

Application No: 19/5782M

Location: MODE COTTAGE, MOBBERLEY PRIMARY SCHOOL, CHURCH LANE,
MOBBERLEY, WA16 7RA

Proposal: Creation of new access onto Church Lane; change of use of part of garden of Mode Cottage to education use; installation of new fencing and new areas of hardstanding

Applicant: Mr Nick Cook, Cheshire East Council

Expiry Date: 05-Jun-2020

SUMMARY

The proposal seeks relatively minor alterations to this existing residential property, including a new access arrangement.

The site lies within the Green Belt, where there are restrictions on the types of development which may be carried out. The proposed development would not be inappropriate within the Green Belt and would not adversely affect openness. The proposed development complies with Green Belt policy.

The proposal is not considered to have any adverse impact on highway safety.

Subject to conditions, issues of landscaping, heritage and trees would be satisfactorily dealt with.

The proposals, as amended, would comply with relevant policies of the Development Plan and there are not considered to be material considerations that indicate a decision to be made other than in accordance with the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be granted.

SUMMARY RECOMMENDATION:

Approve subject to conditions

REASON FOR REPORT

The applicant is Cheshire East Borough Council. As objections have been received to the application, it needs to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

Mode Cottage is a detached property within the Green Belt. It lies immediately to the west of Mobberley Primary School and currently shares its access with the school. There is mature landscaping along the boundaries of the site.

Mode Cottage appears to be present on the title maps. It is a non-designated heritage asset and lies within the Mobberley Conservation Area.

It lies within the Manchester Airport Safeguarding Area and an area affected by aircraft noise.

The cottage has an unrestricted residential use

DETAILS OF PROPOSAL

The description has been amended during the lifetime of the application to reflect what was being proposed on the plans. More details are within the background section of the main appraisal. The scheme includes the change of use of part of the garden to playing field, the widening of the existing access to create two separate accesses and new boundary treatments.

RELEVANT PLANNING HISTORY

14/4981M – approved - 25 March 2015
Variation or Removal of condition 11 on application 14/0729M

Condition 11, which restricted the occupation of Mode Cottage, was removed by this planning permission.

14/3913M – approved - 4 October 2014
Variation of Condition 5 to Approved application 14/0729M - Play equipment details; remove brick shed; Add bin store fence; Add low fence.

14/0729M – approved – 17 April 2014
Proposed 2 Classroom single storey modular building with wc's and storage areas. Kitchen extension built onto existing kitchen involving removal of existing wall. Widening of existing access onto Church Lane to form 8 staff car parking areas with tarmac finish. External tarmac play areas with metal fencing. Relocation of existing entrance canopy and relocation of existing play equipment.

ADOPTED PLANNING POLICIES

Cheshire East Local Plan Strategy

MP 1 – Presumption in Favour of Sustainable Development
PG 3 – Green Belt
SD 2 – Sustainable Development Principles
SC 1 – Leisure and Recreation
SC 2 – Indoor and Outdoor Sports Facilities
SE 1 – Design
SE 3 – Biodiversity and Geodiversity
SE 4 – The Landscape
SE 5 – Trees, Hedgerows and Woodlands
SE 7 – The Historic Environment
SE 12 – Pollution, Land Contamination and Land Instability
CO 1 – Sustainable Travel and Transport
Appendix C – Adopted Parking Standards

Macclesfield Borough Local Plan

GC1 – Green Belt (new buildings)
DC3 – Amenity
DC6 – Circulation and Access
DC9 – Tree Protection
T18 – Aircraft Noise

OTHER MATERIAL POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF 2019)

CONSULTATIONS (EXTERNAL TO PLANNING)

Mobberley Parish Council – Initially objected to the original proposal. No objections to the revised scheme.

Environmental Health – objection due to the impact of aviation noise on Mode Cottage

Highways – no objections

OTHER REPRESENTATIONS

10 objections received to the original consultation. The main points raised are summarised as follows:

- Primary School is already struggling for space and is oversubscribed. The cottage should be used for educational purposes
- Access to Cottage is currently through a classroom. Accessing the Cottage could disrupt lessons
- Other places more suited to housing
- Existing parking issues
- Issues of safeguarding due to proximity to the school

No further comments have been received following the amendment to the description and the re-consultation exercise.

Officer Appraisal

Background to application

In April 2014 planning permission was granted by the Northern Planning Committee for the construction of a new classroom building, extensions to the school and external works including new fencing, the widening of the access and the creation of play areas (14/0729M refers). As part of this application, the residential use of Mode Cottage was restricted to a person working at the school. This condition was imposed, due to the proximity of the house to the school. Prior to this permission, Mode Cottage had an unrestricted residential use.

In March 2015, the Northern Planning Committee approved an application to remove the condition restricting the occupancy of Mode Cottage (14/4981M refers). As such, Mode Cottage has an unrestricted residential use.

Condition 20 of this planning permission required the details of acoustic fencing to be submitted and agreed by the Local Planning Authority. This put a maximum height of 2.5m on the fencing between Mode Cottage and the school. This permission is extant and required the submission of these details prior to the first residential use of the cottage to protect amenity.

The current planning application came in with the original description of:

“Mode Cottage change of use from educational to residential. After the change of use, removal of planning condition ref 14/0729M condition 11. Entrance to the site reconfigured to allow separate access to education and residential plots from Church Lane”

The submitted plans did not match the description, which showed alterations to the access, new fencing and the removal of part of the garden of Mode Cottage and its incorporation into the school grounds.

The planning officer advised the applicant that planning permission was not required for the change of use of Mode Cottage to residential, as it already had an unrestricted residential use. The description of development was amended to reflect the works shown on the submitted plans:

“Creation of new access onto Church Lane; change of use of part of garden of Mode Cottage to education use; installation of new fencing and new areas of hardstanding”

Green Belt – Principle of Development

The application site lies within the Green Belt. National and local policies attach great importance to green belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The two essential characteristics of Green Belts are their openness and their permanence.

Green Belts serve the following five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

To achieve this, there are restrictions on the types of development which may be carried out. These are detailed within NPPF paragraphs 145 and 146 and reiterated within CELPS policy PG 3.

Development not falling within one of the listed exceptions is inappropriate. NPPF paragraph 143 confirms that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

NPPF paragraph 144 directs Local Planning Authorities to give substantial weight to any harm to the green belt. It confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

NPPF Paragraph 146 states that the change of use of land and engineering operations may not be inappropriate. This is subject to the proviso that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Change of use to playing field

The change of use of a small area of garden land to a school playing field would not materially alter the character or appearance of the land. Given that the land currently has a lawful use as garden; it would not encroach into the open countryside. There would be no conflict with this element of the proposal and the purposes or characteristics of the Green Belt.

Extended access

The creation of a new access and hardstanding is considered as an engineering operation for the purposes of the NPPF. In this case, the works would simply extend the existing access and lay a new hardstanding for the dwelling. These works would be seen in the context of the existing school grounds, buildings and existing areas of hardstanding. The access and hardstanding would not encroach into the open countryside and there would be no conflict with the purposes or characteristics of the Green Belt.

New fencing

Class 2 of the GPDO 2015 allows for the installation of fences, walls, gates and other means of enclosure up to 2m in height, where they are not adjacent to a highway. For schools, means of enclosure can be up to 2m high adjacent a highway, provided that does not create

an obstruction to the view of persons using the highway as to be likely to cause danger to such persons.

The proposed plans show the new fencing to be less than 2m in height. While details of the fencing will need to be clarified to ensure that appropriate privacy is achieved for school users and the new occupiers of Mode Cottage, this element of the scheme does not need planning permission and therefore would not conflict with Green Belt policy.

The elements of the proposal which require planning permission would not be inappropriate development in the Green Belt. There would be no adverse impact on the spatial or visual characteristics of openness. The development would comply with the requirements of NPPF chapter 13 and CELPS policy PG 3.

Impact on Designated and Non-designated Heritage Assets

The application site lies within the Mobberley Conservation Area. Within Conservation Areas the 1990 Act requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

For the purposes of the NPPF and CELPS policy SE 7, Conservation Areas are designated heritage assets.

NPPF paragraph 193 states that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

Any harm to the significance of a heritage asset requires clear and convincing justification.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Mode Cottage is a building of local interest and is a non-designated heritage asset. NPPF paragraph 197 and CELPS policy SE 7 apply.

NPPF paragraph 197 states that: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

The existing timber five bar gates along the frontage would be retained. While the area of mesh fencing would be extended, in the context of surrounding boundary treatments any harm would be extremely limited. Details of the boundary treatments and their colour will be required by condition. An appropriate landscaping plan would ensure that the new fencing and hardstanding assimilate satisfactorily into its surroundings.

The plans indicate tarmac to be laid. Tarmac could appear as incongruous surfacing material next to Mode Cottage and within the Conservation Area. Details of an alternative surfacing material will be required as part of the landscaping plan.

The Council's Heritage Officer initially raised concerns with the proposal. However, this was on the basis of the incorrect description of development. They raised no objections to the scheme, once the description has been amended. Subject to the above conditions, it is considered that the development would not result in harm to either the affected designated or non-designated heritage assets.

It is considered that subject to conditions, the proposed development would preserve the character and appearance of the Conservation Area.

The supporting statement advises that the works to create the separate access and install fencing are proposed to enable Mode Cottage to be occupied. They have advised that it has lain vacant for a decade. Due to its low height, feasibility studies have not found it suitable for educational use.

The proposed works would facilitate the viable future use of a non-designated heritage asset within the Mobberley Conservation Area. This is a public benefit, which weighs in favour of the development.

Amenity

NPPF paragraph 127f requires developments to ensure a high standard of amenity for existing and future occupiers.

Planning permission 14/4981M established that Mode Cottage could be occupied separately from the school, subject to the provision of acoustic fencing.

The current proposal would reduce the garden area available to this residential property. However, a garden area would still be retained to the south and west of the house. The existing mature trees and hedging along with the proposed fencing would ensure that this remains sufficiently private.

Subject to the provision of the acoustic fencing along the northern and eastern boundaries, the residential amenities for the future occupiers would be acceptable.

Environmental Health initially raised concerns about the impact on aircraft noise on the occupiers of Mode Cottage. Given that this scheme does not relate to the use of the dwelling, these concerns are not relevant.

Parking and Highways Safety

MBLP policy DC6 requires vehicular and pedestrian access to be safe and convenient, particularly be the adequate provision of visibility splays. The highways officers initially raised concerns. These concerns were reviewed. The highway officer has advised that the level of traffic generation from the cottage would be low. Consequently, they have updated their

comments to advise that vehicle conflicts would not cause a problem at the access and that there are no highways objections.

CELPS Appendix C sets out the adopted parking standards. The scheme would not alter the existing parking arrangements for the school. There would be sufficient off-street parking to meet the standards set out within the CELPS.

Trees

The Primary School benefits from established boundary hedgerows and trees to the front roadside boundary with Church Lane. The trees located on the verge and within the school grounds are afforded a level of protection by the Conservation Area status of the area.

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

The Council's Forestry Officer has reviewed the scheme. They have advised that the development would result in the removal of one section of hedgerow and a small low quality tree to widen the existing access to create a new driveway to Mode Cottage. They have raised no objections to the proposal, but have advised that the installation of the access and areas of new hardstanding would result in some disturbance around the retained trees. To minimise any harm during construction works, they have advised that tree protection should be required by condition. Subject to this, the proposal would comply with the requirements of CELPS policy SE 5.

Playing Fields

The proposal would increase the area of open space and playing fields available for the children attending Mobberley Primary School. While the increase would be modest, it is still a benefit in favour of the scheme.

Landscaping

The Council's Landscaping Officer has advised that there would be visual amenity issues between the school property and the proposed private residential property. They have that separation fencing is required to ensure visual privacy for school users and the residents of Mode Cottage. This was largely dealt with by planning permission 14/4981M, which required the installation of an acoustic fence. Details of revised boundary treatments for the northern and eastern elevations can be dealt with by condition.

They have also advised that hardstanding should be permeable and visually in keeping with the character of the Conservation Area and that excavated soils should be reused. These matters along with details of replacement vegetation can be dealt with through the landscaping condition.

CONCLUSION

The proposal seeks relatively minor alterations to this existing residential property, including a new access arrangement.

The site lies within the Green Belt, where there are restrictions on the types of development which may be carried out. The proposed development would not be inappropriate within the Green Belt and would not adversely affect openness. The proposed development complies with Green Belt policy.

The proposal is not considered to have any adverse impact on highway safety.

Subject to conditions, issues of landscaping, heritage and trees would be satisfactorily dealt with.

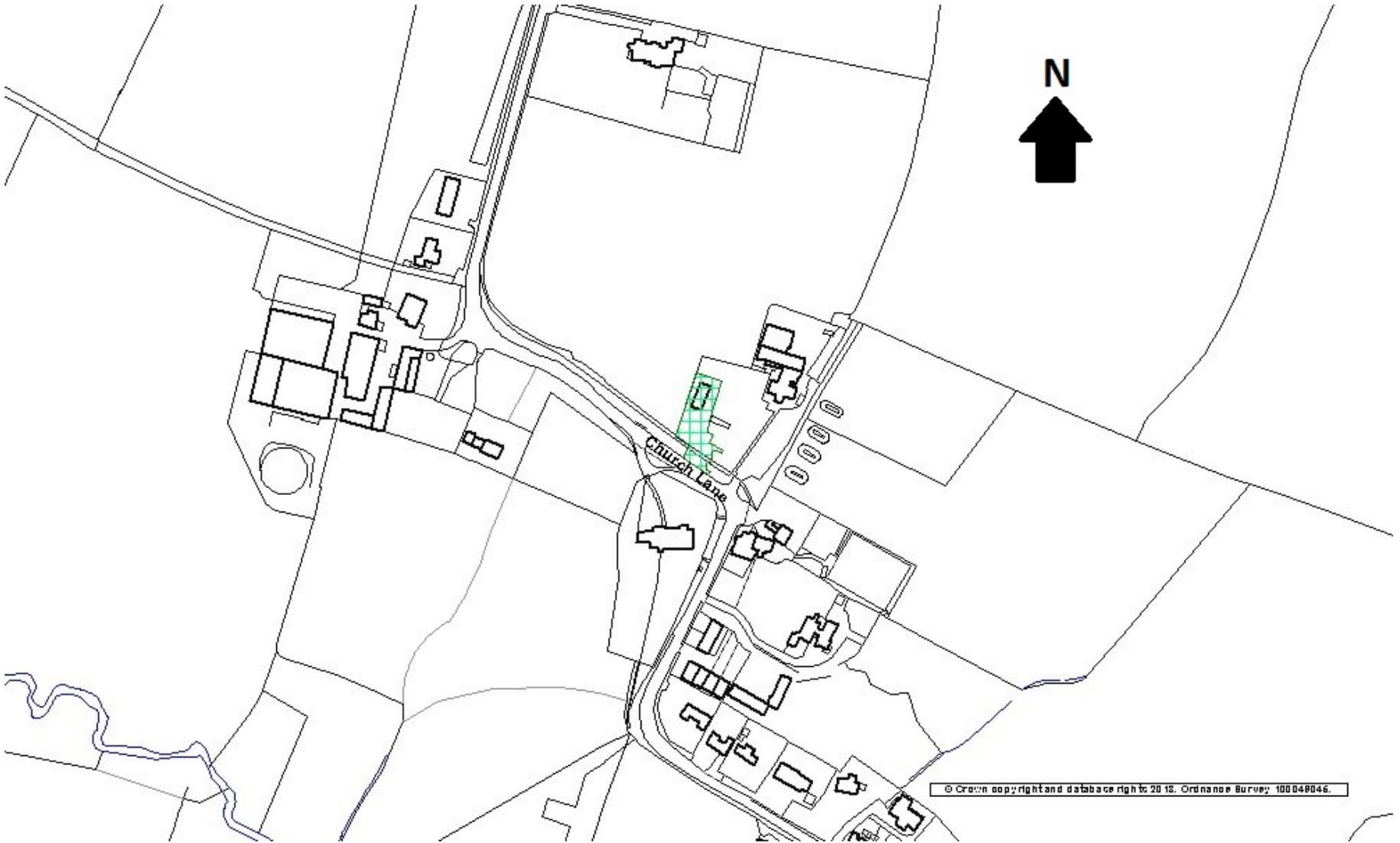
The proposals, as amended, would comply with relevant policies of the Development Plan and there are not considered to be material considerations that indicate a decision should be made other than in accordance with the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be granted.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Three year time limit**
- 2. In accordance with approved plans**
- 3. Submission of Tree Protection Plan (prior to commencement)**
- 4. Submission of Landscaping Plan (hard and soft landscaping)**
- 5. Implementation of Landscaping Plan (first planting season following installation of fencing)**
- 6. Details of acoustic fencing for northern and eastern boundaries – colour and height up to a maximum of 2.5m.**
- 7. Installation of acoustic fencing prior to first occupation**

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



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