

Application No: 15/1955M

Location: YESTERDAYS HOTEL, HARDEN PARK, ALDERLEY EDGE, CHESHIRE, SK9 7QN

Proposal: The demolition of the existing nightclub building and for the erection of 12no. dwellings (C3), including 4no. affordable dwellings, with associated car parking, gardens and landscaping

Applicant: Mr Eliot Baker, Intro Developments Limited

Expiry Date: 10-Sep-2015

## REASON FOR REPORT

The application is a major development, and has been advertised as a Committee item prior to the changes to the scheme of delegation. It is therefore appropriate for the application to be determined by the Committee.

### SUMMARY

The application is recommended for approval as a high quality sustainable housing development, making good use of an unsightly brownfield site in the Green Belt.

The proposal is identified as an inappropriate form of development, which is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that local authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision in Alderley Edge, despite there being no policy requirement for any. This is a substantial social benefit of the proposal.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide contributions towards enhancements to existing public open space facilities in Alderley Edge for proposed and existing residents.
- The development would make effective use of a previously developed site.
- The proposal would remove the existing unsociable use of the nightclub, given the proximity of existing residential properties.

- The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.
- The development as a whole adopts a design approach that relates well to the site and will make a positive contribution to the character of the area.

- 

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions and the s106 agreement to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity, noise, air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The harm to the Green Belt by reason of inappropriateness.
- Impact on openness

It is considered that the benefits identified above are collectively considered to clearly outweigh the harm to the Green Belt by reason inappropriateness in this case. Very special circumstances are therefore considered to exist, in accordance with paragraph 88 of the Framework.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

Accordingly the application is recommended for approval.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions and a s106 agreement

## **PROPOSAL**

The application seeks full planning permission for demolition of the existing nightclub building and for the erection of 12 residential dwellings, including 4 affordable units, associated car parking, gardens and landscaping.

## **SITE DESCRIPTION**

The application site comprises a former nightclub building, a number of ancillary outbuildings and a car park area. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

## **RELEVANT HISTORY**

15/3696M - Prior notification of proposed demolition – Approval not required 18.09.2015

11/0268M - Extension, refurbishment and alteration of the former Yesterdays night club, Harden Park, Alderley Edge to create a 68 bed hotel with ground floor bistro and spa together with associated car parking for 79 car parking spaces, landscaping and associated works – Withdrawn 21.09.2011

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development.

50 Wide choice of quality homes

56-68 Requiring good design

69-78 Promoting healthy communities

79-90 Green Belts

### **Development Plan**

#### **Macclesfield Borough Local Plan**

NE11 Nature Conservation

BE1 Design Guidance

GC1 Green Belt – New Buildings

H1 Phasing Policy

H2 Environmental Quality in Housing Developments

H5 Windfall Housing Sites

DC1 New Build

DC3 Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC35 Materials and Finishes

DC37 Landscaping

DC38 Space, Light and Privacy

DC40 Children's Play Provision and Amenity Space

### **Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG1 Economic Prosperity  
SC1 Leisure and Recreation  
SC2 Outdoor sports facilities  
SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO2 Enabling business growth through transport infrastructure  
CO4 Travel plans and transport assessments

**Other Material Considerations:**

National Planning Practice Guidance (NPPG)  
Interim Planning Statement: Affordable Housing  
Strategic Housing Market Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

**CONSULTATIONS (External to Planning)**

Manchester Airport – No objections subject to conditions to prevent the attraction of birds

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

Network Rail – No objections subject to conditions relating to the protection of the railway line.

Environmental Protection – No objections subject to conditions relating to contaminated land, noise mitigation, pile foundations, dust control, and electric vehicle infrastructure.

Flood Risk Manager – No objections subject to conditions relating to surface water drainage.

Housing – No objections.

Head of Strategic Infrastructure – No objections

ANSA – No objections subject to financial contributions in lieu of on site provision

Education – No objections subject to financial contributions towards secondary provision.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Alderley Edge Parish Council - No objection subject to the condition that the plans are amended to make this an open, not a gated community. The PC are supportive of this regeneration scheme and in the sensitivity demonstrated in its environmental / ecological considerations and non-intrusiveness of design.

## **OTHER REPRESENTATIONS**

One letter of representation has been received from the neighbour at Harden Lodge noting their approval of the application. The Japanese Knotweed requires urgent and effective treatment.

Following the receipt of revised plans, further consultation has been undertaken. This period expires on 4 July 2016, and therefore any additional representations will be reported as an update.

## **APPRAISAL**

The key issues to be considered in the determination of the application will be:

- Whether the proposal is acceptable in the Green Belt
- The impact upon the character and appearance of the area
- The impact on residential amenity
- The impact upon highway safety
- The impact upon nature conservation interests

## **SOCIAL SUSTAINABILITY**

### **Housing Land Supply**

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016, and the public consultation expired on 15 April 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have

applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14,617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Further to this, the NPPF clearly states at paragraph 49 that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development, or whether specific policies in the Framework indicate the development should be restricted.

### **Affordable Housing**

The Council's Interim Planning Statement on Affordable Housing states that the desired target percentage of all sites greater than 15 units or 0.4 hectares is 30%. This should comprise of

a ratio split of 65/35 between social rented and intermediate housing. The Housing Strategy & Needs Manager advises that there is a high need for one and two bed affordable apartments or houses in Alderley Edge.

During the course of the application, the numbers of dwellings have increased from 10 to 12, and as part of this revision 4 affordable units are now proposed on site.

The NPPG states that there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

These circumstances include:

- Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm

In this case, the proposal is for 12 units with a combined floorspace of 1765sqm. Based on these figures affordable housing can be sought from the development.

However, the NPPG also provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this case, the floorspace of the existing buildings is 1645sqm and the proposed floorspace is 1765sqm, an increase of 120sqm. The affordable housing contribution can therefore only be sought from the additional 120sqm as a proportion of what would normally be required. 30% of 120 is 36sqm, which is less than 1 dwelling, and therefore there is no affordable housing requirement for this development.

Notwithstanding the above, the applicants are still offering 4 of the dwellings as affordable units, all provided as discounted housing for sale. The level of discount required in the IPS is a minimum of 30%, and the proposed dwellings will be provided as 30% discount to open market value. This is considered to be a benefit of the proposal, however the affordable units will need to be subject to a satisfactory arrangement to ensure that the benefit of below market price housing is available in perpetuity to future occupants. This matter can be covered within a s106 agreement.

### **Open Space**

The proposal is above the threshold identified within the Council's SPG on planning obligations for the provision of public open space and recreation / outdoor sport facilities. Normal requirements are for 40 square metres per dwelling. It appears that this cannot be provided on site and therefore financial contributions will be required for off site provision.

The contributions derive from the SPG which requires £3000 per family dwelling for public open space and £1000 per family dwelling for recreation and outdoor sports facilities. The recreation / outdoor sports contribution is normally waived for the affordable units.

The public open space contribution will be used for improvements, enhancements and additions to play and amenity provision at Alderley Park for new toddler play and social play items, and for new entrance and access features to the site, and for access improvements and accessible plots at Beech Road and Hayes Lane allotments sites for benefit of plot holders.

The recreation and outdoor sport contribution will be used for improvements, enhancements and additions to recreation and outdoor sports facilities at Alderley Park for improvements to the tennis and MUGA courts and at Chorley Hall playing fields for drainage and access improvements.

### **Education**

The proposed development of 12 dwellings will generate 2 primary aged pupils and 2 secondary aged pupils.

Primary schools within 2 miles of the site (Alderley Edge, Ashdene, St Anne's Fulshaw, Gorsey Bank, Lacey Green, Lindow, Mottram St Andrew, Nether Alderley) have been considered for capacity, and forecasts show the additional pupils can be accommodated

Secondary within 3 miles of the site (Wilmslow High) have been considered for capacity and forecasts show that there will be insufficient capacity in Wilmslow High School to accommodate the pupils generated by the proposed development. Therefore financial contributions will be required towards accommodating these pupils.

This equates to  $2 \times £17,959 \times 0.91(\text{regional weighting}) = \underline{£32,685.38}$

## **ENVIRONMENTAL SUSTAINABILITY**

### **Green Belt**

Paragraph 89 of the Framework identifies that the complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development is not an inappropriate form of development.

The key test for this aspect of Green Belt policy is not whether the proposal is materially larger than the existing; it is whether the proposal has a greater impact upon the openness of the Green Belt and the purpose of including land within it. For this reason, it is considered that the assessment should relate more to the overall scale, bulk and massing of the proposed development compared to the existing and the associated impact upon the openness of the Green Belt, rather than a comparative assessment of floorspace / footprint.

The main nightclub building sits towards the front of the site, with the smaller ancillary buildings positioned tightly against the northern boundary, The highest part of the nightclub building is approximately 11 metres in height, with the main lower section approximately 9.5



metres. The remaining ancillary buildings comprise a lower two-storey element and single-storey structures. The existing parking area is located to the south of the existing buildings, and is separated from the pond which occupies much of the eastern side of the site by an undeveloped area.

The existing buildings on the site have a floor area of 1,645sqm and the proposed dwellings have a combined floor area of 1,765sqm. There is also a relatively substantial car park within the site, which will have an existing impact on openness, and can therefore be included in the balancing exercise when assessing the impact of the proposal upon the Green Belt. In volume terms, the existing buildings have a combined volume of 5,860cu.m and the proposed buildings have a combined volume of 5,713cu.m, resulting in a reduction of 147cu.m.

Whilst it is acknowledged that the overall volume of buildings will be reduced, and due to the form of the dwellings their heights will be kept relatively low, they are much more spread across the site than the existing development. Openness is commonly referred to as the absence of built development, and the proposal does extend into an area that does currently have an absence of built development, beyond the car park. For this reason, it is considered that the proposal will have a greater impact on openness than the existing development. The proposal is not considered to have a greater impact on the purposes of including land in the Green Belt than the existing development. However, due to the loss of openness the proposal is considered to be an inappropriate form of development in the Green Belt.

Paragraphs 87 and 88 of the Framework state that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has put forward the following factors, which they consider collectively amount to the required very special circumstances to outweigh the harm to the Green Belt:

- The site was last used as a nightclub which remains its lawful use. This use does not sit within a town centre location helping the vitality and viability of Alderley Edge. Rather, it is a use which is not conducive to its current environment given residential amenity, safety and highways considerations. It would not be desirable for a nightclub to reopen in this particular location given the above factors.
- The site is vandalised on a regular basis and is becoming an eyesore and a safety risk. Redevelopment for residential will remove the unsightly buildings resulting in a beneficial impact on the Green Belt.
- The proposed development will deliver 30% affordable housing on site which is significant given the issues surrounding affordable provision in the local area.
- The quality of the proposed development is exceptional. It not only has been designed specifically to reflect the characteristics of the site but it also incorporates a number of features which are considered to be exemplars in terms of sustainability including green roof/walls, ground source heat pumps etc.
- The whole design ethos and rationale is based on a spacious form of development rather than a compact form of development increasing height. To change the scheme to a 'standard' product would be significant step backwards in delivering a high quality form of development for the application site.

These matters are considered further in the planning balance section of the report below.

### **Residential Amenity**

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

The proposal will result in the buildings being moved further away from the boundary shared with the residential property to the North of the site, which will improve the relationship of the buildings with this property.

The proposed dwellings all meet the distance guidelines set out in policy DC38 of the Local Plan. An adequate amount of space, light and privacy is retained between the dwellings. No further amenity issues are therefore raised.

### **Air Quality**

Having regard to the relative scale of the proposal and the existing lawful use of the site, no significant air quality concerns are raised. Environmental Protection have recommended a condition for electric car charging points to be provided, in the interests of air quality and to encourage the uptake of sustainable transport options for future occupants of modern housing.

### **Noise**

The application site is in an area of Alderley Edge which is subject to transport noise from the Railway and the B5349 Alderley Road (and to some degree the nearby A34). Without suitable mitigation there would be an adverse impact on future occupants due to noise. The applicant has submitted an acoustic report in support of the application showing the mitigation required to ensure acceptable internal noise levels within properties adjacent to the B5349 and the Railway. Other properties in the central area of the site will not require acoustic mitigation.

It is therefore recommended that the glazing of all habitable rooms of dwellings affected by noise from the B5349 and the nearby railway (as outlined in the acoustic report reference 6266527 dated 20 March 2015) shall achieve (as a minimum) 27dB Rtr acoustic reduction. This can be achieved with a glazing specification of 4mm-16mm-4mm, and can be dealt with by condition.

It is noted that no acoustic mitigation is recommended for external garden areas; however the report suggests that where fencing is provided between the site and adjacent road / railway it should be close boarded fencing. It is noted that Network Rail require a suitable boundary fence as part of the development and the applicant is therefore advised to consider the acoustic benefits when specifying the boundary treatment. A condition relating to boundary treatments is therefore recommended.

### **Trees**

There are a number of trees along the boundaries of the site which are to be removed, none of which are formally protected. Comments from the arboricultural officer are awaited,

however the trees have been the subject of detailed discussions with the applicant on site and no significant issues are anticipated. Further details will be provided as an update.

### **Landscape**

The application site is currently well screened in views from the north, south and east by mature trees within and around the site. The development would involve the removal of a 90 metre length of trees and scrub along the southern boundary adjacent to the Rileys playing field which would open up views in to the site from the playing fields and from the B5359 Wilmslow Road. These boundary trees are however in a very poor condition due to waterlogging and are unlikely to survive in the long-term. Following site discussions, the area available for replacement planting along this boundary has increased slightly and the specification has been enhanced to consist of a 2.5 metre high holly hedge for all-year screening plus a belt of semi-mature and heavy standard trees with an initial height of around five metres. The proposed bungalows are about four metres in height so the new boundary planting, although relatively narrow, should screen and filter views of the development from the outset.

The development would be visible initially from Harden Park Road with fleeting views from Wilmslow Road. The development would however be less conspicuous than the existing building and the proposed tree and shrub planting on the site frontage would screen and filter views and enhance the site entrance.

The large pond in the eastern part of the site would be reduced to about a third of its current size and the scrubby woodland vegetation surrounding the pond would be cleared. The remaining pond area would be cleaned up and enhanced to form an attractive feature for residents and each development plot would be planted with trees, hedges and shrubs to enhance the site.

Landscape conditions, including boundary treatments, levels, and a landscape and habitat management plan including long-term design objectives, management responsibilities and maintenance schedules for all areas that are not within residential curtilages (including the pond, the eastern woodland area, the new southern tree belt and the site frontage planting) are recommended.

### **Ecology**

The nature conservation officer has provided the following comments on the application:

#### Bats

Evidence of bat activity in the form of roosts of two relatively common bat species has been recorded within the former nightclub. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is now present. The loss of the buildings on this site in the absence of mitigation is likely to have a low-medium impact upon on bats at the local level.

#### Great Crested Newts and ponds

A great crested newt survey has been undertaken, and it is noted that the first two survey visits were undertaken during very cold weather conditions which may have constrained the

accuracy of the survey results. A small population of great crested newts has been recorded at the pond on site.

The proposed development will result in the temporary loss and modification of the pond utilised by great crested newts and the loss of terrestrial habitat located in close proximity to the pond. As well as providing habitat for protected species, ponds are also a Local Biodiversity Action Plan (BAP) priority habitat. The proposed development would result in the reduction in size of the existing ponds from 0.3ha to 0.1ha. These impacts would result in a medium scale adverse impact upon great crested newts. The close proximity of housing to the pond would also increase the risk of post development interference with the ponds including the introduction of fish and invasive aquatic plant species. The proposed development would also pose the risk of killing or injuring any great crested newts present on site when the works are undertaken.

### Habitats Regulations

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since European Protected Species have been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of overriding public interest" then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### *Alternatives*

A structural report has identified the building to be at risk of collapse and is a health and safety issue. The pond occupies a significant proportion of this Brownfield site, and it is likely for any viable re-development of the site to take place, the pond, and the scrub that surrounds it, would need to be amended / removed. Consequently, there are no known alternatives.

### *Overriding public Interest*

Demolishing the unsafe building would remove the health and safety issue it currently presents, which is considered to be of overriding public interest. The proposed development

will allow for an improvement to the existing housing stock within the Alderley Edge area, and remove an unsociable use from the site, at the expense of the applicant together with the achievement of modern day energy efficiency standards.

### *Mitigation*

The submitted report recommends the installation of bat boxes on the nearby trees as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. Conditions relating to the development being carried out with the proposed mitigation measures, and the submission of details of any lighting are recommended.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is broadly acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

In order to address the risk of great crested newts being killed or injured during the construction phase the applicant is proposing to remove and exclude amphibians from the footprint of the proposed development using standard best practice methodologies under the terms of a Natural England license.

The applicant is also proposing to compensate for the loss of terrestrial habitat through the enhancement of the remaining woodland and the provision of an additional pond and habitat creation on land within the adjacent school sports grounds.

The nature conservation officer advises that, considering the size of the newt population present and the availability of offsite habitat the proposed mitigation is likely to maintain the favourable conservation status of the species concerned.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

Conditions relating to the development being carried out in accordance with the great crested newt mitigation measures detailed in the submitted Ecological Impact Assessment, and a detailed design for the alterations to the on-site pond are recommended.

As the proposed pond is located on third party land a section 106 agreement will be required to secure the submission of its detailed design and its implementation.

### Reptiles

A reptile survey has been completed of the application site. The nature conservation officer advises that some of the survey visits were undertaken under suboptimal weather conditions. However, based upon what is known about the distribution of reptiles in Cheshire East it is considered that reptiles are not reasonably likely to be present or affected by the proposed development.

### Badgers

Evidence of badgers has been recorded on the application site. No evidence of a sett was however recorded on site. There will be a localised loss of badger foraging habitat associated

with the proposed development, but this is unlikely to be significant. If planning consent is granted it is recommended that a condition be attached to ensure that an updated badger survey is submitted prior to the commencement of development.

#### Common Toad

Common toad was recorded on site. This species is a priority species and hence a material consideration. The implementation of the proposed great crested newt mitigation strategy would also reduce the potential impacts of the proposed development on this species.

#### Woodland

An area of broadleaved woodland is present on site. The proposed development would result in the loss of a significant area of this woodland. The woodland is listed on the UK BAP inventory of priority lowland broadleaved woodland, however, much of the woodland on site is of recent origin and derived from maturing landscape/garden planting and recent colonisation since active management of the site ceased. It is therefore likely that only the mature woodland located to the east of the site adjacent to the railway line could be considered to be 'priority' woodland habitat. This area of woodland is shown as being retained on the submitted plans.

Landscaping works were shown on previous iterations of the layout within an area in the south eastern corner of the application site. This is an area of the woodland that has notable nature conservation value. The landscape plans were annotated to show that this area of the woodland should be allowed to regenerate naturally following the installation of the footpaths and this area should be confirmed on site by the Council's ecologist. Landscaping plans have not been updated to reflect the changes to the layout, therefore conditions are recommended to ensure:

- The areas of woodland allowed to regenerate naturally should be identified in the landscape scheme and confirmed on site by the Council ecologist prior to any works being undertaken in this area.
- Submission of proposals for the safeguarding of the retained woodland during the construction phase.
- Submission of a 10 year woodland management plan.

#### **Highways**

The Head of Strategic Infrastructure has commented on the proposal and the access road is of a sufficient width to serve the proposed number of units and there is sufficient parking provided for each of the units proposed. In terms of the traffic impact, there are no capacity issues that arise from the development of 12 units and it is far less than the consented use of the site.

There will be a requirement for a refuse vehicle to enter the site and therefore servicing arrangements will be required, which can be dealt with by conditions, together with a construction management plan. No highway safety issues are therefore raised, and the proposal complies with policy DC6 of the Local Plan.

#### **Layout & Design**

The area is characterised by a small number of substantial buildings in residential and commercial use, set in relatively large landscaped grounds. However, the application site

buildings and the County Hotel opposite have been vacant for some time, and are in some state of disrepair.

The proposal adopts a contemporary approach to the design of the houses aimed at retaining an open feel to the site. The dwellings are all flat roofed single-storey structures and comprise green roofs, living walls and a mix of natural stone, render and timber to the external elevations, in order to integrate the buildings with the landscaped spaces that surrounding them. The proposal works with the existing topography of the site with plots 1, 2, 5 and 7 being set at a higher level along the northern edge of the site, where the existing buildings are positioned, with the remainder being set at the lower level of the car park and pond.

The buildings will incorporate green / sedum roofs, rainwater will be collected in underground storage tanks to be used for flushing toilets, solar panels will be provided for heating water, and ground source heat pumps are proposed to maximise the sustainability of the dwellings.

Subject to appropriate landscaping and materials, the scheme has the potential to make a positive contribution to the local area, and the proposal is considered to comply with the objectives of policies BE1 and DC1 of the Macclesfield Borough Local Plan.

### **Contaminated land**

Due to previous uses of the site and the contaminated land information submitted with the application, the contaminated Land officer recommends a condition requiring a site walkover and phase II contaminated land report to be submitted.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **HEADS OF TERMS**

If the application is approved a Section 106 Agreement will be required, and should include:

- Secondary education contributions of (£32,685.38)
- Open space contributions of £36,000 for public open space and £8,000 for recreation and outdoor sports.
- Provision and phasing of 4 affordable housing units to be provided at 30% discount to market value
- Provision of offsite GCN mitigation.

### **Community Infrastructure Levy (CIL) Regulations**

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

- (a) necessary to make the development acceptable in planning terms;

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

The provision of affordable housing, public open space provision, and offsite newt mitigation is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the secondary school within the catchment area which are cumulatively over subscribed. In order to increase capacity of the schools which would support the proposed development, a contribution towards secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

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

## **PLANNING BALANCE**

The proposal is identified as an inappropriate form of development, which is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that local authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision in Alderley Edge, despite there being no policy requirement for any. This is a substantial social benefit of the proposal.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide contributions towards enhancements to existing public open space facilities in Alderley Edge for proposed and existing residents.
- The development would make effective use of a previously developed site.
- The proposal would remove the existing unsociable use of the nightclub, given the proximity of existing residential properties.
- The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.
- The development as a whole adopts a design approach that relates well to the site and will make a positive contribution to the character of the area.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions and the s106 agreement to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.



- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity, noise, air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The harm to the Green Belt by reason of inappropriateness.

It is considered that the benefits identified above are collectively considered to clearly outweigh the harm to the Green Belt by reason inappropriateness in this case. Very special circumstances are therefore considered to exist, in accordance with paragraph 88 of the Framework.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

Accordingly the application is recommended for approval.

## **RECOMMENDATION**

Approve subject to conditions and a s106 agreement.

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

