, development of this

scale will reduce the openness of the Green Belt in visual and spatial terms, due to their scale and positioning.

Given that the development is proposed on an existing car park, encroachment into the Green Belt is not considered to be a factor, and there is not considered to be any conflict with other purposes of Green Belt defined in the NPPF.

Trees & Landscape

Policy SE5 of the CELPS states that development which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted.

Policy LCD2 of the Peover Superior NP states that as part of new development, certain local landscape features should be retained and enhanced, where applicable, including; mature trees and vegetation.

Policy ENV6 of the SADPD seeks the retention of protected trees, woodlands and hedgerows. Policy ENV5 sets out landscaping requirements.

In addition, Policy SD2 of the CELPS states that development will be expected to respect and, where possible, enhance the landscape character of the area.

Policy SE4 of the CELPS specifically relates to landscape considerations. It states that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made features that contribute to local distinctiveness.

The application has now been supported by an updated Arboricultural Impact Assessment (AIA) by Treework Environmental Practice (230327-1.4-Radbroke PV-AIA-MW) dated 19th May 2023. The updated AIA was partially informed by a site meeting with Council Officers.

Extensive tree losses have already been accepted on this site as part of approved planning application 20/4747M, which granted approval for the re-development of the campus, confirmed within the Method Statement accepted to discharge 22/1881D and referenced in the Decision Notice (230327-2.0-AMS-RHK-JP-MW).

This latest application now proposes the need for further tree losses to accommodate the Photovoltaic (PV) Cells above existing car parking spaces which presently benefit from semi-mature and early mature trees.

The AIA specifically considers a total of 68 tree features within the 2 areas proposed for the PV areas, and others which are in the vicinity of sub stations and cable routing. The trees considered comprise of 8 individual high quality A Category trees, 19 individual and 21 groups of moderate quality B category trees and 10 individual and 7 groups of low-quality C Category trees. A total of 2 poor quality U Category trees have been identified which will require removal irrespective of the development by virtue of their condition. Of these, 19 moderate quality trees in group G17 and 11 low quality trees in group G35 are proposed for removal to accommodate the proposal (Total of 30 individual trees).

It should be noted that the ongoing erosion of tree cover on this site presents concerns given the extent of tree losses already conceded with the approved re-development application, and compensatory planting will be required if this application is approved. Policy SE5 of the CELPS requires that all developments should ensure the sustainable management of trees, woodlands and hedgerows including the provision of new planting within new development to retain and improve canopy cover, enable climate adaptation resilience, and support biodiversity. The Council's Tree Officer recommends that if planning permission is granted a condition should be attached which requires the submission of a landscape scheme for tree replacement planting to meet the requirements of this policy and to demonstrate accordance with Policy SE5.

The site meeting between the Council's Tree Officer and the applicant identified that works had commenced on site in advance of planning consent being provided and that excavation and soil stripping which have been back filled with compacted aggregates has occurred within the Root Protection Areas of trees T37, T38 and T39. Remedial measures have been proposed for reinstatement of ground following completion of the project. The submitted plans now reflect the existing position on site in terms of the connecting access to the car park from the A50 driveway. It's noted that the Arboricultural Method Statement (AMS) approved with 22/1881D is referenced at 3.1.3 which states that the site wide AMS (230327-1.9-AMS-JP-MW) is relevant to understand the overall tree management of the site, the same plan is also referenced on the tree protection plan in relation to no dig construction in the RPA of G34 (formally G157). The re-numbering of trees within this project does present concerns with regard to interpretation and implementation of the site wide AMS. It's also noted that the AMS already discharged was (230327-2.0-AMS-RHK-JP-MW), not version 1.9 which is referenced within this document and for the avoidance of doubt the correct conditioned report version should be updated.

There are concerns as to why G28 of this latest application, formerly shown as retained group of trees G133 with the wider AMS is now shown as greyed out suggesting that the trees have been approved for removal, which is not the case. The Council's Tree Officer considers that all trees formally shown to be retained within the AMS (230327-2.0-AMS-RHK-JP-MW) which are within influencing distance of the proposed development, which do not require removal to accommodate the PV panels should be shown clearly with tree protection/mitigation to demonstrate consistency across the Tree Protection/retention plans.

Further to repeat requests for supporting information or some form of evaluation which demonstrates that the anticipated shading bordering the PV areas will not have a detrimental impact on the energy output, an e-mail has been provided by the agent for the application, confirming several points;

- No shading assessment has been undertaken but shade has been considered.
- Tree growth has been factored into annual generation output and degradation over a 30-year period.

- A 5-10% loss on output is anticipated over the 30-year period and the calculations are alleged to overstate the estimated loss of output from shading.
- The client is aware of potential energy losses of up to 10% and is happy to accept them.

The agent has suggested a condition to provide assurances that further tree losses will not be required, however this is not considered to be enforceable and notwithstanding the written statements which allege that the trees will not negatively affect anticipated outputs from the PV cells, there remain concerns regarding the potential for ongoing erosion of tree cover on this site.

Despite this concern, the Council's Tree Officer concludes that subject to the conditioning of an updated landscape plan to ensure the planting of replacement trees to account for losses and the receipt of a further updated AMS (which should include an updated Tree Protection Plan), to correct inaccuracies and to include a method statement for the removal of aggregate and reinstatement of ground should also be provided, no objections are raised.

With regards to landscape, the Council's Landscape Officer advises that, subject to the suggested tree planting mitigation, any visual effects of the proposals could become negligible.

Heritage & Design

Policy SE1 (Design) of the CELPS advises that proposals should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

Policy SD2 of the CELPS states that development should contribute positively to an area's character and identity, creating or re-enforcing local distinctiveness in terms of; height, scale, form, grouping, choice of materials, design features, massing and impact upon the streetscene.

Policy LCD1 of the Peover Superior NP states that new buildings, features and materials should be characteristic of the settlement and demonstrate consideration of the Cheshire East Design Guide SPD.

Policy GEN1 of the SADPD states that development should be of high-quality design.

In addition to these general design policies, heritage is also a consideration. This is because at the centre of the Radbroke Hall campus is the Grade II listed Radbroke Hall itself and the adjacent pavilions and stone walls which are also Grade II listed in their own right.

The Rose Garden does not have a statutory designation but according to the Council's Heritage Officer, can be considered along with the Parkland, to be a Non-Designated Heritage Asset (NDHA), as identified by the Cheshire Gardens Trust.

As such, there are two Grade II listed buildings on site and Non-Designated Heritage Assets on the site. On the opposite side of Stock Lane to the application site is a Grade II Park and Garden, Peover Hall.

Within Policy SD1 of the CELPS, it is detailed that development should, wherever possible, amongst various other considerations, contribute to protecting and enhancing the historic environment.

Policy SD2 of the CELPS details that development will be expected to, again amongst various other considerations, respect and where possible, enhance the significance of heritage assets, including their wider setting.

Within Policy SE1 of the CELPS, it is advised that development proposals should ensure sensitivity of design in proximity to designated and local heritage assets and their settings.

Policy SE7 of the CELPS states 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.'* This is the over-arching heritage policy of the development plan.

Policy HER1 of the SADPD sets out submission requirements in relation to development affecting heritage assets.

Policy HER4 of the SADPD relates specifically to listed buildings. This policy states that when considering works affecting a listed building, the council will have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest that it possessed.

Policy HER7 of the SADPD sets out that when considering the direct or indirect effects of a development proposal on a non-designated heritage asset, a balanced judgement will be required, having regard to the significance of the heritage asset and the scale of any loss of harm.

Significance

At the centre of the Radbroke Hall site is the Grade II listed Radbroke Hall which dates from the 1910s, built from Ashlar. It is two storeys in height and includes an attic. The building is of architectural and artistic interest. Originally constructed as a dwelling for Claude Hardy to designs by Percy Scott Worthington, it has a three-sided courtyard plan with a large entrance portico. The Council's Heritage Officer advises that the property is one of the last country houses designed by Worthington and potentially is the only one of this period, built in a neo-Georgian style.

The southern and western elevations to the building look over the open parkland and parking areas to the west. The eastern elevation faces onto a Rose garden with its Grade II listed pavilions and stone walls also designed by Worthington. The character to this part of the site is largely characterised by large lawns, open parkland and a dense tree belt/woodland, albeit with an area for parking, with the listed house at its core. The Rose Garden does not have a statutory designation but the Council's Heritage Officer advises that it can be considered in conjunction with the Parkland to be a Non Designated Heritage Asset (NDHA), as identified by the Cheshire Gardens Trust. The garden was detailed in an Arts and Crafts style with carefully laid out hard landscaping. It is the only part of the original formal garden spaces to survive. The pavilion and configuration are similar to designs by Worthington at Kerfield House, Knutsford. Both the Hall and Rose Gardens are substantially complete and the Council's Heritage Officer advises that these are enhanced by the parkland setting and tree lined approach to the

west of the site. The Council's Heritage Officer advises that there is a strong visual connection between the house and Rose Garden with the gardens enhancing the setting of the house.

The hall is also of historic interest being an early 20th century country house, utilising an 18th century classical design. It continues the tradition of classical houses within the local area and was most likely designed with views of the sandstone ridge and Welsh hills, now concealed by the tree belt. The Council's Heritage Officer advises that the building and its garden contribute to this tradition of country houses and the garden is a rare survivor of a pre-war garden "of the golden afternoon", as referred to by the Cheshire Gardens Trust.

The site changed use to offices from the 1960's onwards with a significant amount of new development to the north and east of the historic building. The current owner Barclays acquired the site in the 1970's.

To the south of the main site is the Registered Park and Garden to Peover Hall and the Grade II listed Knutsford Lodge, also associated with the Hall. The Council's Heritage Officer agrees with the Heritage Statement that the arrays would not be visible from the Peover Hall Registered Park and Garden and listed assets.

Impact upon Significance

The application seeks consent for the installation of a large set of PV arrays installed on supporting steel gantry structures in the south-eastern and north-western areas of car park. The south-eastern car park lies in closest proximity to the late 20th century buildings. The north-western car park is closest to the designated assets and within the open landscape and gardens.

Plans and a section show the scale of the PV arrays and their support structures. These would rise to 4 metres in height and with some of an approximate length of 100m. The Council's Heritage Officer advises that the canopies for the photovoltaic cells would be highly prominent and incongruous.

The Heritage Officer advises that their concerns in terms of impact largely relate to the western range, which is closest to the listed building (Radbroke Hall). The existing car parks have a beech hedge screening which the Council's Heritage Officer advises are recessive in terms of their impact upon the wider landscape and listed building, softening the appearance of the parking areas. The current views out from the historic building across the western grounds, are of open lawns (interspersed by established trees) with tree belt/woods around the boundary and hedging to the parking areas.

When approaching from the western access road and viewing the building from the south-west across the grounds, the Council's Heritage Officer advises that the PV arrays and their structures would be highly obtrusive in the context of the building and landscape and would have a significant impact upon the listed hall and its setting. The arrays would also be visible from within the building looking west. The Council's Heritage

Officer advises that the green and sylvan appearance to this part of the site and parkland (NDHA), with a listed building at its core, would be harmed by an installation totally out of character and alien to this context and better suited to an urban or industrial setting.

The Council's Heritage Officer advises that whilst the significance of the parkland is low because it is not a designated asset, but a NDHA, the impact of development would result in adverse harm to this part of the designed landscape. This part of the parkland is significant in that it remains picturesque, sylvan and open, with individual specimen trees set within the lawns. The Council's Heritage Officer advises that it is accepted that the car park has eroded some of the parkland setting, but what is left is the wider spacious and open parkland with views back to the listed former house. The Council's Heritage Officer advises that the solar farm would intrude into the undeveloped part of the parkland, taking elevated built form into areas where it does not currently exist.

The Council's Heritage Officer advises that the installation of the application proposals would have a significantly greater impact on the character and appearance of this part of the historic garden than the existing car park. It is advised that the installation would appear as a discordant development within the designed landscape. The Council's Heritage Officer advises that the development would have a harmful effect on the character and appearance to this part of the estate and in particular, the way in which the landscape is experienced. The Council's Heritage Officer advises that the proposal would therefore diminish the significance of this NDHA.

The supporting Heritage Statement states that the harm to the Grade II listed Radbroke Hall would be at the lower end of the 'less than substantial' categorization, but that this harm is offset by the benefits.

The Council's Heritage Officer agrees that the harm would be categorized as being 'less than substantial' but considers that the degree of harm would be towards the higher end of the scale.

Policy SE7 of the CELPS details that in relation to designated heritage assets (the grade II listed Radbroke Hall in this case), consideration of the level of harm in relation to public benefits should be made. Similarly, Policy HER4 of the SADPD details that where proposals involving less than substantial harm to the significance of a listed building, the harm will be weighed against the public benefits of the proposal. These matters will be considered as part of the overall planning balance.

Ecology

Policy SE3 of the CELPS states that developments that are likely to have a significant adverse impact on a site with legally protected species or priority habitats (to name a few), will not be permitted except where the reason for or benefits of the proposed development outweigh the impact of the development. Policy ENV1 of the Peover Superior NP is broadly similar. Policy ENV1 of the SADPD considers environmental networks and Policy ENV2 relates to ecological implementation.

The Council's Nature Conservation Officer has reviewed the proposals and advised of the ecology impacts. This assessment is broken down as follows:

Wildlife sensitive lighting

It is not clear from the submissions whether the proposals will involve additional external lighting to the site, which could potentially disturb wildlife which uses the marginal vegetation. If additional lighting is proposed, then in accordance with the BCT Guidance Note 08/18 (*Bats and Artificial Lighting in the UK*), prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority. The scheme should consider both illuminance (lux) and luminance (candelas/m²). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features. In the event of approval, this detail can be conditioned.

Breeding birds & ecological enhancement

In the event of approval, a condition to protect nesting/breeding birds is proposed. In addition, a condition is proposed requiring the submission/approval of ecological enhancement features on site.

Subject to these conditions, the proposals are deemed acceptable in ecology terms, adhering with the above-mentioned ecology policies of the development plan.

Residential Amenity

Policy HOU12 of the SADPD states that development should not cause unacceptable harm to the amenities of adjoining or nearby residential properties or sensitive uses due to (amongst other considerations); loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations. Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

The closest neighbouring dwelling to any aspect of the application proposals would be Radbroke Cottage, over 65 metres away to the south of the site, on the other side of Stocks Lane, with intervening mature boundary treatment. Due to this considerable distance and intervening features no concerns are deemed to be raised by the application proposals in relation to; privacy, light or an overbearing impact.

In consideration of environmental amenity (noise, air and land pollution), the Council's Environmental Protection Team have raised no objections, subject to an informative relating to hours of construction.

The application proposals are subsequently deemed acceptable in relation to amenity adhering with the above-mentioned amenity policies of the development plan.

Highways

Policy CO1 of the CELPS refers to sustainable travel and transport. The policy expects development to reduce the need to travel by; guiding development to sustainable and accessible locations; ensuring development gives priority to walking, cycling and public transport within its design; encourages more flexible working; support improvements to communication technology and support measures that reduce the level of trips made by single occupancy vehicles. It also states that development will improve pedestrian facilities so that walking is attractive for shorter journeys and improve cyclist facilities so that cycling is attractive.

Policy CO2 refers to enabling business growth through transport infrastructure. It states that the Council will support transport infrastructure that will mitigate the potential impact of development proposals including supporting measures to improve walking, cycling and sustainable travel environment on routes relieved of traffic and by supporting schemes outlined within the Transport Delivery Plan.

SADPD Policy INF3 considers highways safety and access and Policy INF1 considers cycleways, bridleways and footpaths.

The proposals would not result in the loss of any of the existing parking spaces. The Council's Highways Officer has reviewed the submission and raises no objections on that basis, subject to the inclusion of a condition requiring the submission/approval of a Construction Management Plan (CMP). This document would also provide the opportunity for the parish council's comments to be addressed.

Subject to this condition, the proposed development is deemed to adhere with the requirements of the highway policies of the development plan.

Flood Risk & Drainage

Policy SE13 of the CELPS relates to flood risk and water management. It states that all development 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 in line with national guidance.

Policies ENV16 (Surface water management and flood risk) and ENV17 (Protecting water resources) of the SADPD are also relevant.

According to the Environment Agency flood risk maps, the whole of the application site falls within a Flood Zone 1 (FZ1). FZ1 is the lowest of the flood risk category in England and means that the land has less than a 1 in 1,000 annual probability of river flooding.

Nonetheless, the Council's Flood Risk Officers have reviewed the application proposals and raised no objections, subject to informatives (advice notes). As such, the proposals are deemed to be acceptable in relation to the above-mentioned policies of the development plan.

Manchester Airport

Policy GEN5 of the SADPD sets out that development which would adversely affect the operational integrity or safety of Manchester Airport or Manchester Radar will not be permitted.

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. Upon review, Manchester Airport raise no objections, subject to an informative.

The application proposals are subsequently deemed acceptable in relation to air traffic safety, adhering with the above-mentioned policy of the development plan.

Jodrell Bank

The application site falls outside of the Jodrell Bank Radio Telescope consultation zone. Subsequently, no concerns are raised in relation to the development upon this World Heritage Site and the work it carries out.

Renewable and Low Carbon Energy

Policy SE8 of the CELPS refers to renewable and low carbon energy schemes. Policy ENV10 of the SADPD refers to solar proposals. These policies should be read alongside one another.

Policy SE8 details that such schemes will be positively supported and considered in the context of sustainable development and any impact on the landscape. Criterion 2 sets out that weight will be given to the wider environmental, economic and social benefits arising from renewable and low carbon energy schemes, whilst considering the anticipated adverse impacts, individually and cumulatively upon:

- i. The surrounding landscape including natural, built, historic and cultural assets and townscape; including buildings, features, habitats and species of national and local importance and adjoining land uses; and/or
- ii. Residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access; and/or
- iii. The operation of air traffic, radar systems, electromagnetic transmissions, and the Jodrell Bank Radio Telescope

Policy ENV10 of the SADPD details that such development:

1. Should be sited on previously developed land where possible
2. Should avoid the loss of best and most versatile agricultural land
3. The impacts of the scheme will be considered in line with the landscape, ecology, amenity and operation factors detailed in Policy SE8
4. Associated development must be designed to minimize visual impact and not harm public safety

5. Should not have a detrimental impact upon air traffic safety or result in unacceptable harm to the natural or historic environment, heritage assets and their settings
6. Should include a decommissioning statement, detailing the anticipated lifespan of the technology and how the removal of all structures and machinery will be delivered alongside the full restoration of the site.

In response, it has already been established that the application proposals represent inappropriate development in the Green Belt and would result in additional Green Belt harm to openness. In addition, there is potential for further tree losses in the future given that the trees surrounding the solar panels are not afforded protection. As such, the proposals would result in harm to the natural environment.

The proposals would also result in 'less than substantial' harm to designated and non-designated heritage assets.

No issues have been identified in relation to ecology, residential amenity, air traffic/radar systems of Jodrell Bank, subject to conditions where deemed necessary.

The proposed solar panels would be located on areas of existing car park, classified as previously developed land, and as such, would not result in any loss to best and most versatile agricultural land.

In terms of decommissioning, the agent for the application has provided a statement on this to address this aspect of Policy ENV10 during the assessment process. The key points made in this statement include:

- Typically, PV panels have a lifespan of 25-30 years. At this point, the scheme would be decommissioned, and the car park areas returned to their previous condition. As such, the proposed development is fully reversible.
- The decommissioning of the installation would be a reasonably straightforward exercise. The steel supporting the PV panels is modular, therefore it would just be a case of removing the panels and dismantling the steel into three sections.
- With regards to foundations, you would need to cut the bolt boxes out or cut the bolts back and retarmac the small areas at the base of each post. All cables are below ground and could therefore be disconnected/ spiked and abandoned or pulled back via the draw pits.

Based on the above, the applicant has advised that they would be happy to agree that in the event of approval, the permission be conditioned to be temporary in nature, for a period of 30 years, and that appropriate planning conditions be attached requiring the submission/approval of a de-commissioning strategy. This approach is deemed to be appropriate.

Policy SE8 of the CELPS details that consideration should also be given to appropriate mitigation measures.

The Council's Heritage Officer does not consider that landscape mitigation would help reduce the impact of the proposals. This is because the height of any hedging and tree planting would likely need to be limited so that it does not impact upon the performance of the panels and if accepted as a mitigation measure, its permanence would be difficult to control, which in turn would have a detrimental impact on setting.

Strategic Employment Areas

Radbroke Hall is defined as a 'Strategic Employment Area' by Policy EMP1 of the SADPD. This policy sets out that proposals for further investment for employment uses in these areas will be supported, subject to other policies in the development plan.

Planning Balance

The proposed development for a solar array scheme above car parking spaces at this commercial site results in numerous benefits and disbenefits and an overall planning balance of the development is subsequently required.

With regards to the disbenefits, the proposed development would represent inappropriate development in the Green Belt. Additional harm to the Green Belt would be created in relation to a loss of openness in visual and spatial terms.

The proposals would also result in 'less than substantial' harm to heritage assets, and according to the Council's Heritage Officer, the degree of harm would be at the upper end of the scale. This harm is primarily due to the adverse impact of the development to the setting of the Grade II listed Radbroke Hall.

Harm would also be derived from possible further tree losses on site around the perimeter given their possible shading implications on the solar panels. This remains a concern given that none of the trees are afforded protection.

With regards to the benefits, the applicant submitted justification for the proposals. The key points raised within this statement included:

- Has been major investment on the site in recent years and is a major employer in Cheshire East
- Improving the sustainability credentials of the site is a major priority for the bank
- In addition, electricity to power 100 EV charging points would be generated over and above this
- No energy would be supplied back to the grid. All energy would be utilized on site
- If required, the proposed installation has been futureproofed for battery storage if required in the future
- The number of parking spaces would not be impacted
- Will assist in working towards the UK Government's current net zero carbon by 2050 target
- Barclays have a target to power all of their on-site operations with 100% renewable energy by 2025

- Proposals would meet 35% of the campus's annual electricity demand (during daylight hours) and reduce 440 tonnes of carbon.
- The western car park installation would account for 73% of the energy output from the whole scheme
- A predicted yield table of the scheme has been provided that shows that the proposals will enable the site to be completely 'off-grid' in terms of electricity use, for part of the year (summer)

As such, the key benefits of this proposal would be that over a year, the development would account for 35% of the electricity demand of the site (during daylight hours) and for the summer months, the site could potentially be completely 'off-grid' in terms of electricity. In addition, there would be electricity to power 100 EV charging points.

Another significant consideration is that the proposed development is easily reversible. The proposed solar arrays would be constructed above existing car park spaces that comprise of hard standing. The applicant has advised that typically, PV panels have a lifespan of 25-30 years after which, they would be decommissioned, and the car park areas returned to their previous condition.

The mechanics of decommissioning is advised as being a relatively straightforward exercise. The steel supporting the PV panels is modular, therefore it would just be a case of removing the panels and dismantling the steel into 3 sections. In terms of the foundations, the bolt boxes would then be cut out or the bolts cut-back to the hard standing level. It is advised that this process would take approximately 3-6 months. The applicant advises that they would be happy to agree that this consent is for a temporary period of 30 years and a condition be imposed in the event of approval to ensure appropriate decommissioning.

In addition, the applicant was asked whether there were any other parts of the site the scheme could be sited. Other than the 2 car parks where the development is proposed, a 3rd car park was considered to the north of the site. However, this was dismissed as an option because it was heavily shaded because of existing mature trees meaning that the yield from the array would be inadequate to meet the demand. It was also dismissed because the routing of the required cabling would need to cross a brook which would result in construction difficulties.

Another factor to consider is that the applicant advises that the panels proposed on the western car park, those that would result in heritage harm, would account for 73% of the energy output from the whole scheme. As such, without the solar panels being in the location that results in most harm, the development as a whole, would not be worthwhile.

In consideration of the utilization of roof spaces of buildings to install solar panels, a feasibility report concluded that this alone would not deliver sufficient energy results. On two of the buildings there would be insufficient space to erect the panels and on another, there were issues relating to safe access. Combining the remaining useable roof areas

would give a total PV area of 2697sqm, whereas the car park spaces subject to this application have an area of approximately 10,800sqm.

The applicant was also asked what other options were available to them for green electricity production on site. In response, the submitted feasibility report considered, hydropower, biomass boilers, combined heat and power engines as well as solar thermal hot water. For various reasons these have all been discounted.

Hydropower was discounted because the site is remote from any significant flowing water source. Biomass boilers were discounted because a) they require regular fuel deliveries, b) require fuel storage areas and c) can reduce local air quality. Combined heat and power engines are reliant on natural gas, another fossil fuel and solar thermal hot water was discounted due to the lengthy payback period.

No reference to wind energy was made in the feasibility report. However, other than the internal car parks and buildings, the site is heavily dominated by mature, tall tree cover. Subsequently, it is unlikely that the site would lend itself to being suitable for effective wind energy generation.

A balance of the public benefits of the scheme is required when considering the heritage harm. A balance of the harm versus the benefits of the scheme is required in relation to the renewable energy policies of the development plan. Also, there needs to be consideration whether very special circumstances exist that clearly outweigh the harm to the Green Belt, plus any other harm.

It is encouraging that a major local employer is taking positive steps towards addressing the issue of climate change, and it is accepted that the location of the development and the type of green energy proposed is the best option for green electricity production at the site. When this is considered in conjunction with the significant environmental benefits of the scheme and the important fact that the development is easily reversible, which means that any harm to the heritage assets and natural environment would not be permanent, subject to a condition to control the temporary nature of the development and a condition to control its de-commissioning, it is deemed that the environmental benefits of the development, which are considered to be public benefits, are sufficient to clearly outweigh the identified 'less than substantial' harm to the heritage asset, the threat of further tree losses and the substantial weight afforded to the harm to the Green Belt to the extent that very special circumstances are considered to exist.

The application is therefore recommended for approval.

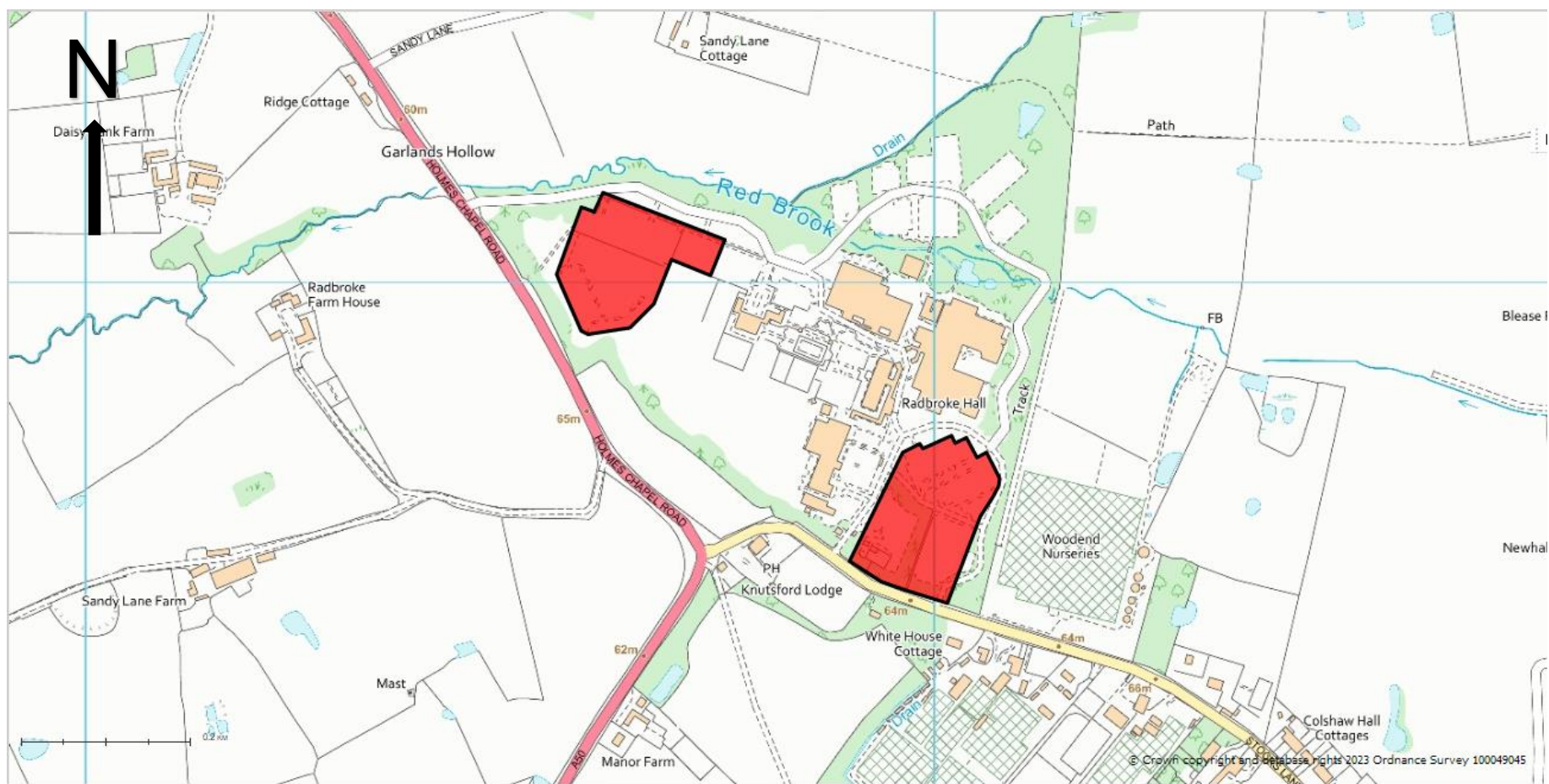
As the proposed development represents inappropriate development in the Green Belt and is over a certain scale and is being recommended for approval, the application needs to be referred to the Secretary of State for consideration as to whether they wish to 'call-in' the application for consideration prior to a decision being issued. Therefore any resolution of the Committee to approve will be subject to consultation with the Secretary of State.

RECOMMENDATION

APPROVE subject to referral to the Secretary of State and the following conditions

- 1. Commencement of development (3 years)**
- 2. In accordance with approved plans**
- 3. Materials as per application**
- 4. Temporary for a period of 30 years**
- 5. Submission/approval of a de-commissioning statement**
- 6. Submission/approval of an updated Arboricultural Method Statement (including updated Tree Protection Plan)**
- 7. Submission/approval of an updated Landscaping Scheme (*to include replacement tree planting*)**
- 8. Landscape - Implementation**
- 9. Submission/approval of proposed external lighting scheme**
- 10. Submission/approval of a Construction Management Plan**
- 11. Nesting birds**
- 12. Submission/approval of ecological enhancement scheme**
- 13. If cease to be used for solar panels / renewable energy purposes structures to be removed from site**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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: 22/2111M

Location: 1, HILL TOP AVENUE, WILMSLOW, SK9 2JE

Proposal: Proposed demolition of existing detached residential property and creation of 2no. new build 4 bedroom detached residential properties with amended vehicle access

Applicant: Mick Regan

Expiry Date: 17-Feb-2023

SUMMARY

The proposed development seeks approval for the demolition of the existing detached dormer bungalow and the erection of 2 new build 4-bedroom two-storey detached residential properties with amended vehicle access.

The site is within the settlement boundary of Wilmslow and the two-storey properties would not be out of keeping with the surrounding street scene. The loss of the existing dormer bungalow is not considered to have a negative impact on the character or the area.

The second vehicular access would be situated centrally within the front boundary fronting Hill Top Avenue.

The density of the proposed plots would reflect the character of the locality and the design of the proposed dwellings relates well to the character and form of surrounding dwellings.

No issues are deemed to be created by the application proposals with regards to design, amenity, highway safety, trees, ecology or flood risk and drainage, subject to conditions.

Overall, it is considered that this scheme would respect the character and appearance of the surrounding area and would be in keeping with the street scene. The application is recommended for approval.

RECOMMENDATION

APPROVE subject Conditions

REASON FOR REFERRAL

Application 22/2111M was referred to the Northern Planning Committee at the request of (former) Cllr Don Stockton (Wilmslow Lacey Green Ward) for the following reasons: -

“Background

There has been considerable public interest and opposition regarding this application. (ref. the excellent Material contributions to the website)

This wider interest comes about, not least, because of difficulties in the Avenue and Meade caused by inconsiderate parking. I have applied to spend highways budget (parking restrictions, undecided!) on jctn of Hilltop and Meade, having got them, in the past, on the jctn alongside this proposed scheme.

The credibility of CEC Planning would be best served if this application were to be decided by committee rather than remaining delegated to officers. I believe the following considerations should be weighed by Committee

Material Considerations to be weighed by Committee

1 Overdevelopment of the Site

2 Overbearing No 3 Hilltop

3 The removal of a building IN keeping with local properties

4 Replacement by 2 much larger properties, OUT of keeping.

5 Access (parking) to the proposed sites (plural !)”

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached dormer bungalow with surrounding gardens located in the settlement boundary of Wilmslow on Hill Top Avenue. The surrounding area is predominantly characterised by two-storey detached dwellings of similar architectural styles, although extensions and alterations have occurred over time. The dwelling to the south of the site is single-storey.

The existing dwelling is screened from Hill Top Avenue and Manchester Road by mature vegetation and the dwelling also benefits from an area of hardstanding and garage.

The application site is situated in the settlement boundary of Wilmslow and within the Wilmslow Neighbourhood Plan Area. The site is at the junction of Hill Top Avenue and Manchester Road.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing detached residential property and creation of 2 x 4-bedroom detached residential properties with an additional vehicle access.

Parking will be contained within the site, to the front and side of the proposed dwellings. The two proposed dwellings would front onto Hill Top Avenue and would include attached garages to the side elevation of both dwellings.

RELEVANT HISTORY

13405PB - Approved with conditions / 27-Jan-1978
DORMER BEDROOM

POLICIES:

Cheshire East Local Plan Strategy (CELPS):

MP 1 - Presumption in Favour of Sustainable Development
PG2 – Settlement Hierarchy
SD 1 – Sustainable development in Cheshire East
SD 2 - Sustainable Development Principles
SE1 - Design
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerow and Woodland
SE13 – Flood Risk and Water Management
Appendix C Parking Standards

Site Allocations and Development Policies Document (SADPD) (Adopted December 2022)

PG9 – Settlement Boundaries
ENV1 – Ecological Network
ENV2 – Ecological Implementation
ENV6 – Trees, hedgerow and woodland implementation
ENV16 – Surface water management and flood risk
GEN1 – Design Principles
GEN5 – Aerodrome Safeguarding
HOU 12 – Amenity
HOU13 – Residential Standards
HOU14 – Housing Density

Wilmslow Neighbourhood Plan

LSP1 – Sustainable Construction
NE5 – Biodiversity Conservation
NE6 – Development in Gardens
TA1 – Residential Parking Standards
H2 – Residential Design
H3 – Housing Mix

Other Material Considerations

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

CONSULTATIONS (External to Planning)

Wilmslow Town Council:

Wilmslow Town Council recommend refusal of this application on the grounds of overdevelopment of the site, out-of-keeping with the street scene and overbearing on the neighbourhood with a particularly negative impact on the Manchester Road elevation which is a key gateway into the town. The removal of screening vegetation further increases the overbearing impact on Manchester Road

Environmental Health

No objection subject to conditions and informatives

United Utilities

No objection subject to conditions

Highways

No objection subject to informative

REPRESENTATIONS

The application has been duly advertised by means of direct neighbour notification letters and site notice. 7 neighbour notification letters were sent on 14th June 2022.

26 letters of representation have been received and their comments can be summarised as follows:

- Out of character on Hill Top Avenue
- Not sympathetic with the surrounding houses
- Removal of the Stone wall surrounding the property would change the character of the Avenue
- Loss of light
- Adverse implications on highway safety
- Noise and disruption to pedestrians during demolition of the bungalow
- Adverse implications on existing trees
- Boundary treatment not in keeping
- Reduction in on street parking
- Overdevelopment of the site
- Overbearing impacts
- Adverse implications on safeguarding biodiversity
- Increase in height would impact on views
- Loss of privacy
- Adverse implications on drainage system
- Adverse implications on landscaping
- Contrary to Policy NE6 of the Wilmslow Neighbourhood Plan

In response to the re-consultation exercise, at the time of writing this committee report, letters of representation have been received from 1 address, which raised the following objections:

- Little difference to the previous plans
- Alien to street scene
- Overbearing upon immediate neighbours, harming privacy and loss of light
- No information on the permeability of the drives and paths
- Fails to comply with Policy SE1, SE3, HOU10, HOU12, HOU13, HOU13 AND NE6

In the third re-consultation exercise, 1 letter of objection was received, which raised the following objections:

- Overdevelopment of site
- Concerns regarding removal of hedgerow

- Concerns regarding positioning of new vehicular access

At the time of writing this report, a final re-consultation period was in process due to the changes to the western elevation of Plot 1, to make it an active elevation from the surrounding area.

OFFICER APPRAISAL

Principle of development

The application relates to the demolition of a detached dwelling and replacement with two detached dwellings within a residential area of Wilmslow. Policy PG2 defines Wilmslow as a Key Service Centre. Here, development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability.

The site is located within the settlement boundary and therefore residential development is considered acceptable in principle, subject to having an acceptable impact upon the character and appearance of the area, neighbouring amenities, Highways etc.

Design

CELPs Policy SE1 states that “development proposals should ensure a retained sense of place and management of design quality”. CELPs Policy SD2 further details the design matters that should be considered, including height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene.

Policy GEN1 of the SADPD states development proposals should reflect the local character and design. Policy H2 of the Wilmslow Neighbourhood Plan states all new residential development should seek to deliver high quality design through meeting the following key principles:

- Reinforce local character and identity through locally distinctive design and architecture and:
- Delivering a scale, mass and density commensurate with the surrounding townscape.

The site is located in the settlement boundary of Wilmslow on the corner of Hill Top Avenue and Manchester Road. It currently contains a detached dormer bungalow, which is not considered to be of particular architectural merit. The site benefits from an area of hardstanding, garage and front and rear dormer windows.

The application seeks to replace the existing detached dwelling with two, two-storey detached dwellings with attached garages. The surrounding area is predominantly characterised by two-storey detached properties, therefore the construction of two detached two-storey dwellings would not appear out of character with the surrounding area and would be acceptable.

Policy HOU14 of the SADPD, states in determining an appropriate density, the character of the surrounding area (recognising that there are some areas with an established low-density character should be protected) should be taken into account.

The existing detached dwelling is situated on a plot of approximately 1,260.8sqm. The subdivision of the existing plot would result in Plot 1 comprising of 703.5sqm and Plot 2 comprising of 557.3 sqm. The dwelling in Plot 1 would have an approximate footprint of 172sqm while the dwelling in Plot

2 would have an approximate footprint of 162sqm. The development would therefore result in a plot density of 24.4% for Plot 1 and 29% for Plot 2.

The plot densities for the existing site and surrounding dwellings such as No. 2 and 3-5 Hill Top Avenue and No.58-60 Manchester Road range from 17% - 27%. Therefore, the proposed plot densities are similar to those that already exist in the immediate area. The site sections show the ridge heights of the two dwellings would be commensurate with those on Hill Top Avenue, and are much lower than the neighbour to the north on Manchester Rd. The scale of the proposed dwellings would not have a significant impact upon the character and appearance of the area.

Policy NE6 of the Wilmslow Neighbourhood Plan states all development seeking to subdivide larger residential plots or gardens should not, wherever possible, result in significant loss of garden space. In order to mitigate the loss of garden space, schemes should seek to meet the following criteria:

- The built form and hard surfaced areas must not exceed 50% of the area of the original plot, unless permeable surfacing used
- All mature trees, hedgerows and other woody species are retained and protected, and supplemented by new native planting
- The landscape proposals developed must meet all 10 Green Biophilic Points set out within Policy SP2, Sustainable Spaces.

As stated above, the site is approximately 1,260.8sqm. The proposed dwellings, areas of hardstanding for parking, and paved areas around the dwellings and to the rear would measure approximately 619.4sqm. The built form and hard surfaced areas would therefore cover 49% of the area of the original plot, and therefore would comply with the first criterion listed above. The existing trees along the western boundary, the tree on the southwestern corner of the plot along the front boundary, the trees in the north east corner and the trees along the eastern boundary are all proposed to be retained. The existing landscaping along the northern boundary is also to be retained and new bushes and low-level planting would be provided along the eastern boundary. The 10 Green Biophilic Points set out in Policy SP2 are listed below. Policy SP2 states development which delivers the following provisions will be looked upon favourably:

1. Inclusion of bird boxes as part of the scheme
2. Inclusion of bat boxes as part of any scheme
3. Inclusion of facilities / habitats for providing homes for amphibians and insects
4. That all external space has sufficient soil depth for the growth of vegetation
5. Include a proportion of nectar-rich species suitable for insects and butterflies
6. Include a proportion of planting species which provide fruit or berries for birds / mammals
7. The inclusion of year-round flowering species within any planting mix
8. Areas of un-managed grassland / planting, including areas for natural succession
9. Inclusions of open water features and marginal habitats as part of the landscape proposals
10. Inclusion of in excess of 80% of native planting and tree species

The above points can be conditioned through the submission/approval of a landscaping scheme for the site and the Nature Conservation Officer has also recommended conditions regarding breeding birds and ecological enhancement. It is therefore felt that the proposal complies with Policy NE6 of the Wilmslow Neighbourhood Plans, subject to conditions.

Plot 1 would comprise of a primary gable roof form while Plot 2 would comprise of a hipped primary roof form. Both dwellings would have front and rear gable projections, a south facing bay window and attached garages. The existing dwelling comprises of a hipped roof, and surrounding properties benefit from hipped and gabled roof forms and front projections. Some dwellings also benefit from integral garages. Therefore, the design and layout of the proposed development would not appear out of keeping with the surrounding area.

Amended plans have resulted in a more active frontage to the west elevation of Unit 1, fronting Manchester Road. The changes have resulted in a two-storey gable projection to the west, cladding to the side gable, and larger windows facing Manchester Road. The changes to the west elevation of Unit 1 are considered to add detail and character to this elevation, making it an active elevation from the surrounding area. This is important due to its positioning on a corner plot to ensure to enhances the streetscape.

The proposed dwellings would marginally exceed the height of No. 3 to the east but would be set down from No. 58 to the rear due to the topography of Manchester Road. The dwellings would therefore be viewed against the backdrop of No. 58 to the north and are not considered to result in jarring additions. The floor levels of the houses will sit over 1m lower than the existing, as shown on the submitted site sections. However, given that topographical levels across the site vary, it is considered necessary to condition details relating to land levels across the site.

The proposed dwellings would sit on a very similar building line to the adjacent properties. The development would therefore not disrupt the building lines present on Hill Top Avenue or Manchester Road and therefore would respect the character and layout of the streetscape.

The existing mature soft landscaping to the western boundary, as well as the existing tree and stone retaining wall to the front boundary would be retained, albeit the stone wall would be altered to accommodate the second vehicular access point. The details regarding the alterations to the stone wall could be assessed through a condition requiring the submission of boundary treatment details. The retention of the existing soft landscaping will help soften the edge of the site, as with the existing scenario, and the retention of the boundary wall would ensure the development remains in keeping with the frontages of surrounding dwellings on Hill Top Avenue and Manchester Road.

The application seeks to construct the dwellings in red/orange brickwork, white render, grey roof tiles and grey uPVC fenestration. The use of red/orange brickwork and render are present to surrounding properties and thus the materials would not result in alien additions to the streetscape. The use of grey roof tiles and grey fenestration are also present to surrounding dwellings on Manchester Road and thus are considered acceptable.

Parking levels are considered to be appropriate for this location and the spaces are located within the residential curtilages. It is not felt that the proposed area of hardstanding would dominate the street scene. The area of hardstanding for parking is well-integrated with landscape elements, reducing the impact of the parked cars on the street scene.

Overall, the proposed development would not result in a detrimental impact upon the character of the surrounding area in accordance with policies SE1 and SD2 of the Cheshire East Local Plan, Policy GEN1 of the SADPD, H2 of the Wilmslow Neighbourhood Plan and the NPPF.

Living Conditions

CELPs Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 of the SADPD sets out standards of space between dwellings, which new housing development is generally expected to meet.

The first-floor side elevation windows in No. 3 are obscure glazed. Thus, loss of light in this regard from the construction of Unit 2 would not warrant a refusal. By virtue of the existing boundary treatment, and the presence of front and rear facing windows to the neighbour's ground floor rooms, it is not felt the development would significantly heighten any existing impacts on light exposure to No. 3's ground floor side windows.

The existing hipped roof garage is situated along the shared boundary with No. 3. The proposed dwelling would be set in from the shared boundary with No. 3, and the rear of the site and neighbouring property to the North. The existing garage is situated at a higher ground level than No. 3 due to the topography of the site. The layout of Unit 2 has been amended, resulting in the garage being the closest built form to the shared boundary with No. 3. The development at two-storey level would therefore be set in from the shared boundary with No. 3 by over 5m. The existing dwelling has a finished floor level of 78.200, whereas Plot 2 would have a finished floor level of 76.800.

For the above reasons, the amendments to the scheme are welcomed to mitigate the impacts on No. 3's living conditions and it is not felt the works would have a significant impact on light exposure or significant overbearing impact on No. 3 beyond the existing built form. The reduction in height of the dwelling to the rear as well as the lowered finish floor level would also alleviate any overbearing impacts. The development would not project beyond the front elevation of No. 3 and thus would not harm light exposure in this regard.

There are no ground floor side windows proposed to face No. 3 and the first floor ensuite windows are recommended to be conditioned as obscurely glazed to prevent any overlooking.

Extensions were approved to No. 58 Manchester Rd (to the north of the application site) under LPA reference 21/2456M. From the site visit from October 2022, it is clear that the rear dormer under this application has been constructed. It is therefore considered that the approved works to No. 58 have commenced and therefore must be taken into consideration. No. 58 is situated at a higher ground level than the application site and it is therefore not felt the proposal would have a significant impact on light exposure. All side windows in No. 58 to face the site are secondary windows, further alleviating any impacts on light exposure and outlook. It is due to this change in topography and land levels that it is also not felt the works would have a significant impact on privacy.

Policy HOU13 outlines standards for space between buildings which should be considered in this application. The rear of Plot 1 would be situated over 17m from the side elevation of No.58 which is considered acceptable under Policy HOU13. The front elevations of Plots 1 and 2 would be over 25m from the front elevation of the single storey dwelling to the south, and the side elevation of Plot 1 would be approximately 33m from the front elevation of the dwelling to the west on Manchester Road. The developments are therefore considered to comply with Policy HOU13 of the SADPD.

The development would provide amenity spaces for both dwellings approximately 13m deep, which is considered to be sufficient.

In relation to environmental matters, the Council's Environmental Protection Officer has reviewed the application proposals and advised that they have no objections, subject to a number of conditions including the implementation of electric vehicle charging infrastructure and the specification of all installed gas-fired boilers. These conditions are not considered to be necessary as they are matters covered under building regulations. A number of informatives are also proposed including the hours in which noise generative works should occur and that the Local Planning Authority should be informed of any unforeseen land contamination.

The proposals will not result in unacceptable harm to the residential amenity of adjacent neighbours in terms of overlooking, loss of privacy or overshadowing and as such complies with the principles of policies SE1 Cheshire East Local Plan and Policy HOU12 and HOU13 of the SADPD.

Highways

Policy CO1 of the CELPS considers matters of highway safety. Appendix C of the Cheshire East Local Plan identifies minimum Parking Standards for residential development in Principal Towns and Key Service Centres and for the remainder of the borough. The LPA will vary from the prescribed standards where there is clear and compelling justification to do so.

Car Parking

Both dwellings would comprise of 4 bedrooms. Appendix C of the Local Plan states dwellings with 4 bedrooms in Key Service Centres such as Wilmslow require 2 off-street parking spaces per dwelling. The proposed site plan indicates that the area of hardstanding's proposed would be suitable to accommodate 2 vehicles for each property and the garages could also be used for parking. The development would therefore provide parking in accordance with the standards.

Access

The proposal for access, which provides similar levels of vehicle to pedestrian intervisibility, as well as vehicle to vehicle intervisibility associated with those of neighbouring properties, is acceptable.

Sustainable Travel

Having regard for the low volume of traffic movements expected to be associated with the proposal, and the location of the site within walking distance of Wilmslow Town Centre, so concerns relating to sustainable travel are raised.

Traffic Impact

The commuter peak hour and daily traffic generation associated with one additional dwelling would not have a material impact on the safe operation of the adjacent or wider highway network.

The Highways Officer raises no objections to the proposal. The proposed development would therefore be in accordance with the parking standards as set down in Appendix C of the Cheshire East Local Plan and would not be detrimental to road safety or result in an undue loss of amenity to other road users.

Landscape

The crux of Policy SE4 (Landscape) of the CELPS is to conserve the landscape character and quality and 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.

It is not considered that the proposals will result in any significant landscape or visual impacts. Should this application be recommended for approval, a condition requiring the submission/approval of a landscaping scheme for the site and an associated landscaping implementation condition will be attached. Subject to these conditions, it is considered that the proposals would adhere with Policy SE4 of the CELPS.

Trees & Hedgerows

Policy SE5 of the CELPS and ENV6 of the SADPD relate to trees, hedgerows and woodland. The objective of the policies is to protect trees that provide a significant contribution to the amenity, biodiversity, landscape or historic character of the surrounding area.

The application site comprises of a detached property located on a corner plot and which is bordered by established tree cover and vegetation although no statutory protection applies to trees on or adjacent to the site. The application is supported by an Arboricultural Impact Assessment and Method Statement (TRE/1HTAW) dated 15th November 2022 which has identified 1 individual and 2 groups of low-quality trees on and adjacent to the site and 1 hedgerow.

All trees and the hedgerow are shown to be retained on the site save for 1 small section of group G1. The Proposed Site Plan confirms that new bushes and low level planting will be provided along the eastern boundary.

The Council's Tree Officer advises that there are no objections to the proposal subject to compliance with the submitted arboricultural information, which can be secured by condition.

As such, the proposal is deemed to adhere with Policy SE5 of the CELPS and Policy ENV6 of the SADPD.

Nature Conservation

Policy SE3 of the CELPS and ENV2 of the SADPD require all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. The following ecological matters are relevant to the current proposal:

Breeding Birds

A condition relating to the protection of breeding birds is recommended due to potential impacts arising from the removal of any hedgerow, tree or scrub or other habitat.

Ecological Enhancement

A condition relating to the submission of a strategy to incorporate features to enhance the biodiversity value of the development prior to the use of building materials is recommended, due to the application providing the opportunity for the incorporation of such features.

On the basis of the above it is considered that the proposal would positively contribute to the conservation and enhancement of biodiversity and geodiversity in accordance with policy SE 3 of the CELPS and Policy ENV2 of the SADPD.

Flooding and Drainage

United Utilities have reviewed the proposals and have raised no objections in principle, subject to conditions requiring the submission of a sustainable surface water drainage and foul water drainage scheme, as well as the submission of a sustainable drainage management and maintenance plan.

Subject to the suggested conditions, the application is considered to adhere with Policy SE13 of the CELPS.

Other matters

In response to points raised by objectors which have not already been addressed:

The presence of noise and disruption during the demolition of the existing dwelling is not a material planning consideration. While the development may result in the loss of on-street parking, the development would include off-street parking provision for both proposed dwellings and thus the development would not heighten any existing pressures on on-street parking. The loss of views within the residential area is also not a material planning consideration.

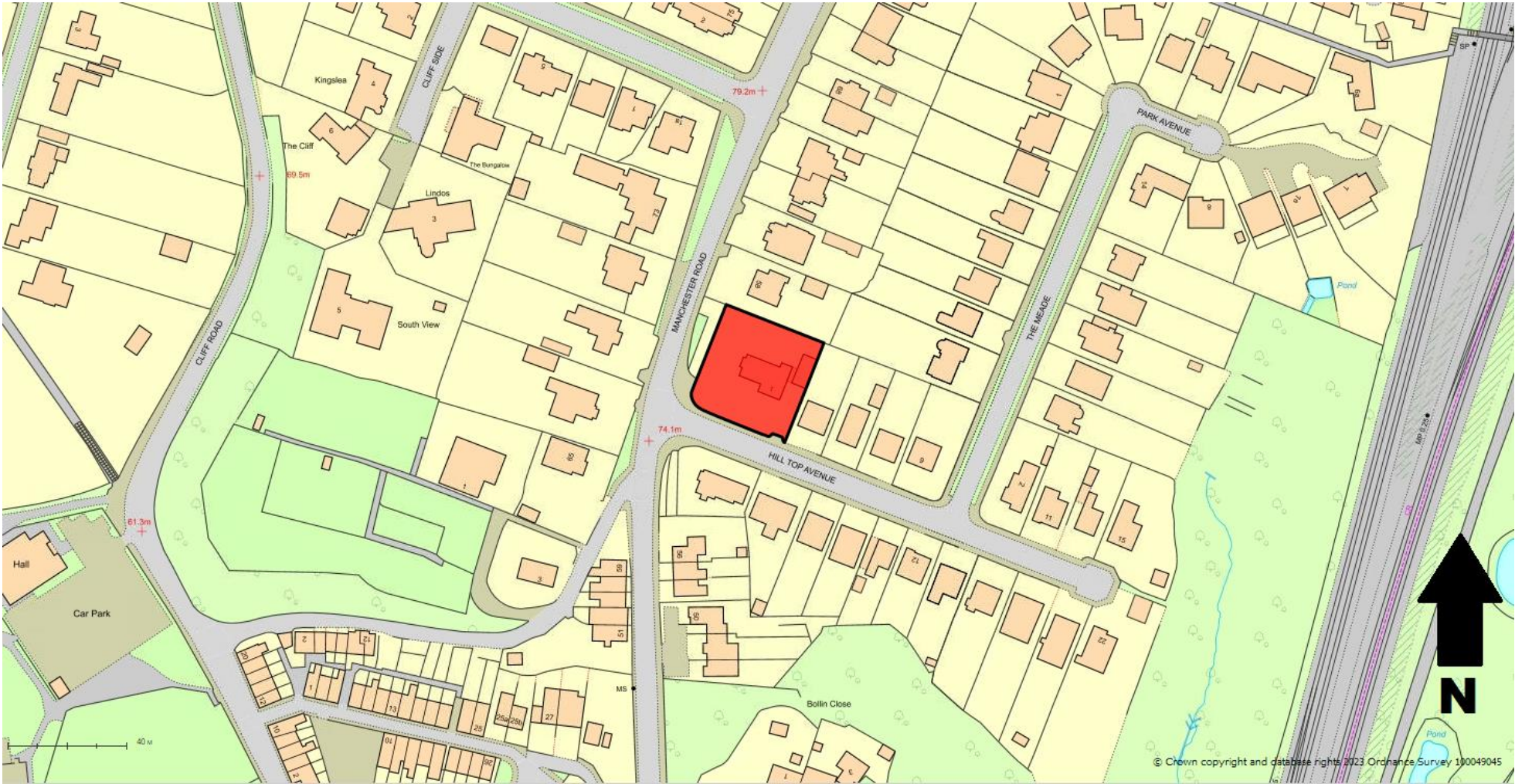
CONCLUSIONS

For the reasons set out above, and having taken account of all matters raised, it is recommended that this application is approved, subject to Conditions

RECOMMENDATION: Approve subject to the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials in accordance with the application
4. Obscure glazing (the first floor ensuite windows in the western and eastern facing elevations of Plot 2, the first floor ensuite windows in the western facing elevation of Plot 1 and the first floor ensuite windows in the northern facing elevations of Plot 1 and 2)
5. Provision of 4 Car Parking Spaces (pre-occupation)
6. Submission of Bin and Bicycle Storage details
7. Submission of Boundary Treatment and Landscaping Scheme
8. Landscaping (implementation)
9. Breeding Birds survey to be submitted
10. Submission of ecological enhancement strategy
11. Proceed in Accordance with Arboricultural Impact Assessment and Method Statement
12. Submission of levels details
13. Submission of detailed overall drainage strategy
14. Submission of drainage management and maintenance plan

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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.



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Application No: 23/0853M

Location: 17 & 19, HOLLY ROAD SOUTH, WILMSLOW, CHESHIRE, SK9 1NQ

Proposal: Demolition of existing buildings and erection of 34 retirement living apartments including lodge managers office and reception, communal facilities, guest suite, car parking and landscaping. Resubmission of application 22/2347M.

Applicant: Churchill Retirement Living

Expiry Date: 08-Jun-2023

SUMMARY

This application is a resubmission of a previously refused development for 34 Retirement living apartments (22/2347m). This application seeks to overcome the previous reasons for refusal via the following;

- Provision of affordable housing and health contributions.
- Additional information on tree protection
- Further justification of parking levels

The application site lies within Wilmslow, which is identified as a Key Service Centre where the principle of residential development on the site is acceptable. The site is sustainably located and is in walking distance of the town centre, public transport and services and facilities within Wilmslow. The development complies with Policies SE2, SD1 and SD2 of the CELPS in this regard.

The proposals represent an acceptable form and design that would sit appropriately within the surrounding urban environment. Residential amenity would be maintained for existing residents and future occupants and the proposals comply with CELPS policy SE1 and SD2, SADPD Policy HOU 12, HOU13 and GEN1 and WNP policy H2.

The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and contamination in accordance with CELPS policies SE3, SE12 and SE13, WNP Policy NE5 and SADPD policy ENV 2 in this regard.

The arboricultural impact assessment, tree protection and method statement conclude the proposals will have an acceptable impact with regards to the long-term health and wellbeing of the retained tree cover in accordance with CELPS policy SE5 and SADPD policy ENV 6.

Information has been submitted to demonstrate that development is acceptable in terms of its impact upon the highway network and parking provision. As such it is considered that the

proposals are in accordance with SD1 and CO2 of the CELPS, SADPD Policy INF3, policy TA1 of the WNP and Appendix C of the CELPS in this regard.

The financial viability of the scheme has concluded that contributions towards affordable housing, and NHS will be secured as part of a Section 106 agreement and accord with the requirements of Policies IN2, and SC5 of the CELPS in this regard. It has been appropriately demonstrated that there is no further viability within the scheme to provide for open space and sports provision.

Overall, the proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocation Development Policies Document and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

SUMMARY RECOMMENDATION

Approve subject to conditions and subject to a S106 agreement to secure financial contributions towards health and affordable housing.

REASON FOR REFERRAL

This application is referred to the Northern Planning Committee because it is for a residential development for over 20 units, and under the terms of the Council's Constitution requires a Committee decision.

DESCRIPTION OF SITE AND CONTEXT

The site currently comprises 2no. large, detached dwellings situated on the southern side of Holly Road South. The site is located to the south of the town centre of Wilmslow and is located in a residential area within the settlement boundary, as defined in the Local Plan.

The site is relatively flat and rectangular shaped some 0.3ha in size and takes access from Holly Road South (located to the north), backing on to Paxford Place at the rear (south). Individual residential properties are located with the east and west. Currently the dwellings located on site are centrally positioned within each plot with planted boundaries and mature trees. The trees within the garden of both plots are the subject of Tree Preservation orders (Wilmslow Urban District Council 1973 -Alderley Road and Macclesfield Borough Council Wilmslow – Paxford Place 1982). Parking is laid out the front of each property.

The site is around 800m from the centre of Wilmslow with access to its shops, services and public transport networks. The road junction with Alderley Road and Holly Road South is 60m to the west.

The immediate context of the site is characterised by large properties within relatively spacious plots and mature trees to the frontage. Development becomes more closer knit when moving away from the site, and particularly at the immediate rear of the site where on Paxford place,

properties are single storey and more closely arranged as a residential estate. The site located is within flood zone 1.

DESCRIPTION OF PROPOSAL

This application follows a recently refused application, 22/2347m for 34 retirement apartments on this site. The application was refused by the Local Planning Authority on the 15th February 2023 for the following reasons:

1. The proposals fail to provide on-site affordable housing or open space and does not provide a mechanism to secure requisite affordable housing, health and open space and recreation contributions towards off site provision and therefore fail to comply with the National Planning Policy Framework and Cheshire East Local Plan Strategy policy IN2, SE6, SC2 and SC5.

2. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on existing trees on site. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Cheshire East Local Plan Policy SE5 and Policy ENV 6 of the Site Allocations and Development Plan Document.

3. The proposed development would result in a lack of on-site parking which would lead to on street parking pressure in the vicinity of the site to the detriment of the free flow of traffic. Approval of the development would be therefore contrary to the provisions of the Site Allocations and Development Policies Document policy INF 3, Cheshire East Local Plan Strategy policy SD2, appendix C of the Cheshire East Local Plan Strategy and Section 9 of the National Planning Policy Framework.

This application is a revised submission and seeks full planning permission for the demolition of the 2no dwellings on the site and erection of 34 retirement apartments with associated communal facilities (including residents lounge, coffee bar, internal bin store, utility and store, buggy store, garden area and a guest bedroom), car parking and landscaping. The application seeks to address the 3 reasons for refusal with updated affordable housing statement and viability position, additional information regarding long term protection of trees and further commentary of parking requirements for this form of development.

The building will be 3 storeys and provide the following;

- 23no. 1 bed apartments
- 10no. 2 bed apartments
- 1no 3 bed apartment

The application states that apartments are sold with a lease restricting occupation to someone aged 60 years or over with a spouse or partner of at least 55 years.

Access is to be taken from Holly Road South from the two existing accesses. Car parking for 16 vehicles is arranged to the front of the site, along the front and to the side with a mobility scooter store and charging points to the east. The front boundary would consist of hedging and trees.

The proposed apartment block would be located in the centre of the site, rectangular in form. The building would have front facing gables with flat roof dormers and a lowered flat roof central section. The building would have a varied roof line. Individual balconies are proposed are all units on the first and second floor with regular even spaced glazing and doors throughout at both front and rear. The extent of glazing is reduced on the side elevations. The building would be a maximum of 59m in width, 21m in depth and set back from Holly Road South by 14m and off the rear boundary by 10m. Proposed building materials are red and cream brick with 'basketweave' bond detailing below windows and concrete tile roof. Doors and windows would be Upvc. Landscaped grounds surround the apartment block. A total of 18 trees and 6 groups of trees are to be removed as part of the development, although all TPO trees are proposed to remain on site.

The application is accompanied by the following information;

- Design and Access Statement
- Transport Statement
- Landscaping Strategy
- Ecology survey
- Affordable Housing Viability Assessment
- Statement of Community Involvement
- Drainage strategy
- Flood risk and drainage technical note
- Tree protection plan and Arboricultural method statement

RELEVANT HISTORY

22/2347M - Demolition of existing buildings and erection of 34 Retirement Living Apartments including Lodge Manager's office and reception, communal facilities, guest suite, car parking and landscaping - Refused / 15-Feb-2023. Refused on the grounds of lack of s106 contributions, Lack of tree information, lack of on-site parking. Decision currently subject of appeal ref: APP/R0660/W/23/3317173.

17 Holly Road South

12/1815M - Single Storey Rear Extension - Approved with conditions / 29-Jun-2012

12/2673D - Discharge of Condition 4 on Application 12/1815M - Approved / 04-Oct-2012

49196P - Side extensions - Approved / 03-Jun-1987

19 Holly Road South

19/2712M - Outline application with some matters reserved for demolition of 19 & 21 Holly Road South and any ancillary outbuildings and construction of a three-storey building consisting of 12 apartments, associated car parking and new vehicular and pedestrian access - Not decided (Finally disposed of) / 06-Sep-2022

54499P - Revised elevations to previously approved plan and erection of fence- Approved / 12-Oct-1988

52889P - Extension and conversion of garage and reroofing of house - Approved / 21-Apr-1988

51604P - Extensions re-roofing and new garage - Approved / 07-Jan-1988

RELEVANT PLANNING POLICY

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

Cheshire East Local Plan Strategy 2010-2030 (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and Well-being

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE8 Renewable and Low Carbon Energy

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO4 Travel Plans and Transport Assessments

Appendix C – Parking standards

Cheshire East Site Allocations and Development Policies Document (SADPD)

PG9 Settlement Boundaries

GEN1 Design principles

ENV2 Ecological implementation
ENV5 Landscaping
ENV6 Trees, hedgerows and woodland implementation
ENV7 Climate Change
ENV12 Air quality
ENV14 Light pollution
ENV15 New development and existing uses
ENV16 Surface water management and flood risk
ENV17 Protecting water resources
HOU1 Housing Mix
HOU 2 Specialist Housing Provision
HOU 6 Accessibility space, accessibility and wheelchair housing standards
HOU12 Amenity
HOU 13 Residential Standards
HOU 12 Housing Density
HOU 15 Housing Delivery
INF1 Cycleways, bridleways and footpaths
INF3 Highways safety and access
INF6 Protection of existing and proposed infrastructure
INF9 Utilities
REC 2 Indoor sport and Recreation Implementation
REC3 Open space implementation

Wilmslow Neighbourhood plan (WNP)

LSP1 – Sustainable Construction
LSP2 – Sustainable Spaces
LSP3 – Sustainable Transport
NE5 – Biodiversity Conservation
NE6 – Development in gardens and Amenity Space
TA1- Residential Parking Standards
TA2 – Congestion and Traffic Flow
TA5 – Cycling in Wilmslow
H2 - Residential Design
H3 – Housing Mix

Other Material Planning Considerations

Housing Supplementary Planning Document July 2022
National Planning Policy Framework (2021) National Planning Policy Guidance
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Highways (CEC) – No objection subject to condition requiring two of the on-site parking spaces to be disabled spaces.

Environmental Protection (CEC) – No objection subject to conditions regarding contamination, soil importing, EV charging and low emission boilers, submission of travel

information pack and informatives regarding hours of construction works, piling, dust management and floor floating.

Local Lead Flood Authority (CEC) – No objection in principle to the proposals subject to condition regarding the use of the attenuation tank and discharge to existing surface water sewer to ensure surface water will be managed appropriately on site.

Education Services (CEC) – No comments received

Strategic Housing (CEC) – There is a need for rented over 55 accommodation and Intermediate need for the over 55's. As a commuted sum of circa £240,000.00 has been agreed and will be secured via a S106 agreement, there is no objection to this application.

Childcare Development Manager – No comments received

Cadent Gas – No comments received

NHS Clinical Commissioning Group – No objection subject to s106 contribution of £19,977 for use towards capital investment at Wilmslow Health Centre.

Ansa Greenspace – Comments awaited.

United Utilities – Comments awaited.

Wilmslow Town Council – Object and recommend refusal on the grounds of inadequate parking provision. The new application has no material differences to 22/3457m.

Wilmslow Civic Society – Objects and recommend refusal.

- Inappropriate scale, three storey is inappropriate in this location
- 33 units is overdevelopment
- Overlooking to properties on Holly Road South and Paxford Place.
- Over provision of elderly persons accommodation in an area of predominantly single storey family housing.

Transition Wilmslow – Objection

- Proposals do not comply with Wilmslow Neighbourhood Plan policy NE6 Development in Gardens as the extent of the built form, parking space and the loss of garden will exceed 50 % of the existing plots

OTHER REPRESENTATIONS

24 representations of objection have been received from 12 addresses and are summarised below;

General

- Application has not changed since previous refusal

- Changes made do not overcome any objections made by local residents
- Insufficient provision for affordable housing
- Lack of consultation
- Inadequate length of time for community to consider application
- Demand for retirement living has already been met in the area
- Additional air pollution
- Existing infrastructure is overwhelmed i.e. doctors, dentists
- Development is for maximum profit and no gain for community
- Similar developments nearby are still for sale
- Additional strain on local health services
- Staff required will not be able to afford to live in locality
- Loss of family homes being bought by developers results in a loss of community and decreased neighbourly interaction
- Impact on house prices
- Dangerous precedent which would change character of area forever
- Development not required as Cheshire East have enough housing for up to 2030.
- Neighbouring retirement developments are closer to the town centre
- The MP objected to the original proposals
- A development like this should be on brownfield land not in a town centre
- Application has not changed from original shows the developer does not care

Highway matters

- Lack of parking spaces-no change from previous application
- Adversely affects works already done to assist cyclists on Holly Road South
- Concerns regarding safety of highway for construction traffic
- Additional chaos to busy road
- Parking nearby is time limited and in high demand
- Potential for highway safety issues due to proximity to Wilmslow High School
- Additional congestion
- No emergency vehicle parking
- Lack of parking will result in disputes
- No EV charging
- No construction parking
- Close to dangerous junction and roundabout
- Potential to block neighbouring drives
- 0.5 spaces per apartment is less than stipulated by guidelines
- Lack of parking for occupiers, carers, visitors and service staff.
- Insufficient room for service vehicles
- Access in and out would see a significant increase in vehicular traffic

Design

- Out of character
- Out of keeping with the lovely road consisting of discrete secluded residential properties
- Overdevelopment
- Out of proportion and type with neighbouring properties
- Too intensive and intrusive for this site
- Majority of dwellings nearby are bungalows
- Design does not represent the existing street scale
- Lack of open space for recreation for future occupants

- Unappealing design
- Comparing height with Beeches is inaccurate, this development is bigger and closer to the front of the site
- Loss of trees will change the character of Holly Road South
- Inadequate screening to neighbours
- 3 storey is inappropriate
- Development bears no resemblance to surrounding detached properties in the area
- Layout and footprint is much bigger than the existing houses

Amenity

- Residents rights to privacy must be upheld
- Overlooking of neighbouring gardens from balconies
- Loss of light
- Overshadowing
- Privacy distances are not met
- Development will block sunlight and affect capacity for prayer and religious customs
- Noise and disturbance from additional congestion and noise
- Social space is too close to neighbouring development
- Noise and disturbance from emergency vehicles visiting the site
- Noise from construction period detrimental to residents
- Increase in noise from the site from the current level
- Disruption to peace and tranquility
- Balconies will directly overlook neighbours properties and gardens

Trees

- Loss of trees
- Damage to trees in the area covered by tree preservation orders
- Trees are at risk now and in the future
- 17 trees will be destroyed in the process of this development and others will face incursion at root level
- Reduction in natural hedgerows and green space

Biodiversity

- Loss of green space and new hardstanding will result in detrimental impact to biodiversity and green infrastructure in this location.

Flooding/drainage

- Proposals will overload current drainage infrastructure
- Foundations will displace more water
- This area is prone to flooding
- Risk of surface water run off
- Removal of garden will affect drainage capacity

Other issues

- If consent is issued, adequate boundary screening to East, West and Southern boundaries should be conditioned.
- If hedgerow remains it will require proper maintenance
- Who would monitor tree removal?

OFFICER APPRAISAL

Background

Application 22/2347M was refused by Northern Planning Committee on the 15th February 2023 for the following 3 reasons:

- 1. The proposals fail to provide on-site affordable housing or open space and does not provide a mechanism to secure requisite affordable housing, health and open space and recreation contributions towards off site provision and therefore fail to comply with the National Planning Policy Framework and Cheshire East Local Plan Strategy policy IN2, SE6, SC2 and SC5.*
- 2. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on existing trees on site. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Cheshire East Local Plan Policy SE5 and policy ENV6 of the Site Allocations and Development Plan Document.*
- 3. The proposed development would result in a lack of onsite parking which would lead to on street parking pressure in the vicinity of the site to the detriment of the free flow of traffic. Approval of the development would therefore be contrary to the provisions of the Site Allocations and Development Policies Document INF3, Cheshire East Local Plan Strategy policy SD2, appendix C of the Cheshire East Local Plan Strategy and Section 9 of the National Planning Policy Framework.*

The applicant has appealed the Council's decision and there is currently a live appeal, a Public Inquiry, scheduled for 4 days from the 27th June 2023.

The appellant submitted this current planning application to the Council for consideration (23/0853M), alongside the appeal, which reflects the scheme refused by committee, but seeks to address the reasons for refusal.

With this resubmitted application, the applicant has provided additional information in relation to viability (previous reason for refusal No.1) and trees (previous reason for refusal No.2). Furthermore, the Council's Highway's Officer undertook their own survey work to identify if the lack of parking reason for refusal (previous reason for refusal No.3) could be supported by the Highways Department. This information also formed the basis of discussions leading up to the appeal.

The outcome of this is that the additional information submitted to address reason for refusal No.1 (Viability) resulted in an agreement that there was indeed a financial contribution that could be spent towards offsetting the impacts of the development in terms of local health provision and affordable housing.

The additional survey work undertaken by the Council's Highway Officers highlighted that the proposed parking provision, although short of Council standards, reflected the level of parking for such developments elsewhere in Cheshire East and elsewhere in the country when considered in conjunction with the low car ownership of the future occupiers who have an average age of 80.

Subsequently, it was concluded that the Council would be unable to reasonably defend reasons for refusal 1 and 3 and if the Council persisted with reason for refusal 3 (lack of parking), there was a risk that the Council could be subject to a costs claim for unreasonable behaviour as it would be pursuing a reason for refusal that could not be defended.

In order to formally agree that the Council would not defend reasons for refusal 1 and 3, it needed the agreement of Northern Planning Committee as it was this committee that determined the permission. However, because of elections and a ticking timetable on the appeal, there was not a Northern Planning Committee scheduled that an Officer recommendation seeking approval not to defend reasons for refusal 1 and 3 could be made before certain appeal deadlines. As such, an Urgent Decision made on behalf of the Council was made, signed by the Chief Executive. This was signed on the 12th May 2023. As such, reasons for refusal 1 and 3 will not be defended by the Council.

A similar situation has now arisen in relation to the remaining reason for refusal, reason for refusal No.2 (lack of tree information). The missing tree information has been provided as part of the re-submitted planning application (23/0853M) and this information satisfies the Council's Tree Officer that the proposed development would not have an unacceptable impact on trees, subject to conditions being imposed. This information has now also been provided in relation to the appeal.

As such, the report later in the agenda recommends to the Northern Planning Committee that the Council do not defend reason for refusal No.2 (lack of tree information), in relation to 22/2347M. This would result in the Council not contesting the appeal on any of the grounds set out in the reasons for refusal.

Principle of development

Section 5 of the NPPF seeks to significantly boost the supply of homes.

Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.

Wilmslow is identified as one of the 'Key Service Centres' in Cheshire East where CELPS Policy PG 2 states that "development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability."

As a windfall site, CELPS Policy SE 2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development
- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure
- Consider the consequences of the proposal for sustainable development having regard to Policies SD 1 and SD 2

SADPD Policy HOU 2 provides support for specialist housing for older people that support independent living providing the following criteria are met;

- i. the type of specialist accommodation proposed meets identified needs and contributes to maintaining the balance of the housing stock in the locality;
- ii. the proposal provides easy access to services, community and support facilities, including health facilities and public transport, enabling its residents to live independently as part of the community;
- iii. the proposal meets the accessibility and wheelchair housing standards set out in Policy HOU 8 'Space, accessibility and wheelchair housing standards';
- iv. the design of the proposal, including any individual units of accommodation, should be capable of meeting the specialist accommodation support and care needs of the occupier. This includes pick up and drop off facilities close to the principal entrance suitable for taxis (with appropriate kerbs), minibuses and ambulances and the ability to provide assistive technology and internet connectivity where relevant;
- v. the provision of suitable open space/grounds that can be used by residents;
- vi. the provision of suitable levels of safe storage and charging facilities for residents' mobility scooters, where relevant; and
- vii. affordable housing provision will be required in line with the thresholds and policy approach set out in LPS Policy SC 5 'Affordable homes', where independent dwellings would be formed.

In this case, the provision of 34 retirement properties would deliver specialist older person housing within a sustainable location with the town centre of Wilmslow within walking distance from the site. From here, there are good rail links (including to Manchester and London) and buses to other local / key service centres. There are local amenities nearby, and infrastructure such as schools, hairdressers, gyms, employment etc. The development to provide residential units in a sustainable location aligns with the general principles of national policy, local policy and neighbourhood policy. It would also make a contribution to the Council's housing requirements through the provision of 33no. residential units.

The applicant outlines that the scheme is designed specifically for older residents with level access throughout and doors/windows designed for ease of use for those with limited mobility and a designated area for mobility scooter storage.

In accordance with these policies, there is no objection in principle to new residential development in this location, subject to compliance with the other relevant development plan policies

Housing Land Supply

The Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes.

The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East.

Underperformance against either of these can result in relevant policies concerning the supply of housing being considered out of date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's housing supply and delivery performance, the 'tilted balance' is not engaged by reference to either of these matters.

Affordable Housing

Policy SC 5 of the CELPS sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. 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;
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough's housing need the above thresholds and percentage requirements may be varied;

The CELPS states in the justification text of Policy SC5 that the Housing Development Study shows that there is the objectively assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough. This figure should be taken as a minimum.

The latest published Cheshire East Annual Monitoring Report (AMR) 2021/2022, reports on the number of completed affordable dwellings each year up to the end of the 2021/2022 reporting period. It details that there have been 5,376 completions since 2010/2011, averaging 448 dwellings per year. As such, despite high delivery to date, the LPA are still short of 1,724 affordable dwellings based on the latest published figures.

Different models of private sector housing for older people have been developed in recent times. These schemes are characterised by the availability of varying degrees of care, 24-hour staffing and ancillary facilities. The Council recognises that such models can contribute to meeting affordable and special needs housing, thus the Council will seek an affordable housing contribution from these schemes where the dwellings trigger the thresholds set out in LPS SC5.

This is a proposed development of 33 retirement dwellings in a Key Service Centre, therefore, in order to meet the Council's Policy on Affordable Housing there is a requirement for 10 (9.9) dwellings to be provided as affordable homes.

Point 3 of policy SC5 notes that the affordable homes provided must be of a tenure, size and type to help meet identified housing needs, in this case affordable retirement homes, and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer. Policy SC5 confirms that the Council would currently expect a ratio of 65/35 between social rented and intermediate affordable housing. On this basis, 7 units should be provided as affordable/social rent and 3 units as intermediate tenure.

The Housing Supplementary Planning Document states for Specialist, Supported Living and Older Person Housing:

The Council's vulnerable and older persons strategy (2020 - 2024) has identified three main strategic objectives consistent with the 2014 version of the strategy: -

- *That people are supported to live in their own homes independently for longer;*
- *When required, people can receive the support they need in a wide range of specialist, supported accommodation including those members of the community with specific housing needs within the borough;*
- *People are able to make informed choices about the accommodation, care, and support options within Cheshire East.*

The 2014 strategy identified that the number of older adults across the borough was due to significantly increase and as such, this would impact on the requirement for a number of housing types including downsizing opportunities, as well as specialist accommodation, to address issues relating to care, access, and mobility.

Affordable Older Persons Need.

The current number of those over 55 on the Cheshire Homechoice waiting list with Wilmslow as their first choice is 56. From this data there is a shown need for 1- and 2-bedroom dwellings as rented accommodation.

Under the Supplementary Planning Document for Affordable Housing the council expects the rental units to be capped at the Local Housing Allowance. There is also still a need for Intermediate units that will cater for those who wish to downsize but cannot buy on the open market.

Policy SC5 of the CELPS requires affordable housing to be provided on-site, however, in exceptional circumstances, where it can be proven that on-site delivery is not possible, as a first alternative, off-site provision of affordable housing will be accepted; as a second alternative a financial contribution may be accepted, where justified, and on a site by site basis, in lieu of on-site provision. This provision is viewed by the Council as a last resort option, as opposed to an alternative method of affordable housing. The Council's desire to have all affordable provision on-site is in line with government guidance to encourage the development of mixed and balanced communities.

Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site.

The applicant does not propose any on-site provision, and off-site provision is not an option. A viability appraisal submitted with the application has demonstrated that a partial contribution towards affordable housing can be provided. Further details on viability are provided below, however, in summary once other contributions are factored in, £240,023 would be available for affordable housing. This is likely to be sufficient to deliver one on-site affordable unit. However, it is understood that Registered Providers are unlikely to want to take on a single unit like this and as such the Council's Housing officer accepts the contribution to partially off-set the affordable housing requirement for the proposals in this instance. This contribution would be pooled with other contributions and be spent towards providing off-site, new affordable housing provision within Cheshire East.

Policy SC5(7) of the CELPS does make allowances where scheme viability can be affected by the policy compliant provision of affordable housing. Officers have commissioned an independent review of the viability study, as the policy stipulates, and the figures quoted in this report are an agreed position between the applicant and the Council's viability consultant. Given this agreed position the proposal is considered to comply with policy SC5 of the CELPS.

Housing Mix

Policy SC4 of the CELP states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The Cheshire East Housing SPD (July 2022) requires that there should be a mix of housing on sites of 10 or more homes, and that developments should maintain an appropriate mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. WNP policy H3 advises proposals that include homes for the elderly will be supported and highlights the affordable housing requirement of CELPS policy SC5.

The application proposes a housing mix of 23 x 1 bed, 10 x 2 and 1 x 3 bed apartments for occupants over 60 years old ('retirement living') which would contribute towards creating a mixed, balanced and inclusive community and aims to meet the needs arising from increasing longevity of the borough's older residents, when combined with the existing residential development in the area.

The proposals would assist in providing a mix of units on site thus contributing to a diverse community and the requirements of CELPS Policy SC 4 and some of the aims of WNP Policy H3.

Healthcare

Policy IN 2 of the CELPS advises that developer contributions will be sought to make sure that the necessary physical, social, public realm, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Such contributions will help facilitate the infrastructure needed to support sustainable development.

The GP Practices affected by this housing development are detailed below. Overall, patient list sizes in the area have continued to increase without necessary provision to support the infrastructure of the Health Centres that service the population.

The NHS CCG have advised that Wilmslow local GPs have a capacity shortage based on an existing population v floorspace calculation of 38%. This money would be spent to increase the capacity at Wilmslow Health Centre by going towards a project to convert a 'void' space within this facility into a Multi-Disciplinary Team Hub workspace, supporting telephone consultations and alternative workspace for clinicians to free-up clinical rooms.

The applicant advises that the average age of the future occupiers of the development is circa. 80 years. As such, it is envisaged that the future occupiers would be heavily reliant on local

health services given their age alone. As Wilmslow Health Centre is located just 400 metres away, it is very accessible by foot.

Therefore, a financial contribution to offset the impact of the development upon local health, is requested by the NHS to support capital investment into the identified GP Practice of Wilmslow Health Centre.

Requests are based upon health care modelling and using a set formula of £437 as being the impact per unit, times the number of occupations. Therefore Section 106 would be requested as:

No. of Beds	Amount of Occupants	Correlating Cost
1 bed unit	1.3 persons	£568 per 1 bed unit
2 bed unit	1.3 person	£568 per 2 bed unit
3 bed unit	2.8 person	£ 1,223 per 3 bed unit

1 bed unit x 23 = £ 13,064

2 bed unit x 10 = £ 5,680

3 bed unit x 1 = £1,223

Total: £ 19,977

This would be spent towards increasing the capacity at Wilmslow Health Centre, the local GP surgery to the site, and would be in accordance with policy IN2 of the CELPS.

Public Open Space

Policy SC2 of the CELPS requires major residential development to contribute to sport facilities where the development will increase demand and/or there is a recognized shortage in the locality that would be exacerbated. Policy SE6 of the Cheshire East Local Plan requires 65 square meters per dwelling for the provision of public open space contributions to outdoor sport facilities in line with SC2.

It appears that this cannot be provided on site, due to the space available, and therefore financial contributions would be required for offsite provision in line with policy SE6 of the Cheshire East Local Plan.

Whilst comments are awaited from ANSA about this application, as part of ongoing appeal discussions, ANSA have advised a financial contribution of £74,000 would be required comprising £5,500 towards improved off-site sports facilities and £69,000 towards off-site amenity and play improvements. The policy trigger for such contributions is set out within policies SC2, SE6 and SD1 of the CELPS and the contribution amount has been calculated using a formula within the former Macclesfield Borough Council Supplementary Planning Guidance (Planning) Agreements (May 2004).

The Council's Open Space Officer advises that the £69,000 would be spent towards improvements to either Lindow Common or the Carrs, which are both areas of public open space in Wilmslow. The Open Space Officer advises that even though no children would reside at the application site, it is likely that children would visit relatives who would occupy site and subsequently travel to the local spaces to use the local facilities with their relatives.

The recreation/outdoor space contribution would be spent towards improvements at Wilmslow Leisure Centre. For viability reasons referred to above, this contribution cannot be provided. Accordingly there is some conflict with policies SC2 and SC6 of the CELPS.

Education

The retirement living housing would not place any greater burden on local education provision given the type of accommodation proposed. The units are not 'family dwellings' owing to their size (i.e. mainly 2 bed) and owing to the occupation by older residents. Accordingly, the scheme would not trigger a requirement for commuted sums towards education provision.

Character and Design

Paragraph 130 of the NPPF seeks to ensure that developments function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and landscaping; 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. The potential of a site should be optimised to accommodate an appropriate mix and amount of development whilst creating safe, inclusive and accessible places with a high standard of amenity for existing and future users.

Paragraph 134 notes that permission should be refused for development that is not well designed.

CELPS Policy SE 1 states that development proposals should make a positive contribution to their surroundings. It seeks to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. It should also respect the pattern, character and form of the surroundings.

Amongst other criteria, Policy SD 2 of the CELPS also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of **height, scale, massing, form and grouping in addition to the relationship to neighbouring properties, materials, design features and green infrastructure. SADPD Policy GEN 1 requires proposals to create high quality development reflecting local character and design. SADPD policy HOU 14 advises that in determining appropriate density for a site, the character of the surrounding site and area, along with the mix and type of development, nature setting and scale, amenity, availability and capacity of local services and viability should be taken into account.**

WNP Policy H2 requires new housing development to deliver high quality design through meeting the following key principles:

- Reinforcing character and identity through locally distinctive design and architecture
- Establishing a gateway to the site and to the town itself
- Establishing a clear hierarchy of streets and spaces
- Delivering a scale, mass and density commensurate with the surrounding townscape (particularly for apartment proposals) with sufficient associated amenity space
- Establishing a sensitive transition with the wider landscape where a new settlement edge is created
- Using sustainable drainage systems and water management.

Objections have been received on the grounds of non-compliance with WNP policy NE6 which seeks to preserve garden areas from ancillary development as a result of the subdivision of larger plots or gardens. Although this development would fill a much greater proportion of the plots that the former dwellings occupied, this is an amalgamation of plots to create specialised apartment living with communal garden and seeks to retain some open garden space, mature trees and landscaping.

Holly Road South is characterised by vegetated frontages with properties set back into the site. At the rear the existing hedgerow and positioning of the dwellings in the site do not currently result in a noticeable presence from Paxton Place. Built form of the surrounding area primarily comprises 2 storey detached buildings. Further away from the immediate surroundings, development becomes more densely positioned, with much less space around building and the presence of larger apartment buildings, including Lawson Grange, located at Holly Road North.

The design, form and appearance of the proposals have not altered from the previous scheme (22/2347M). The proposal seeks the erection of an apartment block comprising 2 and majority 3 storey apartments arranged in a single rectangular block. The footprint of the block is considerably larger than the two dwellings it replaces. The building is positioned largely in line with the existing front building lines of the two existing dwellings. The building will be a maximum of 11.4m in height and is largely traditional in its design approach with detailing and materials prevalent in the vicinity of the site.

A parking courtyard would be located to the front and modest communal garden area at the rear. The proposed building would occupy a large proportion of the site, extending further back into the site than the existing development and would be more prominent due to its size, height, mass and scale. The proposed building will be slightly closer to the boundary with no 17. (by around 1.7m maximum) but no closer to the boundary with no 21. Although the proposals involve the removal of trees on site, these are category C trees within the site and around the site entrances. Trees are to be retained around the site boundaries, including 4 category B trees with additional tree planting at the front. Much of the area of existing trees and planting at the rear is to be retained and supplemented.

Providing comments of part of the previous application, which remain relevant to this assessment, the Council's Design Officer advised that the submitted visual assessment provides comfort that the visual impact of the building from Paxford place would be minimal and they raise no objection overall to the scheme.

The proposed building would be larger in height and scale than neighbouring properties and remove the element of spaciousness that currently exists around each dwelling within the site. Parking areas to the front and the widening of the accesses will open up views into the site. However, the varied elevational form with the appearance of two blocks, the maintenance of

existing trees and additional planting would be sufficient to mitigate for the increased size and scale of this building and would be consistent with forms of apartment developments seen in the local area.

Although the proposed apartment building does not reflect the height, form, and mass of the immediate surrounding development, on balance, it would not be to the detriment of the character and appearance of the street scene.

Overall, it is considered that the proposals would contribute positively to the character of the area. As such the proposals comply with Section 12 of the NPPF, policies SE1 and SD2 of the CELPS, the requirements WNP policy H2 and SADPD policy GEN 1 and HOU 14.

Amenity

CELPS policy SE1 seeks to ensure appropriate levels of privacy for new and existing residential properties. Policy SD 2 also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of its **relationship to neighbouring properties**. SADPD policy HOU 12 seeks to ensure development does not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

SADPD Policy HOU 13 (table 8.2) and the Cheshire East Design Guide set out the standards for space between buildings and advises for a three-storey building that 18m is required between principal habitable windows front to front, and 21m between principal habitable windows back to back. For a habitable room facing a non-habitable room this reduces to 16.5m.

This is required to maintain an adequate standard of privacy and amenity between residential properties.

All of the apartments meet the Nationally Described Space Standard in terms of internal accommodation provided.

Residents and Wilmslow Civic Society are concerned about the impact of the building on privacy and the potential for overlooking and also the overbearing effect of the building.

The proposed building will be some 9.6m from the neighbouring dwelling to the east and 4.8m to the dwelling to the west. Principle habitable windows feature on front and rear elevations. There are side facing windows also proposed on each level however these are either secondary windows or windows that do not serve habitable rooms (kitchen windows). Conditions can secure these to obscure glazed to protect privacy of neighbouring properties.

At the front and rear facing apartments each feature a modest balcony which may allow for some overlooking to the private gardens of neighbours. However, established boundary planting would remain and provide screening during summer months when balconies are likely to be in use. Communal external amenity space for the apartments is modest however the outdoor requirements differ for different age groups and apartments provide generally less amenity space than houses.

The building at two and three storey level is close to neighbouring development and will be appreciably higher than the existing properties. However, existing planting, which could be supplemented through additional landscaping, would reduce the overbearing presence of the building.

The applicant has provided a shadow study with the application which concludes that no part of the neighbouring properties would be shaded by the development that are not already shaded as existing. The findings of this are accepted.

Residents are also concerned about the increase in the number of units on site and the increase in noise and activity as a result. However, the site is within the settlement boundary and close to busy roads and on street parking bays where noise and activity is expected. As the development would serve older residents who would be less likely to participate in long periods of outdoor noise generating activity, it is not considered that proposal would harm residential amenity as a result. Additional comings and goings to the site are acceptable in a residential environment such as this one.

The proposals are considered to comply with the provisions of CELPS local plan policies SD2 and SE1, SADPD policies HOU 12 and HOU 13 and advice within the Cheshire East design guide, which all seek to safeguard residential amenity.

Highways/Accessibility

CELPS Policy CO1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations. Policy CO2 of the CELPS details that for new residential development, where there is a clear and compelling justification that it is necessary to manage the road network, proposals should adhere to the current adopted Cheshire East Parking Standards for Cars and Bicycles set out in Appendix C (Parking Standards). Policy SD1 of the CELPS refers to sustainable development and point 7 advises that development should, wherever possible provide sufficient car parking in accordance with adopted highways standards. Policy TA1 of the WNP requires that applications demonstrate they have met parking standards as per CELPS appendix C and that parking should avoid impacting or protruding onto surrounding streets. SADPD policy INF3 requires that amongst other things, proposals provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles. Development traffic should be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety, incorporating measures to assist access to, from and within the site by pedestrians, cyclists and public transport users and meets the needs of people with disabilities.

Appendix C of the CELPS sets out the parking standards for the area which will only apply where there is clear and compelling justification that it is necessary to manage the road network. It indicates that the standards can be varied on a site-by-site basis with reference to evidence obtained locally or from a suitable data source (e.g. TRICS).

As a key service centre, it is accepted that Wilmslow is a suitably accessible location for additional housing. The town centre is within 800m of the site which is considered to be within a sustainable location. Based on the proposals for 34 dwellings comprising of 23 1-bed units, and 10 2-bed units and 1 no 3 bed unit, appendix C of the CELPS recommends the on-site parking requirement would be 45 spaces (for a C3 use).

Access to the site will remain from the existing points with 16 car parking spaces to the front of the building. Bin stores are located within the building and the applicant advises that the on-site manager will be responsible for bringing bins to the kerbside. The transport assessment accompanying the application advises that additional trip generation is negligible with 3 additional trips in the AM and PM peaks respectively, and 41 additional trips across the 12-hour period when compared to the existing residential dwellings. This equates to one additional trip every 20 minutes in the AM/PM peaks and an average of 3 additional trips each hour across the 12-hour day.

The application proposals provide 16 car parking spaces on site which equates to a ratio of 0.49 spaces per apartment. There is also provision for parking 6 mobility scooters.

The applicant explains that the developer's experience of 0.3 spaces per apartment meets the required demand as residents move closer to services and facilities and away from the reliance on a car. Furthermore, independent research, undertaken on behalf of Churchill, into parking demand of existing retirement development identified an average car parking demand of between 0.28 spaces per apartment (using a 2016 data set) and 0.29 spaces per apartment (using a 2020 data set). Therefore the developer considers that 0.49 spaces is in excess of their requirement.

Whilst the applicant considers that the provision to be sufficient, the Council previously considered that the lack of parking provision will lead to on-street parking pressure in the vicinity of the site to the detriment to the free flow of traffic as part of the previous application.

Since the determination of the previous application (22/2347m) the CE Highway officer has undertaken survey work on similar retirement living developments in the north area of Cheshire East and an assessment of Churchill developments nationally has been undertaken, in addition to site surveys.

The survey work shows that parking demand generally for sheltered accommodation is below the current CEC standards and in regard to this application, the parking ratio of 0.49 is below the 0.55 CEC ratio but above the national Churchill ratio of 0.44. In addition, the CEC site surveys indicated that no significant overspill parking occurs on the local road network on a daily basis and that the parking provision on site meets normally meets the parking demand. As a result of this work the CE Highway officer concludes that a refusal on the lack of parking could not be supported.

It is also noted that a parking ratio of 0.5 spaces per residential unit was accepted by the CE Highway Authority and Planning Inspector for a similar 60yrs+ retirement scheme for 39 apartments at Cypress House in Handforth (appeal ref. 3262327.)

On street parking in the immediate vicinity of the site is controlled with double yellow lining and restricted parking bays on the northern side of Holly Road South that allows parking for up to 1 hour with no return within 1 hour between the hours of 0900 and 1700 Monday to Friday.

Concerns have been raised by the Town Council and residents regarding the suitability of the site access and the additional pressures on the local highway network, particularly the nearby junction and roundabout. However, the CEC Highway officer has confirmed that there are no objections to the proposals and raise no concerns in this regard. Having regard to the evidence outlined above, adequate parking is considered to be provided to serve the proposed development.

As such it is considered that the proposals are in accordance with SD1 and CO2 of the CELPS, SADPD Policy INF3, policy TA1 of the WNP and Appendix C of the CELPS in this regard.

Trees

CELPs Policy SE5 seeks to ensure the sustainable management of trees, woodland and hedgerows including provision of new planting to provide local distinctiveness within the landscape, enable climate adaptation resilience, and support biodiversity. Furthermore, the planting and sustainable growth of large trees within new development as part of a structured landscape scheme is encouraged in order to retain and improve tree canopy cover within the borough as a whole. Similarly, SADPD policy ENV 6 requires proposals to retain and protect trees, woodland and hedgerows. Proposals should include measures to secure the long-term maintenance of newly planted trees.

Trees within the site are protected by Tree Preservation Orders; the Wilmslow Urban District Council (Alderley Road) Tree Preservation Order 1973 , Area d A8 covers selected trees within the western section of the site (19 Holly Road South). The Macclesfield Borough Council (Wilmslow Paxford Place) Tree Preservation Order 1982 protects a group of trees (Group G1 comprising of 1 Horse Chestnut, 1 Sycamore and 1 Ash) to the northern boundary of the site adjacent to Holly Road South. A further two offsite groups (G2 and G5 of the 1982 Order protects trees along the eastern boundary of 17a Holly Road South.

The application proposes the removal of 18 trees and 6 groups and 1 hedge from within the site, all assessed as low quality (category C). The application is supported by an Arboricultural Impact Assessment (AIA), a Tree Protection Plan and a Manual for Managing Trees on Development Sites which seek to address the impact of the development on trees and comments raised by the Council's Arboricultural Officer on the previous application (22/2347M).

The proposals include the removal of 18 individual trees, 6 groups and 1 hedge assessed low (C) quality to be removed. The Council's Arboricultural Officer considers that the removal of these trees will not have a significant adverse impact on local character and wider amenity of the area and their removal is not contested.

Impact on Root Protection Areas (RPA) - T16 and T57

The AIA states there is to be a minor encroachment into the root protection area (RPA) of T16 (an offsite High category Horse Chestnut) and T57 (an offsite moderate B category Sycamore)

by the new building. Both trees are protected by a Tree Preservation Order. The location of the Horse Chestnut (T16) is adjacent to a pre-existing hard surface (Holly Road South). Upon review of the submitted AIA the Council's Arboricultural Officer considers the encroachment to be no greater than around 15% of the RPA of both trees and is satisfied taking into consideration the trees vitality and remaining rooting availability that there will be no significant impact on their long-term health and safe well-being.

Impact of works on Trees G20, T21, T23, T29, T31, T32, T35, T52, T53, T57, T69 and T52, T53 and T57

An on-site assessment on the impact of works has concluded that the encroachment within the RPA of trees G20, T21 and T23 will be minimal. This area is already covered by existing hard standing and subject to the compliance with the submitted methodologies and Site Guidance Notes, the Council's Arboricultural Officer considers that this can be achieved without significant impact on the long-term health of trees.

Similarly, the structures within the RPA of trees T52, T53 and T57 (buggy store and substation) where there is an existing gravelled area can be achieved by no dig surfacing. It is noted that some minor levels changes may be required to facilitate access on to the highway, however it is understood that can be achieved without any long-term detriment to trees and that the principle of no dig a no dig surface is considered acceptable in this location.

The AIA confirms that the new buggy store will encroach into the RPA of trees T53 and T57 but only into the outer extremes. Encroachment into the RPA of the offsite Sycamore (T57) is no more than the existing structure and consequently any impact is likely to be neutral provided adequate tree protection measures and provision of an above ground slab is used as recommended. Encroachment into the RPA of Ash (T53) is greater and it should be noted that the encroachment is not 'within the outer extremes' of the RPA as suggested but within the canopy spread of the tree.

The AIA states that the proposed construction solution accords with current design advice in BS5837:2012 Trees in Relation to Design, Demolition and Construction Recommendations which sets out the parameters for construction using piles or beams to avoid root damage. Given the guidance set out in the Supplementary Site Guidance Notes, the Council Arboricultural Officer is satisfied that subject to the implementation of these standards and appropriate tree protection measures there is unlikely to be any significant detrimental impact on Ash (T53)

Proposals for a pedestrian footpath and patio within trees T29, T31, G32, T35 and T69 is also considered to be broadly acceptable.

Details of specific boundary treatment are unclear although a descriptive methodology has been submitted of how this could be achieved. This can be confirmed by condition.

Post Development Considerations

The application is supported by a Tree Shadow Study (February 2023) using information from the Arboricultural Impact Assessment which shows tree shadow effects are throughout the day between 21st March, 21st June and 21st September. The effects from tree shadow appear greatest in March and September (when shadows are longer). In June tree shadow to the south

of the site is only evident in the early morning with the greater part of the day tree shadow only affected parts of private outdoor amenity space. Some impact from tree shadow is evident to the eastern elevation of the building. Windows to this elevation serve a lounge, which also has a second window to the north, and a kitchen, which is not a habitable room and is therefore excluded from the daylight/shadow assessment.

In the absence of a daylighting level assessment it is noted that the main lounge windows either face north or south and have supplementary windows on the side elevations. Those windows facing north are located some distance from retained trees (in excess of 14 metres) so impact daylight to internal rooms is unlikely to be significantly affected. The closest trees are a Norway Maple (T69), centrally located to the south of the site and a Sycamore (T69). Reference to both these trees is made in para 1.6 of the AIA, where it is stated that both trees have large crowns that can cast dense shade, however the extent of shading will be greater during the periods when shadows are longer and less so in the summer and in respect of T69 tree shadow will only be transitory.

Preliminary Drainage Layout

The Council's Arboricultural officer is satisfied that the drainage layout as shown on the Tree Protection Plan does not impact on RPAs and there are no objections to the application as presented. If planning permission is granted a condition should be included to require a landscaping scheme to address the net loss of canopy cover identified and in accordance with CELPS policy SE5.

Conditions are also required to ensure compliance with the submitted Arboricultural Assessment and Method Statement and Tree Protection Plan with measures to be implemented under the submitted Manual for Managing Trees on Development Sites, and a detailed level survey all to ensure the continued wellbeing of trees.

Overall, having regard to the above details, the proposals are considered to comply with the requirements of CELPS policy SE5 and SADPD policy ENV 6 in this regard.

Ecology and Biodiversity

Section 15 of the NPPF considers the conservation and enhancement of the natural environment. Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. WNP Policy NE5 supports proposals where it can be demonstrated they will not adversely affect designated and non-designated wildlife habitats. The policy goes on to require all development to demonstrate a net gain in biodiversity. This is echoed within SADPD policy ENV 2.

The submitted ecological survey found initial bat roost potential within 3 of the buildings on the site (the two existing dwellings and an outbuilding at the rear of no. 19 Holly Road South). Following nocturnal bat surveys, no evidence was found of roosting bats and the site was considered not to have suitable foraging or commuting habitat for bats. The Council's ecologist considers that no further bat surveys are required.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with local plan policy. The Council's ecologist recommends that an ecological enhancement strategy is requested via condition, along with external lighting details, and avoidance of bird nesting season.

Subject to appropriate conditions, the proposals are considered to be in accordance with CELPS policy SE3, WNP Policy NE5 and SADPD policy ENV 2 in this regard.

Contaminated Land

Environmental Health have not raised any issue with the proposals and suggest conditions which requires submission of additional information to demonstrate that the site is free of contaminants, and soil importing and that an EV charging scheme is provided. It is considered that an EV charging scheme, travel plan and low emission boiler conditions are not reasonably required for this development as other legislation covers this and the site is considered in a sustainable location for residential development, very close to the town centre.

It is therefore considered that subject to such conditions the proposed development would comply with Policy SE12 of CELP and the NPPF in this regard.

Flood Risk and Drainage

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.

Residents have raised concerns over flood risk and the increase of hardstanding as a result of the proposals.

The site is located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources according to the Flood Map for Planning.

The Lead Local Flood Authority have commented on the application and raised no objections to the proposals subject to conditions relating to detailed drainage design. The comments of United Utilities will be provided as an update.

It is considered that conditions could appropriately deal with drainage design and management at the site and that the proposals accord with policy SE13 of the CELPS and the NPPF in this regard.

Representations

Representations have been received in relation to the application with issues relating to highways, design, amenity, flooding and trees are addressed within the main body of the report.

Residents have raised concerns about the impact on house prices however this is not a material consideration for the planning process. Comments have also been made regarding the precedent for similar development which would harm the character of the area. However, each application is determined on its own merits in line with development plan policy.

Viability

Paragraph 34 of the NPPF states that plans should set-out the contributions expected from development. This should include setting out of the levels and type of affordable housing provision required along with other infrastructure.

Paragraph 58 of the NPPF states that:

‘Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.’

Paragraph 007 of the Viability NPPG states that instances where viability may be relevant could be ‘where particular types of development are proposed which may significantly vary from the standard models of development for sale (for examples build to rent for housing for older people)...’

The previous planning application (22/2347m) was refused due to a lack of requisite affordable housing, health and open space and recreation contributions towards off site provision. The reason the applicant did not provide this was for viability reasons, but viability discussions remained unresolved at the time of the previous decision.

A revised viability appraisal has been submitted as part of this application which has been independently reviewed by consultants at Keppie Massey (at the applicant’s expense). Following further discussion and this independent review, it has been concluded that contributions of £260,000 could viably be provided as part of this development. As is noted above, this does not cover all of the identified S106 planning obligations for the NHS, affordable housing and open space.

Given that the average age of the occupants of the proposed development would be approximately 80 years old and are less likely regularly use a private car (and would therefore rely on walking) and importantly, because the open space areas where the money would be spent are generally some distance from the application site (The Carrs (1.6km) and Lindow Common (1.2km)), the likelihood of regular usage of these facilities by the future occupiers and their visiting families is considered to be relatively low. The impact upon them would therefore also be low, which would reduce the requirement for a financial contribution to mitigate for the impact of the development on these identified areas of open space. For this reason, the open space has been given less priority than other required contributions, given the finite sum of money available for planning obligations.

Given the nature of the proposed development, the contribution to healthcare, which can be met in full, would seem to be a logical allocation for some of the limited purse of money available. The remaining balance can then go towards off-site provision of affordable housing.

Heads of Terms

In the event of approval, a S106 agreement will be required to secure the following:

- A financial contribution of £19,977 to the NHS towards increasing capacity at the local GP surgery at Wilmslow Health Centre;
- A financial contribution of £240,023 be spent towards the provision of off-site affordable housing.

Community Infrastructure Levy (CIL) Regulations

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

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

The scheme, via planning policy triggers the requirement to provide 10 units affordable units on-site and a financial contribution towards NHS and Public Open Space provision.

As these provisions relate to either policy provision and / or identified need, it is considered that these requirements are necessary, fair and reasonable in relation to the development. The S106 recommendation is therefore considered to be compliant with the CIL Regulations 2010.

CONCLUSIONS

The application lies within Wilmslow, which is identified as a Key Service Centre where the principle of residential development on the site is acceptable. The site is sustainably located and is within walking distance of the town centre, public transport, services and facilities within Wilmslow. The developments accords with Policies SD 1, SD 2, PG 2 and SE 2 of the CELPS in this regard.

The scheme presents an acceptable design that will not unduly harm the character or appearance of the surrounding area, nor with the amenity of existing or future occupants be adversely affected.

The proposals will support the provision of 34 units of retirement accommodation for older people which also contributes to the Councils housing supply and is an efficient use of land. Other moderate benefits would be derived from the scheme's social and health benefits from the provision of specialised accommodation.

Economic benefits of the scheme comprise the spending power of future residents in the local shops and services and the short term economic benefits derived from the creation of construction jobs.

Due to the sustainable location close to public transport links, and the stance taken with similar development found acceptable at appeal, the proposed level of parking would be satisfactory to accommodate the likely demand for parking spaces generated by the development and evidence from the applicant regarding trip generation is accepted and is unlikely to lead to an

unacceptable impact on highway safety or through cumulative impacts, lead to congestion on the road network.

The proposals will not result in a loss of biodiversity or harm protected species nor increase flood risk or concerns regarding noise and air pollution. The proposals are considered to have an acceptable impact on trees within and adjacent the site.

Whilst there is some conflict with policies relating to open space provision, and the scheme does not provide 30% affordable housing, the applicant has provided detailed viability information which demonstrates such planning obligations would significantly affect the viability of the scheme. In this case, it is considered that the social benefits that arise from the provision of housing for older people in a very sustainable location, the application's compliance with policy SC5 of the CELPS by reason of an independently appraised viability report, and the nature of the scheme meaning that anticipated impacts upon the nearest areas of public open space in Wilmslow being relatively low, it is considered that these factors outweigh any open space policy conflict, and shortage of affordable housing. The proposal is therefore a sustainable development, and accordingly, the application is recommended for approval subject to a s106 agreement and conditions.

Recommendation:

Approve subject to a S106 agreement to secure:

- A financial contribution of £19,977 to the NHS towards increasing capacity at the local GP surgery at Wilmslow Health Centre;
- A financial contribution of £240,023 be spent towards the provision of off-site affordable housing.

And the following conditions:

1. 3-year Time Limit
2. Development in accord with approved plans
3. Material samples to be submitted
4. Access to be provided as per approved details,
5. Prior to occupation, 2 disabled parking spaces be provided
6. Covered cycle storage to be provided
7. Construction Management Plan (highways) to be submitted
8. Obscure glazing of all side facing first and second floor windows
9. Works in accordance with Arboricultural Assessment and Method Statement Tree Protection Plan
10. Submission of existing and proposed levels
11. Bird nesting season avoidance
12. Biodiversity enhancement scheme to be submitted
13. Lighting scheme to be submitted
14. Landscaping scheme to be submitted
15. Landscaping details and maintenance to be submitted
16. Boundary treatment plan to be submitted
17. Drainage scheme to be submitted prior to commencement
18. Contamination risk assessments to be submitted

19. Verification and remediation (contamination) to be submitted
20. Testing of soil to be imported
21. Reporting of unexpected contamination

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval 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.



Northern Planning Committee**07 June 2023****17 & 19 Holly Road South, Wilmslow
22/2347M****Report of: David Malcolm, Head of Planning****Report Reference No: Planning Application 22/2347M****Ward(s) Affected: Wilmslow East****Purpose of Report**

- 1 Authority is required to not defend reason for refusal No.2 (lack of tree info) from the determined planning application reference 22/2347M at an upcoming appeal.

Executive Summary

- 2 This application was refused by Northern Planning Committee on the 15th February 2023 for 3 reasons, including;
 - *Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on existing trees on site. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Cheshire East Local Plan Policy SE5 and policy ENV6 of the Site Allocations and Development Plan Document.*

The applicant has appealed the Council's decision and there is currently a live appeal, a Public Inquiry, scheduled for 4 days from the 27th June 2023.

Concurrently, the applicant has submitted a new planning application to the Council for consideration (ref: 23/0853M), which closely reflects the scheme refused by committee, but which seeks to address the reasons for refusal. This application appears elsewhere on this Northern Planning Committee agenda.

The missing tree information has been provided as part of the re-submitted planning application (23/0853M) and this information satisfies the Council's Tree Officer that the proposed development would not have an unacceptable impact on trees, subject to conditions being imposed. This information has now also been provided in relation to the appeal.

As such, there is now no technical tree objections to the upcoming appeal that the Council could effectively defend. Subsequently, this report recommends to Northern Planning Committee that the Council no longer defend this reason for refusal No.2 (lack of tree information), in relation to 22/2347M, subject to conditions.

RECOMMENDATIONS

The Northern Planning Committee is recommended to:

1. **AUTHORISE** not to defend refusal No.2 (lack of tree information) from the determined planning application (reference 22/2347M) - the demolition of existing buildings and erection of 34 Retirement Living Apartments including Lodge Manager's office and reception, communal facilities, guest suite, car parking and landscaping at 17-19 Holly Road South, Wilmslow, subject to the following conditions;
 - Development shall proceed in accordance with the submitted AMS, TPP and measures for Managing Trees
 - The submission/approval of levels information
 - The submission/approval of a revised landscaping scheme
 - Landscape - Implementation

Background

- 3 This application was refused by Northern Planning Committee on the 15th February 2023 for the following 3 reasons:
 1. *The proposals fail to provide on-site affordable housing or open space and does not provide a mechanism to secure requisite affordable housing, health and open space and recreation contributions towards off site provision and therefore fail to comply with the National Planning Policy Framework and Cheshire East Local Plan Strategy policy IN2, SE6, SC2 and SC5.*

- 2. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on existing trees on site. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Cheshire East Local Plan Policy SE5 and policy ENV6 of the Site Allocations and Development Plan Document.*
- 3. The proposed development would result in a lack of onsite parking which would lead to on street parking pressure in the vicinity of the site to the detriment of the free flow of traffic. Approval of the development would therefore be contrary to the provisions of the Site Allocations and Development Policies Document INF3, Cheshire East Local Plan Strategy policy SD2, appendix C of the Cheshire East Local Plan Strategy and Section 9 of the National Planning Policy Framework.*

The applicant has appealed the Council's decision and there is currently a live appeal, a Public Inquiry, scheduled for 4 days from the 27th June 2023.

Concurrently, the applicant has submitted a new planning application to the Council for consideration (ref: 23/0853M), which closely reflects the scheme refused by committee, but which seeks to address the reasons for refusal. This is currently being considered by the Council. A recommendation on this re-submission will also be made to Members at the same committee that this proposal is being presented.

With the resubmitted application, the applicant provided additional information in relation to viability (reason for refusal No.1) and trees (reason for refusal No.2). Furthermore, the Council's Highway's Officer undertook further survey work to identify if the lack of car parking reason for refusal (reason for refusal No.3) could be supported by the Highway's Department.

The outcome of this was that the additional information submitted to address reason for refusal No.1 (Viability) resulted in an agreement that the development could support a financial contribution towards offsetting the impacts of the development in terms of local health provision and affordable housing.

The additional survey work undertaken by the Council's Highway's Officer's highlighted that the proposed parking provision, although short of Council standards, reflected the level of parking for such developments elsewhere in Cheshire East and elsewhere in the country when considered in conjunction with the low car ownership of the future occupiers who have an average age of 80.

Subsequently, the Council would be unable to reasonably defend reasons for refusal 1 and 3 and if the Council persisted with reason for refusal 3 (lack of parking), there was a risk that the Council could be subject to a costs claim for unreasonable behaviour as it would be pursuing a reason for refusal that could not be defended.

In order to formally agree that the Council would remove reasons for refusal 1 and 3, it needed the agreement of Northern Planning Committee as it was this committee that determined the permission. However, because of elections and a ticking timetable on the appeal, there was not a Northern Planning Committee scheduled where an Officer recommendation to remove reasons for refusal 1 and 3 could be made before certain appeal deadlines. As such, an Urgent Decision made on behalf of the Council was made, signed by the Chief Executive. This was signed on the 12th May 2023. As such, reasons for refusal 1 and 3 have been removed. All Members have previously been advised of this Urgent Decision.

A similar situation has now arisen in relation to the remaining reason for refusal, reason for refusal No.2 (lack of tree information). The missing tree information has been provided as part of the re-submitted planning application (23/0853M) and this information satisfies the Council's Tree Officer that the proposed development would not have an unacceptable impact on trees, subject to conditions being imposed. This information has now also been provided in relation to the appeal.

As such, this report recommends to the Northern Planning Committee that the Council remove the final reason for refusal, No.2 (lack of tree information), in relation to 22/2347M, subject to conditions.

Consultation and Engagement

- 4 No consultation or engagement has taken place due to the technical nature of the subject matter other than with the Council's Tree Officer's and Counsel advice.

Reasons for Recommendations

- 5 The Council will not be able to effectively defend this reason for refusal at the upcoming appeal as the reason for refusal (lack of tree information) has now been provided to the satisfaction of the Council's Tree Officer, subject to conditions.

Other Options Considered

Option	Impact	Risk
If the Committee do not approve the recommendation (resolve to do nothing)	High	<p>Waste of Council resource, including Counsel fees in seeking to defend a now undefendable reason for refusal</p> <p>Plus</p> <p>Possible award of costs against the Council for unreasonable behaviour seeking to defend a reason for refusal that it can no longer reasonably justify</p>

Implications and Comments

Monitoring Officer/Legal

- 6 No direct legal implications.

Section 151 Officer/Finance

- 7 Financial implications comprise of a possible costs award against the Council for unreasonable behaviour.

Policy

- 8 Following the receipt of the additional tree information and its acceptance by the Council's Tree Officer, the proposed development is no longer deemed contrary to Cheshire East Local Plan Policy SE5 and Policy ENV6 of the Site Allocations and Development Plan Document.

The recommendation is in accordance with the Cheshire East Corporate Plan aims of being 'Open' and 'Fair'.

Equality, Diversity and Inclusion

9 No equality implications.

Human Resources

10 No human resources implications.

Risk Management

11 No Risk Management implications.

Rural Communities

12 No rural communities implications.

Public Health

13 No public health implications.

Climate Change

14 No climate change implications.

Access to Information	
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Appendices:	N/a
Background Papers:	N/a

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