

Northern Planning Committee

Agenda

Date: Wednesday, 6th December, 2023
Time: 10.00 am
Venue: The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Meeting** (Pages 3 - 8)

To approve the Minutes of the meeting held on 4th October 2023 as a correct record.

Please Contact: Gaynor Hawthornthwaite
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

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

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

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

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

5. **22/1445M - The Oaks, 108A, LACEY GREEN, WILMSLOW, SK9 4BN: New build house on land lying to the SE of 108 Lacey Green for Mr Adam Jenkins** (Pages 9 - 32)

To consider the above planning application.

6. **23/1487M - PEAKSIDE HOUSE, ALDER COURT, MACCLESFIELD, CHESHIRE, SK10 2XG: Erection of two chimney stacks and associated plant equipment, condenser and cylinder storage compounds, timber screening, alterations to existing car parking and landscaping, removal of existing condenser units and associated works for Orbit Investments (Properties) Limited** (Pages 33 - 50)

To consider the above planning application.

7. **23/3702M - MARBURAE HOUSE, ATHEY STREET, MACCLESFIELD, CHESHIRE, SK11 6QU: Conversion of existing office building to residential apartments (resubmission of planning application reference 22/1223M) for Mr & Mrs Harry and Vinny Edwards and Taylor** (Pages 51 - 70)

To consider the above planning application.

8. **23/3010M - 2, DELAMERE DRIVE, MACCLESFIELD, SK10 2PW: Removal of existing garages and outhouse, replacement garage and two storey rear extension for Mr Julian Broadhurst** (Pages 71 - 86)

To consider the above application.

9. **Cheshire East Borough Council (Poynton - 36/38 Coppice Road) Tree Preservation Order 2023** (Pages 87 - 108)

To consider the above report.

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

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 4th October, 2023 in the The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor D Jefferay (Chair)
Councillor F Wilson (Vice-Chair)

Councillors M Beanland, M Gorman, S Holland, N Mannion, K Parkinson,
J Place, J Smith, L Smetham, J Snowball and S Edgar

OFFICERS IN ATTENDANCE

Paul Wakefield - Planning Team Leader
Nicky Folan - Planning Solicitor
Neil Jones - Principal Development Officer
Rachel Hamilton - Conservation Officer
Gaynor Hawthornthwaite - Democratic Services Officer

32 APOLOGIES FOR ABSENCE

Apologies were received from Councillors T Dean, K Edwards and T Jackson.

Councillor L Smetham attended as a substitute for Councillor T Dean.
Councillor J Snowball attended as a substitute for Councillor K Edwards
and Councillor S Edgar attended as a substitute for Councillor T Jackson.

33 DECLARATIONS OF INTEREST/PRE DETERMINATION

In relation to application 21/5123M Councillor N Mannion declared in the interest of openness, that he had attended an online zoom meeting in 2020 when the landowner, Peaks and Plains Housing Trust, first mooted the possibility of demolishing Ivy House and the adjoining bungalows with a view to re-developing the site prior to submission of the planning application and had no involvement in the planning application since it was submitted.

In relation to application 21/5123M Councillor F Wilson declared in the interest of openness that she had previously been a member of the Macclesfield Town Council's Planning Committee. She had not attended any meeting where the application had been discussed and had not commented on it or predetermined it.

34 MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 6 September 2023 be approved as a correct record.

35 PUBLIC SPEAKING

That the public speaking procedure be noted.

36 21/5123M - IVY HOUSE, IVY ROAD, MACCLESFIELD: PROPOSED REPLACEMENT OF EXISTING BUILDINGS WITH 29 NO. DWELLINGS FOR MR DANIEL BROCKLEHURST, PEAKS AND PLAINS HOUSING TRUST

Consideration was given to the above planning application.

(Councillor Mary Brooks (Ward Member) and Paul Jeffrey (Agent) attended the meeting and spoke in respect of the application).

RESOLVED:

That the application be DELEGATED to the Head of Planning in consultation with the Chair (or in their absence the Vice-Chair) of the Northern Planning Committee and the Ward Member to APPROVE subject to further discussion and a decision on whether the access gate serving the neighbour car parking spaces should be required, and to a S106 Agreement securing provision of 100% affordable housing and a review of viability and subject to the following conditions:

1. Time limit - 3 years
2. Development in accordance with approved plans
3. Materials to be submitted.
4. Removal of Permitted Development rights - alterations, extensions and outbuildings
5. Removal of Permitted Development rights - hardstanding, driveways and boundary treatments
6. Construction management plan to be submitted.
7. Parking to be provided
8. Details of the secure access gate to the 7no. supplementary neighbour parking spaces
9. Access to be provided
10. Management plan for shared surfaces including the central landscaped accessway
11. Secure cycle parking details to be submitted
12. Bin storage details to be provided.
13. Pile foundations details to be submitted
14. Dust management plan to be submitted

15. Sustainable Travel Plan to be submitted
16. Phase II ground investigation report with remediation strategy to be submitted
17. Verification Report to be submitted following on from any approved Remediation Strategy;
18. Testing of imported soil
19. Bat and bird boxes to be implemented
20. Breeding bird survey to be submitted
21. Tree protection plan, tree retention plan and arboricultural method statement to be submitted.
22. Implementation of landscaping scheme
23. Prior to occupation scheme of external lighting for private and public spaces.
24. Foul and surface water drainage strategy 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.

- 37 **22/2593M - NEW HALL, STOCKS LANE, OVER PEOVER, CHESHIRE, WA16 9HE: REFURBISHMENT AND RESTORATION OF THE EXISTING DWELLING TO INCLUDE DEMOLITION OF COTTAGE/LINK/COACH HOUSE, REAR WING AND PART OF THE GARAGE AND THEIR REPLACEMENT WITH A RECONFIGURED TWO STOREY REAR AND SIDE EXTENSION, INTERNAL AND ELEVATION ALTERATIONS, DEMOLITION OF THE EXISTING AGRICULTURAL BUILDING AND PART OF THE GARAGE TO BE REPLACED WITH A SINGLE STOREY LEISURE SUITE AND DETACHED GARAGE, LANDSCAPING ENHANCEMENTS, RECONFIGURATION OF THE GARDEN CURTILAGE AND ASSOCIATED WORKS FOR C/O AGENT, CALDERPEEL**

Prior to the debate on this item, Councillor Gorman declared in the interest of openness, that with regard to applications 21/5123M and 22/2594M, Calderpeel are known to him professionally and personally, but he had no discussions about this scheme with them.

Consideration was given to the above planning application.

(Zoe Reynolds (Agent) 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 limit
2. Approved plans
3. Materials samples to be submitted and approved
4. Details of bricks to be submitted and approved
5. Brick sample panel to be provided prior to commencement
6. Details of windows and doors at 1:20
7. Window/doors recessed a minimum of 100mm
8. Rainwater goods to be black metal
9. Conservation style roof lights
10. Method statement for replacement/ repair/treatment of remaining brickwork to the main dwelling
11. Details of replacement staircase to dwelling
12. Hard and soft landscape scheme to be submitted, agreed and implemented
13. Tree retention
14. Works in accordance with the Arboricultural information
15. Works to proceed in line with ecological report
16. Works to avoid nesting birds
17. Scheme for ecological enhancement to be submitted, agreed and implemented
18. Drainage scheme to be submitted pre commencement, agreed and implemented
19. Tennis courts to be relocated / domestic use of field to cease
20. Details of boundary treatment.
21. Energy and sustainability strategy to be submitted prior to demolition of existing agricultural building.

38 22/2594M - NEW HALL, STOCKS LANE, OVER PEOVER, CHESHIRE, WA16 9HE: LISTED BUILDING CONSENT FOR REFURBISHMENT AND RESTORATION OF THE EXISTING DWELLING TO INCLUDE DEMOLITION OF COTTAGE/LINK/COACH HOUSE, REAR WING AND PART OF THE GARAGE AND THEIR REPLACEMENT WITH A RECONFIGURED TWO STOREY REAR AND SIDE EXTENSION, INTERNAL AND ELEVATION ALTERATIONS, DEMOLITION OF THE EXISTING AGRICULTURAL BUILDING AND PART OF THE GARAGE TO BE REPLACED WITH A SINGLE STOREY LEISURE SUITE AND DETACHED GARAGE, LANDSCAPING ENHANCEMENTS, RECONFIGURATION OF THE GARDEN CURTILAGE AND ASSOCIATED WORKS FOR C/O AGENT, CALDERPEEL

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8. Rainwater goods to be black metal
9. Conservation style roof lights
10. Method statement for replacement/ repair/treatment of remaining brickwork to the main dwelling
11. Details of replacement staircase to dwelling

The meeting commenced at 10.00 am and concluded at 12.30 pm

Councillor D Jefferay (Chair)

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Application No: 22/1445M
Location: The Oaks, 108A, Lacey Green, Wilmslow, SK9 4BN
Proposal: New build house on land lying to the SE of 108 Lacey Green
Applicant: Mr Adam Jenkins
Expiry Date: 14-Jun-2023

SUMMARY

The proposed development seeks full planning permission for a new four bedroom detached dwelling. The site is located within a residential area of Wilmslow, adjacent to a railway cutting with access via a shared driveway off Lacey Green. The proposal is considered acceptable in principle in the key service centre location and impact on neighbouring amenity.

There are concerns raised by the parish council over parking, overdevelopment and not being in keeping with the area. The call in reason relates to the potential for adverse impact cause by noise from passing trains, overdevelopment of the site and parking and access.

Matters of density and design have been considered under relevant policy and in the light of an appeal decision relating to two adjacent dwellings of a similar design. Network Rail has provided comments relating to the protection of their infrastructure, and appropriate conditions and informatives are recommended to address these matters. No objection has been raised by the Highways officer. An acoustic report is required by Environmental Protection, which can be conditioned. Details of landscaping, levels, and other matters can be conditioned.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

This application has been referred to Northern Planning Committee following a call-in from former Cllr Don Stockton for the following reasons:

*“The “Material Considerations” are that of noise and proximity to the railway line
“Cheshire East Council Regulatory Services and Health”*

Quote

"I would therefore recommend that this application be refused. In order to ensure that future occupants of the development / occupants of nearby sensitive properties do not suffer significant adverse impacts caused by noise, the applicant is required to submit an acoustic assessment report detailing the impact of noise from passing trains and the mitigation required."

There is also Overdevelopment of the site and lack of area for the amount of parking and access taking place 22/1445M proposes another 3 cars. Currently there are 12 cars a day, plus visitors plus construction vehicles. This application if approved will increase that to 15

These Material Considerations should be able to be addressed to those making the decision by concerned members of the public and not simply appear to have been ignored by what would otherwise be a probable delegated "Approval" by officers ome both my own and their heads"

DESCRIPTION OF SITE AND CONTEXT

The site is within a suburban residential area, within the Wilmslow settlement boundary, located to the rear of a row of detached properties fronting Lacey Green. To the north west is a railway cutting. It is accessed via a private driveway shared with two other new dwellings which are located to the south east of the application site. To the south of the shared access is a guest house business.

DETAILS OF PROPOSAL

The application seeks full planning permission for a new dwellinghouse.

RELEVANT PLANNING HISTORY

20/4817M Variation of condition 2 to planning approval 17/3908M - Variation of condition 2 on permission 14/4945M - Two new residential dwellings to the land to the rear of 106 & 108 Lacey Green with a new driveway and associated landscape works Approved with conditions 14-Oct-2021

17/3908M Variation of condition 2 on permission 14/4945M - Two new residential dwellings to the land to the rear of 106 & 108 Lacey Green with a new driveway and associated landscape works. Approved with conditions 18 Oct 2017

17/3146M Non material amendment to move windows to face North East on approval 14/4945M Refused 25-Jul-2017

14/4945M Two new residential dwellings to the land to the rear of 106 & 108 Lacey Green with a new driveway and associated landscape works. Refused 10-Apr2015, Allowed at appeal ref APP/R0660/W/15/3067558

POLICIES

Cheshire East Local Plan Strategy (CELPS)

PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy, PG7 – Spatial Distribution of Development, , SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE12 Pollution, Land Contamination and Land Instability, SE13 – Flood Risk Management, SC4 – Residential Mix, SC5 - Affordable Homes, IN1 - Infrastructure, IN2 - Developer Contributions, , EG 5 Promoting a town centre first approach to retail and commerce,_CO1 – Sustainable Travel and Transport, Appendix C Parking Standards.

Cheshire East Site Allocations Development Policies Document (SADPD)

PG 9 Settlement Boundaries, GEN1 - Design principles, GEN 5 Aerodrome safeguarding, ENV 1 Ecological Network, ENV 2 Ecological Implementation, ENV7 - Climate Change, ENV12 - Air quality, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, HOU 8 – Space, accessibility and wheelchair housing standards, HOU12 – Amenity, HOU 13 Residential standards, INF3 - Highways safety and access, , INF9 – Utilities,

Wilmslow Neighbourhood Plan (WNP)

LSP1 -Sustainable Construction, LSP2 - Sustainable Spaces, LSP3 -Sustainable Transport, NE3 - Green Links, NE5 -Biodiversity Conservation, NE6 – Development in Gardens and Amenity Space, TA1 - Residential Parking Standards, TA5 - Cycling in Wilmslow, H2 - Residential Design.

Other Material Policy Considerations

National Planning Policy Framework (NPPF) 2023
National Planning Policy Guidance (NPPG)
Cheshire East Residential Design Guide

CONSULTATIONS (External to Planning)

Lead Local Flood Authority – No objection subject to conditions for floor levels and surface water drainage. Further detail to comments can be found within the relevant section below.

Strategic Transport (CEC Highways) – No objections

Environmental Protection (CEC) – A noise report has been requested to determine whether there will be a loss of amenity caused by noise from the adjacent railway line. Informatives and conditions have been requested. Further detail to comments can be found within the relevant section below.

Network Rail – Provide comments relating to the protection of their assets in terms of boundary fencing, risk assessments, encroachment, scaffolding, access to the railway, drainage, earthworks, gaps to the railway boundary, noise, trees and an asset protection agreement.

United Utilities – No objections - advice provided

Wilmslow Town Council – Object on the grounds that parking provision is insufficient, this being contrary to Wilmslow Neighbourhood Plan Policy TA1 Residential Parking Standards whereby all parking should avoid impacting onto surrounding streets and pavements. The proposed development is overdevelopment of the site and out-of-keeping with the surrounding area. The development will result in additional vehicle movements on the narrow inadequate shared driveway raising concerns as to the safety of pedestrians.

OTHER REPRESENTATIONS

Objections also received from Wilmslow Civic Trust and 5 other addresses. Key points are summarised as follows (full comments can be found on the application file):

- Over development of the site
- Out of keeping with the surrounding area
- 3rd new house - overbearing, dominant and oppressive
- Reduces previous soft landscaping plans
- Proximity to no. 110 Lacey Green, new building 4m from boundary,
- 2.5m from boundary of driveway to 108, no acoustic fence, noise from gravel driveway.
- Insufficient parking, contrary to WNP TA1 for parking to avoid impacting surrounding streets and pavements
- 2 parking spaces shown, for the size of house requirements for 3. Parking spaces too small – ref 17/3908M
- Additional vehicle movements on shared drive and Lacey Green
- Overlooking, loss of privacy. Application uses old aerial plans and doesn't reflect additions to 110 Lacey Green.
- Drawings don't represent the plots of new buildings, the site is not flat and rooftops are not shown accurately.
- Urgent review of levels needed prior to planning approval
- Breaches to planning for 106A and 108A – new garage, additional rooms, heights,
- Spoil spread out and not removed, raising the ground level. Concern additional basement spoil will be added, further increasing ground level.
- Construction materials – different to approved
- Drainage – basements flooded during construction, pumped into surrounding land, not drains.
- Landscaping – planning not carried out in accordance with timescales
- Fencing – decking panels/ mesh is not acoustic fencing.
- Previous applications required plans to be amended to compensate for overbearing and privacy issues.
- References to appeal APP/R0660/W/15/3067558
 - Original application for two properties was refused due to overcrowding, now this is a third.
 - Questions over consultation for the appeal
 - Comments from inspector regarding overbearing impact
 - Acoustic fencing condition compliance query
- Finishes facing neighbours is poor
- Tree survey and planting plan is needed.
- Disruption from building work – noise, dust, damage to gate/fence posts from vehicles.

- Concerns over impact on drainage/ watertable in adjacent gardens due to excavation from basements and heavy clay soil.
- Description of location incorrect – NW of 108A rather than SE.
- Original proposal understood to be a bungalow originally.
- None of the new housing is affordable housing
- Unaware of building inspectors visiting previous two houses during construction.
- Driveway doesn't have dropped kerb
- Access is narrower than approved under 14/4945M
- Access road shows no provision for people with a disability – uneven gravel path.

OFFICER APPRAISAL

Principle of development

The site is within a settlement boundary of Wilmslow, which is identified as a Key Service Centre within CELPS PG 2. Whilst the Council can demonstrate a five-year housing land supply, the local plan does accept additional housing through various policies including as infill development and on previously developed land. The development proposed can be accepted in principle as a nominal contribution to the housing land supply in a sustainable location. The construction of a new dwelling within a Key Service Centre is considered acceptable in principle, subject to compliance with other development plan policies.

Design, Character & Appearance

Policies SE 1 and SD 2 of the CELPS and GEN 1 of the SADPD between them set out design criteria for new development which is underpinned by achieving high quality design. Design matters that should be considered, include height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene. Also relevant are policies H2 and NE6 of the Wilmslow Neighbourhood Plan and chapters 12 and 16 of the NPPF.

The proposed new dwelling would be detached, L shaped in plan with a flat roof. It would have three floors, including a lower ground floor/ basement opening onto a sunken terraced area to the rear. Materials would be a dark grey/brown brick and render with dark grey aluminium door and window frames, and timber to the entrance doorway and balcony recesses. The roof is proposed to be a green "sedum" planted roof.

The new dwelling would sit adjacent to two recently constructed dwellings of similar design and sharing the same access. The existing pair were allowed on appeal, ref 14/4945M. The design of these, including the new proposal, are flat roofed in contrast to the more traditional styled pitched and hipped roof dwellings fronting Lacey Green. The Inspector's decision described the surroundings as being a suburban residential area of mixed character, noting the detached and semi-detached dwellings nearby and also the flat roofed apartments at Lacey Court and other variety within the street scene of the surrounding area. The Inspector's decision noted *"Clearly, the proposal would bring something different to what exists in the locality. However, with the variety of character and development I have identified, this does not mean that the proposal would be out of character nor would it necessarily have a negative effect. The*

predominant use in the locality is residential and the proposal respects this. The contemporary nature of the proposal, whilst different, adds to the variety of dwellings in the area. In addition, the secluded position of the scheme, set back from the public highway and its distance from its host properties, means that its appearance and design would have relatively little impact on the wider character of the area. As a result, the proposal would not adversely affect the diverse and mixed character I have identified.” The inspector also noted another three “backland” dwellings which already existed off Lacey Green.

It is noted that the existing form of the two new buildings incorporates some variation to the plans allowed by the Inspector, such as including render to the upper floor and cladding to the lower part, in contrast to the approved plans which indicated the opposite, and additions to the buildings. This is not a matter for the current application, which can only consider the proposals within the red edge of the site. Overall, the existing pair and that proposed within the current application are of a more contemporary design than many of the surrounding buildings and as noted in the Inspector’s decision, the positioning set back from the highway results in little impact on the wider character of the area. The relationship with neighbouring properties in terms of amenity impact is considered later in this report.

Paragraph 124 of the National Planning Policy Framework requires planning policies and decisions to support development that makes efficient use of land, taking into account a number of matters, including the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regenerations, and the importance of securing well-designed, attractive and healthy places. There has been a general policy move away from previous prescriptive policies for low density (which once covered this area), in favour of efficient use of land, subject to certain criteria and considerations. Policy HOU 14 of the SADPD sets out considerations for housing density. Whilst an additional dwelling will increase the density of dwellings in the area to a limited degree, there is not considered to be any significantly adverse impact upon the character of the area arising from it, given its scale and positioning.

SADPD Policy HOU 10 relates to backland development and requires tandem or backland developments to be equal or subordinate in scale to surrounding buildings, particularly those fronting the highway, and that it does not cause unacceptable harm to residents of existing or proposed properties in accordance with HOU 12. Proposals must also be sympathetic to the character and appearance of the surrounding area through its form, layout, boundary treatment and other characteristics. The Inspector’s decision on 14/4945M considered the then remaining gardens to no. 106 and 108 as acceptable in their size, being more typical to that found in the immediate area. The current proposal would reduce the size of these gardens. On site it appears that this subdivision and associated boundaries has already been carried out with fences to the gardens of the adjacent properties to Lacey Green in place. Comments have been received from neighbouring properties with regards to the quality of fencing. Boundary treatment and landscaping can be conditioned in the case of an approval. The resultant plot to the new dwelling would be in area between the plot size of Nos 110 and 108, the properties to which the land originally belonged. The plots in the cluster of dwellings immediately south west of the railway line would be broadly comparable in overall size, with a remaining longer garden to the south, to No. 104. When viewed in the context of the smaller plots north west of Lacey Green and north east of the railway this arrangement would not be out of keeping with the variety of plot sizes and layouts in the area.

Overall, the proposed development is considered to have an acceptable impact upon the character and appearance of area, and complies with the design related policies listed above.

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 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. HOU 13 along with table 8.2 provides minimum separation distances. Policy HOU 8 requires new residential development to meet the Nationally Described Space Standards.

The proposal is three-storey, however it should be noted that it is partially subterranean, and would appear above ground as part single storey, part two storey. The upper floor element is designed to be furthest from the properties fronting onto Lacey Green. There would be no windows to the upper floor facing towards the properties on Lacey Green. With the position of the first-floor element set in to the south east corner of the site, windows at first floor would not be looking directly over the gardens to 108 or 110. There would be some potential for overlooking of the north garden area to 108A, however this also benefits from private garden space to the south east. Likewise, 108A has windows to the rear which could have potential for some overlooking of the garden to the new property, however given the size of the plot and positioning of these windows alongside the new house, rather than directly overlooking the boundary, it is considered that it would not be significantly harmful to the privacy of new occupiers. The roof can be conditioned not to be used as a roof garden/ terrace.

The proposed floor plan indicates an arrangement which would be in compliance with Nationally Described Space Standards for a four bedroom, three-storey dwelling.

A roof terrace was approved to "plot 1", the closest of the two recently constructed properties, under 20/4817M, located to the far side of the upper part of the roof with privacy screening and as such would not have significant overlooking concerns to the garden of the new development. This "plot 1", now 108A, is the closest property to the site and has a narrow window serving a bedroom which would face towards the blank side of the upper floor of the new property. The bedroom is also served by a larger window to the north of the site, over the garden to 108A and as a secondary window the proximity of the new dwelling to the smaller window is of less significance.

The separation distances at the rear of no 108 to the new development are in compliance with table 8.2 within SADPD policy HOU 13. Comments have been received from neighbours that the submission do not indicate additions to No. 110 Lacey Green. The planning history for no.110 includes extensions approved under ref 18/4189M. The garden to new property would be behind no. 110 and not the house itself. The separation distances would be more than adequate under the distances set out in table 8.2. The flat roof to the ground floor and the set back of the upper floor also help to reduce the impact of the proposal. It is considered that the proposal is positioned and scaled such that it would not conflict with separation distances within HOU 13 and Table 8.2 of this policy, and would not result in an overbearing impact or affect natural light to adjacent properties.

As such it is not considered to present harm to neighbouring residential amenity. Parking matters are considered in the highways and access section below.

Highways and access

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. 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.

The site is within a Key Service Centre as identified in the CELPS. The development would generate relatively low volume of traffic movements as a single new dwellinghouse, accessed via a private unadopted shared access off Lacey Green. Concerns have been raised in neighbour representations over the parking arrangements and access road. CELPS Appendix C requires a minimum of two parking spaces for dwellinghouses of three or more bedrooms in a key service centre, and as such the proposal complies. The access is a private unadopted road, outside of the red edge of the site and already exists for the two existing houses. The commuter peak hour and daily traffic generation associated the development would not have a material impact on the safe operation of the adjacent or wider highways network. The Head of Strategic Transport has raised no objection to the planning application. It is noted that there is a dropped kerb for only part of the width of the access, the developer should liaise with CEC highways with regards to an appropriate crossing over the footway, under S184 of the Highways Act 1984.

Flood Risk and Drainage

United Utilities have provided comments and advice for the developer. It is recommended that the applicant considers their drainage plans in accordance with the drainage hierarchy outlined within the consultation response from United Utilities. The site is within flood zone 1 (low fluvial flood risk). The Lead Local Flood Authority (LLFA) comments included a note asking residents to raise flood risk/ drainage concerns, submitting any evidence of flooding / impacts on local surface water as part of the current application. Neighbours have had the opportunity to comment on the proposal through the normal consultation process. The LLFA have raised no objections, advising that any groundwater issues discovered during construction phases and which have flood risk implications for the flood resilience of the approved building must be discussed further with the LLFA.

Conditions are recommended for ground levels and finished floor levels, and for submission of a surface water drainage strategy for approval. Due to the proximity to the railway boundary the applicant may not be able to use soakaways as a surface water drainage strategy for the new development. Network Rail have provided requirements within their response for surface water drainage. The drainage strategy required by the condition should seek to ensure the comments from Network Rail are taken into account.

Network Rail

Network rail have provided comments on the application and noted that the 2m high close boarded acoustic fence on the boundary with the railway is not acceptable to them. They state that the fence should be within the applicant's ownership, and further restrictions on the positioning, design and maintenance arrangements can be found within the comments from network rail. It is recommended that all boundary treatment is conditioned to allow this issue to be resolved. Further details are included in the comments with regards to drainage, as referenced above. Network Rail also requires a minimum 3m gap between buildings and structures on the site and the railway boundary. The building and sunken terrace would be in excess of 3m from this boundary as shown on the proposed site plan. Network Rail requires the developer to submit a Risk Assessment and Method Statement (RAMS) directly to Network Rail for all works proposed within 10m of the operation railway. They also request an Asset Protection Agreement is completed prior to the commencement of development. Relevant conditions, as noted above, and informatives are recommended to ensure the applicant is aware of their responsibility with regard to the interface of the development with the railway.

Noise

Policy SE 12 of the CELPS seeks development to be located and designed so as not to result in a harmful or cumulative impact on noise among other criteria. The policy includes that development for new housing or other sensitive development will not normally be permitted where noise levels are unacceptable unless there is no reasonable prospect that these can be mitigated against.

The site is adjacent to a railway line and an objection has been raised by the Environmental Protection team requesting an acoustic report regarding the potential impact from the railway on future inhabitants of the development. It is noted that there are other properties closer to the railway than this proposal. The Environmental Protection consultee has subsequently confirmed that this can be dealt with by condition. Subject to this condition, the proposal will comply with the noise aspects of policy SE12.

Other Environmental Health Matters

Conditions and informatives have been requested with regards to construction works hours of operation, pile foundations and a site-specific dust management plan.

The environmental health consultation response also refers to low emission boilers and electric vehicle infrastructure. Lowering emissions is important and high-level consideration of the contributions of new development on air quality as it relates to land use is covered by planning legislation. However, details such as boiler specifications fall outside of the planning remit and should be considered separately under other legislation, including Building Regulation requirements. Building regulations also include requirements for electric vehicle charge points for parking spaces associated with new dwellings. In accordance with the NPPF, planning conditions should be kept to a minimum and only imposed where they are necessary. Given that these matters are covered by other legislation it is not considered necessary to include them within a planning condition.

Nature Conservation

CELPs policy SE 3 requires that development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and not negatively affect these interests. Development proposals which are likely to have a significant adverse impact on legally protected species will not be permitted except where the reasons for or the benefits of the proposed development outweigh the impact of the development. The site is within the Ecological Restoration Area as identified on the adopted policies map, ENV 1 and ENV 2 of the SADPD are also relevant. Conditions are recommended for the protection of breeding birds and for ecological enhancements to be incorporated into the scheme. Subject to these conditions, no significant nature conservation issues are raised.

Landscape

WNP NE6 requires landscape proposals to meet the 10 Green Biophilic points within policy SP2. Policy (L)SP2 of the WNP states that 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

A landscaping scheme can be conditioned in the event of approval. The points relating to ecological enhancements are met through conditions as required by the nature conservation policies (above). Given the scale of the proposal and plot for a single dwelling it is not considered that all of these points can be realistically and reasonably achieved. NE 6 also requires that retention of mature trees and hedgerows, supplemented by new native planting. Additionally that the built form and hard surfaced areas must not exceed 50% of the area of the original plot unless permeable surfacing is used.

The application site has already been severed from the original gardens to no. 110 and 108. Taking into consideration the area that was previously part of the gardens under ref 14/4945M and prior to that application, it is clear that the built form of the resulting houses is significantly less 50% of the original plots to 108 and 110 combined. The extent of hard surfacing of properties already built or subsequently fenced off from the site and in separate ownership is less straightforward to calculate, however given the spaciousness of the remaining plots for each it is not considered that there is a significant concern over the extent of remaining lawn/soft landscaping. Furthermore, application ref 18/4189M relating to extensions to 110 Lacey Green showed a site edged red excluding the area which is part of the current site for the new dwelling. This indicates, along with google earth images that the plot currently under consideration has not been part of a residential garden since at least 2018.

Economic Benefits

The construction of a new dwelling would bring the usual economic benefit to the local shops and services for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be an economic benefit to local services longer term by virtue of new residents spending money in the area, and through employment and the supply chain to support the services provided in the uses in the lower floors, although this is balanced against the previous uses which would have also had economic benefits. Overall it is considered that there would be a gain in economic benefit to the area from the proposals, although limited.

CONCLUSIONS

The proposed development for the construction of one new detached dwelling within a Key Service Centre is acceptable in principle in this location and the proposal raises no issues with regards to the impact on neighbouring amenity, the character of the area, highway safety, ecology or flood risk.

The benefit in this case is provision of an additional residential unit which would make a small contribution to the housing land supply. There are matters which need to be resolved in terms of any mitigation deemed necessary against noise from the railway line, as well as details of landscaping and drainage which can be by condition. The proposal, subject to conditions, is deemed to be in accordance with relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application. Therefore a recommendation of approval is made, subject to conditions.

Approve subject to following conditions:

- 1. Time period for implementation – three years**
- 2. Development to be in accordance with approved plans**
- 3. Materials as application**
- 4. Acoustic survey to be submitted and mitigation implemented as required**
- 5. Existing and proposed ground levels and floor slabs to be submitted**
- 6. No use of flat roof as terrace/roof garden**
- 7. Drainage strategy to be submitted**
- 8. Boundary treatment details to be submitted**
- 9. Landscaping scheme to be submitted**
- 10. Approved landscaping scheme to be implemented**
- 11. Protection of breeding birds – survey to be submitted**
- 12. Ecological enhancements to be submitted**

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



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22/1445M
THE OAKS,
108A, LACEY GREEN,
WILMSLOW,
SK9 4BN



LOCATION PLAN
1:1250 @ A3

FOR PLANNING

			CLIENT: ADAM JENKINS							
			PROJECT TITLE: NEW DETACHED HOUSE							
		ADDRESS: LAND TO THE REAR OF 106 LACEY GREEN, WILMSLOW	DRAWING TITLE: LOCATION PLAN							
		DRAWING NO: 016_P_001	SCALE: 1:1250 @ A3		DATE: FEB '22					
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REV.	DATE	DESCRIPTION								
-	11.02.22	PLANNING ISSUE								

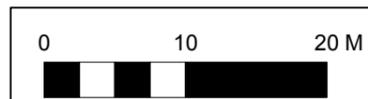


EXISTING BLOCK PLAN
1:500 @ A3



PROPOSED BLOCK PLAN
1:500 @ A3

FOR PLANNING



REV.	DATE	DESCRIPTION
-	11.02.22	PLANNING ISSUE

CLIENT: ADAM JENKINS
PROJECT TITLE: NEW DETACHED HOUSE
ADDRESS: LAND TO THE REAR OF 106 LACEY GREEN, WILMSLOW
DRAWING TITLE: EXISTING & PROPOSED BLOCK PLANS
DRAWING NO: 016_P_002
SCALE: 1:500 @ A3
DATE: FEB '22

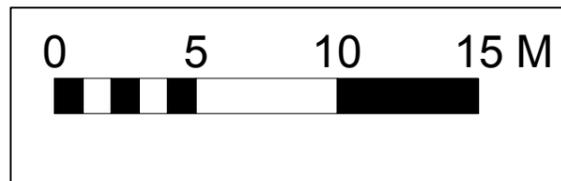
AM
ARCHITECTURE

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E am.architecture@hotmail.com



EXISTING SITE PLAN
1:250 @ A3

FOR PLANNING

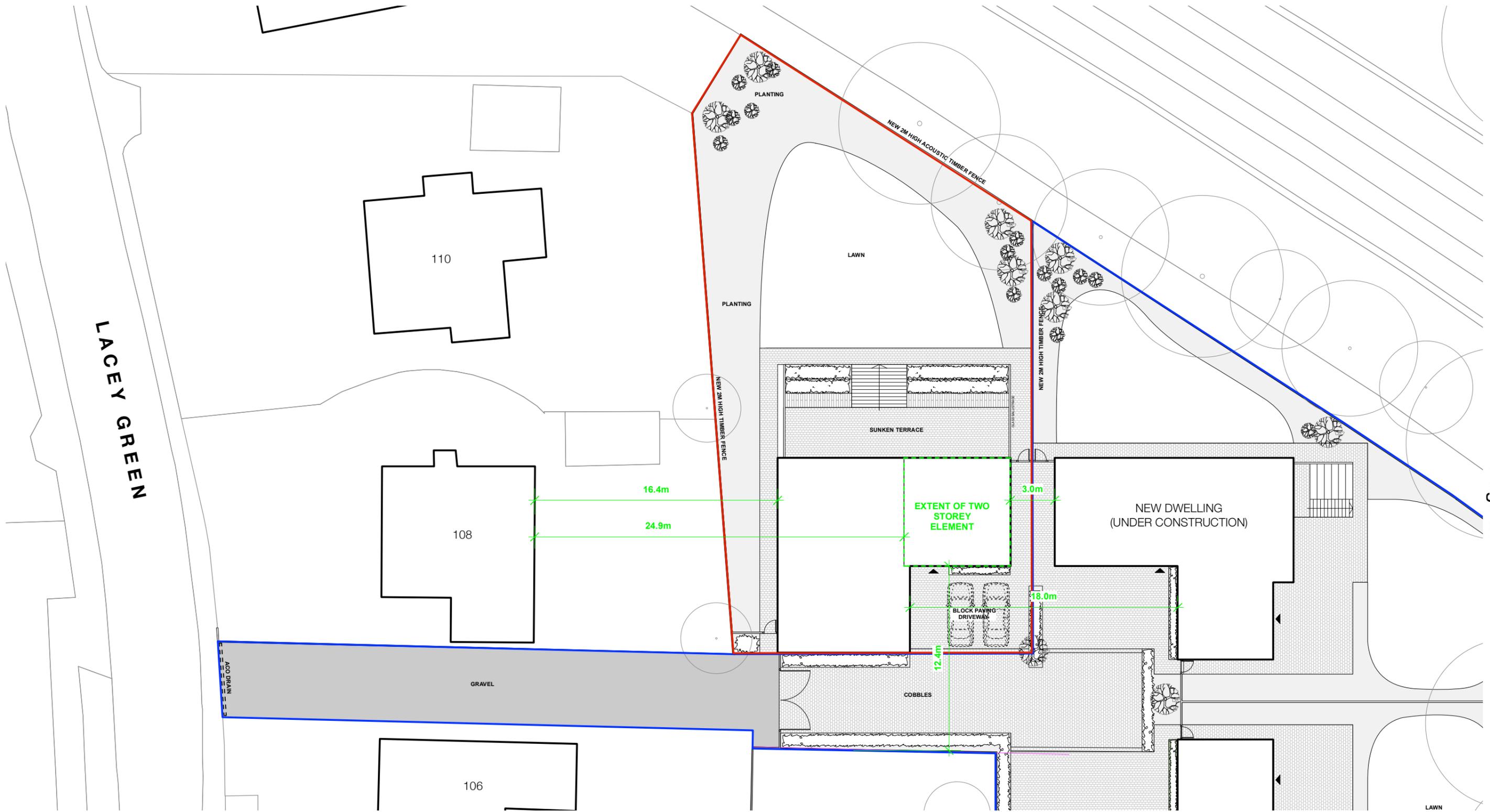


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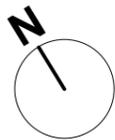
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DRAWING TITLE: EXISTING SITE PLAN
DRAWING NO: 016_P_003
SCALE: 1:250 @ A3
DATE: FEB '22

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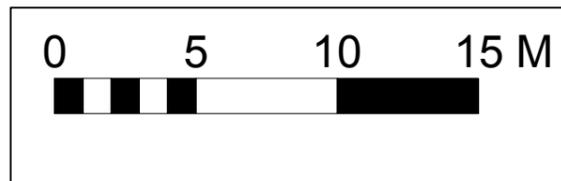
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PROPOSED SITE PLAN
1:250 @ A3



FOR PLANNING



REV.	DATE	DESCRIPTION
-	11.02.22	PLANNING ISSUE

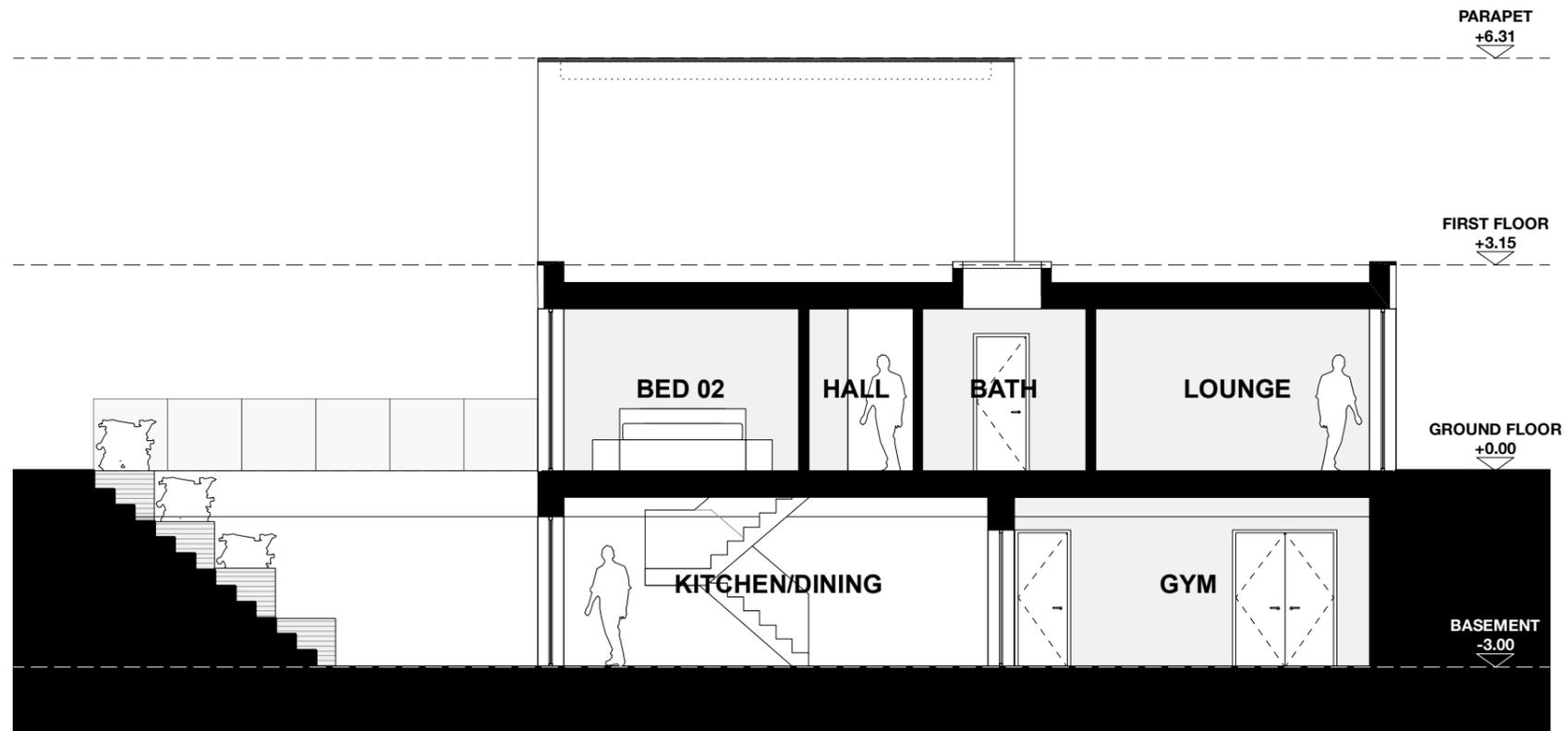
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DATE: FEB '22

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ARCHITECTURE

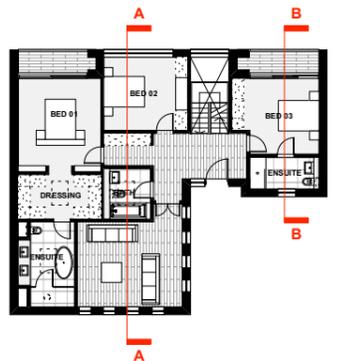
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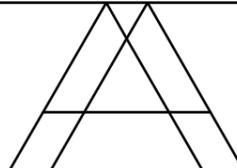
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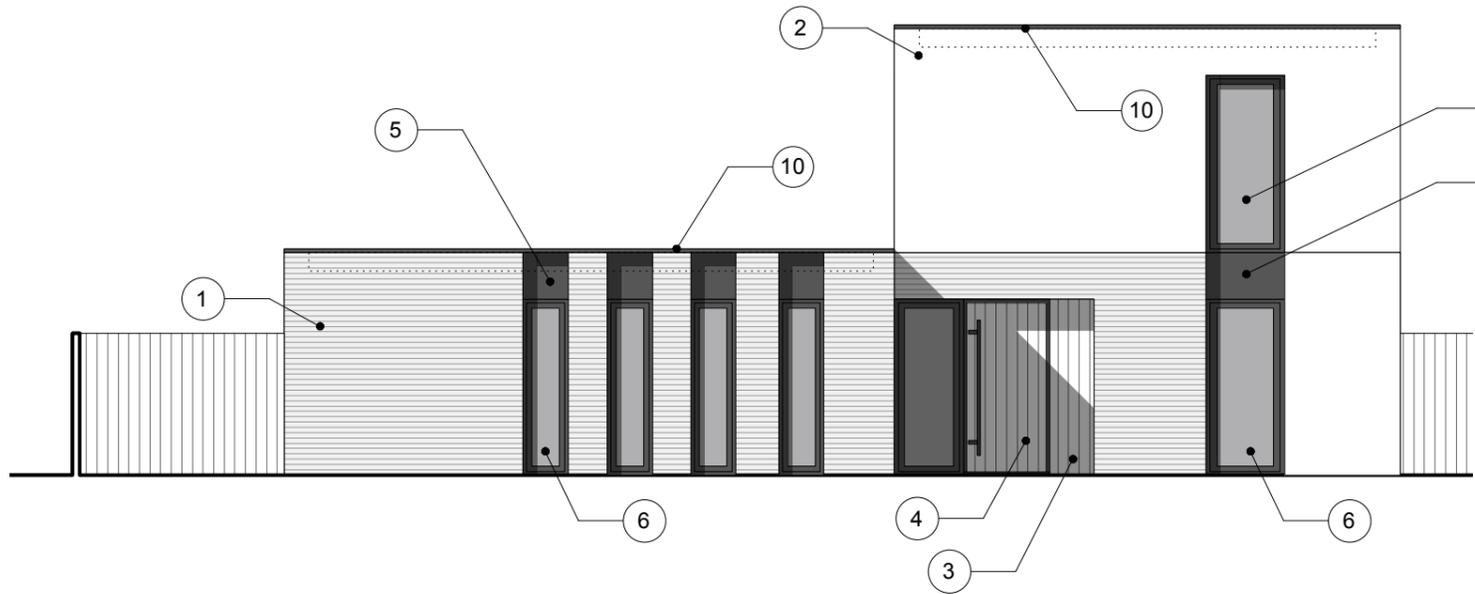


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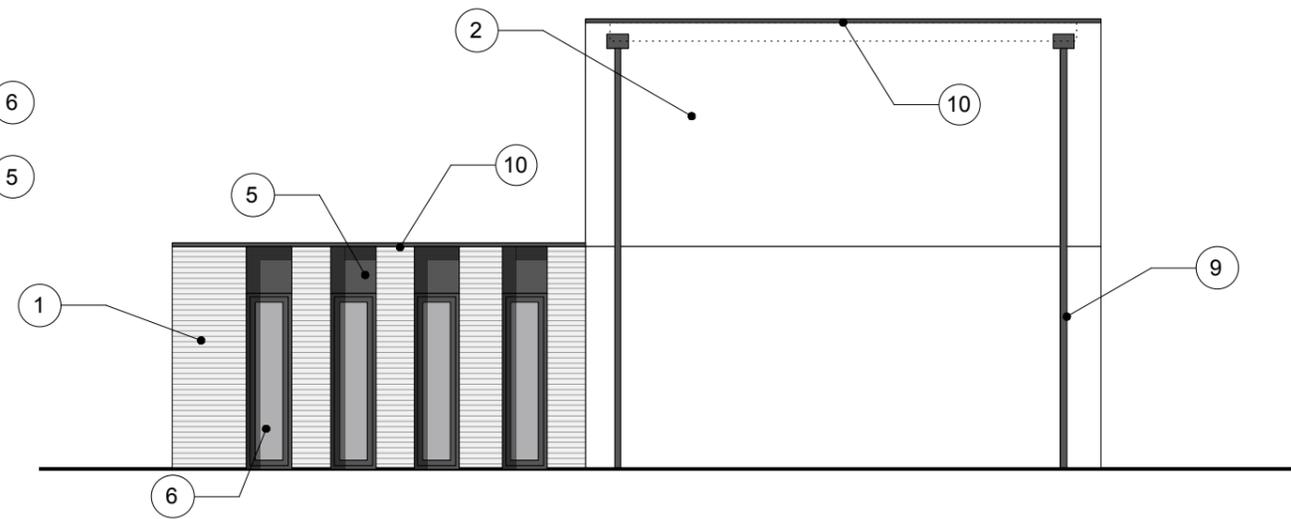
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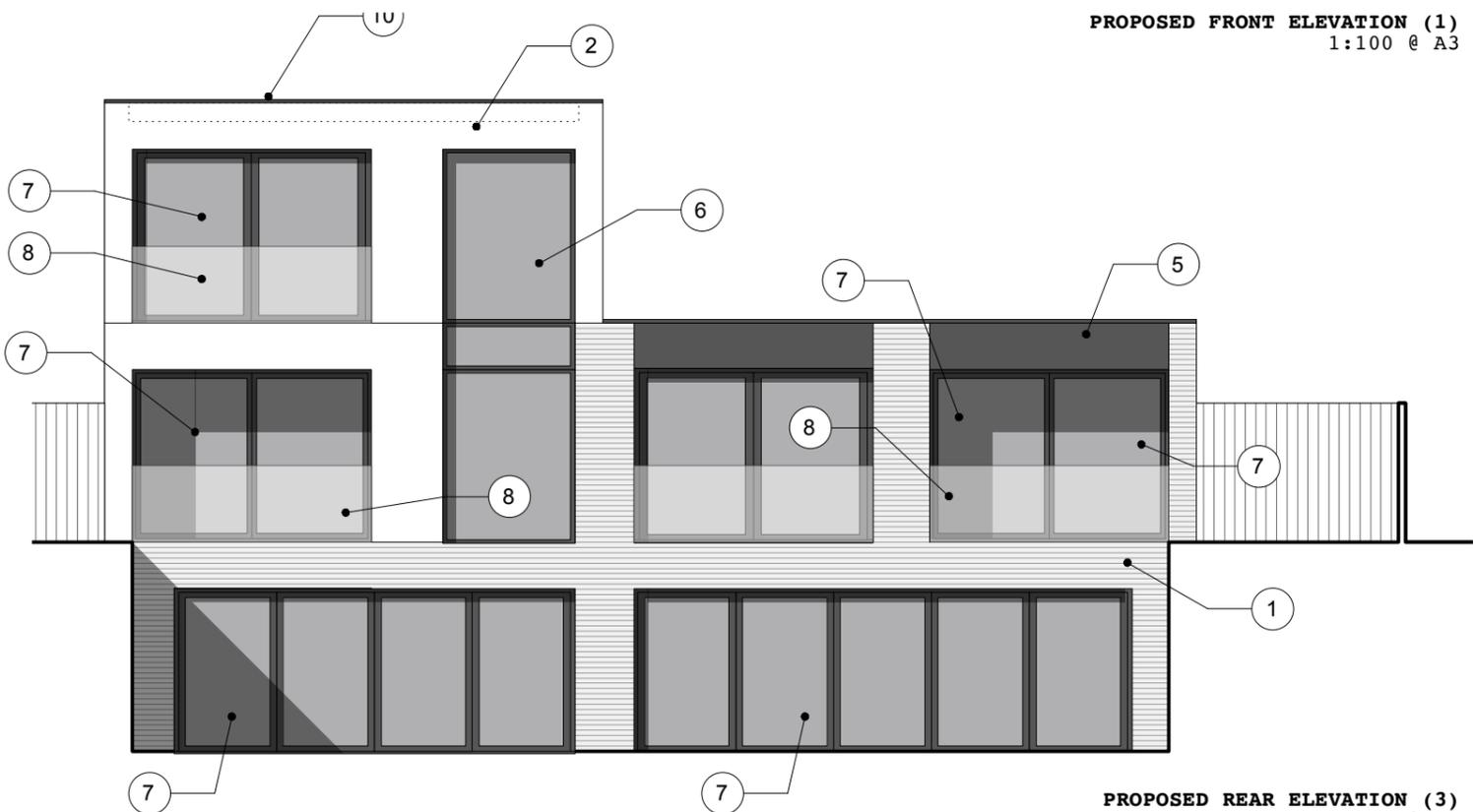
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-	11.02.22	PLANNING ISSUE		DATE FEB '22
			T 07743219570 E am.architecture@hotmail.com	



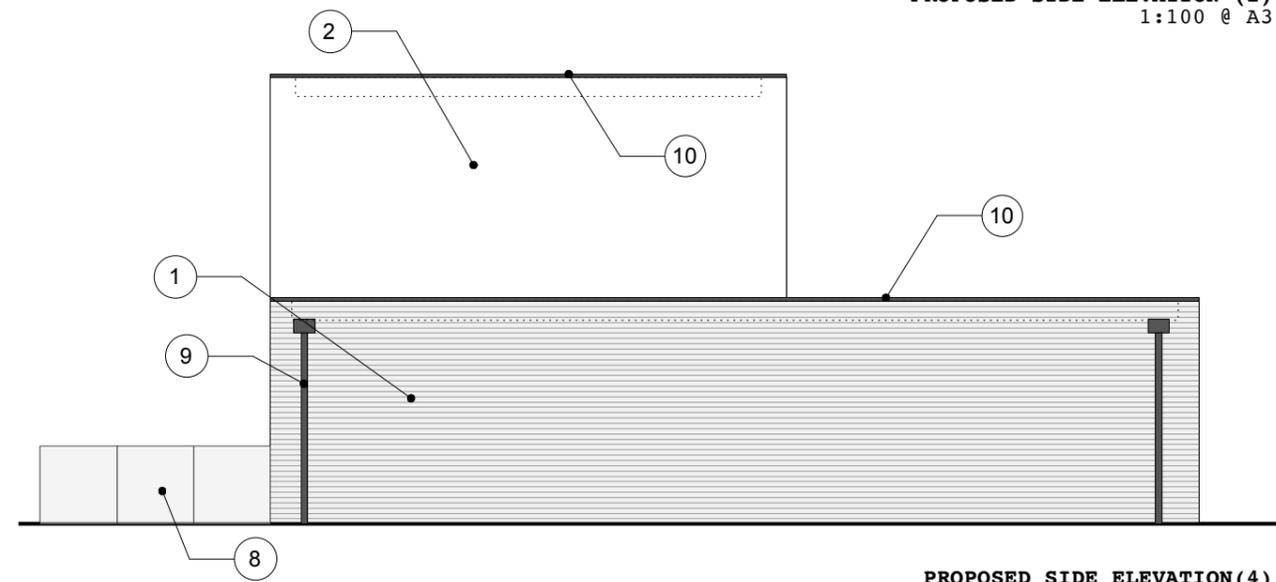
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PROPOSED SIDE ELEVATION (2)
1:100 @ A3



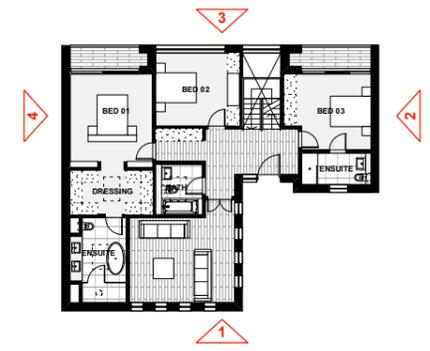
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PROPOSED SIDE ELEVATION (4)
1:100 @ A3

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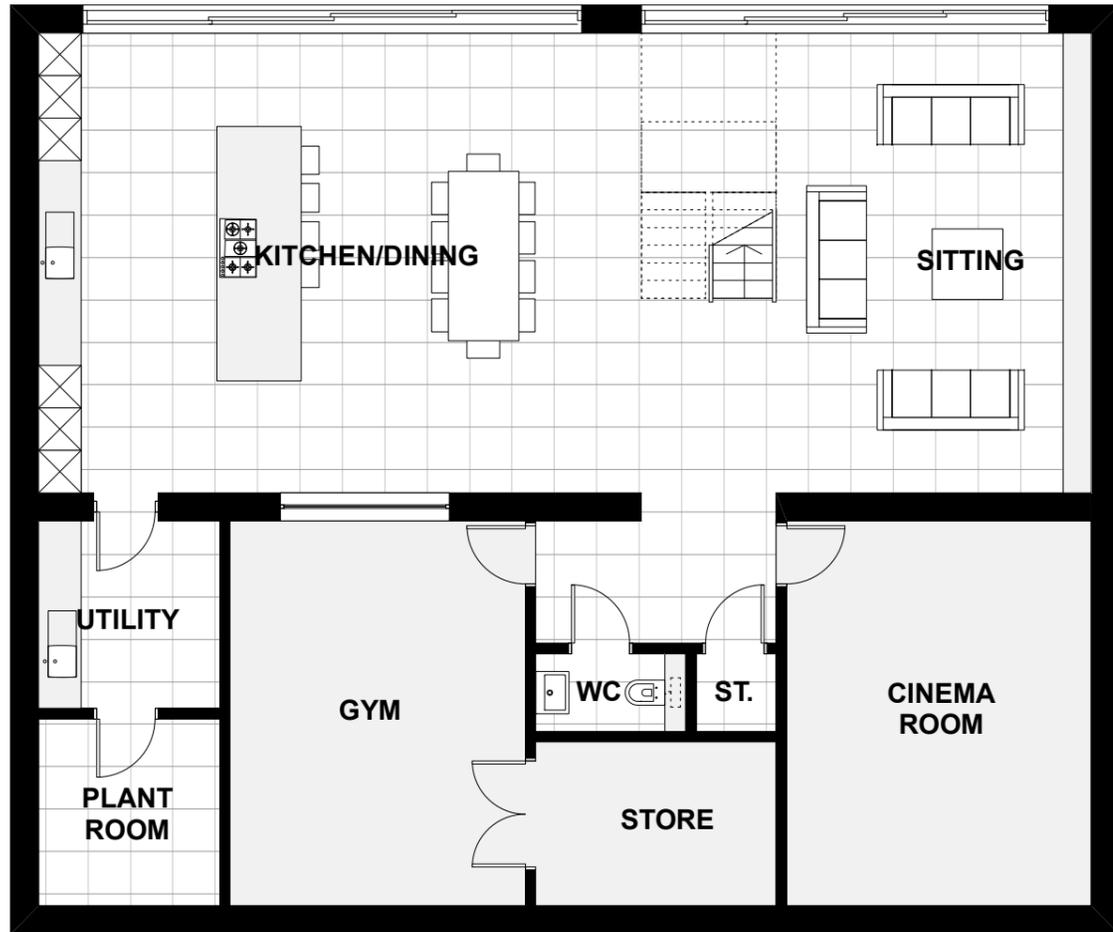
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- 2. SMOOTH WHITE RENDER (SEPCIFICATION TBA)
- 3. VERTICAL TIMBER CLADDING (NATURAL STAIN - COLOUR TBA)
- 4. SOLID TIMBER ENTRANCE DOOR (NATURAL STAIN - COLOUR TBA)
- 5. ALUMINIUM SPANDREL PANEL (COLOUR - ANTHRACITE)
- 6. ALUMINIUM FRAMED DOUBLE GLAZED WINDOWS (ANTHRACITE COLOUR - SPECIFICATION TBA)
- 7. ALUMINIUM FRAMED FULLY GLAZED SLIDING/FOLDING DOORS (ANTHRACITE COLOUR - SPECIFICATION TBA)
- 8. FRAMELESS GLASS BALUSTRADE
- 9. ALUMINIUM RAINWATER GOODS (ANTHRACITE COLOUR - SPECIFICATION TBA)
- 10. ALUMINIUM CAPPING (ANTHRACITE COLOUR - SPECIFICATION TBA)



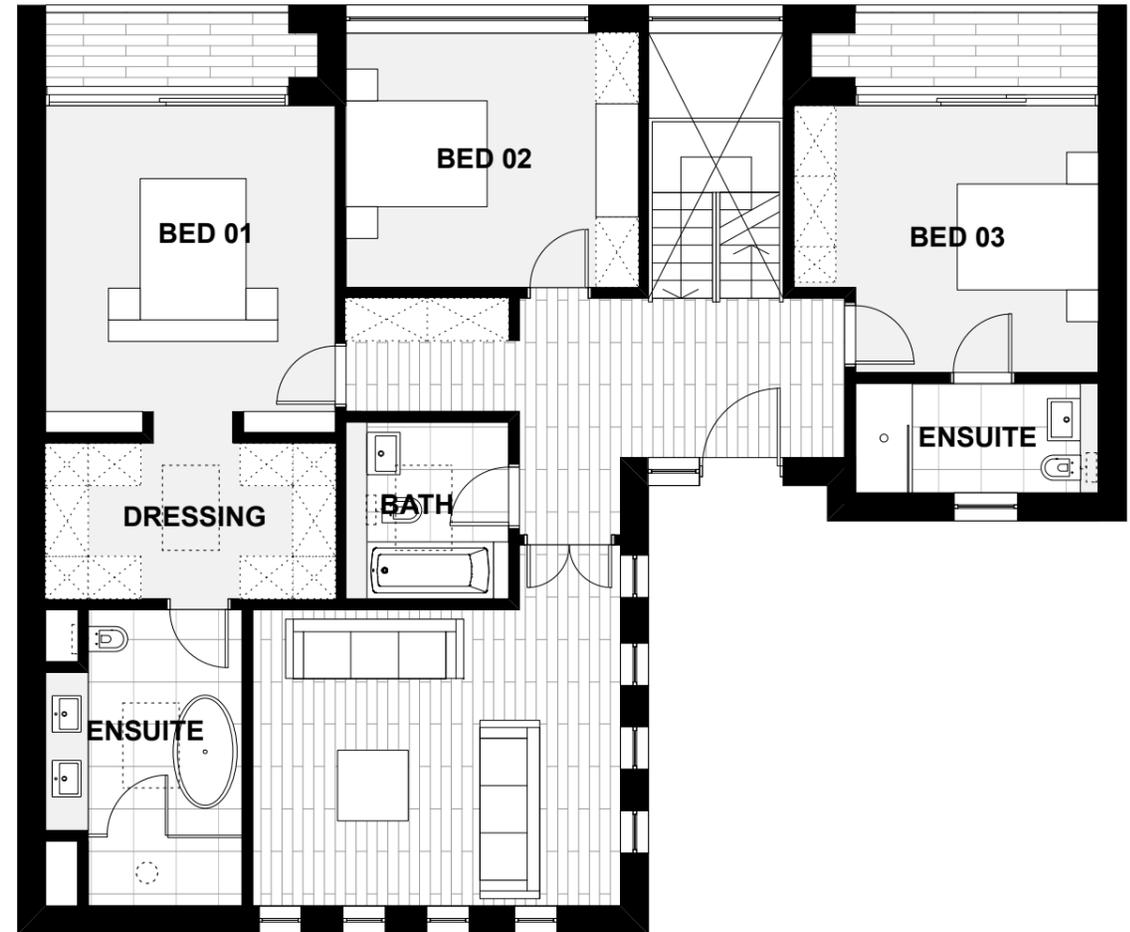
FOR PLANNING



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REV. DATE DESCRIPTION - 11.02.22 PLANNING ISSUE	DRAWING NO: 016_P_009 SCALE: 1:100 @ A3 DATE: FEB '22	T 07743219570 E am.architecture@hotmail.com	

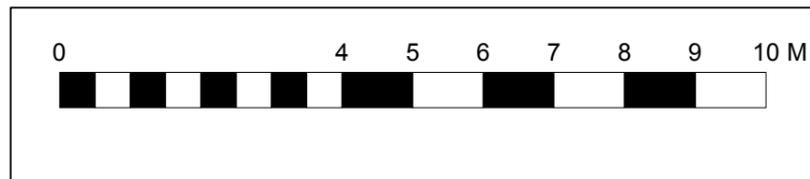


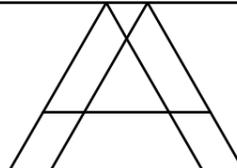
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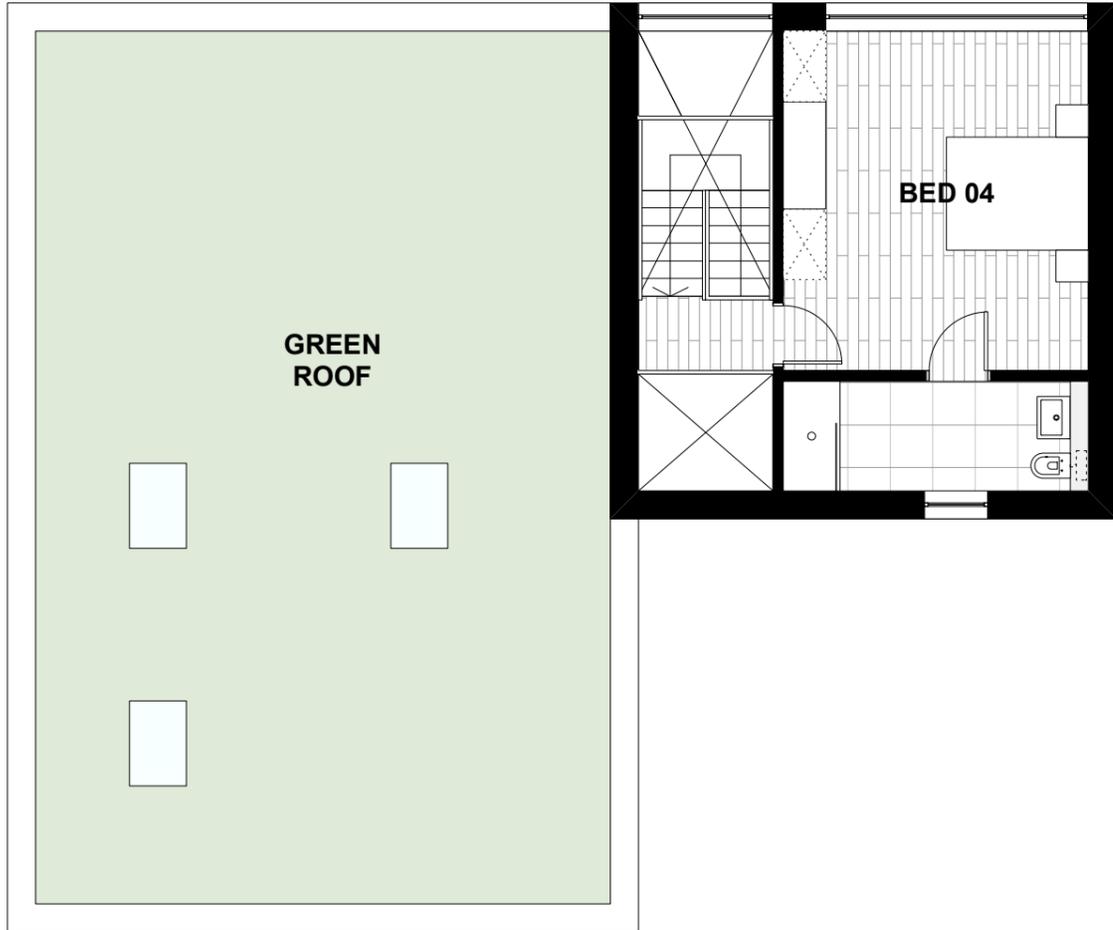


PROPOSED GROUND FLOOR PLAN
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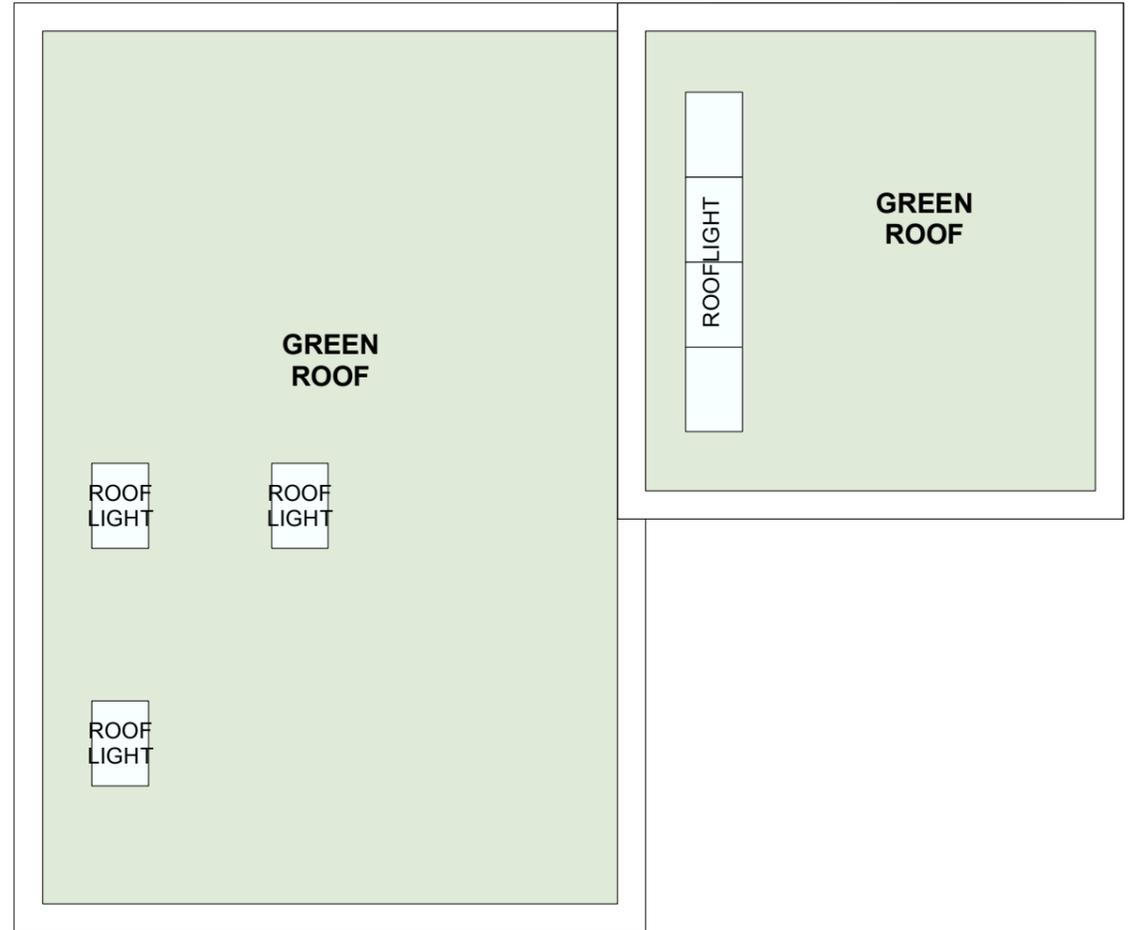
FOR PLANNING



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			DRAWING TITLE: PROPOSED BASEMENT AND GROUND FLOOR PLANS			
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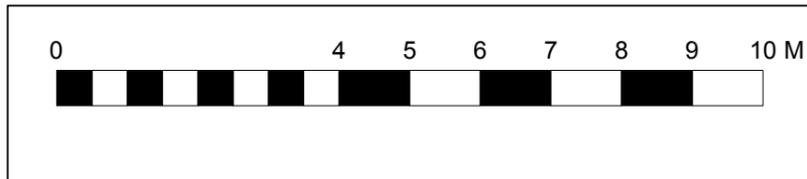


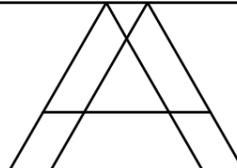
PROPOSED FIRST FLOOR PLAN
1:100 @ A3



PROPOSED GROUND FLOOR PLAN
1:100 @ A3

FOR PLANNING



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			DRAWING TITLE: PROPOSED FIRST AND SECOND FLOOR PLANS					
REV.	DATE	DESCRIPTION	DRAWING NO: 016_P_008	SCALE: 1:100 @ A3	DATE: FEB '22	T 07743219570 E am.architecture@hotmail.com		

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Application No: 23/1487M

Location: PEAKSIDE HOUSE, ALDER COURT, MACCLESFIELD, CHESHIRE, SK10 2XG

Proposal: Erection of two chimney stacks and associated plant equipment, condenser and cylinder storage compounds, timber screening, alterations to existing car parking and landscaping, removal of existing condenser units and associated works.

Applicant: c/o agent, Orbit Investments (Properties) Limited

Expiry Date: 10-Nov-2023

SUMMARY

The proposed development seeks to erect two galvanized steel chimney stacks, along with associated plant equipment, cylinder and condenser storage, and timber screening to the rear and sides of a two-storey office building situated in Tytherington Business Park, which lies within the Macclesfield settlement boundary.

The proposed use of the building is for research and development of pharmaceutical products and processes - Class E(g)(ii). A number of other buildings in the immediate area operate under the same or similar usage. As such, development to support this functionality is considered acceptable in principle.

The design of the proposed development is in scale with existing buildings within the immediate vicinity and is in keeping with the commercial character of the site. Any harmful visual impacts would be sufficiently mitigated by the proposed screening, as well as retention and enhancement of existing trees and vegetation bordering the site.

No harmful impacts are deemed to be generated by the proposals with regard to design, amenity, ecology, air quality, odour, operational noise, vibration, dust or highways safety, subject to the imposition of conditions where necessary.

Subject to standard conditions for development of this type, along with any other conditions deemed appropriate to ensure the development complies with development plan policies, the application is recommended for approval.

SUMMARY RECOMMENDATION

Approve Subject to Conditions

REASON FOR REFERRAL

The application was called-in to the Northern Planning Committee by Cllr David Edwardes (Macclesfield Tytherington Ward) for the following reasons: -

"I and many residents are concerned about what will be emitted from the chimneys. Will there be odours and noxious substances? There is a playground and a Nursery School nearby. The chimneys are totally out of keeping with the general character of the Business Park. What exactly is the research planned for the building? There is mention of loss of parking spaces. How many spaces and will it still meet the CEC criteria. Basically there is not nearly enough information in the application and it must be scrutinised by Northern Planning. I am therefore "calling it in"."

DESCRIPTION OF SITE AND CONTEXT

Tytherington Business Park is a mixed-use business and residential development to the North of Macclesfield off the Silk Road, entirely within the Macclesfield settlement boundary. Peakside House, the site to which this application pertains, is one of 18 commercial units within this development, which range from 2-3 storeys with red brick facades, corrugated roofing and extensive fenestration.

The site borders the Western edge of the business park, where a treeline and swale separate the site from the residential development beyond. To the North, East and South are commercial units. The business park is served by Springfield Way and Larkwood Way running North-South, beyond which the residential component of the park sits adjacent to the Silk Road to the East of the site.

Key to the consideration of this application is the contextual use of the surrounding commercial units, as the building immediately South of the site operates as a children's nursery, while beyond that there is an existing precedent for pharmaceutical and research-based activity, including the buildings Alderley Court and Birchwood House, operated as laboratory space by Alderley Analytical and Peak Proteins respectively.

DETAILS OF PROPOSAL

Full planning permission is sought for the following development:

- The erection of two chimney stacks to the rear of the building, measuring 1.7m in width and 14m in height from ground level, terminating approximately 3m above the roofline of the building. These stacks would be constructed of galvanized steel set in a concrete base, with a PVC liner coloured green.
- Erection of 2.5m timber screening to the South, West and East sides of the building to serve as separate air processing, condenser and cylinder storage compounds.
- Removal of existing external condenser and processing equipment from the South elevation of the building, made redundant by the installation of 8 new condensers positioned around internal fume extraction systems.

- Minor alterations to existing landscaping and car park, due to the loss of 18 car parking spaces to facilitate external plant equipment, leaving a total of 98no. spaces on site, including 4 disabled access spaces.

The proposed use of the building is described as a bespoke laboratory facility for research in the sector of life sciences and oncological drug discovery. The facility would accommodate up to 100 staff predominantly in research-based roles and the purpose of the proposed chimneys would be for the intermittent safe extraction of minor chemical side products from 100 internal fume cupboards within the building.

RELEVANT HISTORY

83318P – SITE FOR B1, B2 AND B8 DEVELOPMENT COMPRISING OFFICES, RESEARCH DEVELOPMENT FACILITIES, LIGHT AND GENERAL INDUSTRY AND WAREHOUSING – Withdrawn 01-Feb-1996

97/0237P – SITE FOR B1, B2 AND B8 DEVELOPMENT COMPRISING OFFICES, RESEARCH AND DEVELOPMENT FACILITIES, LIGHT AND GENERAL INDUSTRY AND WAREHOUSING – Withdrawn 29-Apr-1997

00/2797P – ERECTION OF A TWO-STOREY B1 OFFICE BUILDING (RESERVED MATTERS) – Approved 05-Feb-2001

02/1597P – FACIA LETTERING & INTERNALLY ILLUMINATED FREE STANDING SIGN – Approved 12-Feb-2003

03/2125P – ERECTION OF OFFICE BUILDING (B1) AND CHILDRENS NURSERY (D1) – Approved 13-Oct-2003

POLICIES

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

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

EG1 Economic Prosperity

SC3 Health and Well-being

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE9 Energy Efficient Development

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

CO1 Sustainable Travel and Transport
CO4 Travel Plans and Transport Assessments
Strategic Priority 1
Appendix C Parking Standards

Site Allocations and Development Plans Document (SADPD) 2022

PG9 Settlement Boundaries
GEN1 Design principles
GEN5 Aerodrome Safeguarding
ENV1 Ecological network
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
HOU12 Amenity
HOU13 Residential standards
INF1 Cycleways, bridleways and footpaths
INF3 Highways safety and access
INF7 Hazardous Installations
INF9 Utilities

Other Material Considerations

National Planning Policy Framework 2021 (NPPF)
National Planning Practice Guidance
Cheshire East Borough Design Guide 2017
Tytherington Business Park Development Brief 1989

CONSULTATIONS (External to planning)

Regulatory Services and Health (noise/residential amenity) - No objection

Regulatory Services and Health (Air Quality) - No objection

Lead Local Flood Authority - No comments received

CEC Highways – No comments received

Macclesfield Town Council – No comments received

REPRESENTATIONS

109no. letters of representation have been received objecting to the proposal on the following grounds:

- The close proximity of the location to a neighbouring Children's nursery and the potential impact on their health.
- The pollution to the environment of anything that will be burnt on site.
- The potential noise that will be generated in a quiet residential area
- Insubstantial screening between the commercial unit and residential development to the West
- The business park is offices, not industrial uses, so the development is out of character with the area.
- The proposed development and use of the site would increase traffic into the development and create parking pressure, due to loss of 18 spaces on site for the stacks and associated equipment.
- There is demand for suitable business premises in the area and therefore the site shouldn't be subject to inappropriate industrial activity which could better be situated to other developments such as Alderley Park.
- The chimneys will pose an eyesore to residents of dwellings within close proximity of the site, as well as those who use Springwood Way for access through the site.

1no. letter of representation has been received supporting the scheme, on the grounds that the proposed use of the site would bring high quality business and employment to the area.

A 2-week period of re-consultation was undertaken following receipt of the air quality assessment, during which a further 7no. letters of representation were received raising further objections on the following grounds:

- Low water pressure throughout the wider development may be exacerbated by the proposed tenant.
- Any detriment to air quality in close proximity of the children's nursery is unacceptable.
- The chimneys will have an impact on the value of properties nearby and on local businesses.
- Lack of information within environmental report.
- Detrimental to the aesthetics of the area.
- Potential for future change of use and extent of operations & emissions from the building.

OFFICER APPRAISAL

Principle of Development

The site is located in Macclesfield, a Principal Town settlement as defined within policy PG2 of the CELPS. This policy states that within Principal Town locations *'significant development will be encouraged to support their revitalisation, recognising their roles as the most important settlements in the borough.*

Policy MP1 of the CELPS seeks that, wherever possible, the council *'will always work proactively with applicants to find joint solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.'*

Policy SD1 of the CELPS seeks to create a '*strong, responsive and competitive economy for Cheshire East*' by prioritising '*investment and growth within the Principal Towns and Key Service Centres*'. Further to this, Strategic Priority 1 of the CE local plan sets out that the delivery of economic prosperity and economic growth is dependent on creating '*a viable and flexible supply of quality employment land and premises*' including business parks, in order to attract '*new and innovative businesses, to enable existing businesses to grow, to bring empty plots into economic use and to create new and retain existing jobs.*'

It is noted that there has been significant concern raised through representations, that the proposal would see the use of Peakeside House moving away from its original purpose as an office building, to a use which is out of character with the business park. However, the proposed tenant is only one of a number of life sciences firms moving to Tytherington Business Park to setup laboratory spaces within former commercial and office units. This represents the flexibility and adaptability of the employment spaces built on this site between 1997-2003, in responding to the needs of new and existing, innovative and high value businesses.

The principle of the development would therefore support the aims and strategic priorities of the local plan, by bringing new use to an unoccupied building, attracting new employment to the area and reinforcing the already strong presence of the pharmaceutical research and development industry in Macclesfield and Cheshire East.

It should also be noted that, contrary to many of the comments received in response to this application, the land use classification of the site would remain as Class E (Commercial, Business and Service), as it has been designated since its construction and was marketed as such for a period of over 15 months prior to this application. This is evidenced both in the design & access statement and the air quality assessment provided with the application, which underline that the use of the site will be purely research-based, functioning under operating hours of 7.30-5pm and involving no industrial scale processing of chemical substances or incineration.

Uses within class E, including research and development, are generally those that can be carried out in a residential area without detriment to its amenity. This will be discussed further below.

Taking the above into consideration, it is considered that the principle of this development is acceptable, subject to its compliance with other relevant policies of the local plan.

Design & Character

Policy SE1 of the CELPS advises that the proposal 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.

SD2 of the CELPS states 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 street scene. These policies are supported by the Cheshire East Design Guide SPD.

Policy GEN1 of the SADPD states development proposals should reflect the local character and design.

During the course of the application concern was raised through public consultation responses that the proposals due to their size, scale and design represented overdevelopment of the site in a form that is not in keeping with the building to which the development pertains, or with surrounding commercial and residential buildings and would thus be considered detrimental to the character and appearance of the area. This concern was raised with particular regard to the Children's Nursery to the South of the site and the residential properties on Cotton Crescent to the West, from which the greatest number of objections were received.

The proposal is primarily for the erection of two chimney stacks to the rear of the building measuring 1.5m in width at the widest point and extending 3m above the ridge of the existing building, with a maximum height of 14m. The proposed chimneys, whilst being above the ridge height of the main building, are not excessively large so as to appear dominant and out of scale; the projection of the chimneys 3m above the roofline will represent a relatively minor addition when viewed from the frontage.

To the rear and sides, the chimneys will appear more visible, despite being partially screened by trees and vegetation to the South and West, as well as the 2.5m fencing proposed which would minimise the visual impact of the chimney bases and associated plant equipment. The applicant has proposed cladding the chimneys in green pvc lining, as stated in the design & access statement and application form, suggesting that this will help to visually merge them with the site and immediate surroundings, reducing the industrial appearance of the scheme. However, whilst this green cladding may help blend the chimneys with the existing landscaping at lower levels, at the upper level it may appear rather incongruous. A galvanised steel or grey colour may in fact be preferable, similar to lamp posts in the vicinity. Discussions are ongoing with the applicant regarding the materials, and further details will be provided as an update.

It should also be noted that while Peakside House is two-storeys in height, other units to the South and beyond the nursery are three-storey and higher than the extent of the proposed stacks, owing to the lower ground level of Peakside House. Unfortunately, the landscaping to the rear and East side of the site appears to have been reduced over recent years and is lacking in coverage; as a result the stacks will inevitably be visible and eye-catching from within the business park, and will fundamentally change the character of the office building, and be reflective of its proposed use.

Policy GEN1, whilst seeking to maintain the beauty and aesthetic quality of buildings and places, also makes equal provision for supporting schemes which "*create buildings and spaces that function well, are fit for purpose and yet are innovative, adaptable and flexible*". This development adds to the external form of the existing building, while being wholly reversible should the function of the space return to its original office use in future. As such, the application can be seen to represent a flexible and innovative re-use of a vacant building, in response to changing business needs and economic conditions within the business park and the wider borough.

Based on the fact that the local plan strategic priorities give significant weight to proposals which sustainably promote the growth of business and economic prosperity, combined with the

degree of visual relief afforded to the site by way of the stacks not surpassing the extent of vertical massing on the business park and being sufficiently screened from view by treelines and separation from residential areas, the proposal is considered acceptable in accordance with the relevant design policies of the local development plan.

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.

Due to the nature of the proposals, there is no risk of a loss of sunlight or privacy towards nearby residential properties in the immediate area. However, during the course of publicity period, concerns were raised from interested parties regarding potential overbearing impacts, environmental disturbance in the form of air pollution and noise from the stacks and issues with access and traffic due to a potential shortage of parking on site following the removal of 18 existing spaces.

Policy HOU11 refers predominantly to extensions and alterations to residential buildings. However, within the additional information attached to this policy, it is stated that in assessing whether a development is out of keeping with the scale of its surroundings and therefore overbearing, attention will be drawn to height, massing and material finishes. While the height of the stacks exceeds that of the roofline, their overall massing in comparison with the footprint of the building is minimal.

The nearest residential development to the position of the Western stack is 65m, separated by two treelines either side of the swale between the business park and the residential area. To the East, the closest residential developments are positioned behind two large warehouse units which would completely obscure any view of the chimneys from these properties.

Environmental Disturbance & Pollution

Policy SE12 of the CELPS seeks that all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm.

Policy ENV12 states that proposals likely to have an impact on local air quality will be expected to provide an air quality assessment. Where this assessment shows that the development would cause harm to air quality either in construction or operation, without appropriate mitigation, permission will be refused.

The potential for harm to the local air quality was the most significant concern raised in representation by residents of the surrounding area, with particular regard to the proposed use of the chimneys and the substances which would be emitted into the atmosphere around the site, especially towards the children's nursery to the immediate South and residential properties to the West. As no air quality assessment was provided with the initial application pack, many local residents were concerned that industrial scale processes such as chemical manufacturing or incineration would cause harmful pollution to be discharged from these stacks in an area dominated by residential and non-industrial commercial space. Due to the scale of the chimneys and lack of information initially provided as to the exact function and operation of the building, it is understandable that such concerns were raised.

However, during the course of the application, an air quality assessment was provided which carried out an analysis both of dust and particulate effects from the construction phase, as well as emissions relating to the operational phase and the increase in vehicle movement to and from the site. This assessment firstly concluded that in the construction phase, dust emission from earthworks and construction processes would be '*small*' in each instance. Secondly, the assessment concluded that during the operational phase, even in the hypothetical 'worst case scenario' in which 5L of acetone (the most hazardous substance to be used on site) was spilled simultaneously in all 50 fume cupboards serviced by each chimney stack, the air concentration of harmful fumes would be 760ppm (parts per million) which is roughly 1.5x the workplace exposure limit for an 8-hour period. Given that this scenario is extremely unlikely and that the extraction system would split the contaminated air between both stacks, it is therefore concluded that the potential harm to sensitive receptors in the immediate area would be negligible.

The Environmental Health team were consulted following the receipt of this assessment and confirmed that they had no objection to the proposals as the predicted impact was '*not significant*'.

A Noise Impact Assessment was also conducted on site by the applicant, which concluded that the noise impact of the site operation would be low at the nearest residential receptors and there would be no adverse impact on the nearby office buildings and the children's nursery. As such the report indicates that no noise mitigation measures are required and these methodology, assessment and conclusions are accepted by the Environmental Health team. Standard informatives were recommended to address noise generative issues, vibration and dust from the construction phase.

Based on the above, the proposed development is considered acceptable in line with the relevant policies of the local plan regarding amenity, pollution and all other environmental disturbances.

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.

In consultation with the nature conservation officer, no objections were raised subject to a condition recommending the submission of a biodiversity enhancement strategy to be

implemented prior to development, including provision for nesting birds and roosting bats. Subject to this condition the proposal will comply with the biodiversity policies listed above.

Highways Safety & Parking

Policy CO1 of the CELPS considers matters of highway safety, while Appendix C of the CELPS identifies Parking Standards 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.

It is noted that one of the concerns raised by residents of the area in response to this proposal was the likelihood of increased traffic through the business park and parking pressures resulting from the creation of new jobs on the site and loss of 18 existing parking spaces.

Appendix C states that for sites operating under 'light industry' (formerly class B1), the required provision of parking is given as 1 space per 30m² of floorspace. The total internal floorspace of Peakeside House is given as 2,336m² on the floorplan provided on the Orbit Investments website, which results in a parking requirement of 77 spaces and a disabled space requirement of 2. These standards are comfortably met, despite the removal of 18 spaces, as the remaining provision will total 98 spaces and 4 disabled spaces. Furthermore, the provision of 20 cycle spaces is included in the proposal, which exceeds the requirement of 6 for this site, as determined based on the Appendix C requirements.

Based on the above, in combination with the fact that no pollution concerns were raised by Environmental Health regarding any changes to vehicle movements to the site, the application is considered to comply with the relevant policies of the local plan regarding highway safety and parking.

CONCLUSION

The comments received in representation are acknowledged and have been considered within the assessment above. However, it is considered that whilst the proposed chimney stacks and associated works will have some visual impact within the immediate vicinity of the site, they are appropriately scaled and suitably limited in form so as not to cause any significant harm to the overall character and appearance of this commercial area. Furthermore, it is noted that Tytherington Business Park is emerging as a focal point for businesses within the pharmaceutical research and drug discovery industry and this development represents safe and precautionary additions to a vacant building in order to support the growth of this industry and enhance the local economy and employment quality. There is no harmful amenity, environmental or highways impacts anticipated as a result of this scheme, and therefore it should be supported in order to contribute to the delivery of Cheshire East Strategic Priority 1 for '*Promoting Economic Prosperity*' by pro-actively exploiting growth opportunities and building on the current success of the pharmaceutical industry in Macclesfield and the wider borough. A recommendation of approval is therefore made.

RECOMMENDATION

Approve subject to the following conditions.

1. Time period for implementation - 3 years
2. Development to be in accordance with approved plans
3. Materials to be agreed
4. Provision of vehicle and cycle parking as shown on approved plans, including 4no. disabled parking bays and retention thereafter.

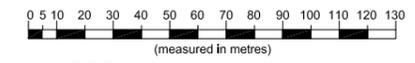
In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission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



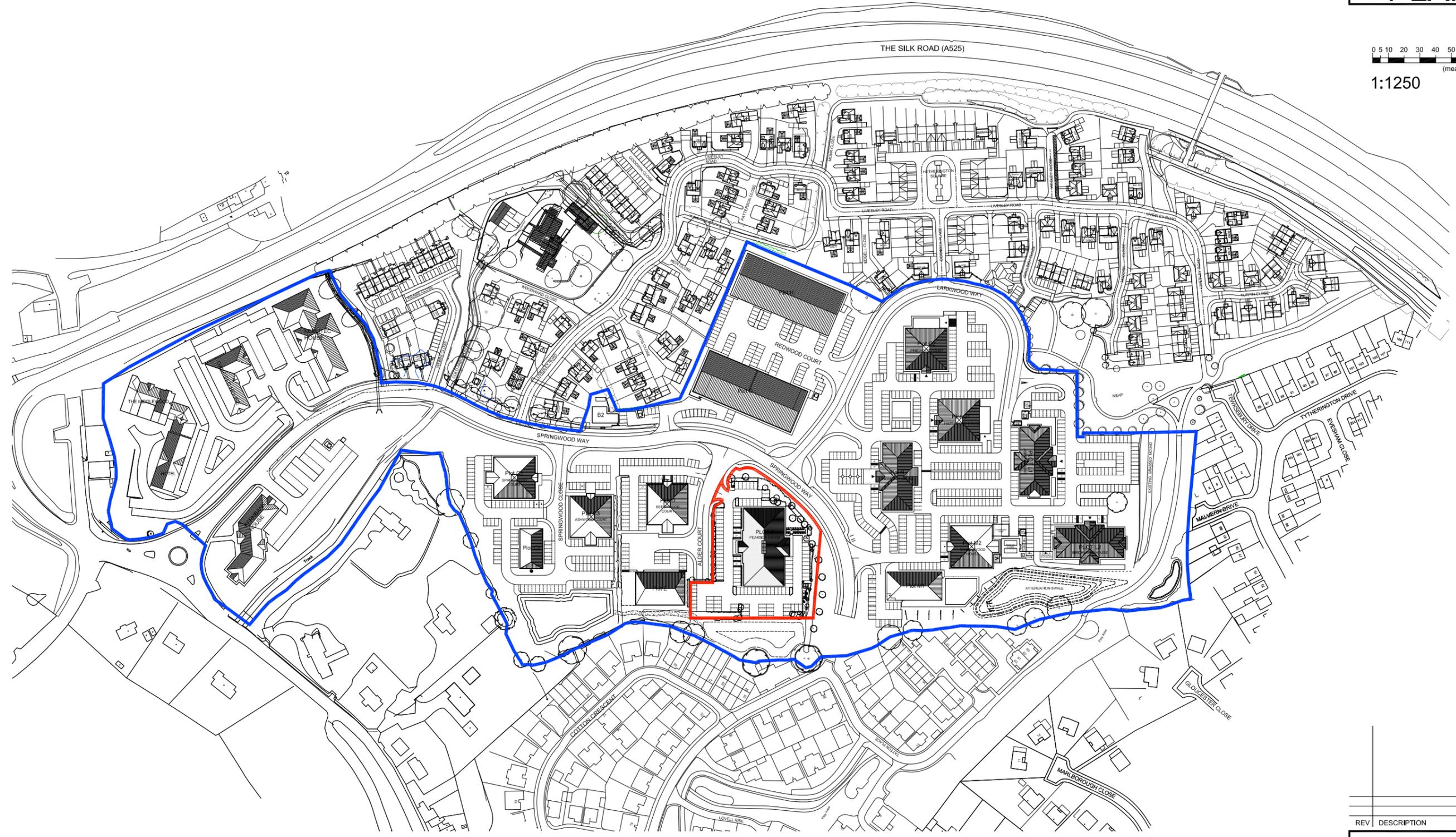
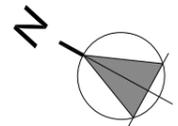
23/1487M
PEAKSIDE HOUSE,
ALDER COURT,
MACCLESFIELD,
SK10 2XG

The Contractor is responsible for checking dimensions and any discrepancy to be verified with the Architects before proceeding. Figured dimensions to be worked to only. Subject to all Local Authority and Statutory approvals.
DO NOT SCALE

PLANNING



1:1250



SITE LOCATION PLAN scale 1:1250 @ A1

REV	DESCRIPTION	DATE

EMERSON HOUSE, HEYES LANE,
ALDERLEY EDGE,
CHESHIRE SK9 7LF
Tel: (01625) 588400. Fax: (01625) 588276



location
**TYTHERINGTON BUSINESS PARK,
MACCLESFIELD**

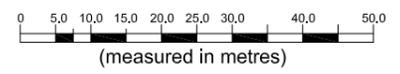
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**PEAKSIDE HOUSE
SITE LOCATION PLAN**

scale	ref	checked	date
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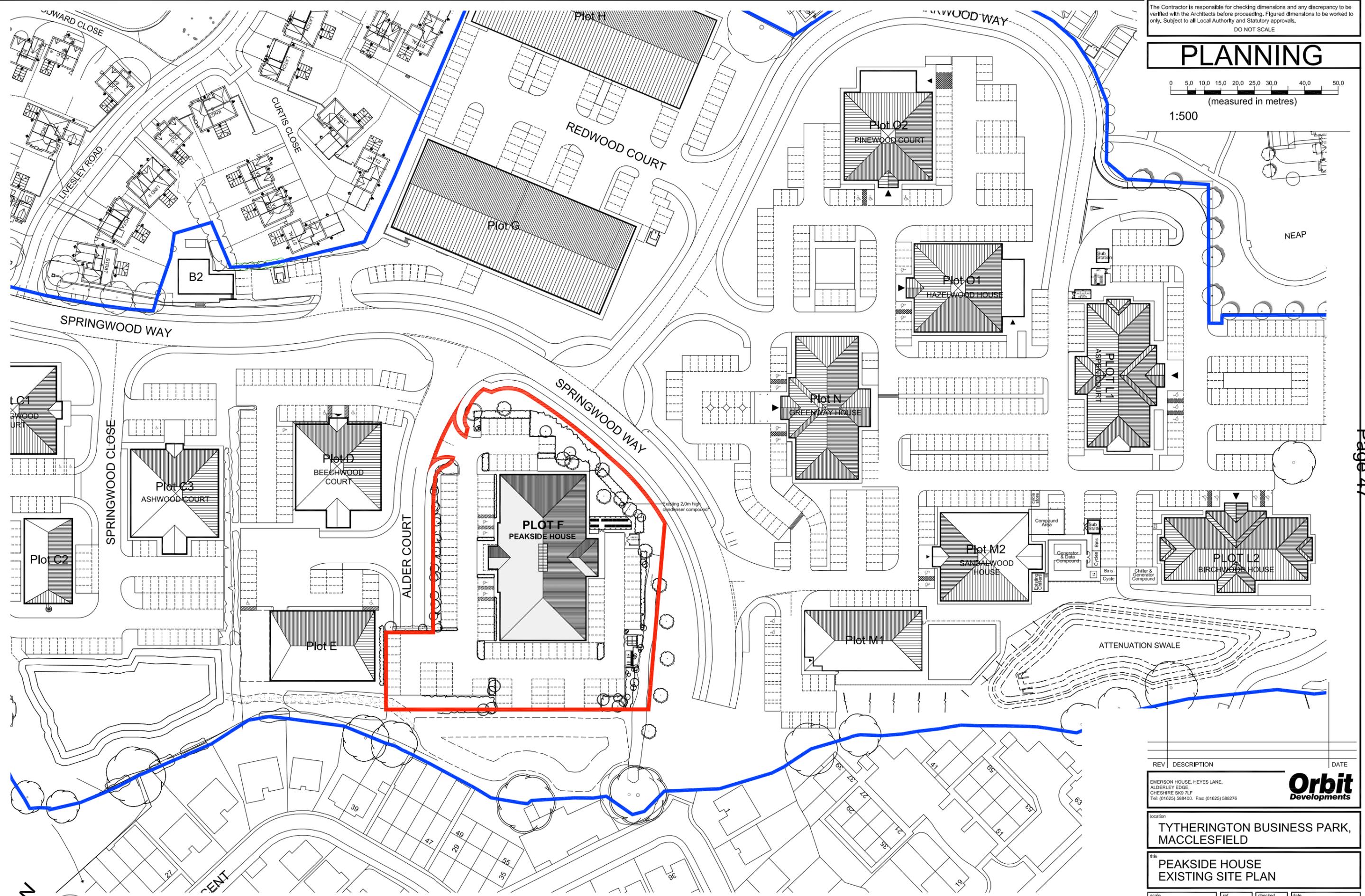
drawing no.
576-PL-2001

The Contractor is responsible for checking dimensions and any discrepancy to be verified with the Architects before proceeding. Fligured dimensions to be worked to only. Subject to all Local Authority and Statutory approvals.
DO NOT SCALE

PLANNING



1:500



EXISTING SITE PLAN scale 1:500

REV	DESCRIPTION	DATE

EMERSON HOUSE, HEYES LANE,
ALDERLEY EDGE,
CHESHIRE SK9 7LF
Tel: (01625) 588400. Fax: (01625) 588276

location
**TYTHERINGTON BUSINESS PARK,
MACCLESFIELD**

title
**PEAKSIDE HOUSE
EXISTING SITE PLAN**

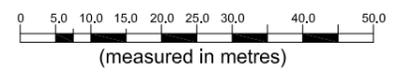
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drawing no. **576-PL-2002**

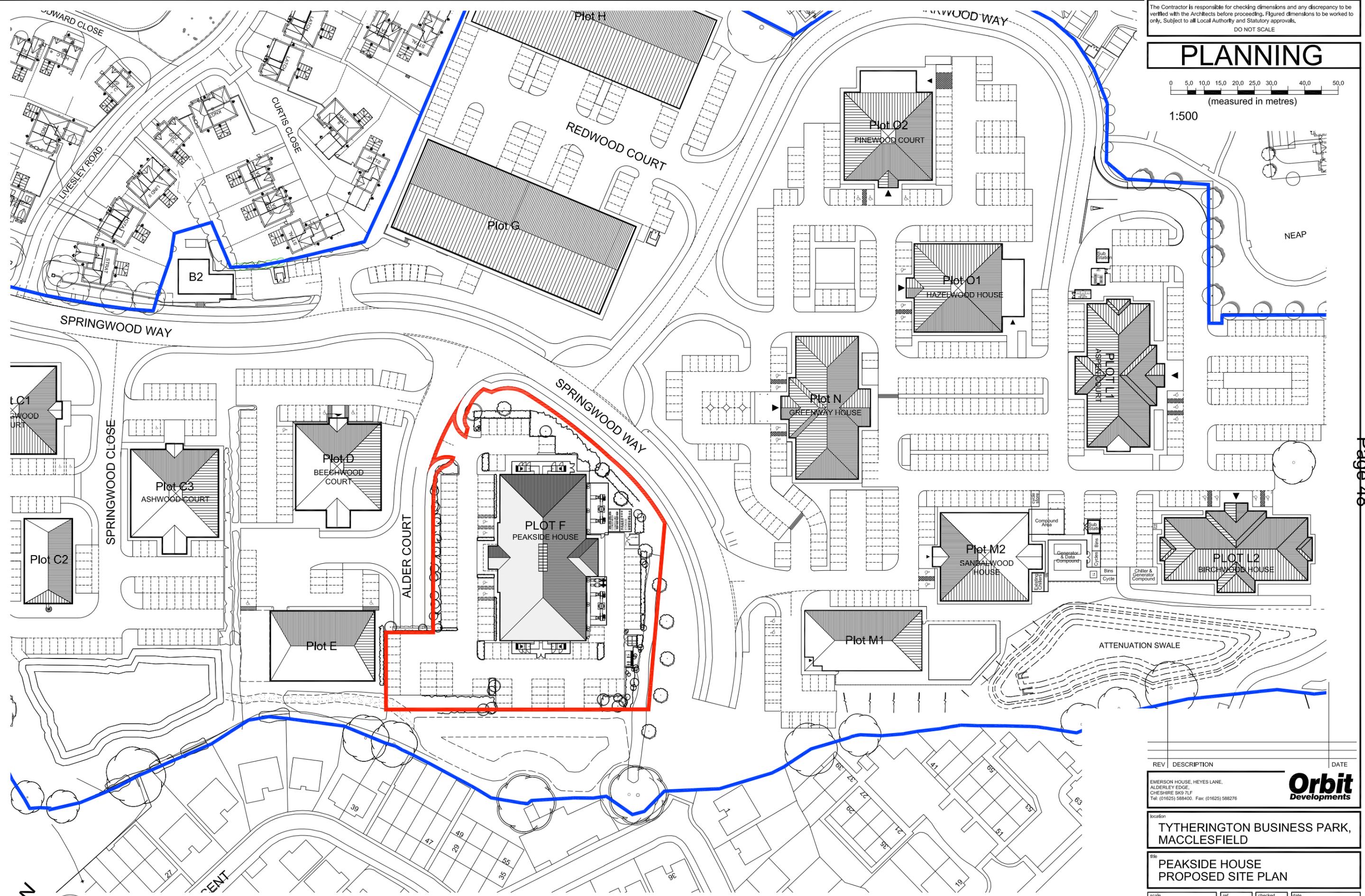


The Contractor is responsible for checking dimensions and any discrepancy to be verified with the Architects before proceeding. Figured dimensions to be worked to only. Subject to all Local Authority and Statutory approvals.
DO NOT SCALE

PLANNING



1:500



PROPOSED SITE PLAN scale 1:500

REV	DESCRIPTION	DATE

EMERSON HOUSE, HEYES LANE.
ALDERLEY EDGE,
CHESHIRE SK9 7LF
Tel: (01625) 588400. Fax: (01625) 588276



location
**TYTHERINGTON BUSINESS PARK,
MACCLESFIELD**

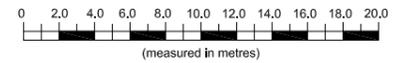
title
**PEAKSIDE HOUSE
PROPOSED SITE PLAN**

scale	ref	checked	date
1:500 @ A1	pb		31/03/23

drawing no. **576-PL-2003**

The Contractor is responsible for checking dimensions and any discrepancy to be verified with the Architects before proceeding. Figured dimensions to be worked to only. Subject to all Local Authority and Statutory approvals.
DO NOT SCALE

PLANNING



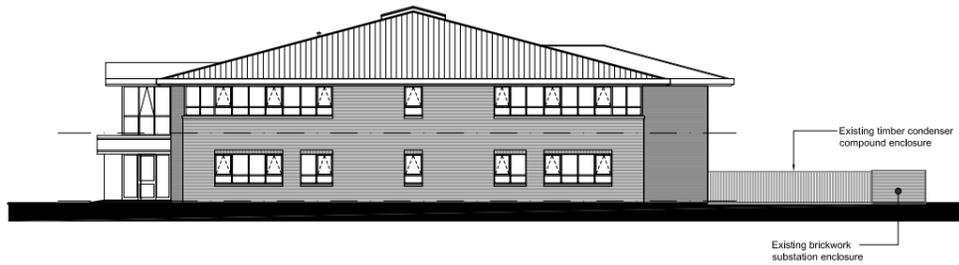
1:200



EXISTING FRONT (NORTH) ELEVATION



PROPOSED FRONT (NORTH) ELEVATION



EXISTING SIDE (WEST) ELEVATION



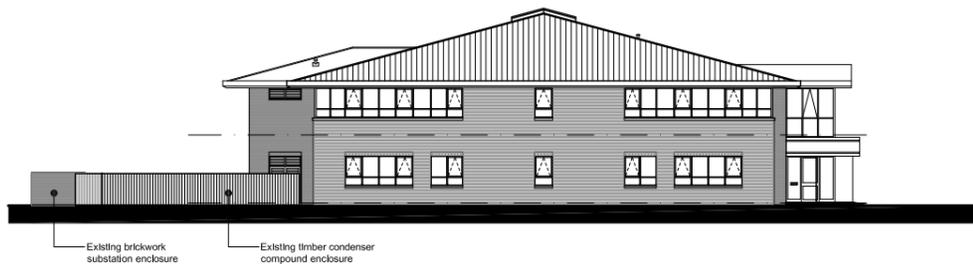
PROPOSED SIDE (WEST) ELEVATION



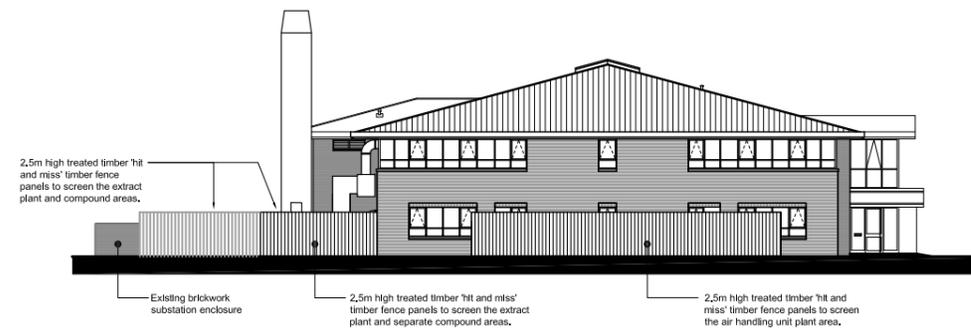
EXISTING REAR (SOUTH) ELEVATION



PROPOSED REAR (SOUTH) ELEVATION



EXISTING SIDE (EAST) ELEVATION



PROPOSED SIDE (EAST) ELEVATION

REV	DESCRIPTION	DATE
EMERSON HOUSE, HEYES LANE, ALDERLEY EDGE, CHESHIRE SK9 7LF Tel: (01625) 588400. Fax: (01625) 588276		



Location
**TYTHERINGTON BUSINESS PARK,
MACCLESFIELD**

Site
**PEAKSIDE HOUSE
EXISTING & PROPOSED ELEVATIONS**

scale	1:200 @ A1	ref	pb	checked	date	31/03/23
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drawing no.
576-PL-2004

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Application No: 23/3702M

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

Proposal: Conversion of existing office building to residential apartments (resubmission of planning application reference 22/1223M)

Applicant: Mr & Mr Harry and Vinny Edwards and Taylor

Expiry Date: 24-Nov-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 exceeds 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 outdoor 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:

'Although there are changes to the design and a reduction in the number of apartments from 6 to 4, the number of potential residents remains the same i.e. a total of 14. This is still overdevelopment of a small site and likely to lead to a worsening of parking problems on Athey Street and surrounding streets. The nearest most recent developments on the street (Athey Street becomes Parr Street about halfway along) all have private parking, including 10-32 Parr

Street; Athey Street Mill; and 6-8 Parr Street and 49-53 Crompton Road, which are built on the site of the Crompton Road Tavern. The report for planning application 14/2643M Crompton Road Tavern notes that "Whilst vehicles would have to reverse into the road, the access is taken from Parr Street which experiences less traffic than Crompton Road. It is admitted that this is less than ideal, however given existing on street car parking problems, the impact of on street car parking associated with the development would have had a greater impact upon highway safety if no parking were provided than the associated impacts of having vehicles reversing into the road." Car ownership and parking problems have worsened since this application was granted, and public transport has diminished significantly. The bus stop mentioned in the applicant's Design Access and Planning Statement is no longer active, the bus route mentioned has been re-routed. There are few, if any, services in the evening and none on Sundays. Therefore the aim of car free tenants is unlikely and not sustainable, and at odds with other developments in the immediate area. The application states that there are 1-2 employees plus visitors parking on site, replacing this with up to 14 residents (plus their visitors) parking will have an adverse impact on residential amenity for existing residents. If public transport is adequate, are the current employees using it?

Although the principle of development was established by application 21/0331M, this was for a single house with an integral garage and bears no relation to the current application.

There is insufficient information around waste management. The waste disposal area looks like it can only be accessed via an external door on Athey Street. There is a primary/infant school opposite the development, the pavements are pretty narrow and very busy during term time. There is clearly potential for pavement blocking by either wheelie or industrial bins. Plus, the potential for odours to seep into the flats. Adequate arrangements are required by policy RET8.

The housing standards officer has reiterated concerns around fire safety, I recall that this was deemed not to be a planning issue per se, however policy RET 8 requires appropriate and safe access and I feel that this has not been addressed. I note that para 3.7.1 refers to access via the car park at the rear, this is not part of the application site and I am concerned that this is not guaranteed.

Para 4.22 of the applicants DAAPS mentions a quick development, however no further information has been provided re the potential asbestos remaining in the building, and fire escape mitigation including the requirement for discussions with the local fire authority. The proposal, as noted by the housing standards officer, still has inner rooms.

For these reasons I believe that the application deserves the attention of the Planning Committee, and would suggest that a site visit is carried out.'

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 x4 residential apartments.

The application is an amendment and a re-submission of 22/1223M which was for x6 residential apartments. This was refused by Northern Planning Committee on the 7th June 2023 for the reasons below.

RELEVANT HISTORY

22/1223M - Conversion of existing office building to residential apartments – Refused for the following reason:

- 1. The proposed development would result in a substandard level of amenity for the future occupiers and an overdevelopment of the site. The development is subsequently contrary to policies HOU12 (Amenity) and HOU13 (Residential Standards) of the Cheshire East Site Allocations and Development Policies Document and the National Planning Policy Framework.*

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 Transport (CEC Highways) – No objections

Environmental Protection (CEC) – No objections, subject to the following conditions; submission/approval of an updated noise report, 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.

Strategic Housing – No objections

Housing Standards & Adoptions (CEC) – *‘The bedrooms within flats 1 and 2 are classed as ‘inner rooms’ (a room where escape is through another ‘outer room’). As such, if there was a fire within the ‘outer room’, any occupant within these inner rooms may become significantly hindered or even prevented from safely escaping, as there’s no means of secondary or protected escape route leading from these ‘inner rooms’.*

Following discussions with the designer (previously), if an automatic fire suppression system was to be installed, together with a suitable hard wired, interlinked fire detection and alarm system throughout this development, then Housing Standards would have no objections to the proposal. It is noted however, that whilst Housing Standards would consider this trade off to be acceptable, consent must first be obtained from Cheshire Fire and Rescue services, as well as Building Control on this matter.’

Building Control (CEC) – Agrees with comments from the Council’s Housing Standards & Adoptions Officer (above). Suppression system will be a requirement of the building regulations process and Building Control will consult Cheshire Fire & Rescue as part of that process.

Cheshire Fire and Rescue – Access should be in accordance with Building Regulations with regards to access for fire and rescue. With regards to provision of water supplies, it is advised that the applicant should submit details of the water main installations. Recommend the installation of an automatic water suppression system in accordance with British Standards. Observe that bedrooms to flats 1 and 2 are inner rooms where emergency egress is through another room. An inner room is not permitted for bedrooms. Also observe that the kitchen in flat 2 should be located further away from the means of escape.

Macclesfield Town Council – Would like the planning officer to check the scheme against the following policies; HOU12 (Amenity) and HOU13 (Residential Standards). Would also ask the Officer to check the safety re: fire escapes as no windows are showing on the ground floor apartment plans. Consideration should also be given to room sizes.

REPRESENTATIONS

In response to the re-consultation exercise, 1 neighbouring comment has been received raising an objection on the following grounds:

- Highways – Impact of additional on-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 4 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 half the number of 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 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 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 and the existing high-level window enlarged.
- 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 x4 flats/apartments. These would be spread over two floors. These flats would range in size between 75.9m² to 125m² and comprise of a mix of one, two and three bed units. More specifically:

- Flat 1 - 2-bed (over 1 floor) – 75.9m²
- Flat 2 – 3-bed (over 1 floors) – 125m²
- Flat 3 – 1-bed (over 2 floors) – 81.2m²
- Flat 4 – 1-bed (over 2 floors) – 77.91m²

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)
- 2-bed, 4 persons (1 floor) – 70m² (including 2m² of built-in storage)
- 3-bed, 6 persons (1 floor) – 95m² (including 2.5m² 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, all principal habitable rooms (bedrooms, living rooms etc) would benefit from a window, and therefore outlook and light.

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. However, the agent for the application has designed the proposals to include a space for internal shared amenity space which would benefit from natural light from high level windows. In addition, a shared cycle store is provided. 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 not ideal, the internal space does offer an open communal space and given the location of the site within Macclesfield, 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.

Fire safety

Concerns have been raised by Cllr Braithwaite and the Town Council about fire safety arrangements for the future occupiers.

The Council's Housing Standards & Adoptions Officer & Cheshire Fire & Rescue have reviewed the submission and recommended the use of an automatic fire suppression system because some of the rooms are classed as inner rooms meaning that occupiers of those rooms need to pass through a further room before being able to exit the building. Cheshire Fire & Rescue also comment about the position of the kitchen in flat 2.

The Council's Building Control Officer advises that a suppression system would address all of these fire safety concerns and the applicant will need to provide all the relevant details to show it complies with the guidance prior to that part of the works commencing and it can be added as a condition on the building control application.

As such, Officers are satisfied that the concern will be dealt with at building control stage.

In the event of approval, an informative is proposed that the applicant/developer should submit details of the water main installations to Cheshire Fire & Rescue as per their request.

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; submission/approval of an updated noise report, 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.

Although the application is not accompanied by an updated noise report, the Council's Environmental Protection Officer is satisfied that the principle of protecting the future residents from noise and the recommendations contained in the older acoustic report that accompanies the application in terms of appropriate glazing on the south facing facades and north and east facing facades, and additional mitigation in respect of the boundary with the substation and ventilation consideration / requirements, provide reassurance that such noise control and ventilation issues will be re-applied to the revised proposal for four apartments.

Regarding the suggested possible presence of asbestos, the Council's Environmental Protection Officer raises no concerns as the building is not sought for demolition (and therefore falls beyond their remit). However, they recommend that in the event of approval, an informative be included which advises the applicant that they should follow the appropriate HSE advice during construction which sets out their duty.

As such, no specific concerns have been raised by Council's specialists 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 overdevelopment of the site in relation to the previously refused scheme, which in turn resulted in a substandard level of amenity for its future occupiers, has been overcome. 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 4 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. This was also their conclusion as part of the previous submission for x6 apartments, which was not refused on highway safety grounds.

The ward Councillor has highlighted that the existing use is only used by 1-2 employees (as detailed within the application) and subsequently the proposed parking impact of 4 flats is likely to exceed this.

Following further dialogue with the Council's Highways' Officer, it has been advised that Highways calculate the *potential* car parking need of commercial development based on its floorspace as per Appendix C of the CELPS. As such, the site's use as offices is currently being underutilised and could generate a need for 16 parking spaces. When compared to the proposed residential use, the parking requirement would be for 6 spaces for residents, plus 1 visitor space, considerably less than the potential parking need of the existing use. As such, whilst the parking need would be greater than the existing use if it is currently only being used by 1-2 employees, it would be considerably less than it potentially could be should another office-based business move into the premises, a scenario which would not require planning permission.

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.

Other matters

As part of the Call-in request, the Councillor refers to Policy RET8 of the SADPD with regards to various requirements which the application proposals should be subject to. Policy RET8 of the SADPD refers to 'Residential accommodation in the town centre'. The policy goes on to explain that 'town centres' are defined on the adopted policies map. Upon review of the adopted policies map for Macclesfield, the application site falls outside of the defined 'town centre' and subsequently, is not subject to Policy RET8.

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 outdoor 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

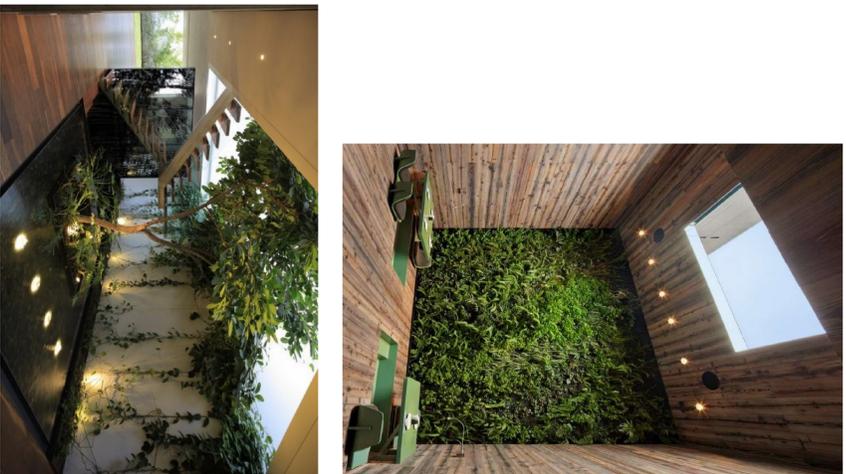
APPROVE subject to the following conditions:

- 1. Time (3 years)**
- 2. Plans**
- 3. Submission/approval of facing and roofing materials**
- 4. Submission/approval of updated noise report & 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



23/3702M
MARBURAE HOUSE,
ATHEY STREET,
MACCLESFIELD,
SK11 6QU



visual images of similar internal amenity spaces

Revision	Revision Description	Date
A	Layout Alterations	18.02.2022
B	Layout Alterations	22.02.2022
C	Layout Alterations	10.01.2023
E	Ascribed Design to 5 Units	15.08.2023

Revision Schedule

NOTES

All building work is to conform with full planning approval, application drawings and stipulated planning conditions approved by the Local Planning Authority. All building work is to conform with 1991 Building Regulations and all applicable codes of practice and standards. The contractor is to check all dimensions and conditions on site before commencing. If any dimensions shall be preferred to scaled dimensions, all dimensions shall be indicated on drawings and documents. All drawings and documents shall be reviewed and approved by the architect. It is intended that this drawing had been produced and issued for sole purpose of the client's use. It is not intended that this drawing be used by any other person for any other purpose.

Marburæ House
Athey Street, Macclesfield

DRAWING NAME:
Proposed Plans

DRAWING: 1482 201
Planning

SCALE: 1:75 @ A1 **DATE:** 22.02.2022

Application No: 23/3010M

Location: 2, DELAMERE DRIVE, MACCLESFIELD, SK10 2PW

Proposal: Removal of existing garages and outhouse, replacement garage and two storey rear extension

Applicant: Mr Julian Broadhurst

Expiry Date: 23-Nov-2023

SUMMARY

The application lies within settlement boundary of Macclesfield, adjacent to the Macclesfield Canal and its associated Conservation Area, and also Hurdsfield Conservation Area. This is a householder development whereby the principle of residential development on the site is acceptable.

The development is considered to be acceptable in terms of its impact upon the residential amenities of the neighbouring residential properties surrounding the site. There is no significant conflict with Policy HOU 11, 12 or 13 of the SADPD in this regard.

The design is considered to be acceptable and will not detract from the character and appearance of the site, its surroundings or the wider Conservation areas and complies with Policies SE 1, SD 2 and SE7 of the CELPS and GEN 1, HER 1, HER 3 and HOU 11 of the SADPD and the Cheshire East Design Guide.

The development is considered to be acceptable in terms of its impact upon the highway safety and parking provision. The development complies with SADPD policy INF 3 and Policy CO2 and Appendix C of the CELPS.

The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocations and Development Plan Document and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

The application has been submitted by a member of staff employed within the Development Management Service of the Council and is therefore referred to planning committee as required by the scheme of delegation.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a brick built semi-detached property situated within the settlement boundary of Macclesfield. To the north-east of the site is the Macclesfield Canal, which also forms part of the Macclesfield Canal Conservation area, and to the south is the Hurdsfield Road Conservation area. The site is surrounded by residential development with a private access track to the side (south) of the dwelling providing rear access to some of the properties on Delamere Drive.

At the rear of the dwelling is a detached single storey outhouse and at the northern end of the garden are a collection of 3no single storey brick built garages and sheds. On the opposite side of the access track, beyond the rear boundary is a further garage, car port and concrete base also within the ownership of the applicant.

DESCRIPTION OF PROPOSAL

This application seeks full consent for the demolition of 3 of the garages within the rear garden and replacement with 1no. pitched roof brick built garage with slate roof. A small section of beech hedge is to be removed to facilitate this.

It is also proposed to demolish the existing outbuilding at the rear of the dwelling and erect a part two storey, part single storey rear extension to create additional living accommodation.

RELEVANT HISTORY

None

RELEVANT PLANNING POLICY

Cheshire East Local Plan Strategy 2010-2030

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and geodiversity
SE7 The Historic Environment
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport

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

PG9 Settlement Boundaries
HER1 Heritage assets
HER 3 Conservation areas
GEN1 Design principles
ENV6 Trees, hedgerows and woodland implementation
ENV16 Surface water management and flood risk
HOU 11 Extensions and Alterations
HOU 12 Amenity
HOU 13 Residential standards

Neighbourhood Plan

There is no made Neighbourhood Plan for this area.

Other Material Planning Considerations

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

CONSULTATIONS

Canals and Rivers Trust – No objection. The additional statement submitted confirms that the replacement garage is a minimum of 12m from the canal on the opposite side of the existing vehicular track.

REPRESENTATIONS

Macclesfield Town Council –

- Plans are difficult to understand
- Public access to the track, is this not now custom and practice?
- Please check policy HOU 12

Ward Councillor (Cllr Bennett-Wake) –

- Plans do not contain clear measurements to make a judgement
- It is not clear if properties on Hurdsfield road will be overlooked
- The applicant has not allowed access on the track to assess nature of plans
- Lean to and shed on canal bank may contain asbestos and could lead to canal and surrounding land being contaminated
- Construction work so close to the canal could have a detrimental effect on the bank and canal.

OTHER REPRESENTATIONS

4 representations of objection have been received and are summarised below;

- Plans are unclear and lack detail
- Proposed garage will be higher and will be overbearing to neighbours
- Garage will have windows and will affect privacy
- Loss of copper beech trees
- Potential for damage to sewer pipes running along access track
- This is not just a garage but a metal engineering workshop
- Assurances need to be made that a registered firm remove any asbestos
- Building has a substantially different form and larger footprint than existing
- Loss of view
- Potential for noise disturbance from garage
- Two storey extension will seriously and negatively impact on right to light to the rear of the property
- Rear extensions on Delamere Drive are limited to single storey extensions
- Garage will be used for the construction of motorised go carts

3 representations of support have been received and are summarised below;

- Proposals will not affect privacy
- Proposals will improve the surrounding area
- The applicant has improved the access track
- Proposals will not block peoples view

4 general comments have been received and are summarised below;

- I hope there will be clarity about the height of the extension which will confirm if neighbours are overlooked or light blocked.
- Can conditions ensure appropriate demolition so no noxious substances are released?
- Garage is rather large but at least its not a dwelling or workshop
- Only residents of 2-22 Delamere Drive have access down the vehicular track to the canal, anyone else would be trespassing
- Please can garage height be reduced?
- Windows in the roof will not overlook neighbours

OFFICER APPRAISAL

Principle of development

The application relates to an existing dwellinghouse within the settlement boundary of Macclesfield. Within these areas, extensions and domestic outbuildings are appropriate in principle, subject to accordance with relevant policies including those on conservation, design and residential amenity.

Heritage, Character and Design

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. 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. SADPD policy GEN 1 seeks to secure high quality design.

Policies SE7 and HER1 requires 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. Policy HER3 relates to Conservation Areas and seeks to preserve or enhance the character or appearance of the area.

The property lies adjacent to the Macclesfield and Hurdsfield Road Conservation areas. The proposed extensions to the dwelling will be appropriately designed, set down from the main ridge line at two storey level with a rear facing gable and flat roof at two storey and a lean to single storey extension. Proposed materials will match those on the main dwelling. The Conservation officer is satisfied that the extensions to the dwelling would not result in any harm to the character or appearance of the Conservation Area as the view from the canal tow path would be limited.

The existing 3 garages at the rear of the garden are to be replaced by a single garage of a slightly larger footprint. The garage will be dual pitch and will be 1.3m taller than the existing structures. The garage will be more prominent at the rear of the site and more imposing than the existing mono pitch garages.

However, the garage is positioned adjacent to similar domestic outbuildings at the rear of Delamere drive and will not detract from the visual amenity of the site or the wider area. The Conservation officer considers that the garage may impact on the view from the canal tow path but any damage to the character of the conservation area would be limited. The proposed garage would replace the existing buildings which are in a poor state of repair.

Overall, for the reasons set out above, it is considered that the proposals comprise an appropriate form of development for this area in accordance with policies SE1, SE7 and SD2 of the CELPS, Policy GEN 1, HER1 and HER3 of the SADPD and section 12 of the NPPF.

Amenity

Para 130 (b) of the NPPF requires planning decisions to create places that have, among other attributes, a high standard of amenity for existing and future users. Policy SE1 of the CELPS states, among other requirements, that development should ensure an appropriate level of privacy for new and existing residential properties. SADPD Policy HOU 11 requires that proposals not cause unacceptable harm to the amenity of nearby occupiers or the future occupiers of the dwelling.

SADPD Policies HOU 12 and HOU 13 between them require 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

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 provides standards for housing allow light and privacy between buildings, with reference to Table 8.2 in the SADPD.

The proposed extension at two storey with a projection of 2.5m and a flat roof adjacent to the attached neighbour is not considered to result in a loss of light or be overbearing to the neighbour to the north due to its relatively modest projection. The single storey element has a more significant projection of 6.5m. However, this will be adjacent to the neighbouring extension and outbuilding and will have a lean to roof that will decrease in height from 3.1m at abutment point to 2.1m at eaves level thus reducing its impact on light and shadowing effects. There are no openings proposed on the northern side elevation which may otherwise harm privacy.

To the south, the extensions will be some 12m from the rear of the neighbouring development with the access track and boundary treatment of the neighbouring properties intervening. As such the proposals are not considered to affect the amenity of neighbouring properties by virtue of overshadowing, overbearing or a loss of light. Similarly, there are no side facing openings at first floor level, with only roof lights proposed. Proposed side facing windows at ground floor level would be screened by boundary treatment of the neighbouring property and conditions can secure the details of the replacement boundary treatment required as result of the demolition of the existing outbuilding. As such there are no overlooking concerns.

The proposed garage will be a total height of 3.7m, which is an increase of 1.3m from the existing garage. This is not considered to harm amenity of neighbouring properties due to its siting in relation to neighbouring development. Residents are concerned about overlooking from proposed windows within the garage although existing boundary treatment of neighbouring property would screen any potential overlooking from the garage. In any event this is not a habitable building. Residents are also concerned about its intended use and potential for noise disturbance however this application is a householder development and the applicant has confirmed that this is a domestic garage. Any subsequent change of use would require consent. Any anti-social noise complaints would be a matter for environmental health.

Overall, the proposals are not considered to result in a significant loss of amenity to neighbouring properties by virtue of overlooking and a loss of privacy, overbearing or shadowing such that would warrant a refusal. The proposals are therefore in accordance with the provisions of CELPS policy SE1 and SADPD policies HOU 11, 12 and 13 in this regard.

Highways/Accessibility

CELPS Policy CO 1 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.

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.

The proposals will not result in a loss of parking and seeks to replace garaging space on a like for like basis. The proposals will not harm the safety of highway users and therefore comply with the requirements of CELPS policy CO1 and SADPD policy INF 3 in this regard.

Other matters

The Town Council have queried whether use of the access track has become custom and practice. Rights of access are a civil matter not for the consideration of the planning process.

Representations have been made regarding the appropriate control of asbestos and noxious substances during demolition. However, this is covered by other health and safety legislation.

Representations have been received in relation to the loss of view. However, this is not a material planning consideration.

CONCLUSIONS

The proposal is a sustainable development that complies with development plan policy and the NPPF. No objections have been raised by consultees in relation to technical matters, for the reasons mentioned the application is recommended for approval subject to conditions.

RECOMMENDATION

The application is recommended for approval subject to the following conditions:

1. Time Limit (3 years)
2. Development in accord with approved plans
3. Materials to be as per the application, to match the main dwelling.
4. Boundary treatment details to be submitted and agreed.

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



23/3010M

2, DELAMERE DRIVE,
MACCLESFIELD,

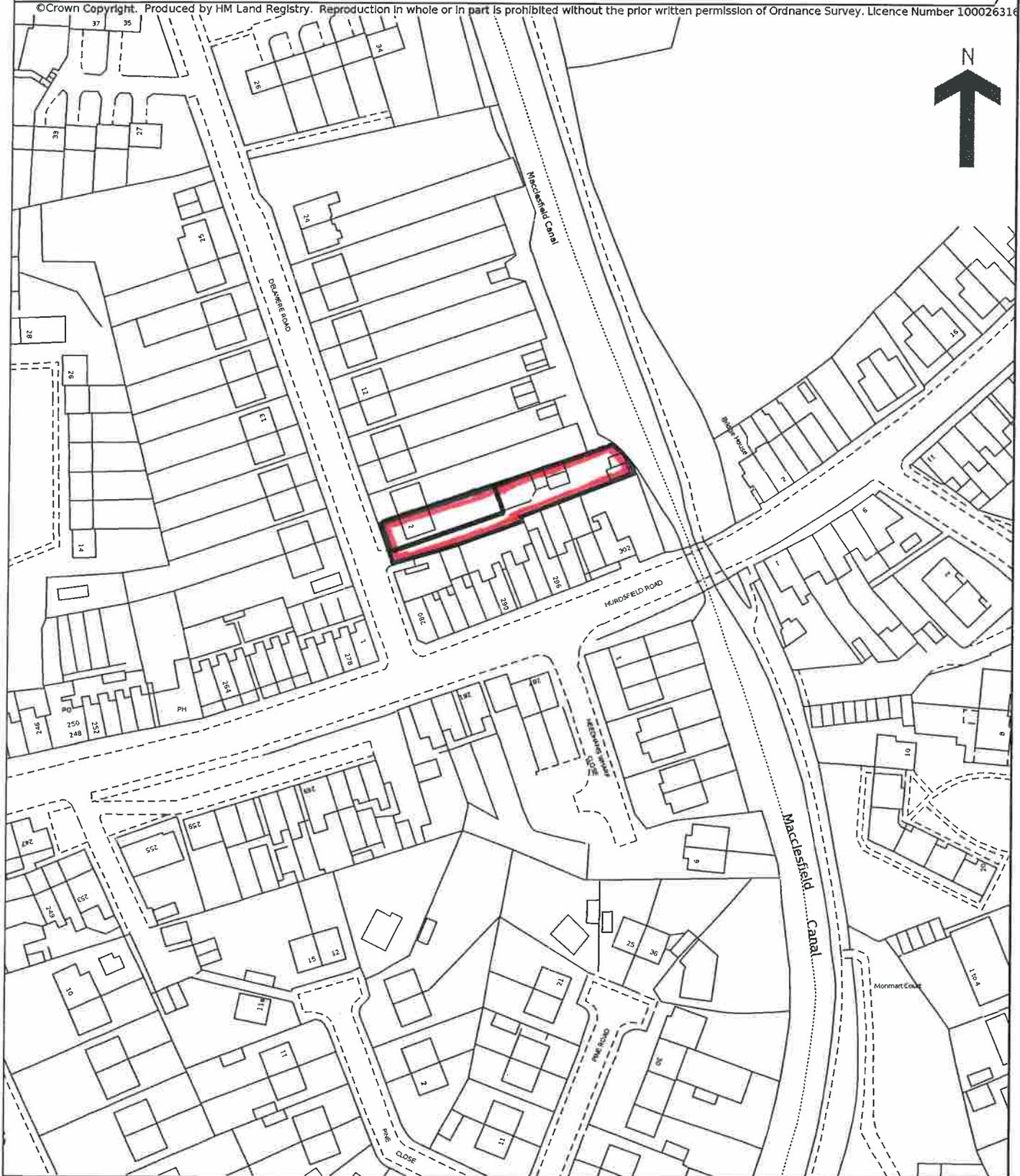
SK10 2PW

HM Land Registry
Official copy of
title plan

Title number **CH590785**
Ordnance Survey map reference **SJ9274SE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Cheshire East**



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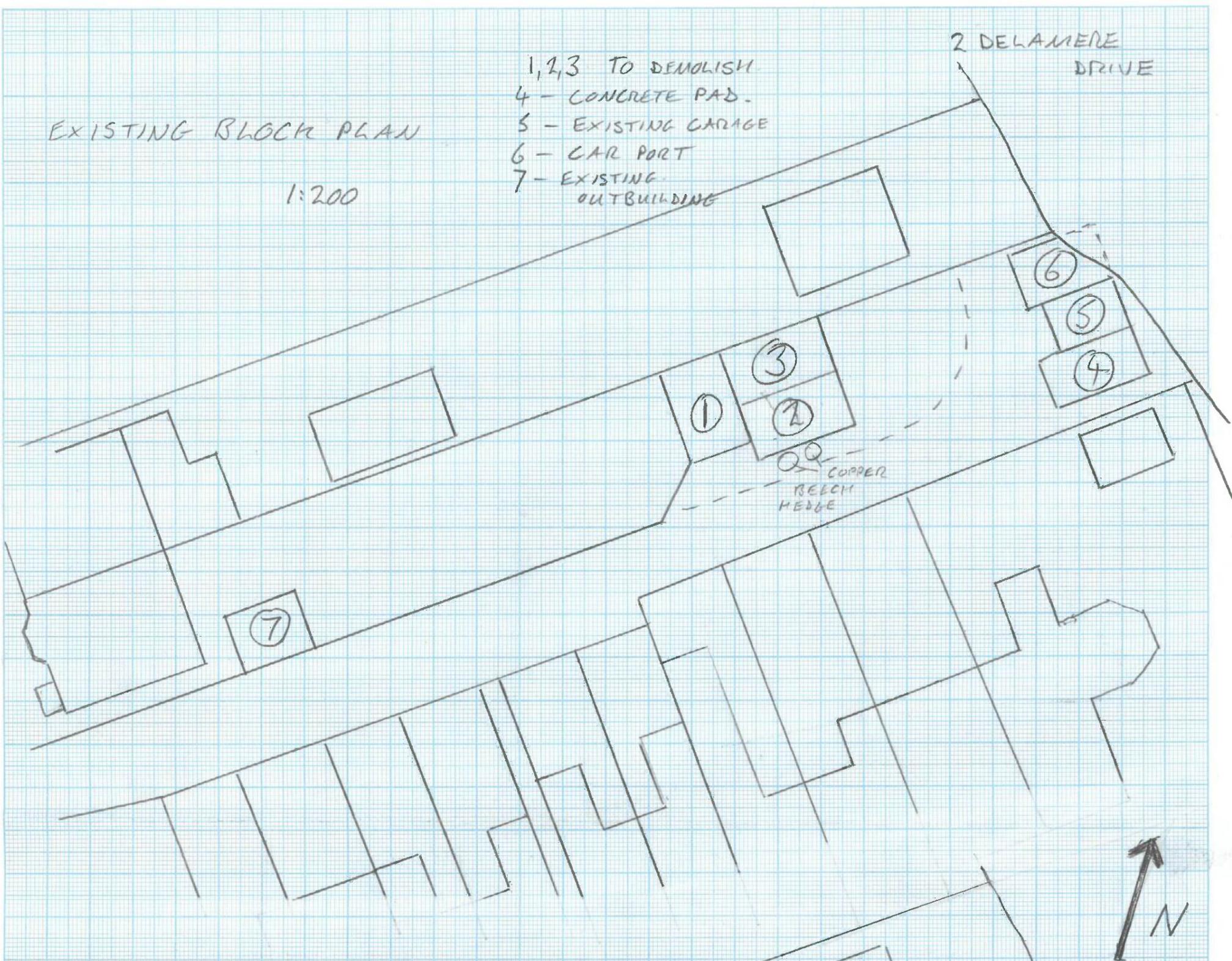


EXISTING BLOCK PLAN

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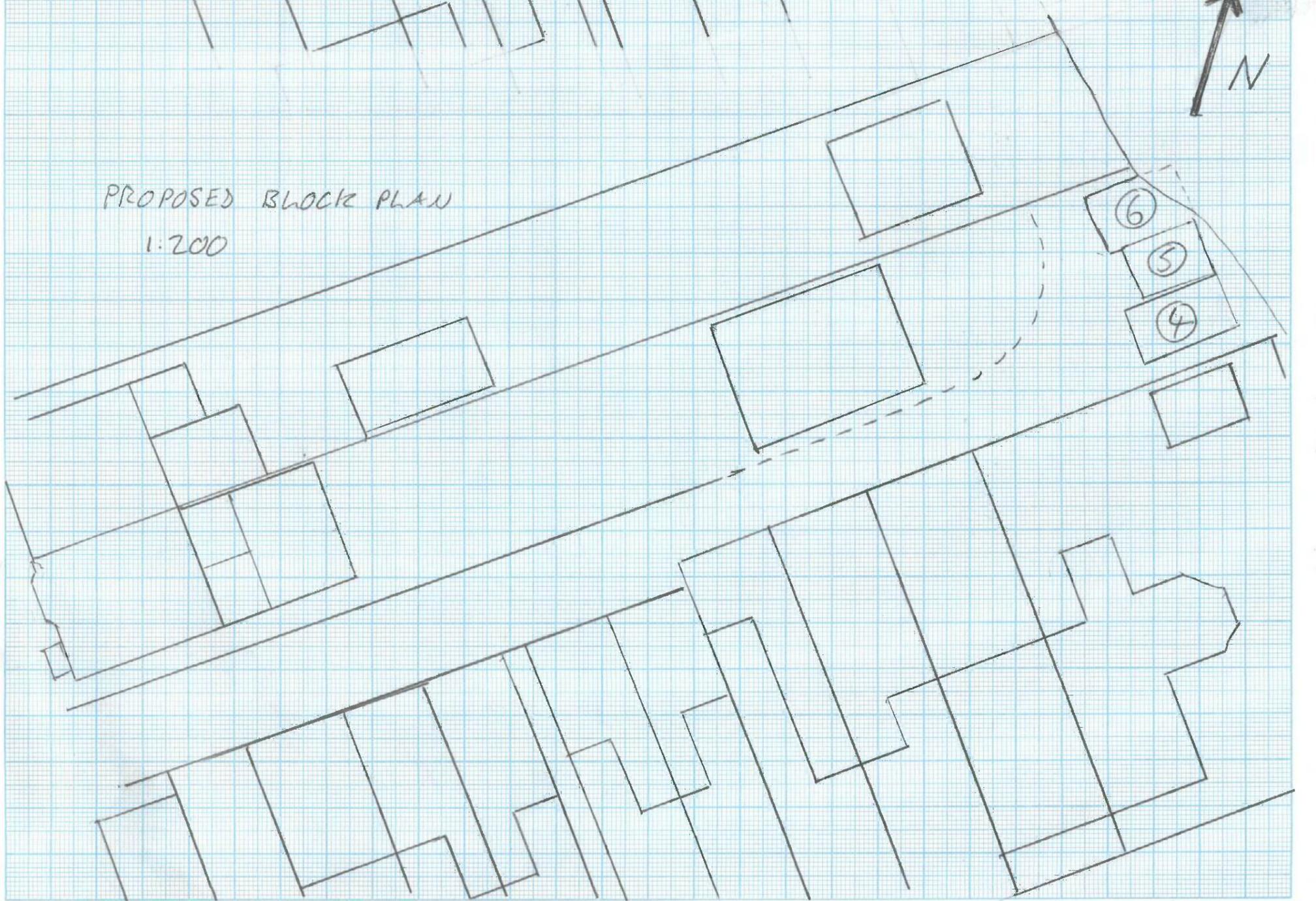
- 1, 2, 3 TO DEMOLISH
- 4 - CONCRETE PAD.
- 5 - EXISTING GARAGE
- 6 - CAR PORT
- 7 - EXISTING OUTBUILDING

2 DELAMERE DRIVE



PROPOSED BLOCK PLAN

1:200



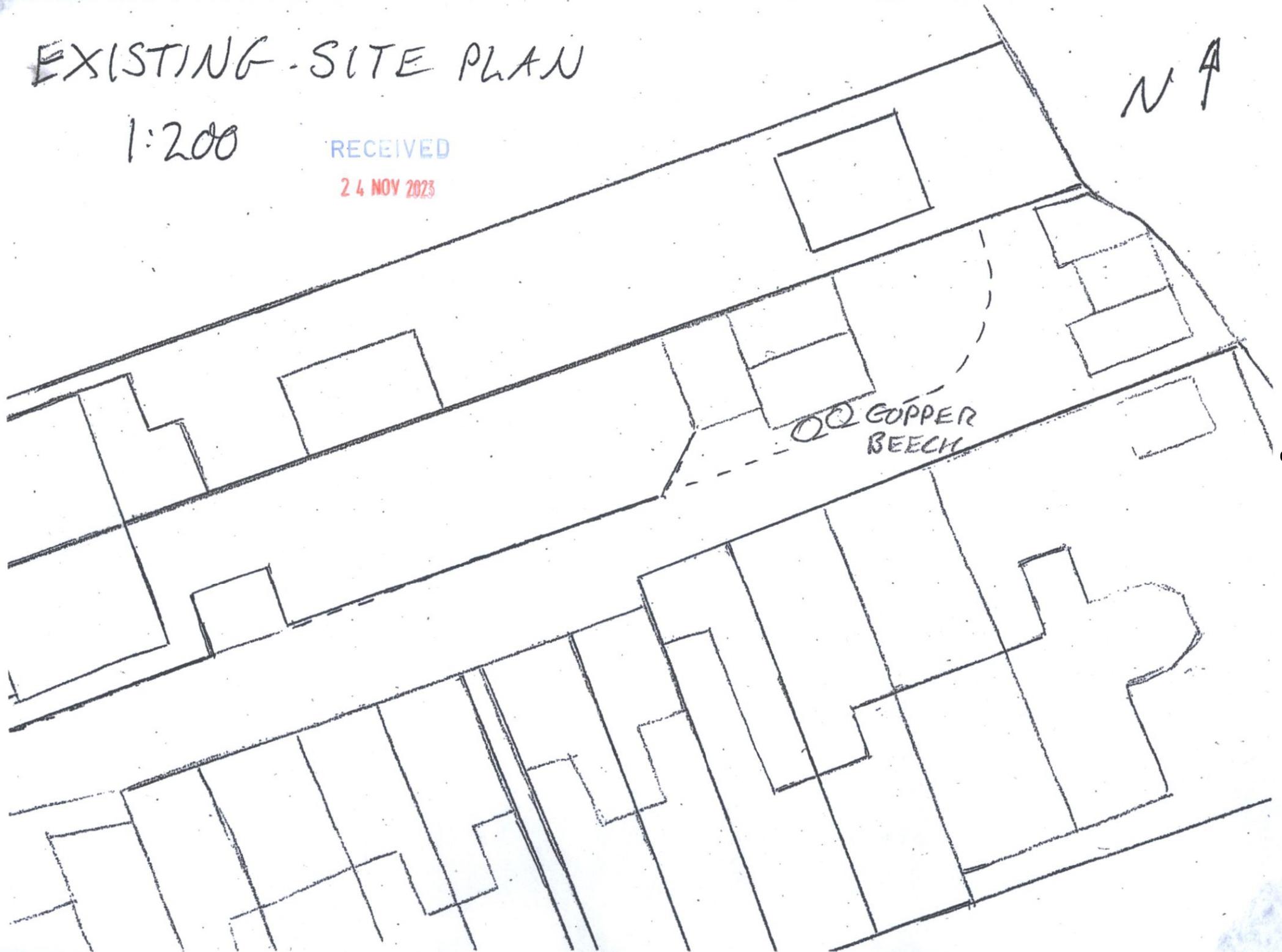
EXISTING-SITE PLAN

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NA



PROPOSED SITE PLAN 23/3010M.

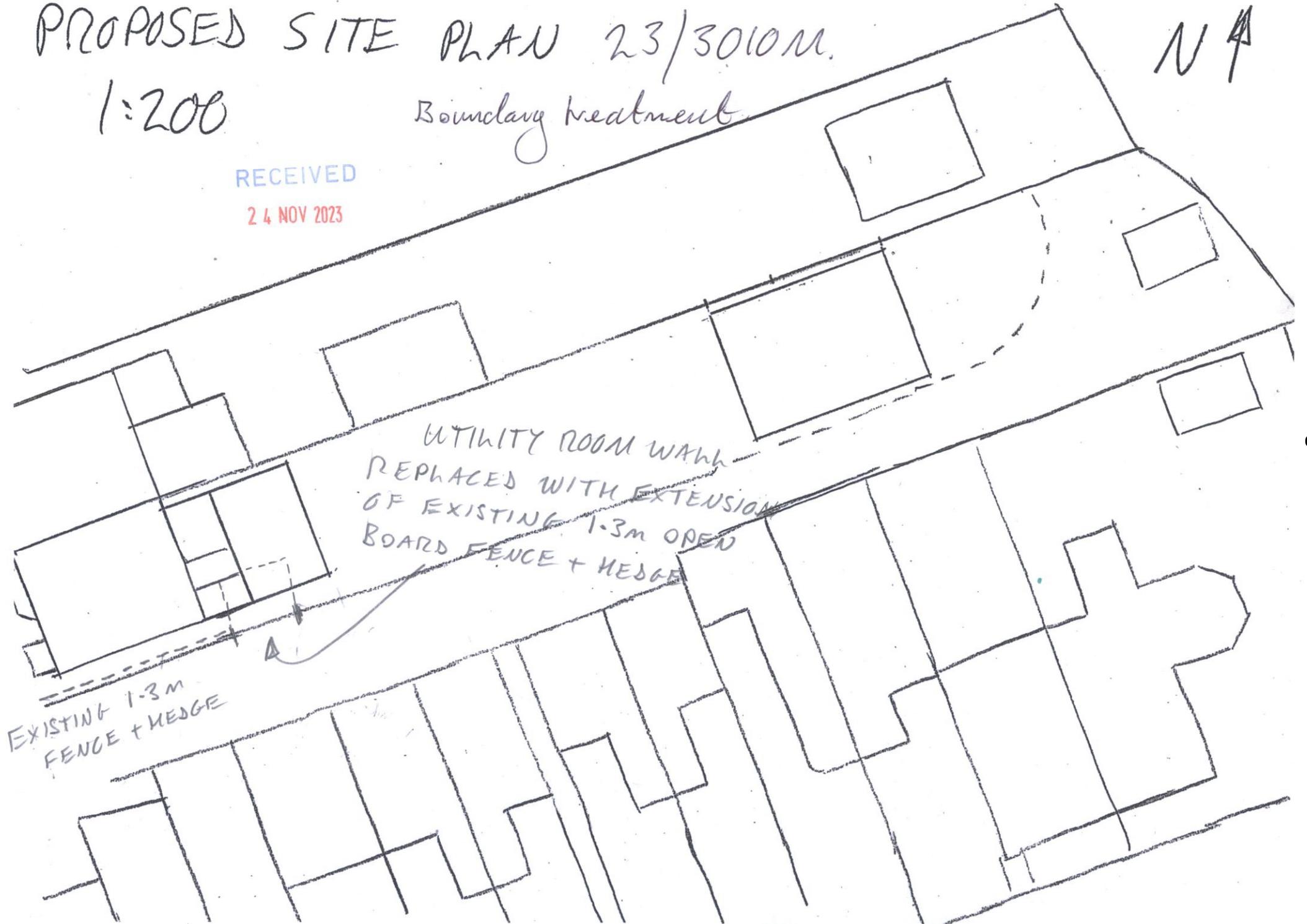
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Boundary treatment

NA

RECEIVED

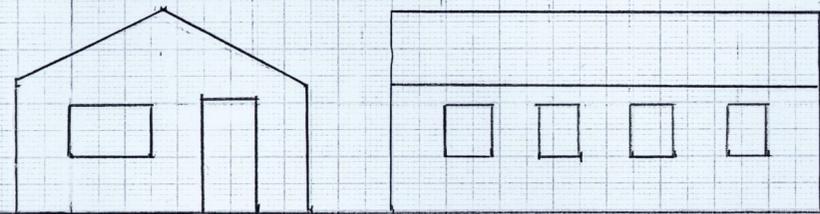
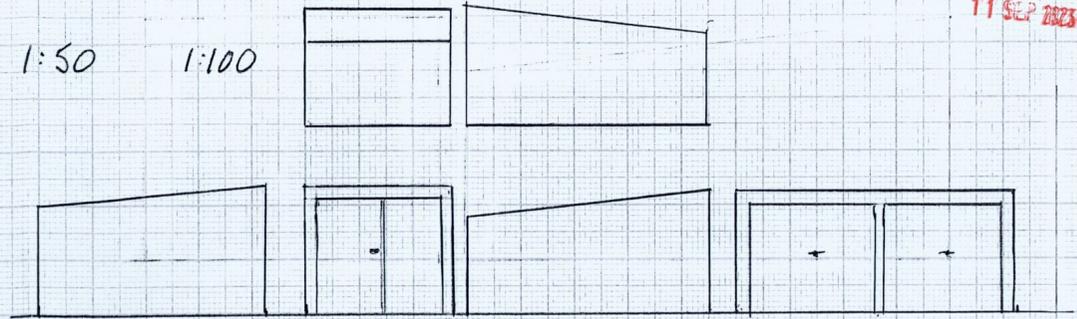
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11 SEP 2023

EXISTING GARAGE

1:50 1:100

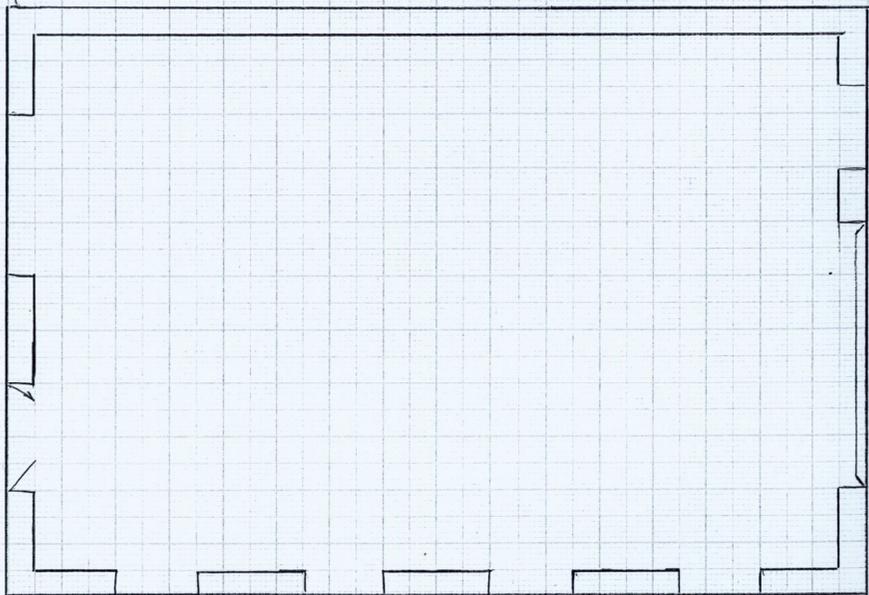
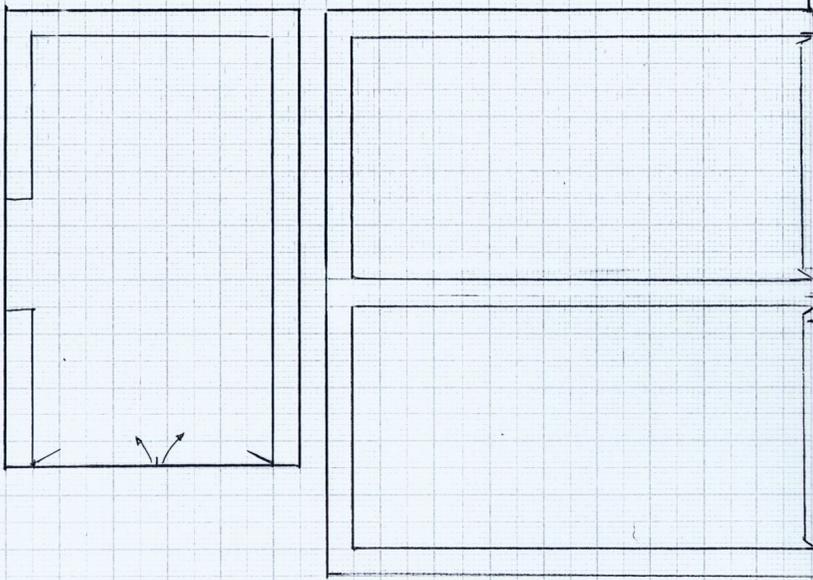


PROPOSES GARAGE

1:50 1:100



2 DELAMERE DRIVE



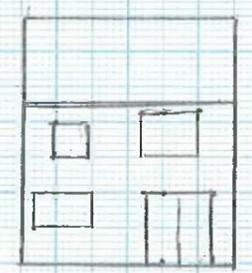
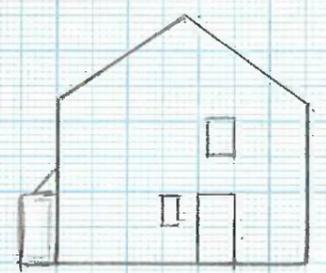
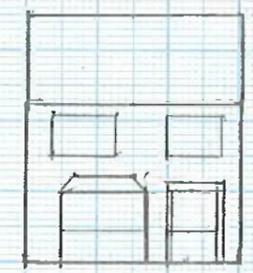
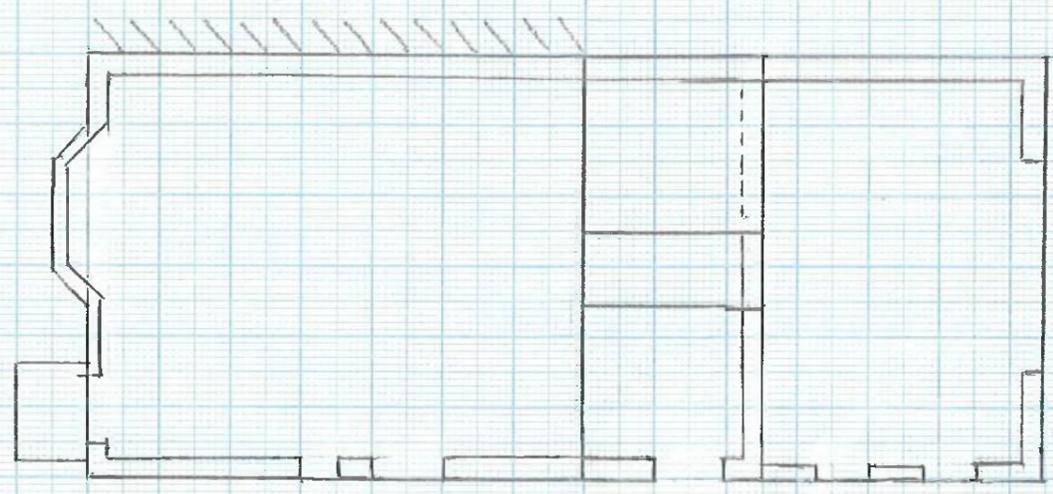
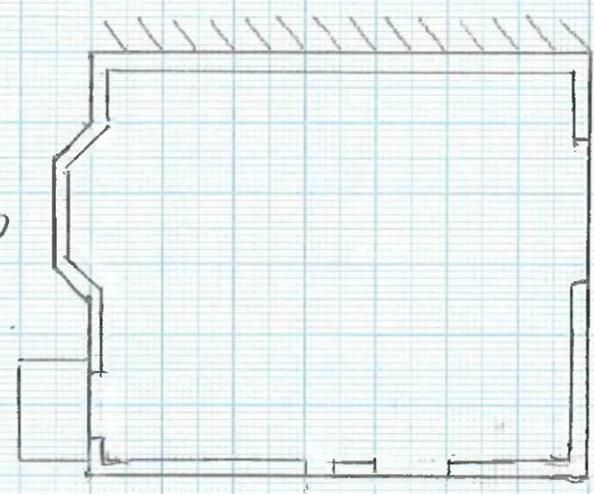
EXISTING

PROPOSES

2 DELAMERE DRIVE

EXISTING. ELEVS 1:200

GROUND FLOOR



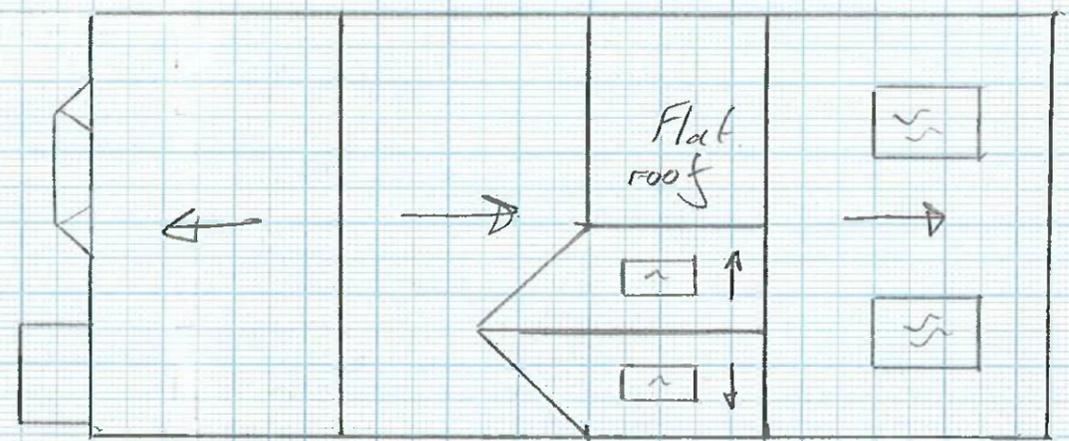
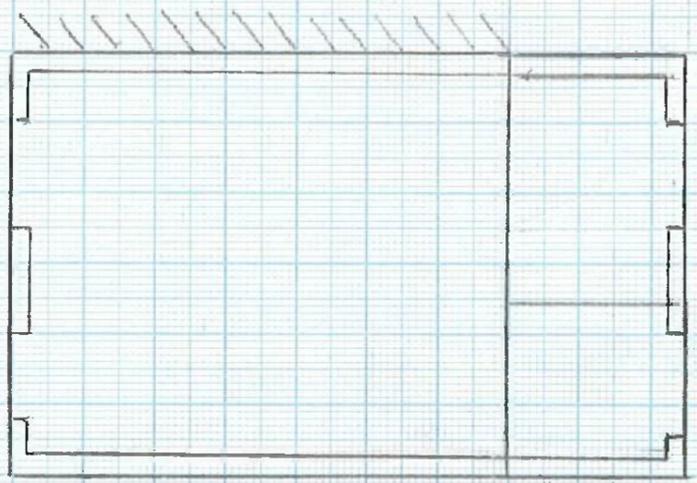
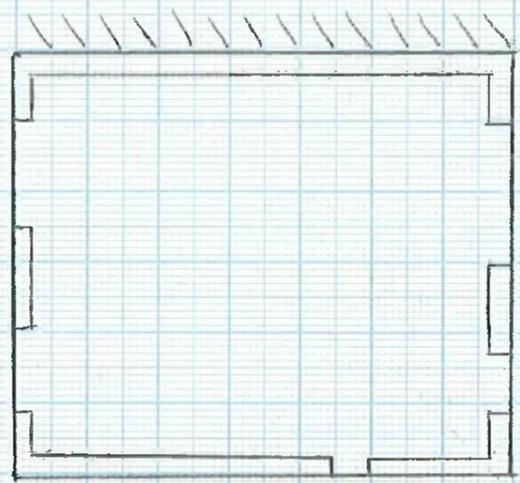
FRONT

SIDE

REAR

1:100

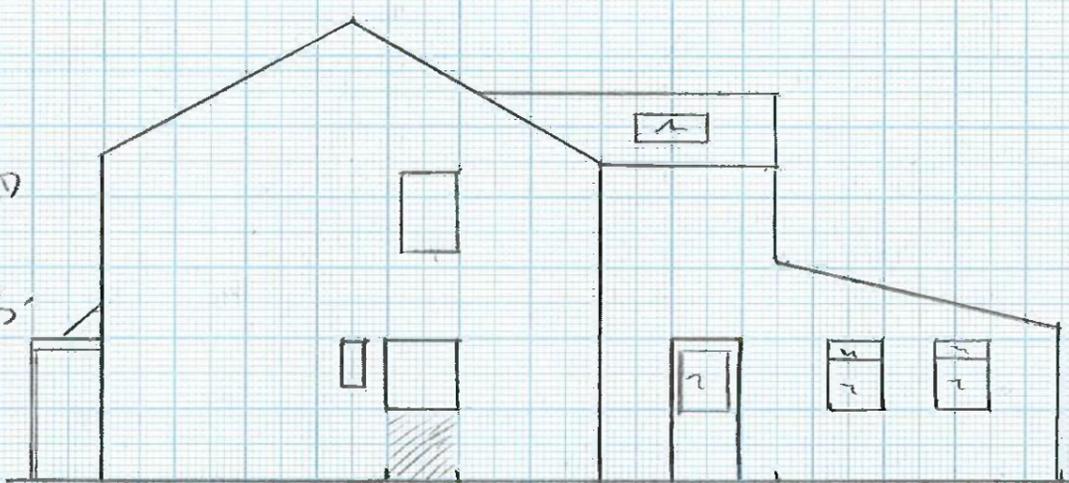
FIRST FLOOR



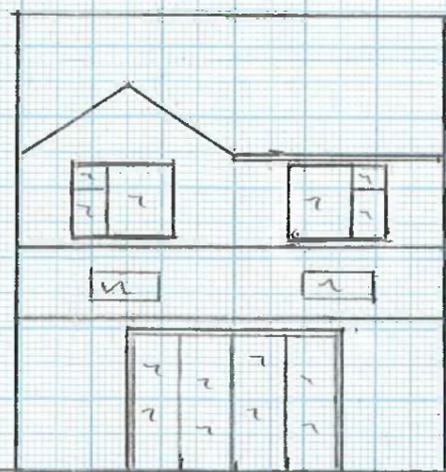
ROOF PLAN.

PROPOSES ELEVS.

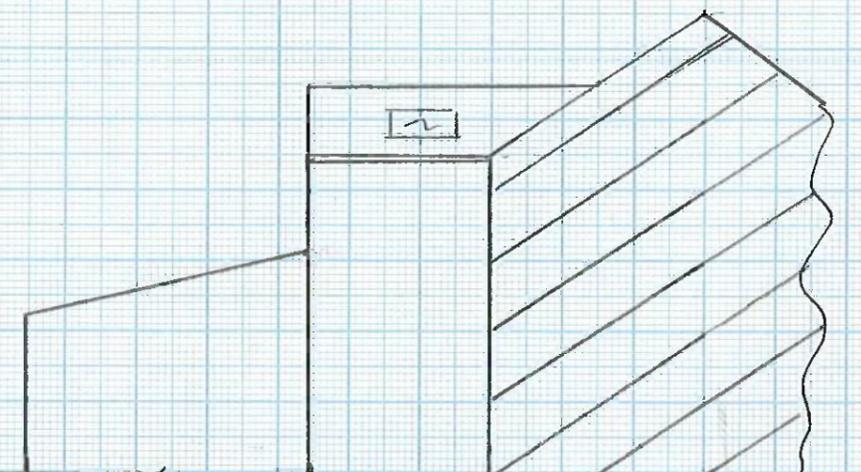
1:100



S.E. ELEV.



REAR ELEV



N.W. ELEV.

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Northern Planning Committee**6th December 2023****Cheshire East Borough Council
(Poynton – 36/38 Coppice road)
Tree Preservation Order 2023****Report of: David Malcolm, Head of Planning****Report Reference No: SP/01/23-24****Ward(s) Affected: East Ward - Poynton with Worth.****Purpose of Report**

- 1 To inform the Committee about the background and issues surrounding the making of a Tree Preservation Order (TPO) on 16th June 2023 at 36/38 Coppice Road, Poynton; to consider representations made to the Council with regard to the contents of the TPO and to determine whether to confirm or not to confirm the Order.

Executive Summary

- 2 The tree is located to the front gardens on the shared boundary of two properties, 36 & 38 Coppice Road, Poynton. An email was received from Mr Clarke, the owner of 36 Coppice Road, on 24th May 2023 requesting confirmation regarding the protection status of the Beech tree. Professional advice sought by Mr Clarke from a local tree surgeon and his insurance company suggested there is a degree of concern that the tree may pose a risk to property.
- 3 An amenity evaluation of the trees located along Coppice Road established that trees contributed significantly to the visual amenity and landscape character of the area and that a risk of these trees being removed or heavily pruned could arise. Accordingly, it was deemed expedient to make an Order to secure the trees long-term contribution to the amenity of the area and a Tree Preservation Order was made on 16 June 2023. The Council has received one objection to the Tree Preser-

vation Order and the protection it affords to the Beech tree located within residential gardens.

RECOMMENDATIONS

The Head of Planning (Regeneration) recommend that the Northern Area Planning Committee confirm the Tree Preservation Order at 36/38 Coppice Road, Poynton with no modifications.

Background

- 4 The properties are located adjacent to Coppice Road, a well-used road connecting Poynton village to The Middlewood Way, Macclesfield Canal and open countryside beyond. The tree is considered to be a prominent feature of the landscape character and skyline and can also be viewed from various public vantage points within the locale.
- 5 The circumstances are that the owners of 38 Coppice Road have expressed concerns that the Beech tree may be removed as enquiries made to the Council have suggested that the tree is not formally protected by the TPO. The tree appears to be located on the shared boundary line of the two properties.
- 6 The existing Order that affects the tree at 36/38 Coppice Road references an Elm in the first schedule of the Order. It is understood that this tree was removed many years ago as a consequence of Dutch Elm Disease and subsequently a Beech tree was planted as a replacement at the request of the Council.

It is uncertain however, whether the replacement Beech tree is protected as this is dependent upon whether the original permission to fell the Elm tree was subject to a formal consent and condition for a replacement tree, or that the Elm tree was removed as an exemption to the requirement for formal consent to fell as the tree was dead and that a 'duty' to replace the tree was required.

- 7 If a decision made as an exception for formal consent, then any replacement tree required under a 'duty' will automatically become protected by the existing Tree Preservation Order. If the replacement tree was planted as a condition then the tree is not automatically protected. It is understood that the removal of the Elm tree took place some time

ago, no written record could be found to confirm whether the replacement tree was planted under a duty or condition.

- 8 An amenity evaluation established that the tree contributes significantly to the visual amenity and landscape character of the area. There is evidently a risk of the tree being removed or heavily pruned. The tree is visible from Coppice Road, Hepley Road, Trafalgar Avenue and Trafalgar Close.

Accordingly, it was deemed expedient to make an Order to secure the trees long-term contribution to the amenity of the area.

- 9 Under powers delegated to the Head of Planning, a Tree Preservation Order was made on 16th June 2023.
- 10 The TPO was served on the existing owners of the properties and any property whose title deeds extended up to the boundary of the assessed area on 16th June 2023.

Objections/representations

- 11 The Council has received one objection to the Tree Preservation Order and the protection it affords to the Beech tree (T1 Beech).
- 12 Objection 1 - Residents of 36 Coppice Road, Poynton
1. *Proximity to property – The tree stands 9m away from the front elevation of the house. Many insurance companies recommend the safe distance for this type of tree is advised to be 15m*
 2. *Extent of canopy growth - The tree reaches out to a distance that very nearly overhangs my roofline & on a windy day the tree obviously reaches further causing concern.*
 3. *Other incidents – I am sure you are aware of an incident just a few doors down from my property on Coppice Road, where a large Lime tree split & fell with no warning. There were no strong winds to blame, 25% of the tree fell onto the property & seriously damaged the roof & the car which was parked on the drive. Thankfully nobody was hurt as a result.*
 4. *Risk associated with limb/tree failure – I spend a considerable amount of time at the front of my property & I would like to continue to do so without this obvious risk. I feel the health & safety of people in & around my property is of the utmost importance. The danger is only going to get bigger as time goes by.*

5. *Proposed works - I would like to propose the Beech tree is pollarded or felled. At least for these options to be open to me. I shall plant a smaller tree such as a Maple or Rowan for the community to enjoy.*

Appraisal and consideration of the objections

- 13 *Proximity to property* – The Beech tree is located at a distance of 10 metres from the front elevation of the two properties. Whilst acknowledging and respecting the recommendations suggested by insurance companies, no evidence has been put forward to verify the proximity of the tree may be causing a threat of any kind to the property.

Insurance companies and home buyer reports routinely make recommendations based on the perceived risk of subsidence damage arising from nearby trees and may advocate their removal. In such cases the need to remove trees (irrespective of formal protection) should be supported by evidence that demonstrates seasonal movement/subsidence is a causal link in any damage. This is usually prepared in association with an insurance claim and the influence of the tree would be identified through a series of technical reports that would include levels monitoring, trial pit excavation, sub soil conditions, soil plasticity, and identification of roots which would provide the appropriate evidence and subsequent recommendations.

- 14 *Extent of canopy growth* – Tree canopies located adjacent to property will often encroach towards elevations and above the roof space. Where tree are protected by a TPO, property owners may submit a formal application for consent to the Council proposing works to reduce the growth and create a separation from branch tip to properties.
- 15 *Other incidents* – Failure of trees or limbs occur for many reasons and any incidents affecting other trees are not relevant in this case.
- 16 *Risk associated with limb/tree failure* - The duty of care for the maintenance and safety of the tree will rest with the owner of the tree. Periodic inspections of owners' tree stock by a competent person will identify foreseeable problems or features indicating potential structural or physiological problems associated with the trees.
- 17 *Proposed works* – Where a tree is formally protected and works are proposed, the submission of a formal application is required. Any works proposed will be assessed accordingly along with reasons submitted in support of the proposals.

Consultation and Engagement

- 18 A TPO must be served upon anyone who has an interest in land affected by the TPO including owners and adjacent occupiers of land directly affected by it. There is a 28-day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objects or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.
- 19 The Order was served on the existing owners of the properties and any property whose title deeds extended up to the boundary of the assessed area on 16th June 2023. Copies of the Order were also sent to Ward Members and Poynton Town Council.

Reasons for Recommendations

- 20 The area benefits from established tree cover which is sporadic with coverage restricted in the main to highway verges. The suggestion of the tree being felled or heavily pruned to a pollard, indicates a threat to/or loss of trees which could arise in a significant impact on the amenity and sylvan setting of the area. The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over the trees of high amenity value.

Other Options Considered

- 21 An alternative option would be to do nothing.
- 22 The service of the TPO and inclusion of tree T1 Beech is considered necessary as without the protection the Order affords there is a risk of the amenity of the tree being destroyed.

Implications and Comments

Monitoring Officer/Legal

- 23 The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, willfully damage or willfully destroy any tree to which the Order relates except with the written consent of the authority.

Section 151 Officer/Finance

24 None.

Policy

25 Cheshire East Local Plan – SE5 - Trees, hedgerows and woodland.

Equality, Diversity and Inclusion

26 No direct implication

Human Resources

27 No direct implication.

Risk Management

28 No direct implication.

Rural Communities

29 No direct implication.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

30 No direct implication.

Public Health

31 No direct implication.

Climate Change

32 The Order contributes to the Council’s Climate Change Action Plan and commitment to reduce the impact on our environment and become carbon neutral by 2025.

Access to Information	
Contact Officer:	Gary Newsome

	Senior Arboricultural Officer (Environmental Planning) Gary.newsom@cheshireeast.gov.uk
Appendices:	Appendix 1 – Provisional TPO document Appendix 2 – Landscape Appraisal Appendix 3 – TPO location Plan Appendix 4 – Objection 1
Background Papers:	None

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Town and Country Planning Act 1990
CHESHIRE EAST BOROUGH COUNCIL
(POYNTON – 36/38 COPPICE ROAD)
TREE PRESERVATION ORDER 2023

The Cheshire East Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

This Order may be cited as **CHESHIRE EAST BOROUGH COUNCIL (POYNTON – 36/38 COPPICE ROAD) TREE PRESERVATION ORDER 2023**

1. Interpretation

- (1) In this Order “the authority” means the Cheshire East Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 16th day of JUNE 2023

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—

Deborah C. Nichol



CONFIRMATION OF ORDER

This Order was confirmed by **Cheshire East Borough Council** without modification on the day of

OR

This Order was confirmed by the **Cheshire East Borough Council** subject to the modifications indicated by _____ on the _____ day of _____

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by **Cheshire East Borough Council** on _____ day of _____

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the **Cheshire East Borough Council** on the _____ day of _____ by a variation order under reference number _____ a copy of which is attached

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the **Cheshire East Borough Council** on the _____ day of _____

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
T1	Beech	Located to the shared front garden boundary of 36 & 38 Coppice Road. Grid ref: 393295 - 383271

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

Groups of trees

(within a broken black line on the map)

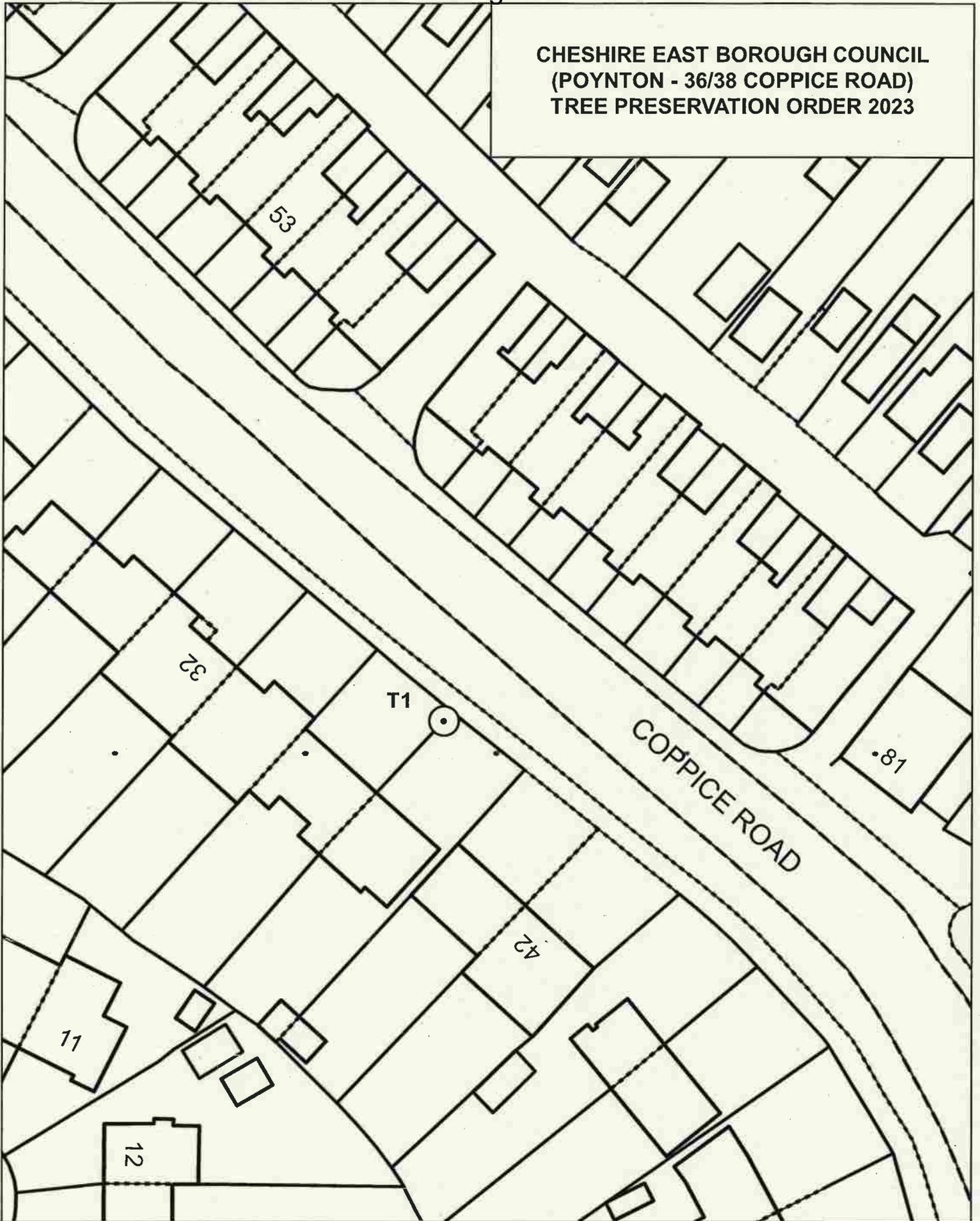
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>

Woodlands

(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

CHESHIRE EAST BOROUGH COUNCIL
(POYNTON - 36/38 COPPICE ROAD)
TREE PRESERVATION ORDER 2023



1:500 at A4

AEC – LANDSCAPE APPRAISAL

PHOTOGRAPHS OF TREES, THE SITE AND SURROUNDINGS

REFERENCE:	38-058
SITE NAME:	36/38 Coppice Road
DATE OF VISIT:	1 st June 2023
COMPLETED BY:	G. Newsome
NOTE:	
TREES PROPOSED FOR FORMAL PROTECTION:	One Beech tree.

PICTURE DESCRIPTION	PICTURE
Looking from within the front garden of 36 Coppice Road.	 <p>The photograph shows a large, mature tree trunk with a thick, textured bark. The tree is surrounded by lush green foliage, including bushes and smaller trees. In the foreground, there is a gravel path and some garden debris, including a green plastic bag and a black plastic bag. The background shows a residential building with a chimney under a cloudy sky.</p>

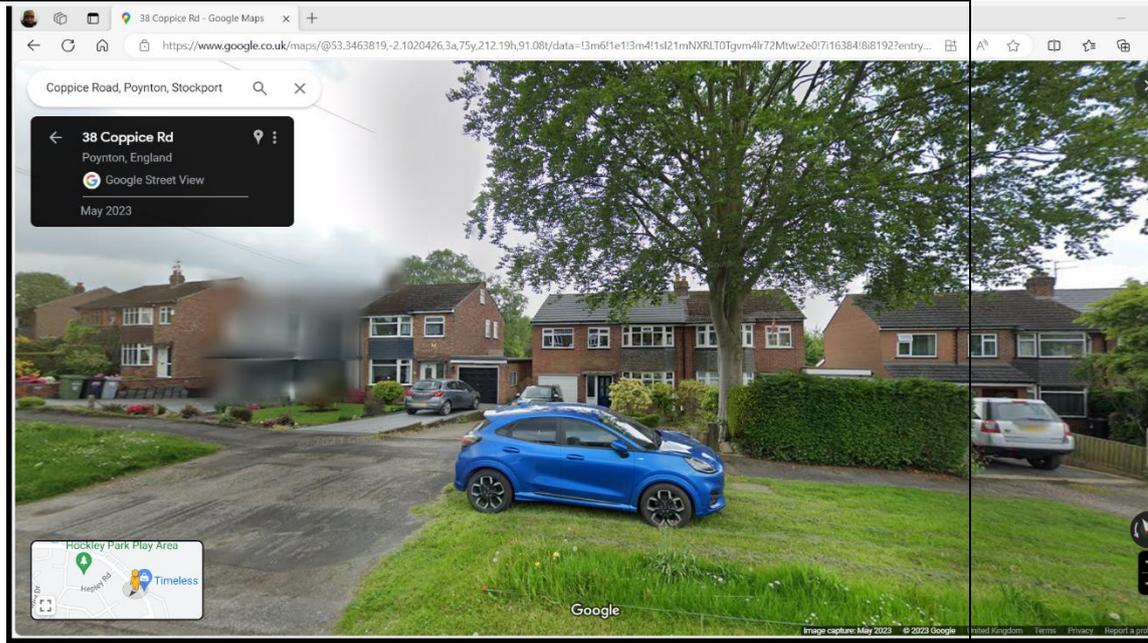
Looking south-east
from Coppice Road



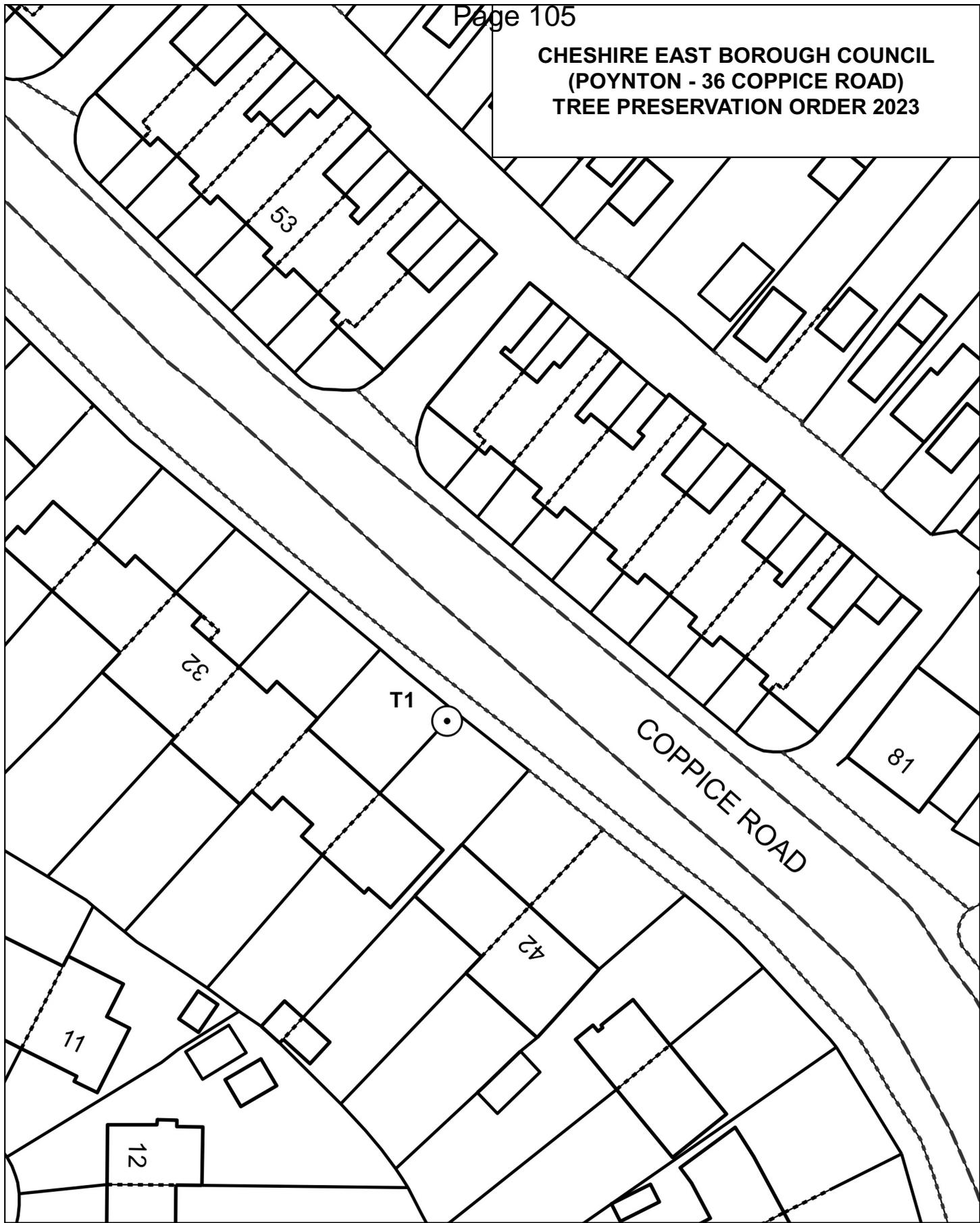
Looking north-west from Coppice Road.



View from Coppice Road (Image taken from Google Street View)



CHESHIRE EAST BOROUGH COUNCIL
(POYNTON - 36 COPPICE ROAD)
TREE PRESERVATION ORDER 2023



1:500 at A4

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Ref. Mr. G Newsome.

Arboricultural Officer,
Environmental Planning,
Cheshire East Council,
PO Box 606,
Municipal Buildings,
Earle Street,
Crewe,
CW1 9HP.

Mr. C Clarke.

36 Coppice Road,
Poynton,
Stockport,
Cheshire,
SK12 1SL.

Tel. 07956905801.

RECEIVED

10 JUL 2023

03/07/2023.

Dear Mr Newsome,

I would like to object to a permanent tree preservation order to be put in force on the beech tree that is on my land (No. 36 Coppice Road, Poynton).

The tree stands 9m away from the front elevation of my house. Many insurance companies recommend the safe distance for this type of tree is advised to be 15m.

This tree reaches out to a distance that very nearly overhangs my roofline & on a windy day the tree obviously reaches further causing concern.

I'm sure you are aware of an incident just a few doors down from my property on Coppice Road, where a large Lime tree split & fell with no warning. There were no strong winds to blame, 25% of the tree fell onto the property & seriously damaged the roof & the car which was parked on the drive. Thankfully nobody was hurt as a result.

I spend a considerable amount of time at the front of my property & i would like to continue to do so without this obvious risk. I feel the health & safety of people in & around my property is of the utmost importance.

This danger is only going to get bigger as time goes by.

i would like to propose the beech tree is pollarded or felled. At least for these options to be open to me. I shall plant a smaller tree such as a maple or rowan for the community to enjoy.

Thank you for reading my appeal.

Best regards

Chris Clarke.

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