

Northern Planning Committee

Agenda

Date: Wednesday, 14th February, 2018
Time: 10.00 am
Venue: The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Meeting** (Pages 5 - 8)

To approve the Minutes of the meeting held on 17 January 2018 as a correct record.

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

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. **17/3208M-Erection of replacement Class A1 retail store, associated car parking and servicing areas, relocation of electricity sub-station, landscaping and associated works following demolition of existing retail store and neighbouring fitness club, Lidl Store and Energie Fitness Club, Summerfield Village Centre, Dean Row Road, Wilmslow for Miss F Heeley, Lidl UK GmbH (Pages 9 - 30)**

To consider the above application.

6. **16/2096M-Telecommunications installation and associated works (NTQ Replacement), Endon Quarry, Windmill Lane, Kerridge, Bollington for WHP, EE & 3G UK LTD (Pages 31 - 44)**

To consider the above application.

7. **17/4264M-Demolition of former public house and redevelopment of the site for residential purposes, including landscaping and associated works, The Elms, Park Lane, Pickmere for Mr Moss, Thistlewood Properties (Pickmere) Limited (Pages 45 - 60)**

To consider the above application.

8. **17/3500M-Reserved matters application following outline approval 15/2354M - Details of Appearance of the proposed 11no. 2.5 storey townhouses and 1no. 2 storey detached house. Details of Landscape layout and materials, Bowling Green, Ingersley Vale, Bollington for Chris Bowman, Ingersley Crescent Ltd (Pages 61 - 72)**

To consider the above application.

9. **Cheshire East Borough Council (Bollington - Mill Lane path to the east of Ingersley Vale) Tree Preservation Order 2017 (Pages 73 - 108)**

To consider the above Tree Preservation Order.

10. **Planning Appeals** (Pages 109 - 122)

To consider the above report.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 17th January, 2018 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor G M Walton (Chairman)
Councillor C Browne (Vice-Chairman)

Councillors C Andrew, T Dean, L Durham, S Edgar (Substitute), P Findlow,
H Gaddum, S Gardiner, A Harewood, N Mannion and M Warren

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr K Foster (Principal Planning Officer), Mr
N Jones (Principal Development Officer) and Mr R Law (Principal Planning
Officer)

74 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor E Brooks.

75 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor N Mannion declared a pecuniary interest in application
17/3500M, by virtue of the fact that he was Chairman of the Bowling Club
and had a major interest in the scheme. In accordance with the Code of
Conduct he left the meeting prior to consideration of the application and
returned once a decision had been made.

In the interest of openness in respect of application 17/3500M, Councillor
H Gaddum declared that she was acquainted with all of the people
speaking on the application.

In the interest of openness in respect of application 17/3500M, Councillor
S Gardiner declared that the agent for the applicant speaking on the
application was known to him.

It was noted that Members had received correspondence in respect of
application 17/3500M and that a numbers of the speakers were also
known to them.

76 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting held on 6 December 2107 be approved as a correct record and signed by the Chairman.

77 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

78 17/3500M-RESERVED MATTERS APPLICATION FOLLOWING OUTLINE APPROVAL 15/2354M - DETAILS OF APPEARANCE OF THE PROPOSED 11NO. 2.5 STOREY TOWNHOUSES AND 1NO. 2 STOREY DETACHED HOUSE. DETAILS OF LANDSCAPE LAYOUT AND MATERIALS, BOWLING GREEN, INGERSLEY VALE, BOLLINGTON FOR CHRIS BOWMAN, INGERSLEY CRESCENT LTD

Consideration was given to the above application.

(Councillor A Stott, the Ward Councillor, Town Councillor Ken Edwards, representing Bollington Town Council, Helen Whitely, an objector, Kate McHale, an objector, John Knight, an objector and Caroline Payne, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for the following reasons:-

1. Accordance of the scheme with condition no 17 of the outline approval to be re-assessed.
2. Full Conservation Officer comments to be reported.
3. Investigate the opportunity to amend the layout / landscaping to include 4 parking spaces at the front of the site.
4. Confirmation as to whether the parking in garages can be enforced under the outline condition.
5. Re-assessment of overshadowing to neighbouring cottages to include the 45-degree test and to account for the difference in levels.

79 17/3022M-ERECTION OF CLASS A1 RETAIL UNIT, CAR PARKING AND SERVICING AREAS, ACCESS, LANDSCAPING AND ASSOCIATED WORKS INCLUDING RELOCATION OF ELECTRICITY SUB-STATION AND REMEDIAL WORKS TO LISTED BUILDING FOLLOWING DEMOLITION OF EXISTING BUILDINGS, THE TOWERS AND PROGRESS MILL, PARSONAGE STREET, MACCLESFIELD FOR MISS F HEELEY, LIDL UK GMBH

Consideration was given to the above application.

(Councillor J Jackson, the Ward Councillor, Councillor B Dooley, the Ward Councillor, Town Councillor Gareth Jones, representing Macclesfield Town Council and Faye Heeley, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. Commencement of development (3 years)
2. Development in accord with approved and amended plans
3. Materials to be submitted including details of surfacing including details of fire retardant cladding
4. Details of imagery to be applied to opaque glazed features and perforation of the external cladding to be submitted and shall reference local history of the site
5. Scheme of public real works to Park Green frontage to be submitted
6. Tree retention (where applicable)
7. Tree protection (where applicable)
8. Landscaping - submission of details
9. Landscaping (implementation)
10. Accordance with submitted Extended Phase 1 Habitat Survey
11. Nesting birds survey to be submitted
12. Features for incorporation of nesting birds into the scheme to be submitted
13. Accordance with details of external lighting
14. Construction Management Statement to be submitted to include wheel wash facilities and details of demolition
15. Details of the materials used to reconstruct Parsonage Street to be submitted and shall include the removal and re-use of the existing stone setts
16. Drainage strategy with detailed calculations to be submitted
17. Foul and surface water shall be drained on separate systems
18. Accordance with submitted noise mitigation measures
19. Method statement for piling and floor floating to be submitted
20. Method statement for minimising dust emissions during demolition / construction
21. Electric Vehicle Infrastructure to be provided (2x rapid charge points)
22. Travel plan to be submitted
23. Phase II post demolition ground investigation and risk assessment to be submitted
24. Verification report in accordance with remediation to be submitted
25. Imported soil to be tested for contamination
26. Unforeseen contamination to be reported to LPA
27. 10% of energy from decentralised and renewable or low carbon sources

28. No deliveries outside of the hours of 07.00 hours to 21.00 hours from Monday to Saturday and from 09.00 hours to 18.00 hours on Sundays and Bank Holidays

29. Hours of opening restricted to 07.00 hours to 22.00 hours from Monday to Saturday and from 10.00 hours to 17.00 hours on Sundays and Bank Holidays and 11.30 hours to 17.00 hours on Remembrance Sunday

30. Programme of archaeological work in accordance with a written scheme of investigation to be submitted

31. Scheme for the control of odours to be submitted

An informative was to be included stating that construction workers and contractors were required to obtain parking permits to avoid on street parking.

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 (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of the 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.

In addition Councillor S Gardiner stated that on a number of occasions Government policy had changed without any due regard for the planning process which put the Committee in a difficult position. He requested that the Chairman of the Strategic Planning Board consider writing to the appropriate Government departments stating that when any changes are made to Government policies which affect planning, new advice is issued shortly thereafter.

The meeting commenced at 10.00 am and concluded at 12.50 pm

Councillor G M Walton (Chairman)

Application No: 17/3208M

Location: Lidl Store and Energie Fitness Club, Summerfield Village Centre, Dean Row Road, Wilmslow, SK9 2TA

Proposal: Erection of replacement Class A1 retail store, associated car parking and servicing areas, relocation of electricity sub-station, landscaping and associated works following demolition of existing retail store and neighbouring fitness club

Applicant: Miss F Heeley, Lidl UK GmbH

Expiry Date: 07-Dec-2017

REASON FOR DEFERRAL

The application was deferred from the Northern Planning Committee on 6 December 2017 for further clarification on the following matters:

- *Transport and highway implications*
- *Sequential assessment*
- *Liaison with public health department. Re: loss of gym*
- *Air quality*
- *Swimming pool data*

REPRESENTATIONS

Since the deferral of the application, two letters of support for the application have been received.

In addition, three letters have been received questioning why letters have continued to be accepted and published on the website after the publicity period has closed. The letters also note that this site is allocated for leisure and should be considered as being such in any application made to redevelop it now or in the future, and raise concern about the impact upon Wilmslow Town Centre.

CONSIDERATION OF REASONS FOR DEFERRAL

Transport and highway implications

Concerns were raised by Members about the Council's Supported Bus Service Review and how this would impact upon the bus service close to the application site. The no. 130 bus service is not affected by the Review as it is a commercial service provided by Arriva North West and D&G Bus. A new timetable was published for this service on 28 January 2018, and between the two bus operators the service runs 7 days a week.

To clarify the parking provision for the proposed retail store, 136 parking spaces are shown to be provided on the site plan. The proposed store has a gross floor area of 2480sqm and a sales floor area of 1655sqm. The recommended parking standards within the CELPS for food retail are 1 space per 14sqm. This equates to 177 spaces if the gross floor area is used and 118 spaces if the sales floor area is used.

The CELPS states that CEC parking standards will only apply where there is clear and compelling justification that it is necessary to manage the road network. It continues to state that the Council *“will accept representations to vary from car parking standards on a site-by-site basis with reference to evidence obtained locally or from a suitable data source (e.g. TRICS) outlining predicted parking profiles.”*

In this case the submitted Transport Assessment states that analysis of the estimated trips generated from the proposed development (using data from existing Lidl stores and TRICS) concludes that the highest combined number of vehicles visiting the proposed store will be 75 vehicles on a Saturday. Accordingly, the parking provision outlined above is considered to be acceptable.

Sequential Assessment

A sequential assessment has not been submitted. The applicant has submitted a Counsel opinion which considers the status of the site in sequential terms, which states the following:

“the application of the sequential test in national policy terms involves directing development to town centres first, then edge of centre (within the meaning of the glossary to NPPF) and only then to out of centre locations (§24). An application for retail development within a town centre would therefore not ordinarily require the demonstration of having passed the sequential test.

The NPPF defines the term “town centre” in the following terms:

“Town centre: Area defined on the local authority’s proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in Local Plans, ...”

Dean Row is designated as a local centre within the adopted Macclesfield Local Plan (policy S4) and whilst it is not also listed as a town centre in the CELPS that is expressly written in anticipation that retail policy in the adopted local plan will persist pending the adoption of Part 2 of the Cheshire East Local Plan. Indeed it is wholly unsurprising that local centres are not defined within the strategy DPD. Moreover it cannot have been the intention that the CELPS was intending to promulgate a retail strategy which is at odds with NPPF.

It follows therefore that when approaching the sequential status of the Site the question that must be asked is whether or not it is within a defined town centre within the meaning of NPPF. Since Local Centres are explicitly included within the definition of what is meant by a “town centre” then self-evidently what is proposed is an “in centre” proposal which complies with the terms of the development plan. Whilst it might be argued that retail designations within the MLP are to be treated as out of date – in fact there is no evidence at all that Dean

Row is likely to be downgraded from its position as a local centre within the forthcoming Cheshire East local plan part 2.

It follows that I am of the view that what is proposed comprises an in centre proposal for retail and the recommendation of officers that there was no contravention of retail policy is one that I wholeheartedly endorse.”

The original committee report outlines the view of officers that the proposed store is commensurate with the role the centre serves, and that the Dean Row Road Local Centre is much more than a small parade of shops of purely neighbourhood significance. Consequently, the area would be defined as a local centre under the terms of the Framework, and as such is town centre development. As stated in the original report a sequential approach does not need to be applied in this case.

Liaison with Public Health Department

Comments from the Public Health Department are awaited and will be reported as an update.

Air Quality

The air quality concerns that were raised by Members were as a consequence of the potential reduction in bus services resulting from the Supported Bus Service Review. As noted above, the bus service will remain operational, and therefore the air quality impacts remain as they were at the time of the original report. Environmental Protection (Air Quality) raises no objections subject to conditions relating to a travel plan, electric vehicle infrastructure and dust control during demolition / construction.

Swimming Pool Data

This query related to why the swimming pool at Energie was excluded from the list of community accessible pools in the Council’s Indoor and Built Facilities Needs Assessment. Discussions with the Council’s Leisure team are ongoing and will be reported as an update.

CONCLUSION

Further details from consultees are awaited on the reasons for deferral. Subject to the satisfactory receipt of these comments, as in the original report, the application is recommended for approval.

It should also be noted that the Secretary of State has received a request to intervene on this application, therefore, any resolution will be subject to the outcome of this process.

ORIGINAL REPORT FROM 6 DECEMBER COMMITTEE MEETING

SUMMARY

The proposal seeks to provide a replacement retail store on a site allocated for shopping purposes in the local plan. The comments received in representation have been fully considered. . It is evident that there is strong local opposition to the loss of the existing gym. However, it has been demonstrated for the purposes of planning policy that the existing fitness centre is surplus to requirements, given the availability of other indoor leisure facilities in the local area. The proposal is also in accordance with local and national retail planning policy. The proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, the application should therefore be approved without delay.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The application has been called to Committee to by the Local Ward Member, Cllr Burkhill, for the following reasons:

Loss of the Energie Fitness Centre to the community which has 3,000 members and provides swimming, exercise, business and social amenities for the community without many of its members using a car to get there.

The NPPF stresses the Government's commitment to economic growth to create jobs and prosperity. This application would see a net reduction of between 30 and 40 jobs.

The Council advocates a clear Town Centre first approach for its principal towns and key service centres and advocates against the development of main town centre uses in out of town locations in order to preserve and enhance the vitality and viability of existing town centres. Summerfields Dean Row is a Neighbourhood Centre and not a Town Centre and indeed the Lidl store is listed as an out of centre location.

PROPOSAL

The application seeks full planning permission for the erection of replacement Class A1 retail store, associated car parking and servicing areas, relocation of electricity sub-station, landscaping and associated works following demolition of existing retail store and neighbouring fitness club.

SITE DESCRIPTION

The application site comprises an existing Lidl supermarket, Energie fitness club and associated car park areas. The site is identified in the Macclesfield Borough Local Plan as an Existing Shopping Area, and is surrounded by a predominantly residential area.

RELEVANT HISTORY

There have been a number of planning applications on the site relating to the supermarket and the fitness club but none specifically relevant to the current proposal.

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are Chapters:

2. Ensuring the vitality of town centres
8. Promoting Healthy Communities

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP 1 Presumption in Favour of Sustainable Development

PG 2 Settlement Hierarchy

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

IN 1 Infrastructure

IN 2 Developer Contributions

EG 5 Promoting a Town Centre First Approach to Retail and Commerce

SC 1 Leisure and Recreation

SC 2 Indoor and Outdoor Sports Facilities

SC 3 Health and Well-Being

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

SE 13 Flood Risk and Water Management

CO 1 Sustainable Travel and Transport

CO 4 Travel Plans and Transport Assessments

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

Macclesfield Borough Local Plan 2004

The Macclesfield Borough Local Plan 2004 allocates the site as being within an Existing Shopping Area.

The relevant Saved Policies are:

NE11 Nature conservation;

S4 Local Shopping Centres

DC3 Residential Amenity;

DC6 Circulation and Access;

DC8 Landscaping;

DC9 Tree Protection;
DC13 Noise
DC63 Contaminated land

Wilmslow Neighbourhood Plan

Neighbourhood Area has been designated, but no draft plan is currently available.

CONSULTATIONS:

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

Flood Risk Manager – No objections subject to conditions relating to compliance with FRA and drainage

Head of Strategic Infrastructure – No objections subject to a condition relating to exit from the car park

Environmental Health – No objections subject to conditions relating to noise mitigation, piled foundations, dust control, floor floating, lighting, electric vehicle infrastructure and contaminated land

Wilmslow Town Council – recommend refusal on the following grounds:

- The location of the proposed development is not a 'Town Centre' as indicated in the proposal. The argument for a 'proven need' at this location has not been made and that the loss of the existing D2 facility would reduce the service offer at this location. The existing store meets the needs on a site which is considered to be neither a 'Key Service Centre' or a 'Local Service Centre' in the Local Plan.
- Highlight Policies SC1 and SC2 of the Cheshire East Local Plan and believe that the size of the membership, the absence of an alternative within walking distance and the range of services available should ensure that these policies rightly protect this leisure and recreation facility.

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a press advert was placed in the local newspaper and a site notice was erected.

Full representations can be viewed on the application file. Approximately 415 letters of representation have been received objecting to the proposal on the following grounds:

- No need for a larger store
- Disruption during construction
- Loss of gym
- Loss of health and social facility
- No alternative gym nearby
- Use of car park by car showroom should not be allowed
- Impact on health and wellbeing of community
- Loss of jobs within health club
- Several supermarkets in local area

- Gym is a community facility
- Increased traffic
- Gym has approximately 3000 members
- Gym is very affordable
- Loss of privacy to residents
- Size of building is inappropriate
- Building is out of character with local area
- Impact on wildlife
- Many elderly people benefit from the gym
- Building come closer to residents
- Local plan does not support this type of development
- Removal of mature vegetation / trees
- Thriving local businesses should be supported
- Club is very accessible
- Community needs gym more than shop
- Loss of businesses within the club
- CEC has a requirement to promote health and wellbeing of residents
- Increased pollution
- Light pollution
- No other affordable gyms nearby
- Contrary to CELPS as not reusing existing buildings
- Impact on parked cars when vehicles manoeuvring
- Site is not in a town centre
- Will take business from town centres
- Building is too large for Summerfields
- Local gyms are oversubscribed
- Site is well served by public transport
- Should be designated as an asset of community value
- Loss of 55 jobs
- Degrades residential neighbourhood
- Impact on property values
- Will reduce choice in neighbourhood centre by losing traders in the gym
- Loss of parking spaces
- Building will be in stark contrast to adjacent shopping parade and houses
- Contrary to policy MP1 – detrimental to social and environmental conditions in the area
- Contrary to policy SD1 – does not meet the needs of the local community, does not provide access to local jobs, services and facilities
- Only refusal of the application would result in positive cooperation with local community
- Loss of vibrancy of Summerfield centre
- Contrary to policies SC1 and SC2
- Will isolate members who cannot travel
- Should support local businesses rather than big chains
- Other gyms more expensive
- Does not support healthier lifestyles
- Gym is a social hub
- Does not support stronger communities

- Loss of jobs contrary to objectives of sustainable development
- Adverse impact on vitality and viability of Wilmslow Town Centre and Handforth centre
- Site fails sequential test and paragraph 27 of NPPF
- Loss of valued facility reducing community's ability to meet its day to day needs
- Contrary to paragraph 74 of NPPF
- Contrary to policies PG2, SD1, SD2 and EG3 of CELPS
- Does not form part of spatial portrait of CE
- Contrary to case for growth
- At odds with vision of CELPS
- Contradicts key strategic priorities
- Does not satisfy legislation for enterprise and growth
- FRA makes no reference to SUDS
- Building should incorporate more environmental benefits
- Damage to roads from increased traffic
- Visual impact of 2.4m high acoustic barriers
- Absence of bat survey
- Overbearing impact
- No showers provided for employees who cycle
- People visit gym more than a supermarket
- Loss of privacy
- Bus services are being withdrawn
- Will be an out of town destination in own right
- Inadequate pedestrian facilities

Following the re-consultation on the applicant's Leisure Needs Assessment, 76 further letters of representation were received objecting to the proposal on the following additional grounds:

- Assumes people can travel to other facilities
- Assumes people can afford other facilities
- Figures are misleading
- Drive times are longer at peak time
- No desire to use public leisure centre
- More dwellings will be constructed meaning more demand
- Not proven to be surplus to requirements
- Environmental impact of additional travel times
- Leisure centre crowded
- None of the other facilities are equivalent to Energie
- Applicant's assessment biased in their favour
- Population figures inaccurate
- Not all other facilities are available as stated
- Alternative provision outside of 1km stated in local plan
- Cabinet report from Sept 2015 identifies Colshaw Farm and Lacey Green facing greatest health inequalities
- All facilities outside of 20 minute walk time
- Gym not surplus to local people's need
- No mention of prices in submitted assessment

A petition containing approximately 600 signatures has also been received objecting to the proposal on the following grounds:

- Gym is situated in a residential area for locals and others to use
- Further traffic problems within this area are unacceptable to residents
- Proposed loss of number of mature trees to make way for new building / delivery area

A letter has also been received from local MP, Esther McVey raising the following concerns:

- Policies being used to support this application appear not to be relevant where a store is being relocated within an area and only apply for a brand new store arriving for the first time on a site and the development is contrary to policies contained in the new CELPS.
- Within the Macclesfield Borough plan, as a 'local centre', there needs to be a proven need for the development and this is not demonstrated. By moving the store into the new location the number of retail outlets in the area decreases as Energi includes 6 small retailers who will no longer be there. None of those businesses offer services replicated anywhere else in the neighbourhood centre.
- In terms of the CELSP, there is reference to policy SG5. This location is neither a Key Service Centre or a Local Service Centre, therefore falls under 'other settlements'. The policy states that the focus, for other settlements, is on providing retail services of appropriate scale and nature for the needs of the local community. The new larger store expands beyond the local area needs and into the wider area taking on a development of a Key Service Centre or Local Service Centre.
- Policies SC1 'seeks to protect and enhance existing leisure and recreation facilities' and policy SC2 protects existing sports facilities unless there is alternative provision or they are surplus to requirements. As I understand it the club has circa 3000 members which would make it difficult to argue it was surplus to requirements. The same policy states that a proposal can't result in a loss of area important for its amenity.

25 letters of representation have been received supporting the proposal and making the following comments:

- Improvements will be great
- Existing store is not big enough
- There are too many gyms

Four additional letters of support were received in response to the re-consultation on the revised plans.

APPRAISAL

Economic Sustainability

Retail

Policy EG5 of the CELPS promotes a town centre first approach to retail and commerce, and identifies a hierarchy of retail centres in Cheshire East. The policy states that proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development.

The site is identified in the Macclesfield Borough Local Plan as an Existing Shopping Area, and forms part of the Dean Row Road Neighbourhood Shopping Centre. Saved policy S4 of the Macclesfield Borough Local Plan seeks to maintain a level of shopping provision at local shopping centres such as this commensurate with the role the centre serves in the community. The justification for the more up to date policy EG5 of the CELPS states that “until they are reviewed, the existing boundaries and retail allocations will remain as they are in the 'saved' policies of the Congleton Borough Local Plan First Review, the Borough of Crewe & Nantwich Replacement Local Plan and the Macclesfield Borough Local Plan. Accordingly the allocation of the application site under policy S4 of the MBLP is considered to be up to date, and in accordance with policy EG5.

In addition to the gym and the existing Lidl store, the other units within this local centre include 2 charity shops, a chip shop, a sandwich shop, a dry cleaner, a hairdresser, a tanning salon, a chemist, a Tesco express, a vacant unit, a pub and a car showroom.

The submitted planning and retail statement states that Lidl stores offer a limited range of around 2,000 products, which is significantly smaller than those offered by other leading food retailers. The statement continues, *“Lidl does not compete in the same market as many independent or specialist traders such as confectioners, greengrocers or butchers. Lidl do not sell cigarettes or single confectionery items, do not include pharmacies or post offices and no meat or fish preparation takes place on the premises.”*

The increased size of the building is said to provide for additional sales and non-sales floor space. The new store will offer an identical range of goods to the existing store, save for an expansion of the bakery product lines following the introduction of the in-store bakery. The additional sales floor space will generally provide for wider aisles, larger product displays and more spacious circulation area on entry to the store, with the non-sales floor space providing a large pallet freezer, bakery preparation area, customer toilets, more generous storage space and improved staff accommodation.

A sequential approach does not need to be applied in this case because whilst the proposal is for a main town centre use, as noted above, it is in accordance with an up to date local plan. The two uses that are currently present on the application site – a retail store and a gym – are also both defined as main town centre uses. Similarly, impact assessments to consider the impact of the proposal on investment in a centre or on the vitality and viability of a centre are also not required due to the conformity with an up to date local plan.

The Dean Row Road local centre has a range of uses within it, which do undoubtedly serve a wider catchment than just the local neighbourhood of Dean Row. The comments received in representation from gym users from outside of the immediate area are testament to that, and the presence of a car showroom will also undoubtedly serve to attract people from a wider catchment than the surrounding streets. Whilst the format of the Lidl store referred to above is noted, as an allocated retail site, having regard to the particular uses already present on the site, the evidence that the centre is utilised by people from outside of the area, and the role the centre serves, it is considered that a replacement retail store in general, which will be approximately twice the size of the existing store will continue to provide access to day to day shopping facilities, which are commensurate with the role the centre serves in the community. The proposal is therefore considered to be in accordance with policy S4 of the MBLP and EG5 of the CELPS.

Jobs

The application form indicates that there will be a reduction in numbers of jobs on the site from 18 full-time and 54 part-time to 8 full-time and 32 part-time. The replacement store is expected to create 2 additional full-time and 10-15 additional part-time jobs compared to the existing store. It is also noted that some of the jobs within the gym will be relocated elsewhere, for example the yoga business that was accommodated within the Energie fitness club has recently secured planning permission for alternative premises in Handforth.

Social Sustainability

Loss of leisure facility

The proposal involves the demolition of an existing privately run health and fitness club in order to accommodate the replacement retail store. The health and fitness club, which is operated under franchise from Energie Fitness, provides its members with the following facilities:

- A 20 x 8m swimming pool (4 lanes);
- A 67-station fitness suite;
- Studio space;
- Ancillary facilities, including a café, hair salon and beauty salon.

Policies SC1 and SC2 of the CELPS seeks to protect and enhance existing leisure and recreation facilities, unless a needs assessment has clearly proven them to be surplus to requirements to local community needs or unless alternative provision, of equivalent or better quality, is to be made.

The Council has engaged with Sport England and a range of sports National Governing Bodies about outdoor and indoor sports facilities and what will be required to meet future needs. The Council's "*Indoor & Built Facilities Needs Assessment*" sets out up to date supply and demand information on indoor sports facilities in Cheshire East. This assessment has been carried out in accordance with Sport England's Assessing Needs and Opportunities guide (ANOG) methodology.

In support of this, a Leisure Needs Assessment has been submitted on behalf of the applicant, which seeks to demonstrate that the facilities at the health and fitness club are surplus to requirements.

The following assessment considers the findings of the Council's Needs Assessment as well as the applicant's submitted Needs Assessment for each of the facilities currently accommodated within Energie Fitness.

Swimming Pools

The swimming pool at Energie is included in the list of swimming pools within the Borough in the Council's Needs Assessment, but it is not listed as one of the *community accessible swimming pools*. The assessment states that pools "*which do not fit ANOG's criteria due to size or if they are in private use only are removed from the assessment*".

The Council's Needs Assessment states that "*when looking at a very simplistic picture of the overall supply and demand across Cheshire East, the resident population is estimated to*

generate a demand for a minimum of 3,890 m² of water space. This compares to a current available supply of 4,850m² of water space, giving a supply/demand balance of 960m² of water space". Therefore there is currently an oversupply of water space compared to demand in Cheshire East.

The provision of water space in Cheshire East amounts to 15.86sqm per 1000 population, which is significantly above the regional (12.91sqm) and national (12.675sqm) average. The Amateur Swimming Association (ASA) use a figure of 11sqm of water per population of 1000 as a benchmark guide to Local Authorities.

The application site lies between Handforth and Wilmslow. Other identified community accessible swimming pools in the local area include Total Fitness (opposite Handforth Dean), Hallmark Health Club (Northern Handforth) and Wilmslow Leisure Centre (Wilmslow town centre). The main pools at these 3 locations have a collective pool size of 860sqm. Taking the population of Handforth and all Wilmslow Wards to be 32,310 (2011 census), this would equate to 26.6sqm of water space per 1000 population. If Alderley Edge was included this would reduce to 23.2sqm of water space per 1000 population, and if Poynton was included, this would still be at 16.14sqm per 1000 population, which is still above the average for Cheshire East (15.86sqm), which exceeds current demand.

Whilst there will be some cross boundary usage of swimming pools as people from Stockport or Manchester may use facilities within Cheshire East, and vice versa, the water space figures quoted above have not included David Lloyd or Life Leisure in Cheadle, which are both very accessible by car.

Having regard to the above information, there is considered to be more than sufficient water space per 1000 population to meet current demand and it is considered that the swimming pool at the application site is surplus to requirements in the context of Local Plan policies SE1 and SE2.

Fitness stations

The Council's Needs Assessment states that Energie has 73 community accessible fitness stations, with a total of 2,920 stations available across the Borough.

Over two thirds of the resident population (68.9%) of Cheshire East live within one mile of an accessible health and fitness suite. There are also 28 fitness gyms with 20 stations and above within 2 miles of the Cheshire East boundary, primarily to the north of the Borough boundary (within Manchester and Stockport administrative boundaries).

In terms of the application site, other identified community accessible fitness stations in the local area include Total Fitness (opposite Handforth Dean), Hallmark Health Club (Northern Handforth), Wilmslow Leisure Centre (Wilmslow town centre), and Lifestyle Fitness (Handforth), which provide approximately 555 fitness stations between them.

The applicant's Needs Assessment provides the location of local fitness suites within a 10 minute drivetime of the application site, which includes all of the above and Fit 4 Less Cheadle, Seashell Trust Centre Cheadle Hulme, Spindles - Airport Inn Wilmslow, David Lloyd Cheadle, Anytime Fitness Bramhall. Across all of these facilities there are approximately 978 fitness stations available (excluding Energie), and 585 of these are within the Borough.

Planning permission has also been granted for another gym in Wilmslow town centre which could provide a further 75 stations, equivalent to that being lost at Energie.

There are no specific standards for the provision of health and fitness suites or individual stations, however, given that there are almost 1,000 fitness stations within a 10 minute drive time of the application site, compared to nearly 3,000 fitness stations across the whole of Cheshire East, it is considered that the Northern edge of the Borough is particularly well served by such facilities and the stations at the application site can be considered to be surplus to requirements.

In addition, the Council's Needs Assessment states that "*the provision of high quality health and fitness facilities underpin the financial operation of leisure centres*". This being the case it can be expected that any gap or shortfall in provision would be addressed by another health and fitness operator if the market demand is found to exist at some point in the future.

Studios

The Council's Needs Assessment only highlights the quantity and quality of studio space available in the Borough.

The applicant notes that the majority of the health and fitness suites identified above also offer studio space in the form of exercise studios, dance studios and/or sports halls and multi-functional space. There are also two additional studio facilities at Barrecore in Alderley Edge and South Manchester Sports Club in Heald Green that offer regular classes.

The studio space at the Energie Fitness Club is primarily used to accommodate exercise classes run by freelance instructors. These classes / freelance instructors will relocate to the Fit 4 Less club in Cheadle, which is also operated under the Energie Fitness franchise.

The plans for the recently approved gym at Parsonage Green in Wilmslow (17/1784M) is also shown to accommodate studio space, and will compensate for the loss of the studio at Energie Fitness, if the development comes forward.

Conclusion on loss of leisure facility

The availability of alternative facilities to the existing Energie Fitness club within the local area is explained above. It is very clear that the existing gym is a valuable and convenient facility for many local people, and others from further afield. However, the facilities provided at Energie are available at several locations within the Wilmslow and Handforth area, and any additional demand arising from the loss of the Energie gym and pool can be accommodated within these alternative facilities. It is acknowledged that some of these alternative facilities might be more expensive, or not quite as convenient, but this is not a material planning consideration in this case. For those without a car, Wilmslow town centre is approximately 2kms from the application site, which is within walking or cycling distance, and the 130 bus provides access from outside of the application site to Wilmslow town centre approximately every 30 minutes between 7am and 8pm.

The Council's Leisure Services Manager has been consulted on the proposal and whilst they express disappointment at the closure of the facility, they note that the applicant's Leisure Needs Assessment has used the data in the Council's Assessment to demonstrate that even

with its loss there is still sufficient supply within Cheshire East to take up the demand created, and therefore comply with relevant policies.

It is also important to note that unlike outdoor open space indoor facilities are not a finite resource, and their supply will be very much dependant upon demand and market forces.

It has been demonstrated that there is an adequate supply to meet demand without the facilities at Energie, which can therefore be identified as surplus to requirements. Accordingly, the proposal is considered to comply with policies SC1 and SC2 of the CELPS.

Environmental Sustainability

Design / Character

Policy SD2 of the CELPS expects all development to *“Contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness in terms of:*

- a. Height, scale, form and grouping;*
- b. Choice of materials;*
- c. External design features;*
- d. Massing of development - the balance between built form and green/public spaces;*
- e. Green infrastructure; and*
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood;”*

The area is characterised by a range of single, two and three-storey commercial and residential properties. The existing retail store is constructed in red brick under a red tile pitched roof, whilst the gym is rendered with a grey tile roof. The red brick is typical of surrounding buildings and the area in general, but the rendered gym and the adjacent nursery building indicate a range of materials and styles are also evident in the immediate area.

The new retail store will sit on a similar, albeit larger, footprint to the existing gym building. At 7 metres in height the new building will be approximately 2.5 metres lower than the existing gym building. The variety in building heights in the area means that the height of the new building will not be seen as a discordant feature. The remainder of the application site (to the east of the replacement store) will provide the majority of the car parking and will relate well to the existing car park serving the wider shopping centre.

The proposal involves the construction of a building with rendered walls, silver cladding, glazing and a mono pitched roof. Whilst this approach differs to many of the surrounding buildings, the render and silver / grey cladding and detailing does reflect what is already present on the adjacent nursery building, and as such the proposal can be accommodated into this area without any significant harm to the character and appearance of the locality.

During the course of the application a number of small revisions have been made to the layout to provide the continuation of existing footway past the neighbouring parade of shops towards the Lidl entrance, thereby improving the links between the shops; a clearly defined pedestrian route across the car park to the store entrance; and an increased width of landscape buffer to the north of the disabled parking spaces to enhance the visual amenity of the space between Lidl and the shopping parade.

The boundaries to the north, south, east and west of the new building comprise relatively strong and mature landscape features which will be retained as part of the proposal which helps to maintain existing relationships with neighbouring buildings. The eastern boundaries of the site will retain the existing brick piers with timber infill panels and extend this feature between the car park and the shops to the east. To the north the existing vegetation along the boundary will remain, as will the palisade fence along the western boundary together with the vegetation on the landscaped verge on Colshaw Drive. In addition to this on the western boundary a 2.5m high close boarded acoustic timber fence is proposed on the car park side of the existing palisade fence. The existing vegetation will serve to significantly soften the appearance of this fence, and due to this and the set back from the road, it will not be a prominent feature from outside of the site. Within the site, space is provided for landscaping which will not hide the fence, but will again soften its appearance, and the fence will be seen in the context of this new planting and the much taller and established existing vegetation. The southern boundary will retain the existing trees and hedges. The overall visual impact of the boundary treatments will not be significantly different to that which currently exists and as such is considered to be acceptable.

The proposal is therefore considered to comply with policies SD2 and SE1 of the CELPS.

Energy Efficiency

The applicant's submission states that the proposed store seeks to maximise opportunities to reduce energy consumption, use energy efficient materials and equipment and enhance operational efficiency. Policy SE9 of the CELPS expects non-residential development over 1,000 square metres to secure at least 10% of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. This can be secured by condition.

Living conditions

The site is bordered on its northern and eastern boundaries by residential properties on Tiverton Drive and Chamberlain Drive. The closest part of the gym building is currently located approximately 19.6 metres from the properties on Tiverton Drive. The nearest properties on Tiverton Drive will be approximately 20.5 metres from the eastern elevation of the new building, which has a maximum height of 7 metres. The building is single-storey, and therefore the only windows in this elevation are at ground floor level and will look out onto the proposed car park. There is also intervening vegetation along this boundary up to 11m high which will be retained and will help to further reduce the impact upon these neighbours.

To the north, there are residential properties on Chamberlain Drive, which are located approximately 17.3 metres from the rear elevation of the existing gym building. The blank north elevation of the new retail store will be approximately 14.1 metres from these dwellings. Whilst the new building will be closer than the existing the substantial vegetation to the north of the site will be largely retained and will adequately filter any views of the new building. The vegetation is currently the dominant aspect of the outlook from these properties, and will remain as such.

To the north west of the site, on the opposite side of Colshaw Drive there are residential properties on Rossenclough Road, however, due to their positioning and distance to the new building, there will not be any significant impact upon the living conditions of these neighbours.

An acoustic report has been submitted which considers the impact of the noise from plant and equipment, noise from deliveries to the store and also customer vehicles on the store car parks. The report recommends mitigation designed to ensure that occupants of nearby dwellings are not adversely affected by operational noise from the development. The mitigation includes restricting deliveries to daytime hours (07:00 - 23:00 hours), a 2.4m high acoustic barrier around the plant compound and a 2.5m high acoustic barrier along the loading ramp and site boundary. Environmental Health advise that the proposed mitigation is acceptable to ensure that the occupants of nearby residencies are not adversely affected by operational noise from the development.

The proposal raises no significant amenity issues and is considered to comply with policies DC3 and DC13 of the MBLP, and the noise aspect of policy SE12 of the CELPS.

Air Quality

Policy SE12 of the emerging Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

As a major development the proposal does have the potential to have a negative impact on the local air quality. Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce traffic associated with the development and safeguard future air quality in Wilmslow.

The applicant has already submitted a Travel Plan to identify alternative forms of transport and reduce the reliance on the private car. However, further mitigation requiring the provision of electric vehicle infrastructure is recommended and can be secured by condition.

Contaminated Land

This site is currently a food store with a car park and electricity sub-station and therefore there is the potential for contamination of the site to have occurred. The submitted Phase 1 Desk Study report recommends that a shallow borehole investigation is undertaken. This is to determine the presence of potential contaminants in soils from the electricity sub-station and car parks. Appropriate contaminated land conditions are therefore recommended to ensure compliance with policy DC63 of the MBLP and SE12 of the CELPS.

Flood Risk

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. The proposed development is therefore acceptable from a flood risk perspective. The submitted Flood Risk Assessment (FRA) states that due to the tight site constraints, location and principally that the site is a brownfield site the use of site infiltration and other similar SUDS systems are not suitable for this development. The Flood Risk Manager and United Utilities raise no objection to the proposal subject to conditions relating to drainage and compliance with the submitted FRA.

Highways

The gross floor space of the replacement store will be 2480sqm, compared to 1130sqm of the existing store and 2,973sqm of the existing fitness club. There will be an increase in sales floor space of the retail unit from 861sqm (existing) to 1655sqm (proposed).

The recommended parking standards within the CELPS for food retail are 1 space per 14sqm and for non food retail it is 1 space per 20sqm. Using the gross floor area of 2480sqm, 177 spaces would be required for a food retail store, and if the proposed sales floor area was used 118 spaces would be required. 137 parking spaces are being provided within the site.

The existing Lidl store has a gross floor space of 1130sqm, which would require 80 parking spaces to be provided to be in accordance with the CELPS recommended parking standards, whereas only 68 are provided. However, there are additional parking spaces available which are shared with the other retail and food stores in the local area, which would also be available for the proposed store.

Added to this, the submitted Transport Assessment states that analysis of the estimated trips generated from the proposed development concludes that the highest combined number of vehicles visiting the discount food retail and the non-food retail elements of the site will be approximately 75 vehicles on a Saturday.

The proposed car parking spaces are 2.5m wide and 5.0m in length which comply with the size standards in the CELPS. Six spaces will be designated disabled and eight will be parent and child spaces. Cycle parking for 8 cycles is also provided close to the store entrance. The site is within walking distance of many residential properties and there are bus stops just outside the site.

The access to the store remains the same from Village Way although it is proposed to provide an exit only from the main car park to Village Way. Servicing will take place to the building from the western car park.

In terms of the traffic impact of the proposal, the main consideration is that there is an existing store at the site already which generates traffic to the site. Whilst there is an extension to the retail floor space, the Head of Strategic Infrastructure advises that this generally does not translate into a high increase in new trips to the site over and above the customers already using the site. In addition, the removal of the gym trips from the site reduces the impact of the development.

No highway safety issues are raised and the Head of Strategic Infrastructure raises no objections to the proposal, subject to a condition requiring details to be submitted showing how the exit only from the main car park is to be controlled. The proposal is therefore considered to comply with policy DC6 of the MBLP.

Trees / landscape

The submitted Arboricultural Report and Impact Assessment identify 32 individual trees and six groups of trees or shrubs within or immediately adjacent to the application site. Three trees have been assessed as Moderate (B) category specimens with the remaining trees have been categorised as low value (C) category specimens.

The Assessment of the development proposals identifies a direct loss of 13 individual trees (comprising of various Maple, Birch, Portuguese Laurel and Plane) to accommodate the proposed new building and access arrangements. A Laurel hedge (G18) and a semi mature group of Ash (G25) also identified as low value specimens will require pruning to accommodate a proposed fence to the rear of the building.

Whilst there will be tree losses, these are considered to be acceptable, and in addition the development provides opportunities for new tree planting as part of a soft landscaping scheme that will provide mitigation for the loss of trees. The landscape plan does show that there some scope for new planting and this should incorporate high canopy species where appropriate. Insufficient details of the planting are provided on the landscape plan, and it is therefore recommended that further landscaping details are secured by condition.

There are a number of areas where there are indirect impacts on retained trees where new hard standing slightly encroaches into root protection areas (RPA's). These areas where retained trees are located to the north, north west and eastern site boundaries are to facilitate car parking and a footpath around the edge of the proposed building. The arboricultural officer accepts that the minor encroachment can be minimised in this instance by utilising site specific no dig construction using three dimensional cellular confinement systems with porous surfacing.

The proposal is therefore considered to comply with policies DC8 and DC9 of the MBLP and policy SE5 of the CELPS.

It should also be noted that following the submission of this application the Council received a request to consider protecting trees within the site. As a result of this, an amenity evaluation of the trees was carried out by the Council's arboricultural officer to assess whether they are of sufficient value to warrant formal protection. The conclusions of the assessment confirmed that the majority of the trees present either a poor social relationship to adjacent properties, have poor clonal form or are of no outstanding merit and do not make a significant contribution to the wider amenity of the area. Consequently, a Tree Preservation Order was not considered to be appropriate.

Ecology

The application site falls within Natural England's SSSI impact risk zones for Lindow Common, but the proposal is not a type of development which Natural England wish to be consulted on at this location. No further action in respect of the SSSI is required.

The submitted ecological surveys focus on the potential of the on site buildings and trees to support roosting bats. No evidence of roosting bats was recorded during the submitted surveys and therefore roosting bats are unlikely to be affected by the proposed development.

Whilst the application site offers limited opportunities for roosting bats, small numbers of common bat species were recorded commuting around the site. To avoid any localised adverse impacts on bats resulting from any lighting associated with the development, a condition is recommended requiring any additional lighting to be agreed with the LPA. Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in Bats and lighting in the UK - bats and the built environment series (Bat Conservation Trust, 2009). A further condition is also recommended to safeguard

breeding birds. Subject to these conditions the proposal is considered to comply with policy NE11 of the MBLP and SE3 of the CELPS.

Other matters

With regard to the comments received in representation not addressed above, it is confirmed that the site is not a designated asset of community value. In addition, the disruption during construction which will be a temporary manifestation of the development process, the use of the car park by the car showroom, and the impact on property values are not material planning considerations in this case and cannot be afforded any weight in the determination of this application.

CONCLUSION

The proposal seeks to provide a replacement retail store on a site allocated for shopping purposes in the local plan. The proposal is compliant with local and national planning policies for retail development. The comments received in representation have been given due consideration in the preceding text, however, the existing gym is considered to be surplus to requirements, given the availability of other indoor leisure facilities in the local area. The proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, the application should therefore be approved without delay.

RECOMMENDATION

For the reasons set out above, the application recommended for approval, subject to conditions.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Tree retention
5. Tree protection

6. Construction specification/method statement (trees)
7. Landscaping - submission of details
8. Landscaping (implementation)
9. Nesting birds survey to be submitted
10. External lighting details to be submitted
11. Measures to ensure that the exit only from the main car park is controlled to be submitted.
12. Development to be carried out in accordance with FRA
13. Drainage strategy with detailed calculations to be submitted
14. Foul and surface water shall be drained on separate systems.
15. Noise mitigation measures to be implemented
16. Method statement for piling and floor floating to be submitted
17. Method statement for minimising dust emissions during demolition / construction
18. Electric Vehicle Infrastructure to be provided
19. Travel plan implementation
20. Phase II ground investigation and risk assessment to be submitted
21. Imported soil to be tested for contamination
22. Unforeseen contamination to be reported to LPA
23. 10% of energy from decentralised and renewable or low carbon sources
24. No deliveries outside of the hours of 07:00 and 23:00 hours
25. Details of phasing to be submitted



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Application No: 16/2096M

Location: ENDON QUARRY WINDMILL LANE KERRIDGE BOLLINGTON

Proposal: Telecommunications installation and associated works (NTQ Replacement)

Applicant: c/o WHP, EE & 3G UK LTD

Expiry Date: 15-Feb-2018

SUMMARY

The application site is allocated within the saved Macclesfield Borough Local Plan as within the Green Belt, Area of Special County Value and Manchester Airport Safeguarding Zone. The existing site is Endon Quarry, a working stone quarry accessed from Windmill Lane, Kerridge.

The application seeks a revised 15m replacement telecommunications mast, previously proposed at 20m, and associated equipment with compound for EE Ltd and HG3 LTE. The proposed mast would replace an existing mast at Marksend Quarry which is subject to a Notice to Quit as the owners wish to redevelop the site where the existing mast is situated. The mast would provide new replacement 4G and 3G coverage for EE Ltd in order to maintain coverage in the SK10 area of Cheshire.

Noting the Green Belt location it is considered Very Special Circumstances have been demonstrated that would outweigh harm caused to Green Belt from the principle of the development, which includes the need to replace existing telecommunications, which are also located in the Green Belt. The proposals are not deemed to have any significant impacts on the setting of nearby listed buildings or Kerridge Conservation area, and the design of the structure is acceptable. In addition the limited impact on long views from the Gritstone Trail, Saddle of Kerridge and general Kerridge Landscape Character Area are also deemed to be acceptable as a result of the revised smaller scale mast design. The height, technical/ operational specifications and location of the mast would not effect safeguarding for Manchester Airport, protection of the nearby group TPO or on Nature Conservation. No significant impacts are expected in terms of existing residential amenity or regarding highways.

Subject to conditions the proposals are considered to be acceptable.

The NPPF places a presumption in favour of sustainable development. The proposed development will provide environmental, economic and social benefits and is therefore considered to comply with the three dimensions of sustainable development.

RECOMMENDATION: Approve with conditions

REASON FOR REPORT

This application was heard at Northern Planning Committee on Wednesday 6th December 2017 where the committee resolved to delegate the application back to the Head of Planning, in consultation with the Chairman of the Northern Planning Committee and relevant Ward Member, for approval subject to a tree design mast and additional landscaping/ barrier planting to the Listed Building aspect of the mast being secured and subject to the following conditions:-

- (1) Time 3 years
- (2) Approved plans
- (3) Materials as per application
- (4) Breeding bird survey to be submitted
- (5) Removal of existing mast

In the interim, it has been confirmed by the agent that the industry do not manufacture tree style masts anymore with the reason cited as them being *'unrealistic'* in addition to them not being able to support the *'antennae infrastructure that is required for 3G, 4G and the imminent 5G'*. Thus as the tree style mast is not feasible, the application is being returned to Northern Planning Committee to allow members to determine the application based on the existing submission documents.

In line with queries raised during the committee meeting about drops in coverage should the existing mast at Marskend Quarry be removed without a replacement mast site secured, it has been confirmed by the agent that there would be a hole in coverage in this instance. The agent also reiterated that this application is for a Notice to Quit replacement mast and would not be a new or additional mast in the area. In addition the agent stated that the proposed mast is a site share for EE, H3G, LTE and ESN (Emergency Services Network).

Noting the above, the application is recommended for approval subject to conditions as per the original committee report attached below.

*****ORIGINAL REPORT PREPARED FOR NORTHERN PLANNING COMMITTEE MEETING WEDNESDAY 6TH DECEMBER 2017*****

REASON FOR REPORT:

The application has been called in to Committee by Councillor Nicholas for the following reasons: "*objection under DC60 (3) of the Macclesfield Local Plan*".

DESCRIPTION OF SITE AND CONTEXT

The proposed development site is located within the working Endon Quarry, a stone quarry to the west of machinery stores in the quarry compound area. The site lies in the Green Belt and in an Area of Special County Value. The site is on a flat plateau however in an elevated position in comparison to the surrounding area including Kerridge village. The site is bordered by dense, woodland and mature trees (blanket TPO in place) to the west resulting in it being screened from view of the nearest road, Windmill Lane. This road is the access road to the site to the west. The immediate site setting comprises large green, metal profiled and clad machinery storage areas, portacabins and other storage enclosures alongside brick built office buildings. There is a heavy presence of vehicular parts and other scrap lying about in

close proximity to the proposed site. Also in the quarry area is an open ended shelter used for shooting matches. The quarry site has an unkempt industrial appearance.

To the east of the site in an elevated position above the working quarry edge is Kerridge Hill and two public rights of way including the Saddle of Kerridge and the Gritstone Trail. The site is prominent from footpath FP24 and FP32 which run along the northern and southern site boundaries respectively. At approximately 500m north of the site is the White Nancy, a Grade II listed structure erected in 1817 by John Gaskell junior to commemorate the victory at the Battle of Waterloo. To the north west of the site beyond the dense tree canopy are the Grade II listed Turret Cottages, two storey stone built residential cottages, sat at a much lower, tree concealed level from the proposed site which is also the south eastern boundary of the Kerridge Conservation Area. The other nearest residential properties, also constructed from local stone and slate are Five Ashes Cottages and Ash Cottage to the south of the site on Windmill Lane. To the south of the site within Marksend Quarry at a similar, but slightly lower topography to the site in question, is the existing telecommunications mast which has a Notice to Quit as the owners of the site wish to develop the land on which the mast is situated.

RELEVANT PLANNING HISTORY

17/2204M – Prior Approval for the siting and appearance of proposed telecommunications installation and associated works – withdrawn 13th June 2017

13/4587W – Determination of conditions to which a mineral site/mining site is to be subject – undetermined.

CY/01/3034P – Replacement machinery store – approved with conditions – 5th June 2002

01/3034P – Replacement machinery store – approved with conditions – 5th June 2002

97/0081P – Conditions submitted in accordance with the Environment Act 1995 – approved with conditions – 28th November 1997

DETAILS OF THE PROPOSALS

The application seeks Full Planning Permission for the installation of a 15m high monopole mast with 6 antenna headframe constructed from grey coloured galvanised steel on a concrete base. Several associated cabinets are proposed of varying sizes to a maximum of 2.2m in height all constructed from grey coloured steel which will also sit on a concrete base with a gravel compound in front of this sat behind a 2.4m high perimeter fence with barbed wire to the top. There will be a gated entry to the northern elevation of the fenced perimeter for technicians use. The mast and equipment compound proposed will be located to the west of the existing storage sheds, set off from the TPO boundary also to the west along Windmill Lane. The proposed mast will replace the existing 15m lattice mast in Marksend Quarry (Cell ID:93642) which has a NTQ as the owners of that site wish to redevelop the land on which that mast is sited, thus there is an urgent need for a new site to maintain coverage. The mast would be for EE Ltd and HG3 LTE and is stated as being required to provide new replacement 4G and 3G coverage for EE Ltd in order to maintain coverage in the SK10 area of Cheshire.

The proposed scheme has been revised from a 20m mast to a 15m mast as a result of concerns being raised during the course of the application.

APPLICANT'S SUPPORTING INFORMATION

The following information was submitted in support of the application:

- Application form
- Site Specific Supplementary Information Statement 18th April 2017
- Location Plan
- Site Location Plan
- Site Layout Plan
- Equipment Layout
- Site Elevations
- Air Safety Assessment – July 2017
- Landscape Visual Impact Appraisal Revision A – August 2017

POLICIES

National Planning Policy Framework (NPPF)

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevant are:

- Paragraph 14 – presumption in favour of sustainable development
- Chapter 5 Supporting high quality communications infrastructure – paragraphs 42, 43, 44, 45 and 46
- Chapter 7 Requiring Good Design – paragraphs 56, 64, 66,
- Chapter 9 Protecting Green Belt Land – paragraphs 79, 80, 87, 88, 89
- Chapter 11 Conserving and enhancing the natural environment – paragraphs 118 and 123
- Chapter 12 Conserving and enhancing the historic environment – paragraphs – 128, 129, 131, 132, 133, 134

Cheshire East Local Plan Strategy 2017 (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG3 Green Belt

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

EG2 Rural Economy

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE7 The Historic Environment

SE15 Peak District National Park Fringe

CO3 Digital Connections

Saved Macclesfield Borough Local Plan Strategy 2004 (MBLP)

NE1 Areas of Special County Value

NE11 Nature Conservation
BE2 Historic Environment
GC1 Green Belt – New Buildings
GC6 Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone
DC3 Design – Amenity
DC6 Design – Circulation and Access
DC8 Design – Landscape
DC9 Design – Tree Protection
DC60 Community Uses – Telecommunications Equipment

Other Material Considerations

Bollington Neighbourhood Plan 2010-2030 (BNP) Submission Version October 2017
Regulation 16 stage - consultation on submitted plan– ends 1st December 2017 – limited weight attributed to plan.
EGB.P3 – Development in the Green Belt
ENE.P1 – Natural Environment Policy
ENE.P2 – Maintenance of views
ENE.P4 – Footpaths, Quiet Lanes and Bridlepaths
BE.P2 – Conservation Areas

Cheshire Landscape Character Assessment 2008
Peak Fringe Local Landscape Designation Area
Cheshire East Local Landscape Designation Study 2013
Kerridge Conservation Area appraisal 2006
Kerridge Landscape Character Area

CONSULTATIONS (EXTERNAL TO PLANNING)

Manchester Airport – no objection – *‘The proposed development and associated Safety Assessment prepared by Pager Power have been examined by the Manchester Airport aerodrome safeguarding authority and it is concluded that there is no conflict with any safeguarding criteria. Accordingly, Manchester Airport has no safeguarding objections to the proposal’.*

Bollington Town Council - recommend refusal as the proposals would be contrary to *‘Policy DC 60 (3) in that it would adversely affect an area of special county value for landscape and (4) it would be visually obtrusive and lead to in significant impact on visual amenity in a rural or urban area’.*

REPRESENTATIONS

Neighbours/ Local Residents/ Public comments

Due to the long duration of this planning application and the amendment to the height of the mast, two separate periods of statutory public consultation have occurred and therefore the comments are provided from the initial 2016 consultation and 2017 consultation as below.

2016

68 letters of objection were received from members of the public objecting to the proposal on the following grounds:

Design, Landscape and Character –

- Unsympathetic eyesore, visually unappealing.
- Fundamental effect on setting of nearby Conservation Area and nearby Grade II listed Turret Cottages.
- Out of character with the rural area.
- Intrusion on landscape and would effect the views from Kerridge Ridge, White Nancy and the Gritstone Trail.
- Too many masts in the area.
- Development should not be allowed in an AOSCV.
- 20 years left on licence for quarry, what then as will have to be reconditioned into the setting.
- Encroachment of development into Green Belt and green space.
- Creation of overtly industrial landscape.
- TPO's next to mast are only green 6-8months of year and rest of time the mast is more visible.

Amenity –

- Contrary to DC60.
- Visual and overbearing impact of a 20m mast.

Economic and technical –

- Macrocell tower is within a mile of site so why not use this.
- New mast is not required as adequate phone reception already exists.
- Development would impact profitability of local business and trades as it will cause people not to visit the area.

Environment –

- Environmental impact of the proposals
- Detrimental to local wildlife including barn owls, foxes, badgers and bats that roost/live/forage locally.
- Effect on nearby TPO group.

Public Safety/ Health –

- Safety and risk to health as a result of mast operations on local residents, animals and nature particularly nearby residential properties.

Other notes:

- Lack of consultation to local residents and land owners.
- Not enough time given for consultation.
- Development would cause de-valuation of local house prices
- Development solely for the profitability of local residents.

2017

20 letters of objection were received from members of the public objecting to the proposal on the following grounds:

Design, Landscape and Character –

- Blot on landscape where people walk and take leisure time.
- Alter views which have been unchanged for many years.

- Proposed mast is too close to the Listed Turret Cottages and Kerridge Conservation Area effecting their setting.
- Alternative locations within quarry should be investigated away from heritage assets or within existing trees.
- Alternative locations elsewhere should be investigated.
- Proposed mast design is unsympathetic, other designs such as those disguised as trees should be considered.
- Effect on visual transition of nearby walking routes including the Gritstone Trail and White Nancy.
- Mast will be more visible during winter months when trees leaves have fallen.
- Proposals adversely effect an Area of Special County Value
- Proposed aesthetic of mast is incongruous to low rise buildings in quarry.

Amenity –

- Visual and overbearing impact of 15m mast.
- Contrary to DC60 of MBLP

Economic and technical –

- No requirement for another mast as the reception in the area is adequate.

Environment –

- Effect of development on protected species such as bats.

Public Safety/ Health –

- Proposed mast would threaten public health

Other notes:

- Not being consulted by post.
- Lack of meaningful consultation with local residents.
- Application form not filled in full.

OFFICER APPRAISAL

Presumption in favour of sustainable development

Policy MP1 of CELPS states '*when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants to find joint solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area*'. This is in line with paragraph 14 of the NPPF.

ENVIRONMENT

Green Belt

The most applicable local planning policies to consider are PG3 of CELPS and saved policy DC60 of MBLP.

Policy PG3 of CELPS states:

1. '*The purposes of the Green Belt are to: iii. Safeguard the countryside from encroachment.*'

2. *'Within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy.'*
3. *'The construction of new buildings is inappropriate in Green Belt. Exceptions to this are:
 - vi. *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'**

Previously developed land is defined within the glossary of the NPPF as *'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time'*.

The licence for the extraction of stone at the site involves a condition to restore the site once its use as a quarry has ceased, therefore noting the above, the site cannot be considered as previously developed land (PDL). Therefore, as the proposed development site cannot be considered to be PDL the proposed development it would not constitute an exceptional form of development within the Green Belt. Under s.336 of the Town and Country Planning Act 1990 it is stated that the definition of a building *'includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building'*. Thus the telecommunications mast as defined under the Act, would constitute a new building rather than any other operation. The telecoms mast will also serve to reduce the openness of the Green Belt. The proposal is therefore an inappropriate form of development in the Green Belt.

In this instance Very Special Circumstances in line with paragraphs 87 and 88 are required to be demonstrated. Paragraph 87 of the NPPF states *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. This is reflected in CELPS policy PG 3.

In paragraph 88 of the NPPF this is elaborated upon and it states *'When considering any planning application, local planning authorities should ensure that 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'*.

Paragraph 43 of the NPPF advises that LPAs should *'support the expansion of electronic communications; including telecommunications'* however it furthers that LPAs *'should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where*

new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.'

The current mast is located within Marksend Quarry at 15m with a lattice style structure with associated mast headers. The site is due to be decommissioned as the owner has served Notice to Quit on EE as they wish to redevelop the part of the site on which the existing mast is situated. Therefore the proposed mast is urgently required to provide ongoing coverage for EE Ltd in the SK10 area for 4G and 3G. It is noted in the accompanying Site Specific Supplementary Information Statement 18th April 2017 that the 'cell search areas for 3G and 4G are extremely constrained with a typical cell radius of approximately 250m meaning that it would not be feasible to site the column outside of this locality.

The entire immediate area around the existing mast site and that of the proposed replacement site are located in the Green Belt and ASCV Kerridge Landscape Character Area. Within the submitted Site Specific Supplementary Information Statement several other sites within the area of the existing mast are considered and discounted for operational reasoning noting all replacement sites, including that subject to this application, are within the Green Belt and ASCV. Therefore to replace the mast within the immediate area to ensure adequate reception would inevitably have some impact on these areas. The existing mast also occupies an elevated position hidden from view by existing mature trees on the hillside from the west, only seen from the public footpath Rainow FP50 to the east, from where the top of the mast can be seen.

The proposed site for the replacement 15m mast, is a similar industrial quarry setting largely screened from view by trees when viewed from the north, west and south, on an existing slope at raised topography. Only a few metres of the total height of the 15m mast proposed would be able to be seen above the top of existing buildings on site from the Gritstone Trail and public footpath FP24.

Concern has also been raised by local residents citing they already had adequate coverage and that there were other masts were in the immediate area. Paragraph 46 states '*local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators*' or '*question the need for the telecommunications system*'. The proposed mast would replace an existing mast and thus would not add to the amount of masts in the area.

Taking into consideration the aforementioned points it is considered that the absence of other available sites and the fact the proposal replaces an existing mast in a similar setting are material considerations that do clearly outweigh the identified harm to the Green Belt by reason of inappropriateness and loss of openness, and the very limited less than substantial harm to the designated heritage asset (explained further below). Accordingly very special circumstances are considered to exist, and therefore from a Green Belt perspective the proposal is considered to be acceptable.

Kerridge Conservation Area and Grade II Listed Turret Cottages

Both the Town Council and local residents have raised concern at the siting of the proposed mast in relation to Kerridge Conservation Area and the Grade II listed Turret Cottages and the resultant effect on their setting. The development site itself is not statutory listed or within a Conservation Area, however at a distance to the north west of the site is Kerridge

Conservation Area and the aforementioned listed cottages. Turret Cottages are nestled within a pocket of group TPO's to their eastern and southern boundaries and are accessed from Windmill Lane by single track. Their rear habitable room windows look out onto a steep, tree filled slope to which the boundary of the quarry site is the highest point. The proposed mast would be to the south west in excess of 60m from the rear wall of the closest cottage to the site at an elevated position within the existing quarry area next adjacent existing buildings. Turret Cottages form the boundary of Kerridge Conservation Area. The conservation officer considers the revised height would help the mast be hidden from the views of the Conservation Area, noting that during winter periods the mast would be more visible from the rear gardens of nearby properties. In addition, it was felt that while there would be some impact upon Turret Cottages particularly the view to and from the cottages, the impact of development would be less than substantial.

Taking into consideration paragraphs 133 and 134 of the NPPF, and the need to justify harm to heritage assets *'All grades of harm, including total destruction, minor physical harm and harm through change to the setting, can be justified on the grounds of public benefits that outweigh that harm taking account of the 'great weight' to be given to conservation and provided the justification is clear and convincing'*. In this instance the applicants have revised the scheme to reduce the impact of development on the identified heritage assets. Noting the less than substantial impact on the identified assets as a result of the revised height and noting its location set away from both, the public benefit of the scheme, being the need for a replacement mast in the area, does outweigh the identified harm. Therefore the proposals are considered to be in line with policy SE7 of CELPS, saved policies BE2 and DC60 of MBLP and emerging policy BE.P2 of BNP.

Landscape

Comments received in representation have raised concern at the proposals due to the impact of development on the setting and views as seen from the ASCV – Kerridge Landscape Character Area, Peak District Fringe, public footpaths and canal towpaths. The landscape officer has reviewed the revised visual impact assessment, based on the amended lower (15m) mast, and broadly agree with the assessment produced by Camlin Lonsdale in support of the application. The landscape officer does not raise objection to the application due to the dense woodland on the western slopes of the ridge and the relative abundance of trees and hedgerows in the landscape to the west, views towards the proposed mast site are generally quite well screened. Where the mast would be visible from dwellings, footpaths and roads in the vicinity it is likely to have a low adverse visual effect on receptors. The proposed development is therefore in compliance with policies SE4 and SE15 of CELPS, saved policies NE1, GC6, DC8 and DC60 of MBLP and ENE.P2 and ENE.P4 of BNP.

Design

The 15m monopole mast with 6 antenna headframe will be constructed from grey coloured galvanised steel on a concrete base. Several associated cabinets are proposed of varying sizes to a maximum of 2.2m in height all constructed from grey coloured steel which will also sit on a concrete base with aa gravel compound in front of this sat behind a 2.4m high perimeter fence with barbed wire to the top. There will be a gated entry to the northern elevation of the fenced perimeter for technicians use. Noting the usage of the mast and its setting within an industrial landscape the simple design and grey colour is considered to be acceptable. The grey colour of the mast and its equipment will help assimilate it into the sky line noting the colours of existing buildings on site. Consideration was given to an alternative

tree design however it was thought this would be too prominent and more obvious than a slender grey structure like that proposed.

Manchester Airport

The proposed development site is located within the Manchester Airport Safeguarding Zone for all development. Since the original submission the phone mast has been reduced from 20m to 15m and an Air Safety Assessment has been produced by Pager Power to understand the physical and technical impacts of the proposed development on Manchester Airport operations. This has been reviewed by Manchester Airport who are satisfied with the report findings and that the proposals would not conflict with any safeguarding criteria and are therefore in line with policy DC60 of the MBLP.

Nature Conservation and Tree Protection

The concerns raised by neighbours in regards to the impact of development on the habitat and foraging areas of animals including badgers, bats and owls are acknowledged. However, the proposals have been reviewed by the nature conservation officer who raises no objections or concerns to the proposal, subject to an informative relating to the protection of breeding birds as a result of the development. Therefore the proposals are compliant with policy SE3 of CELPS, saved policy NE11 of MBLP and the emerging BNP policy ENE.P1.

In addition concern has been raised by third parties at the proximity of development in terms of the nearby TPO group. However, there is not considered to be any significant impact upon trees of amenity value, and the arboricultural officer has confirmed that they have no objection to the proposals.

SOCIAL

Public health

With regard to any perceived health risks, the advice offered by the Government's advisors, the National Radiological Protection Board, is that 'the balance of evidence indicates that there is no general risk to the health of people living near base stations'. It is the Government's view that if a proposed development meets the ICNIRP guidelines as recommended by the Stewart Report, it should not be necessary for a planning authority to consider health effects further.

It is confirmed that the installation complies with the requirements of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure and that the Certificate produced by the operator takes into account the effect of the emissions from mobile phone network operators on the site. Accordingly there is no need to consider the health effects of the proposal any further.

Residential amenity and highways

Due to the location of the site set away from immediate neighbouring residential properties at some height difference and distance it is not considered that the development would lead to a significant impact on the existing levels of residential amenity. No highways implications are anticipated as a result of this development. The development is considered to be in line with SE1 of CELPS and saved policy DC3 and DC6 of MBLP.

ECONOMIC

Effect of development on local business

The provision of telecoms equipment together with other nearby masts would assist in supporting telecommunications, particularly in rural areas for businesses, alongside everyday public usage, which would otherwise potentially suffer data coverage shortages as a loss of the mast this application seeks to replace. Therefore the proposals are in compliance with policies IN 1 and EG 2 of CELPS.

OTHER CONSIDERATIONS

Local residents have raised issue with the consultation of residents and neighbours during both the original and re-consultation of the proposed mast subject to this application. Statutory consultation processes have been adhered to, site notices erected and letters to local residents posted, thus the statutory consultation process has been followed.

The following items were also raised as concerns by local residents but they are not issues that can be dealt with under the planning process: devaluation of property and the profit a developer makes.

CONCLUSIONS

The proposed development would be minor and is not considered would appear unduly prominent or incongruous from surrounding viewpoints to the extent that the development would not materially harm the character and appearance of the area noting landscape character areas, Kerridge Conservation Area and nearby Grade II listed buildings. Furthermore, it is considered that very special circumstances have been demonstrated that would outweigh the inappropriateness of the development in Green Belt terms. The proposal is at a significant distance from nearby properties and would not be detrimental to residential amenity. It is also considered that the proposals would not affect nature conservation or the protection of trees. The proposals would not pose a safeguarding risk to the operations of Manchester Airport or on public health. For these reasons, it is recommended that the application is approved.

CONDITIONS

- Time 3 years
- Approved plans
- Materials as per application
- Breeding bird survey to be submitted
- Removal of existing mast



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Application No: 17/4264M

Location: THE ELMS, PARK LANE, PICKMERE, CHESHIRE, WA16 0JX

Proposal: Demolition of former public house and redevelopment of the site for residential purposes, including landscaping and associated works

Applicant: Mr Moss, Thistlewood Properties (Pickmere) Limited

Expiry Date: 16-Feb-2018

SUMMARY

The site is located within the predominantly residential area, where the provision of housing is an acceptable form of development, the site is a brownfield site where redevelopment is encouraged. It is considered that the scheme proposed is appropriate for the location and has an acceptable form and layout, and makes a contribution to the Council's five year housing land supply. The public house has been closed for some time and is not trading. It is considered that there are public houses within close proximity to the site and to Pickmere therefore there is adequate provision for this type of facility locally. Overall the scheme is an acceptable form of sustainable development, and complies with the development plan. Developments that accord with the development plan should be approved without delay. For the reasons mentioned the application is recommended for approval subject to conditions.

RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

This application has been called-in to planning committee by Councillor Olivia Hunter on 06.09.2017 for the following reasons:

- On site congestion, due to narrowness of site access and parking spaces.
- Concerns of safe guarding public rights of way.
- Inadequate provision of visitor parking spaces, due to parking restrictions on Park Lane.
- The misleading Arboricultural report, concerning prior removal of three oak trees, (one of which was outside the site boundary.)
- Lack of communication and discussion with adjoining residents, contrary to stated.
- Overcrowding of proposed properties on site.
- Specific local needs, (e.g. Affordable housing, or units suitable for older people) have been ignored.
- assurances for the safeguarding of existing trees and hedges.

PROPOSAL

The application is a full planning application for the demolition of The Elms public house, located off Park Lane in Pickmere, and the replacement with 4 dwellinghouses comprising two pairs of semi-detached units.

All 4 units are 3 bedroom units. Two units are located to the rear of the site and two are located to the front of the site.

The proposal includes two car parking spaces per dwelling with bin stores in the rear gardens. The proposal will have a communal access to the site. The properties have rear gardens.

Through the process of the application the plans have been amended in order reduce the impact on a tree to the east of the development on the proposed dwellings.

SITE DESCRIPTION

The application site relates to The Elms public house located off Park Lane, Pickmere. The site covers an area of 0.12ha. The Elms public house has been vacant for some time and was put on the market for sale in January 2017. The site is within the predominantly residential area.

The site has hedgerows along the side boundaries, with some boundary trees, some of which have been removed, one tree is subject of a proposed tree preservation order which is currently under consideration. There are dwellings located to the west and east. The public house The Red Lion which is currently trading is located 400m from the site also located on Park Lane.

To the north of the site across Park Lane, there are open fields in agricultural use. The site is small and self contained, the building line along Park Lane varies as the settlement of Pickmere has evolved over time, with adjacent dwellings at Lynswood Court set a considerable way back, and dwellings at Wayfarers Court and Rose Cottage are set further forward.

RELEVANT HISTORY

23842P, Bar & restaurant (outline), Refused, 05-Nov-1980

25848P, Bar/lounge extn (outline), Refused, 20-May-1981

29697PB, Extension to games room & altns to toilets, Approved, 26-May-1982

36387P, Extension to existing for restaurant, Approved, 29-Mar-1984

39910P, Projecting sign, Approved, 31-Jan-1985

42452P, Extension to form beer store and functions room, Refused, 12-Sep-1985

51578P, Extensions to beer store kitchen and pool room, Approved, 07-Jan-1988

67614P, Extension to club house, Refused, 17-Jul-1991

69049P, Alterations and extensions to club, Approved, 04-Dec-1991

70346PB, Extension to beer cellar, Approved, 22-Apr-1992

05/2121P, Single storey side porch extension, Approved, 14-Oct-2005

05/2423P, 1no. non-illuminated freestanding sign, Refused, 24-Nov-2005

08/0751P, Covered smoking shelter to rear of public house, Approved, 09-Jun-2008

RELEVANT PLANNING POLICY

Cheshire East Local Plan Strategy 2010-2030 July 2017

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

SE 13 Flood Risk and Water Management

CO 1 Sustainable Travel and Transport

CO 4 Travel Plans and Transport Assessments

SC 1 Leisure and Recreation

EG2 Rural Economy

IN 1 Infrastructure

PG 1 Overall Development Strategy

PG 2 Settlement Hierarchy

Macclesfield Borough Local Plan

In addition to the now adopted LPS, saved policies of the Macclesfield Borough Local Plan also form part of the development plan.

The relevant Saved Policies are: -

Environment

NE11 – Protection and enhancement of nature conservation interests

Recreation and Tourism

RT5 – Open Space

RT6 – Allocated for additional Informal Recreational Facilities

RT7 – Recreation / Open Spaces Provision

Development Control

DC3 – Amenity

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC15 – Provision of Facilities

DC17 – Water Resources
DC35 – Materials and Finishes
DC36 – Road Layouts and Circulation
DC37 – Landscaping
DC38 – Space Light and Privacy
DC41 – Infill Housing Development
DC63 – Contaminated Land

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

National Policy:

National Planning Policy Framework
National Planning Practice Guidance

CONSULTATIONS (External to planning)

Highways – No objections raised, through the course of the application amendments have been sought to include a larger roadside refuse collection area, further access dimensions have been provided to the satisfaction of highways.

Flood Risk Team – No objections subject to conditions.

United Utilities – No objections

Public Rights of Way Team – The Definitive Map of Public Rights of Way has been consulted and can confirm that this does not appear to affect a public right of way.

Environmental Protection Team - No objections subject to conditions.

VIEWS OF THE PARISH COUNCIL

Pickmere Parish Council –

Comments on amended scheme: Members considered that the amendments (moving two of the houses a small distance away from a tree recently covered by a TPO and closer to the scheme's shared access road) only compounded the problems referred to in the Parish Council's original objections to this scheme. The layout of the scheme is considered even more problematic than before because of the unsatisfactory provision for car parking and vehicle manoeuvring, in terms of how the spaces are laid out, and the absence of satisfactory provision for visitor parking and service vehicles. There is no visitor parking provision within the scheme. Any visiting vehicles (or service vehicles) will have to park either on the scheme's shared surface accessway, thereby blocking access to the scheme's residents' parking spaces, or, somewhere on Park Lane. However, Park Lane is the subject of parking restrictions at certain times, but further, parking on this section of Park Lane will constitute a danger to other road users because of the alignment of the road at this point. Visitors will therefore have to park some distance away.

The proposed amendment to the scheme reduces the (previously inadequate) openness of the scheme and further emphasises the over-development of the site.

Original comments on scheme:

- The likelihood of on-site congestion in view of the narrowness of the site access road and its juxtaposition with proposed parking spaces.
- The tandem form of development, with one pair of semi-detached houses set behind the other, which creates on-site circulation problems, for instance in how the rear houses would be serviced by large vehicles (refuse vehicles, pantechnicons when moving house, delivery vehicles for large items, etc.)
- Concern about the safeguarding of the public right of way which runs the length of the site; particular concern about use of the right of way in relation to the location of parking spaces, the circulation areas for vehicles, including the large vehicles referred to above.
- No or inadequate provision of visitor parking spaces, which should be viewed in the context of the difficulty in seeking to park vehicles in the highway on Park Lane because of the parking restrictions that apply, and the configuration of Park Lane.
- The misleading Arboricultural report submitted with the application. The Parish Council had difficulty in accepting the survey schedule, apparently prepared on 27 March 2017, and its lack of reference to three oak trees, (two of which were located within the application boundary and one of which was certainly located outside the application site and the ownership of the applicants). All three trees were removed before the application was submitted, one of them apparently without the consent of the owner of the land on which the tree stood. The Council felt that Cheshire East's tree officers would have been concerned to have safeguarded these three oak trees, possibly in preference to the sycamores which are shown to be retained.
- The application states that discussions have been held with adjoining residents, but the Council is aware that occupiers of adjoining houses have not been contacted by the applicants.
- The scheme is considered over-intensive, and the number of units should be reduced to enable a more acceptably designed layout.
- The scheme is clearly developer-led rather than need-led, and it would have preferred a more acceptable mix of housing including some specific provision for the elderly.

It is pointed out that there is a discrepancy between two of the application drawings where one shows a vehicle parked off Park Lane while the other shows this to be a planted area.

In any scheme, the Parish Council would wish to see existing trees and hedges safeguarded.

Objection is not raised to the loss of this community facility in the present circumstances where Pickmere is served by a second public house, and the Parish Council considers the most appropriate re-use of the site to be for residential purposes.

Representations received

8 letters received in total

- 1 relates to the latest consultation:
- **In objection**
- Drains from The Elms run through the neighbouring garden to the rear, issues with waste/sewer pipes, overflowing into garden.

- View would be obscured and bedroom properties would look directly into the home behind.
- Do not want to be spied upon by strangers and flooding.

In response to original consultation

- **In objection**
- The density is too high
- Reduce natural light to Lynswood Court properties
- Access and parking, not sufficient space for visitor parking
- Water supply issue in the village and water pressure is low
- Construction should only be during office hours not at weekends
- No objection to the replacement of the public house with residential properties
- Concerns over public right of way
- Too many houses on the plot
- Concerns that Park Lane will look like an estate rather than an rural location
- Cars travel too quickly down Park Lane
- Concerns over the accuracy of documentation
- Concerns over arboricultural implications assessment regarding removal of two mature oak trees which were removed.
- If planning approved, retention of the hedge is required
- Planning statement states that immediate neighbours were consulted prior to the submission of the application, however at 1 Lynswood Court, not consulted.
- Objection to windows on side elevation of plot 4.
- **Not in objection**
- No objection in principle however additional 10 bathrooms and toilets will mean that there will be little or no water pressure.
- Right of way should be retained through to Thistle Close to Park Lane.

In support

- Witnessed the decline of The Elms PH until its eventual closure
- Welcome the redevelopment of the site for new homes, will bring life back into the empty site and also enhance this part of the village.
- The empty boarded up pub is an eyesore and a security concern the longer it remains vacant.
- Would like the public right of way to remain open and easily accessible as it is well used by many residents. Very popular for dog walkers.
- Important that the development allows for visitor parking.
- Thought and consideration has been given to the redevelopment of the site.

APPLICANT'S SUPPORTING INFORMATION

- Planning Statement
- Arboricultural Statement
- Transport Statement
- Arboricultural Implications Assessment
- Design and Access Statement
- Bat Survey August 2017

APPRAISAL

Key Issues

- Principle of development
- Loss of the Public House
- Local Plan Update
- Highways
- Public Rights of Way/Access
- Design
- Landscape Impact
- Trees
- Ecology
- Amenity
- Flood Risk
- Representations
- Conclusions
- Recommendation

Principle of development

The site is located within the village of Pickmere and is designated as being within the predominantly residential area. Within the predominantly residential area there is a presumption in favour of sustainable development provided the proposal accords with the development plan, which includes the Cheshire East Local Plan, and relevant saved policies of the Macclesfield Borough Local Plan.

The proposal is for 4 dwellings, within the predominantly residential area, this is considered to be an acceptable form of development. The site is a previously developed site, where development is encouraged, particularly for residential development at both a Local and National Level.

Within the Cheshire East Local Plan the reuse of previously developed land is encouraged through policy SE2 (Efficient Use of Land) which states that:

1. The council will encourage the redevelopment/re-use of previously developed land and buildings.

3. All windfall development should:

i. consider the landscape and townscape character of the surrounding area where determining the character and density of the development;

ii. build upon existing concentrations of activities and existing infrastructure;

iii. not require major investment in new infrastructure, including transport, water supply and sewerage. Where this is unavoidable, development should be appropriately phased to coincide with new infrastructure provision; and

iv. consider the consequences of the proposal for sustainable development having regard to Policy SD1 and Policy SD2.

It is considered that the proposed development is an acceptable form of windfall development on previously developed land.

The proposed development is considered to be of an acceptable character and density. Due to the small scale of the development the existing infrastructure can be utilised. The proposal

is considered to be acceptable in terms of policies SD1 and SD2, which require developments to be sustainable.

Therefore the proposal accords with policy SE2 which requires the efficient use of land.

Loss of the public house

The proposed development requires the loss of the public house. The Elms Public House, ceased trading some time ago, and was put on the market for sale in January 2017. The planning statement states that several parties have shown an interest in the site, however, the majority had the view to redevelop the site as opposed to reopening the public house, which correlates with the general decline in public houses.

The village of Pickmere is modest in size and The Red Lion PH operates successfully within the village and is located around 400m away from the site also located on Park Lane. Further the Planning Statement states that there are 17 public houses within a 3 mile radius of the site. Therefore the loss of The Elms, which is not currently trading is considered to be acceptable as Pickmere is served by an operational Public House providing that service and several are available nearby. Further a number of representations received state that the wish is for the redevelopment of the site as the site falls into further decline.

Housing Land Supply

The Council's current position with regard to 5 year housing supply is as follows: On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

The Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted balance' set out in the 4th Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The Council believes it can demonstrate a five year supply and will accordingly be presenting further updated evidence at the forthcoming Stapeley Inquiry.

For the purpose of determining current planning applications it is therefore the Council's position that there is a five year supply of deliverable housing land.

Housing Provision

The application provides 4x 3 bedroom units, which is considered to be an appropriate housing mix within the area. Whilst the Council can demonstrate a 5 year housing land supply, this scheme would make a small but positive contribution in helping to maintain this position within an existing settlement boundary without the need to encroach into the countryside or Green Belt.

Highways

There are no material highway implications associated with the above proposal as:

The proposal for access to the site is acceptable for the proposed use;

There is sufficient space within the site for off-street parking provision to be in accordance with CEC standards and all vehicles can enter and exit the site in a forward gear; and

The Strategic Infrastructure Manager notes the comments made by the Parish Council regarding the internal site layout, visitor parking and servicing. However, the internal layout will be a private unadopted access way and has sufficient space for vehicles to be manoeuvred into and out of the site in a forward gear; there is no provision for visitor parking to residential dwellings within CEC parking standards and an area has been set aside within the site, near to the point of access with Park Lane, for refuse bins to be temporarily stored for roadside collection from Park Lane.

There are no other material highway considerations associated with this proposal; accordingly, the Strategic Infrastructure Manager has no objection to the planning application subject to conditions.

Public Rights of Way/Access

The definitive map has been checked and the Public Rights of Way Officer has stated that no public footpaths are affected by the proposed development.

There is a path that passes through the site which creates connectivity locally, and has been mentioned in a number of representations. This path will be maintained and is included in the proposals for the new development, therefore is unaffected.

The vehicular access point to the site will remain as existing.

Design

The proposed design of the dwellings is bespoke and is considered to be acceptable in the rural context. The proposed dwellings include attractive features and an appropriate choice of materials. The layout of the site makes the most efficient use of the site. The pair of dwellings to the front of the site is considered to be acceptable; the building line varies along Park Lane which is a reflection of how the village has evolved over time. The immediate neighbours to the west are set back, however beyond this, dwellings are set forward. Further, the immediate neighbour to the east is set forward. The variation adds to the character of Park Lane, and it is considered that the character of the proposed development would contribute to this.

Landscape Impact

The landscape officer has commented on the proposed development and has stated that the proposals will not result in any significant landscape or visual impacts, and has raised no objections subject to the imposition of conditions in relation to a landscaping scheme for hard and soft landscaping.

Trees

During the course of the application, the scheme has been amended to ensure that plots 1 and 2 are not adversely affected by trees on the site. A TPO has been placed on a tree at the site, following the felling of trees. This is subject to a separate determination.

A site meeting with the Applicant's Arboriculturist to discuss the proposal in relation to the protected tree was undertaken on 4th January 2018 by the Council's Arboriculturist. Amendments to the original proposal have been agreed which allow for the footprint of both Plots 1 and 2 to be located slightly further away from trees, amending the garden boundaries and enlarging the rear lounge window of Plot 2 to provide for improved daylight to the room. A daylight/sunlight assessment has been carried out which confirms recommended annual probable sunlight hours can be achieved. Some shading of the garden of Plot 2 is expected by the protected tree, however it is considered that in this case the issue will not place a

significant constraint on the use of the garden and that any future pressure to carry out excessive pruning or felling can be adequately defended.

The proposal is therefore acceptable subject to appropriately worded conditions and the imposition of the scheme being carried out in strict accordance with the recently submitted arboricultural statement.

Ecology

Breeding Birds

A condition is required in respect of breeding birds.

Enhancement for Bats and Birds

Bats and birds are either known to occur in this locality or the habitat is very suitable for them. Therefore in order to enhance the value of the development site for bats and birds, and hence lead to a biodiversity gain from this development as required by the NPPF, artificial bat roosts and bird boxes should be incorporated into the design of the site. This matter may be dealt with by means of a suitably worded planning condition.

It is considered that the proposed development will not have a detrimental impact on biodiversity.

Amenity

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the development is not located within an area which would harm the amenities of future residents, or the proposals would not cause undue harm by overlooking, loss of light or loss of privacy to future or existing residents.

Objections have been received in relation to amenity and overlooking, with particular reference to side windows facing properties at Lynswood Court. These windows are labelled as obscurely glazed, therefore it is not considered that overlooking will result from these windows.

A property located to the rear of the development has commented which would be 27m away which is considered to be an adequate separation distance.

It is not considered that the proposed development would cause undue overlooking, loss of light or loss of privacy to surrounding neighbours, therefore accords with saved policies DC3 and DC38 of the Macclesfield Borough Local Plan.

A dust management plan is required in order to protect residential amenity during the demolition phase of the development.

Air Quality

Policy SE12 of the emerging Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact

upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015)

This proposal is for the demolition of a former public house and the erection of four new cottages. Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern, sustainable properties.

In order to ensure that sustainable vehicle technology is a real option for future occupants at the site therefore electric vehicle charging points are required for each dwelling, to be secured by condition.

Contaminated Land

The application area has a history of commercial use and therefore the land may be contaminated. Residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site. As such, and in accordance with the NPPF, the proposal is considered to be acceptable, subject to conditions.

Flood Risk

The flood risk team has raised no objections in principle to the proposed development. As mentioned within the submitted Design and Access statement, infiltration testing should be conducted before deciding on which method of drainage to use for the site. There is a large build up of surface water shown on the Environment Agencies SW mapping system on the road North West of the site. The applicant should ensure that the proposed development does not exacerbate the existing flood risk issues in the local area. This is considered to be able to be mitigated through suitably worded conditions. United Utilities has raised no objections to the proposals.

Representations

A number of representations have been received in relation to the application, one in support of the application, a number in objection to the application. The material planning considerations raised have been considered and addressed in the report. Many objections relate to highways matters, which have been addressed above, amenity and water pressure. However, these would not sustain a refusal. In addition to objection, support has been received welcoming the redevelopment of this vacant site.

CONCLUSIONS

The site is located within the predominantly residential area, where the provision of housing is an acceptable form of development, the site is a brownfield site where redevelopment is encouraged.

It is considered that the scheme proposed is appropriate for the location and has an acceptable form and layout, and makes a contribution to the Council's five year housing land supply.

The public house has been closed for some time and is not trading. It is considered that there are public houses within close proximity to the site and to Pickmere therefore there is adequate provision for this type of facility locally.

Overall the scheme is an acceptable form of sustainable development, and complies with the development plan. Developments that accord with the development plan should be approved without delay.

For the reasons mentioned the application is recommended for approval subject to conditions.

RECOMMENDATION

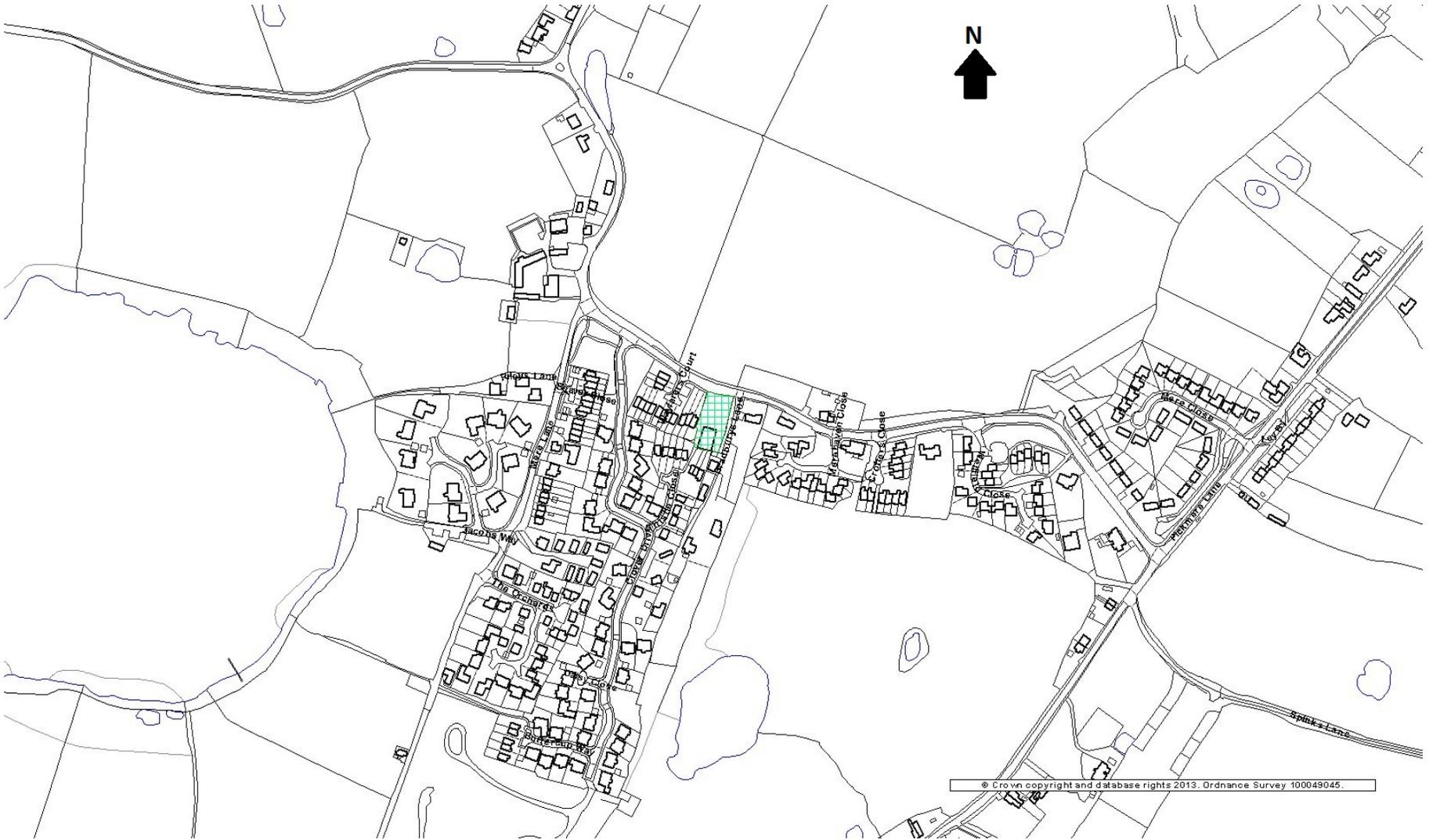
The application is recommended for approval subject to the following conditions:

- 1. Time Limit**
- 2. Plans**
- 3. Details of materials, including windows, doors and rainwater goods**
- 4. Details of boundary treatments**
- 5. Breeding birds**
- 6. Features for roosting bats and breeding birds**
- 7. Landscaping scheme for soft and hard landscaping**
- 8. Landscape implementation**
- 9. Prior to first development, site access visibility splays should be provided in accordance with the details illustrated in SKTP drawing number SK21774-01; any foliage or other obstruction falling within the visibility splay should be cut back / re-planted behind the visibility splay or maintained at / not exceed 0.6m in height relative to the level of the site access.**
- 10. Prior to first occupation the refuse bin storage area illustrated in Bowker Saddler Architecture drawing number 112 revision C, should be provided for the temporary storage of refuse bins on collection days.**
- 11. The development shall be carried out in strict accordance with the Arboricultural Statement (Cheshire Woodlands Ref CW/8933-AS dated 9th January 2018) and Tree Protection Plan (Cheshire Woodlands CW/8933 – P-TP dated 9th January 2018).**
- 12. No tree removal**
- 13. The development hereby permitted shall not commence until a full detailed drainage strategy detailing on and off site drainage works along with flood water exceedance routes, both on and off site has been submitted to and approved in writing by the LPA. The strategy shall include a detailed maintenance regime of**

the proposed system. The strategy shall be implemented in accordance with the approved details before completion of the development. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

14. No development should commence on site until such time as detailed calculations showing the effects of a 1 in 100 year rainfall event plus 30% allowance for climate change to support the chosen method of surface water drainage have been submitted to and agreed in writing by Cheshire East Council both as Planning Authority and Lead Local Flood Authority (LLFA). The development shall be carried out in strict accordance with the approved scheme.
15. Piling condition
16. Site specific dust management plan
17. Electric Vehicle charging points
18. Phase I and II Preliminary Risk Assessment to be submitted
19. Imported soils to be tested
20. If contamination is found to be present, this shall be reported to the LPA
21. Construction Management Plan
22. Broadband connection to be made available
23. Windows to be obscurely glazed as shown on the plans

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



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Application No: 17/3500M

Location: BOWLING GREEN, INGERSLEY VALE, BOLLINGTON, CHESHIRE

Proposal: Reserved matters application following outline approval 15/2354M - Details of Appearance of the proposed 11no. 2.5 storey townhouses and 1no. 2 storey detached house. Details of Landscape layout and materials.

Applicant: Chris Bowman, Ingersley Crescent Ltd

Expiry Date: 19-Jan-2018

SUMMARY

The residential use of the site has been established through the approval of the outline application (15/2354M) which also gave approval for the access arrangements into the site, the scale of the proposed dwellings and the layout of the site. Therefore the only matters for consideration at this time are the appearance of the properties and how the site is landscaped.

The landscaping scheme is considered to be acceptable and appropriate for the scale of development proposed.

The design of the dwellings is considered not to have an unacceptable impact on the character and appearance of the local area and of the adjacent Conservation Area. The materials used for the front elevations are Kerridge Stone with other details being resolved through the conditions to be attached to the decision notice.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASONS FOR DEFERRAL

The application was deferred by Northern Planning Committee at the meeting on the 17 January 2018 for the following reasons;

1. Accordance of the scheme with condition no 17 of the outline approval to be re-assessed.
2. Full Conservation Officer comments to be reported.
3. Investigate the opportunity to amend the layout / landscaping to include 4 parking spaces at the front of the site

4. Confirmation as to whether the parking in garages can be enforced under the outline condition.
5. Re-assessment of overshadowing to neighbouring cottages to include the 45-degree test and to account for the difference in levels.

These matters are considered accordingly.

Accordance with Condition 17

Condition 17 was imposed following the discussions that took place about the outline application at Northern Planning Committee on 6 July 2016. The condition states;

Notwithstanding the description of the development, the number of 2.5 storey dwellings within the development shall be up to 11 units and dependent on the detailed design of the scheme to be submitted as part of any reserved matters application.

With the reason for the condition being;

To ensure the height of the dwellings is in line with the information submitted as part of this outline application and takes account of any proposed alterations to ground levels.

The proposal as it stands is in compliance with this condition. The condition was proposed to ensure the height of the dwellings would be in compliance with those in the outline permission. Plots 1 – 11 are considered to be 2.5 storey properties as they utilise the roof space for living accommodation. The upper floor of the properties could not accommodate these bedrooms if it wasn't taking advantage of using the roofspace. The height of the approved dwellings could accommodate three-storey properties like those to the north of the site by utilising a different design to that proposed. Therefore the condition has achieved what it was intended to achieve in restricting the reserved matters application to the 2.5 storey scale in the outline permission.

The height of plots 1-11 is set at 167 above ordnance datum (aod) and details of site levels have been submitted as part of the application. The ground level of the site will be reduced and the properties will be set at a lower ground level than adjacent properties.

As part of their additional submissions the applicant has submitted a formal legal opinion in respect of the heights of the dwellings. As the plans approved as part of the outline specified the height, the reserved matters application must comply with this. If the plans had stated a maximum height rather than a specific height, flexibility would have existed to reduce the height of the building. However, this is not the case. Therefore as the reserved matters application must be consistent with the outline planning approval they cannot be amended as part of this application.

To conclude the proposal complies with condition 17 of the outline permission. 11no. 2.5 storey properties are proposed and the scale of these buildings is in full compliance with that approved in the outline permission and as this set the exact height of the dwellings, a reduction in height would be at a variance with the outline permission.

Conservation Officer Comments

Comments from Officer's within the department are not normally reported separately and are incorporated within the main wording of the report. The response was worded as follows;

As previously stated the principle of development and height has been established through the outline permission, setting the ridge height with no flexibility. The impacts of this I'm not going to comment, as I all that can be done at the reserved matters application stage is to mitigate the impact of the agreed outline parameters and ensure the design is in keeping with the adjacent conservation area, and the rural character of Bollington generally.

I have requested a number of changes to the elevations and the materials, which appear to have been addressed as far as they can be within the parameters of the building parameters set at outline. The proposed elevation plan, revised, 019K is annotated with materials proposed. The clarity needed is on two points

- 1. The materials are not specified for the 2 storey dwelling, I assume the materials are to match as the rest of the development- please can this be confirmed*
- 2. Spanish slate is the specified roof material. Aesthetically this material is not positive next to a conservation area, and in terms of longevity this material is not good either. On both counts I feel natural local slate is both more sustainable as its locally sourced and also will be much higher quality product in keeping with the area.*

I also suggest to ensure that the development has regard to other buildings in and the general character and appearance of the immediate locality of the site in accordance with policy SE1 and SE7 of the Cheshire East Local Plan, I recommend the following conditions.

- 1. The materials to be used shall be in strict accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.*
- 2. The material and colour of all rainwater goods shall be metal and painted black*
- 3. All fenestration shall be set behind a reveal of 100mm*
- 4. All windows and doors in the external elevations of the proposed development shall be fabricated in timber and shall be retained in such a form thereafter. which shall be painted or opaque stained and they shall be retained in such a form thereafter*
- 5. All garage doors shall be constructed in timber vertically boarded and shall be retained in such a form thereafter. Which shall be painted or opaque stained and they shall be retained in such a form thereafter*
- 6. The roof lights in the development hereby approved shall be set flush with the angle of the surrounding roof slope. If this cannot be achieved, the degree of projection from the plane of the roof pitch shall be first agreed in writing by the Local Planning Authority.*
- 7. I recommend a landscape condition to allow further consideration of these matters, the materials proposed are not suitable for a rural area on the edge of settlement, they appear to be a mix of tarmac, concrete and gravel which will likely end up all over and not be a long lasting product. The landscape details ought to be simple and high quality*

Points 1 and 2 above have both been addressed in the original report to members, confirmation of the materials has been received and the roof materials will be agreed through a condition. The other matters listed are dealt with in the conditions listed at the end of the report.

Despite the details shown on the latest plans the applicant has agreed that the side and rear elevations of all the properties will be faced in Kerridge Stone and this will be delivered through a condition on the decision notice.

Amendment the layout / landscaping to include parking spaces at the front of the site

Following on from discussion at the previous committee meeting the landscaping scheme has been amended to allow for 4 visitor parking spaces on the area of open space to the front of plots 1 – 6. This will take the form of a 'grasscrete' type of construction that allows this area to be used for informal recreation when the spaces are not in use. This provision ensures this change to the development can be dealt with through the reserved matters.

A condition will be included in the decision notice requiring precise details of this area to be agreed and available for use before any house on site can be first occupied.

Confirmation as to whether the parking in garages can be enforced under the outline condition.

The Local Planning Authority cannot compel a resident to use the garage as a parking space, in the same way it cannot compel a resident to use designated parking bays. What the LPA can do is to ensure that the garage remains available for parking at all times.

The garages provided within the development all exceed the minimum size requirement that allows garage space to be considered a suitable parking space. An additional condition is therefore recommended that ensures the garages are available for parking at all times. This will ensure none of the properties can carry out works to the properties that would result in the loss of this parking space by converting the garages to rooms.

Re-assessment of overshadowing to neighbouring cottages to include the 45 degree test and to account for the difference in levels.

Policy DC38 sets out the guidelines for distances between new and existing properties to ensure a commensurate degree of light and privacy between buildings,

The applicant has issued amended plans that relocate the window from the side of plot 12 to the opposite side of the property and therefore facing within the site. Additionally the rear of plot 11 has been amended to move the dormer type window to the opposite side of the house to remove any overlooking of 3 Rainow Mill Cottages. A plan has been submitted that demonstrates the difference in levels between the properties and the boundary structures and other buildings between the properties remove any possibility of overlooking from the ground floor windows of plot 12.

A plan has also been submitted that show the separation distances between the habitable room windows on the new properties and those at Rainow Mill Cottages. All of the separation distances set out in Policy DC38 are met and therefore the proposal will not result in any unacceptable overlooking.

With regards to overshadowing the distances set out in DC38 also relate to light as well as privacy. This development meets these distances as previously stated. In any event the positioning and height of the dwellings was approved as part of the outline application and for the reasons outlined previously in this report cannot be altered as part of this reserved matters application.

The '45 degree' test is an informal way of assessing the impact of a development on habitable room windows. This is normally applied to proposals to extend detached or semi-detached properties and is not a test one would apply in a situation such as this application. In any event the height and location of the proposed dwellings have been approved as part of the outline permission.

The proposal is fully compliant with Policy DC38 and the proposal will not result in any unacceptable overlooking, loss of light / overshadowing or visual intrusion.

CONCLUSIONS ON REASONS FOR DEFERRAL

It is considered all the points of deferral have been addressed and subject to an additional condition relating to the availability of the garages and the amendment of the condition relating to materials to ensure the use of Kerridge Stone on all elevations.

*****ORIGINAL REPORT PREPARED FOR NORTHERN PLANNING COMMITTEE MEETING WEDNESDAY 17TH JANUARY 2018*****

REASON FOR REPORT

Councillor Gaddum has requested the application be determined by Planning Committee for the following reason;

This has been a controversial issue and is the sixth application in a two year period. Therefore in the interests of consistency and fairness to local residents, it should be debated in public.

Following the adoption of the new Local Plan on 27th July, this application should be appraised under the provisions of the new Local Plan, rather than the former Macclesfield Local Plan.

It is not clear which reserved matters are being applied for. Whilst the applicant states 'refer to the application supporting letter' there is no such letter on the website.

The application site forms the boundary with Bollington Conservation area on three sides. There is no assessment in the Design and Access Statement (for the application) describing the significance of the Conservation Area as a Heritage asset affected by its contribution of the application site and indeed showing how it would enhance the Conservation Area.

As Rainow is a predominantly rural parish lying mainly in the Green Belt or Peak District National Park, any scheme for more than 10 new homes is a large scheme.

Under condition 17, outline permission was granted for the number of 2.5 storey dwellings which shall be up to 11 units. Many of the units now shown are full three storey buildings, which is a change from the outline permission.

PROPOSAL

The application is for the approval of the reserved matters following outline approval 15/2354M for 11no. 2.5 storey townhouses and 1no. 2 storey detached house. This application is for the approval of the landscaping and appearance of the dwellings.

SITE DESCRIPTION

The application site is located on the eastern side of Ingersley Vale and consists of a bowling green, a clubhouse and a small parking area. The site has some mature vegetation along the western and northern boundaries.

To the south of the site are a row of cottages of a traditional appearance, open land is located to the west and some large three storey properties are located to the north of the site. On the opposite side of Ingersley Vale is a reservoir and a garden serving a residential property. Beyond these land uses is the River Dean.

RELEVANT HISTORY

15/2354M - Outline application for proposed 11 no. 2.5 storey and 1 no. 2 storey residential housing. Approved 2 December 2016.

The site has also been subject to the applications listed below. These applications however have no relevance in the determination of this application;

17/1531M - Variation of condition 3 (approved plans) of 15/2354M - Outline application for proposed 11 2.5 storey and 1 two-storey residential housing. Allowed on appeal.

17/1533M - Reserved matters application following outline approval 15/2354M - Details of Appearance of the proposed 11no. 2.5 storey townhouses and 1no. detached house. Details of Landscape layout and materials. Application made invalid.

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy

The following are considered relevant material considerations:

SD2 Sustainable Development Principles
SE1 Design
SE7 The Historic Environment
SE15 Peak District National Park Fringe

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

Macclesfield Borough Local Plan

DC3 - Protection of the amenities of nearby residential properties

DC8 - Landscaping

DC9 - Tree Protection

DC38 – Space Light and Privacy

Other Material Considerations:

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

CONSULTATIONS (External to Planning)

Environmental Health – No objection. Conditions have been requested relating to method statements relating to dust control and piling if required. These matters will be addressed through condition 6 of the outline planning permission.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council – Object on the following grounds;

- Overbearing and overshadowing caused to neighbouring properties
- Relationship to the Conservation Area
- Insufficient Parking Provision – properties could be altered to provide additional bedrooms
- Safe Traffic Access
- Trees and Screening
- Inappropriate development that harms the character of the conservation area
- Site is potentially contaminated

Rainow Parish Council – Object on the following grounds;

- Lack of car parking
- Inappropriate materials proposed
- Impact on residential amenity

OTHER REPRESENTATIONS

A total of 61 objections have been received in respect of the application over the two periods of consultation that have been carried out and the points of objection relate to;

- Overlooking / Impact on privacy
- Overshadowing and overbearing impact of the dwellings
- Inappropriate materials and its impact on the adjacent conservation area
- Tree reports are not up to date and the impact of the development on trees

- Insufficient parking and increase in traffic
- Disruption caused through the construction process
- The properties are too large for 3 bedroom properties
- Impact on local ecology

OFFICER APPRAISAL:

Principle of Development

The residential use of the site has been established through the approval of the outline application (15/2354M) which also gave approval for the access arrangements into the site, the scale of the proposed dwellings and the layout of the site. Therefore the only matters for consideration at this time are the appearance of the properties and how the site is landscaped.

Appearance of the Dwellings

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy SD2 of the Cheshire East Local Plan requires new development to achieve the following;

ii. Contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;*
- b. Choice of materials;*
- c. External design features;*
- d. Massing of development - the balance between built form and green/public spaces;*
- e. Green infrastructure; and*
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood;*

During the course of the application, extensive discussions took place in respect of the detailed design of the properties and the plans were formally amended following these discussions. As a result of these amendments the appearance of the properties has been changed to result in a more simple design that better respects the character of the more traditional housing in the area. In doing this the front gable features have been removed, all elements of render have been removed to reduce the massing of the properties and the window sizes have been reduced to better reflect the characteristics of the area.

As a result of these changes to the plans, the Councils Conservation and Design Officer has raised no objections to the proposals and considers they will not have a detrimental impact on the amenity of the area.

The front elevation of the properties will be constructed out of Kerridge Stone which is a local material that many of the older nearby properties have been built from. The plans indicate the roof will be built from Spanish Slate. This is not considered an appropriate roof material and it

has been agreed with the applicant that a roofing material could be agreed through a condition on the decision notice.

Further conditions will be included on the decision notice imposing certain requirements on the design relating to garage doors being in timber, the window detailing and rainwater goods being metal and painted black.

As a result of the amendments the proposals are considered compliant with the requirements of Policies SE1 and SD2 of the Cheshire East Local Plan.

Impact on Amenity

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

Plots 1-11 do not have any habitable room windows that face other properties so all the distances set out in DC38 are comfortably met.

The proposals initially proposed windows to the rear of Plot 12 that caused issues of overlooking between this property and 3 Rainow Mill Cottages. The plans were subsequently amended moving this window to the side elevation of the property, and whilst the relocated window is only 19 metres away from the nearest window the relationship is considered acceptable.

The reasoning behind this is firstly that the distances set out are only for guidance and Policy DC38 allows these distances to be varied. In this instance the windows in question are at an oblique angle with each other meaning that any views between the windows are severely limited and therefore no overlooking will occur that is significant and therefore no justification exists to refuse the application on this basis.

A small window is retained in the previous position of the bedroom window and this is shown to be obscurely glazed. As this is the case no overlooking will occur and to ensure this remains the case a condition will be included that requires details of the obscure glazing to be agreed and maintained at all times in the future.

The proposal therefore complies with the requirements of Policies DC3 and DC38.

Trees / Landscaping

The application is supported by an updated Arboricultural Implications Assessment (AIA), Arboricultural Method Statement, and Tree Survey by Mulberry dated 24th August 2017. The Arboricultural Impact Assessment and Tree Protection Plan identifies the removal of the north west corner aspect of G3, the loss of these trees which have been categorised as low value category C specimens was accepted as part of the outline approval. None of the trees individually and collectively are considered worthy of formal protection.

There is a hard standing incursion within the RPA of the retained trees associated with G3; special construction measures are proposed for this area which accord with the requirements of current best practice BS5837:2012, but this will dependent on highways accepting non-adoptable implementation. The construction detail provided is indicative only; site specific details can be obtained by condition. A condition will also be included on the decision notice requiring the development being carried out with the recommendations of the AIA.

During the course of the application the Oak Tree located along the eastern boundary of the site has been formally protected through a Tree Preservation Order. This tree is not impacted upon by the development and therefore the information submitted with the application is considered sufficient to determine the application.

The landscaping plan submitted with the application allows for additional planting along the boundary with 52 Ingersley Vale to mitigate for the loss of trees along this boundary. Additional planting is also proposed along the site frontage behind the re-located stone wall.

COMMENT ON OBJECTIONS

A number of the points of objection have been addressed in the main body of the report. The remaining issues raised relating to highway matters, contamination the scale of the dwellings, and the principle of developing the site are not relevant to the consideration of this application and were all addressed as part of the outline application.

CONCLUSIONS

The application is to consider the appearance of the dwellings and the landscaping of the site. The level of accommodation, highway impact, scale of the dwellings, layout and the principle of development have all been previously established and are not for consideration at this point. The landscaping scheme submitted has been deemed to be acceptable. The appearance of the dwellings is considered acceptable and does not have an unacceptable impact on the character and appearance of the area in general or the adjacent Conservation Area.

RECOMMENDATION

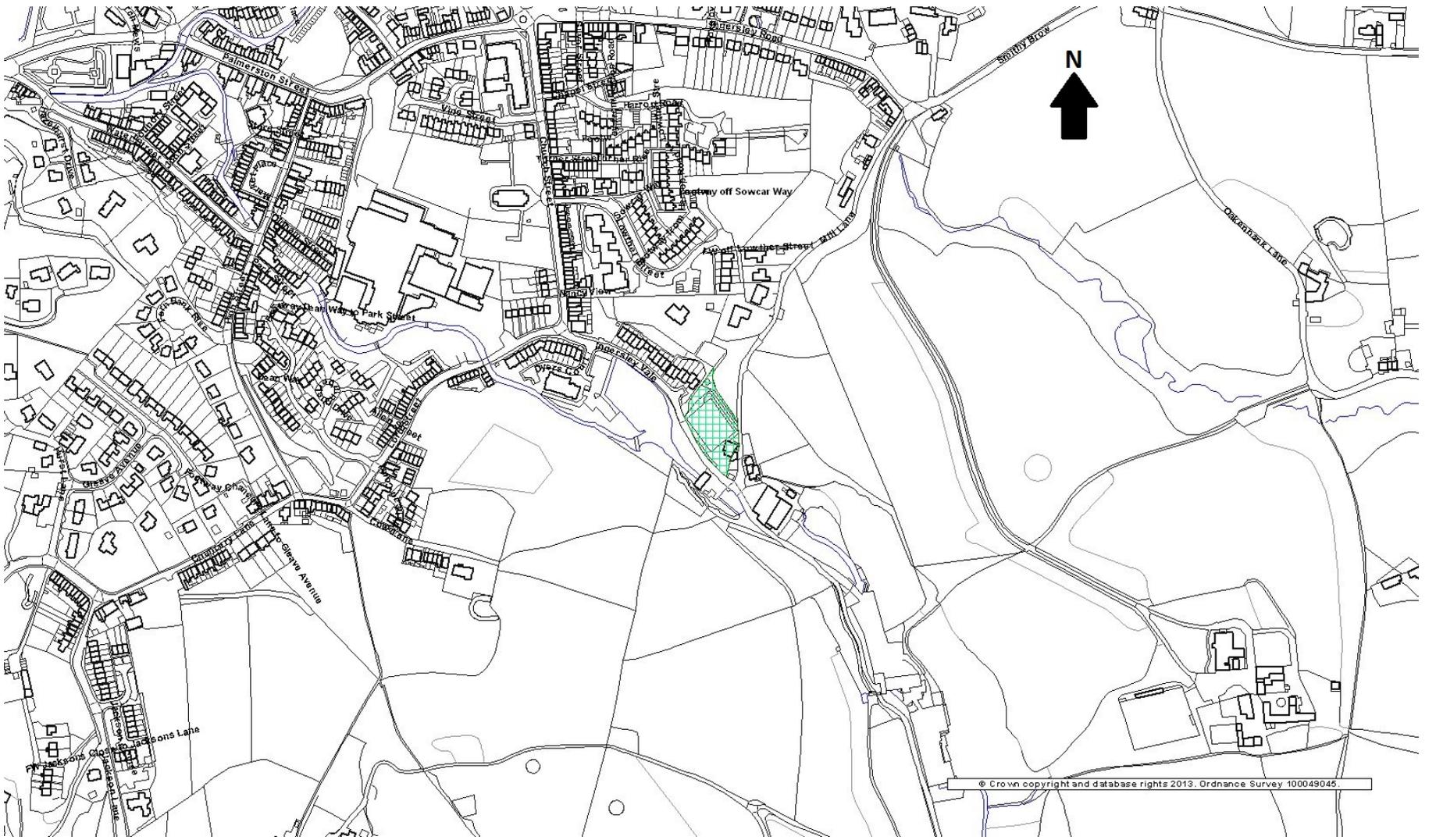
The application is recommended for approval subject to the conditions listed below:

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

Application for Reserved Matters

RECOMMENDATION:

1. Development in accord with approved plans
2. Landscaping (implementation)
3. No windows to be inserted
4. Rainwater goods
5. Fenestration to be set behind reveals
6. Specification of window design / style
7. Garage doors
8. Roof lights set flush
9. NPPF
10. Obscure glazing to rear of plot 12
11. No dig hard surface construction
12. Implement in accordance with the AIA
13. Samples of materials and use of Kerridge Stone on side/rear elevations.
14. Ensure garages remain available for parking vehicles



Cheshire East Council

Northern Planning Committee

Date of meeting: 14th February 2018

Report of Emma Hood, Arboricultural Officer, Environmental Planning

Title: Cheshire East Borough Council (Bollington – Mill Lane path to the east of Ingersley Vale) Tree Preservation Order 2017

PURPOSE OF THE REPORT:

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 30th October 2017 at land to the east of Ingersley Vale; 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.

SUMMARY RECOMMENDATION:

The Head of Planning (Regeneration) recommend that the Northern Area Planning Committee confirm the Tree Preservation Order at land to the east of Ingersley Vale with no modifications.

WARD AFFECTED

Sutton

POLICIES

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

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

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, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the authority.

RISK MANAGEMENT

The loss of trees could have a significant impact upon the amenity and landscape character of the area. The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value.

CIRCUMSTANCES

The circumstances are that outline planning application 15/2354M was granted on 2nd December 2016 for 13 dwellings on the former bowling green and pavilion at Ingersley Vale in Bollington. Application 17/1531M associated with a variation of Condition 3 of the approved application was submitted and refused on 13th June 2017 and become the subject of appeal APP/R0660/W/17/3179760 which has since been allowed granting planning permission for 11 no. 2.5 storey and 2 no. 2 storey residential houses. The site has been the subject of much public interest and a request to consider formally protecting trees on the site was first received 4th April 2017.

The application was supported by an Arboricultural Report by Mulberry Tree Management Consultants which identified trees within the site and categorised them in terms of their condition and contribution to the amenity of the area.

The proposed development site comprises of the former Bowling Green and Pavilion located on Ingersley Vale. The redundant bowling green is presently bordered by trees along much of the north eastern and north western boundary with the south western boundary abutting the Bollington Conservation Area.

An amenity evaluation of all the trees on the site was carried out in accordance with Government guidance. The assessment found one oak tree to be worthy of long term protection as it contributes to the visual amenity and landscape character of the area, with identified long term growth potential and it was therefore considered expedient to make an Order to protect the trees

Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 30th October 2017.

CONSULTATIONS

On making the TPO a planning authority must publish and serve copies on owners and 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.

The Order was served on the owner/occupiers of the land and their Agents on 30th October 2017. Copies of the Order were also sent to adjoining landowners who are immediately affected by the Order, Sutton Parish Council, Bollington Parish Council and Ward Members.

VIEWS OF THE PARISH/TOWN COUNCIL

Comments were received from local Ward members supporting the service of the Order

OBJECTIONS/REPRESENTATIONS

The Council has received one objection to the Tree Preservation Order from Mr Carl Salisbury of Mulberry Tree Management Consultants acting on behalf of Mr Bowman. The objection comprises of a three paged report and relates to the protection of the oak tree for the following reasons (taken from section 4 Conclusion of report):

- *Taking all the points detailed above into account we feel that the Council has completely ignored Government advice in protecting a tree that does not fulfil the criteria outlined to identify trees worthy of a Tree Preservation Order. On that basis we object to the Order and respectfully suggest that it cannot be confirmed*
- *In addition to the above information our client has asked us to add that the Council's Tree Officer has agreed that the tree only has moderate value*
- *The recent planning application ensures the retention of the tree for the long term.*

- *In summary therefore, we object to the Order in that the Order seeks to protect a tree that is unworthy of protection and is contrary to Government advice. For these reasons, detailed above we formally object to the Bollington – Mill Lane Path to the east of Ingersley Vale Tree Preservation Order 2017 and we trust that you will consider these objections before deciding to confirm the Order.*

APPRAISAL AND CONSIDERATION OF THE OBJECTION

Objection by Mulberry Tree Management Consultants.

The decision to afford long term protection of the tree was one made following consideration of information submitted with the reserved matters application and the impact of development on trees identified to be retained. In addition the Council received support from local residents for the protection of the tree as concern had been expressed over its long term retention within the new development.

The tree has been rigorously assessed and has been demonstrated to have amenity value as evidenced in the Council's Landscape Appraisal and Amenity Evaluation Checklist which is appended to this report. In terms of the suggestion that the Council has failed to adhere to Government Guidance; visibility of the tree has clearly been demonstrated from adjacent roads and public rights of way in the landscape appraisal, the existing size and form of the tree is such that it makes a clear contribution to the amenity of the area, and the tree report submitted in the reserved matters application by Mulberry Tree Management actually identifies its estimated remaining contribution as being between 60 and 80 years, therefore it is clear that the tree has future potential as an amenity. The presence of the tree on the 1875 Ordnance Survey provides a historical record which clearly demonstrates that it has been part of the landscape character of the area for a substantial period of time. The tree contributes to the character and appearance of the conservation area as well as providing a screening function between the development and land to the west of the site.

In respect of the comments made by the Senior Arboricultural Officer where he concurred that the tree was of moderate value; BS5837 Trees in relation to design, demolition and construction – Recommendations categorises a tree of Moderate quality (B) category as one; 'with an estimated remaining life expectancy of at least 20 years'. The assessment as to whether the tree was appropriate for a TPO found that the tree exhibits good vitality for a tree of its size and age, and while it has been subjected to past pruning there is nothing to suggest that it is in declining condition or contains any serious defects that will compromise its longer term retention.

The predicted estimated life expectancy is some what subjective in that it is impossible to predict that a tree in this condition will be unsuitable for retention beyond 40 years and it is the Council's view that it is not unreasonable for moderate 'B' category trees to be afforded protection where it can be demonstrated that their physiological condition and form is such that their life expectancy will exceed 20 years and that they present a significant contribution to the amenity of the area.

While the retention of the tree in the approved development layout is acknowledged, trees do not have to be at risk of being cut down to be deemed at threat from development. For example; the change of use of land in close proximity to development presents a situation where trees are likely to come under threat from requests to prune or even remove in the longer term where light attenuation or seasonal nuisance becomes a factor.

The Council is of the view that its assessment of the tree fully accords with Government advice contained in Planning Practice Guidance *Tree Preservation Orders and Trees in Conservation Areas* and the making of this Order is therefore deemed to be expedient as it affords long term protection of a tree with amenity value which contributes to the landscape character of an area.

RECOMMENDATION

That the Cheshire East Borough Council (Bollington - Mill Lane path to the east of Ingersley Vale) Tree Preservation Order 2017 is confirmed without modification.

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Town and Country Planning Act 1990
CHESHIRE EAST BOROUGH COUNCIL
(BOLLINGTON – MILL LANE PATH, TO THE EAST OF INGERSLEY VALE)
TREE PRESERVATION ORDER 2017

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 (BOLLINGTON – MILL LANE PATH, TO THE EAST OF INGERSLEY VALE) TREE PRESERVATION ORDER 2017**

1. Interpretation

2.— (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

3.— (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—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) 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

4. 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 30th day of October 2017

The Common Seal of Cheshire East Borough Council

was affixed to this Order in the presence of—

.....



10010
(1)

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	Oak	Located to the west side of Mill Lane path - to the east of Ingersley Vale Grid Ref: 394,104 – 377,565

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)

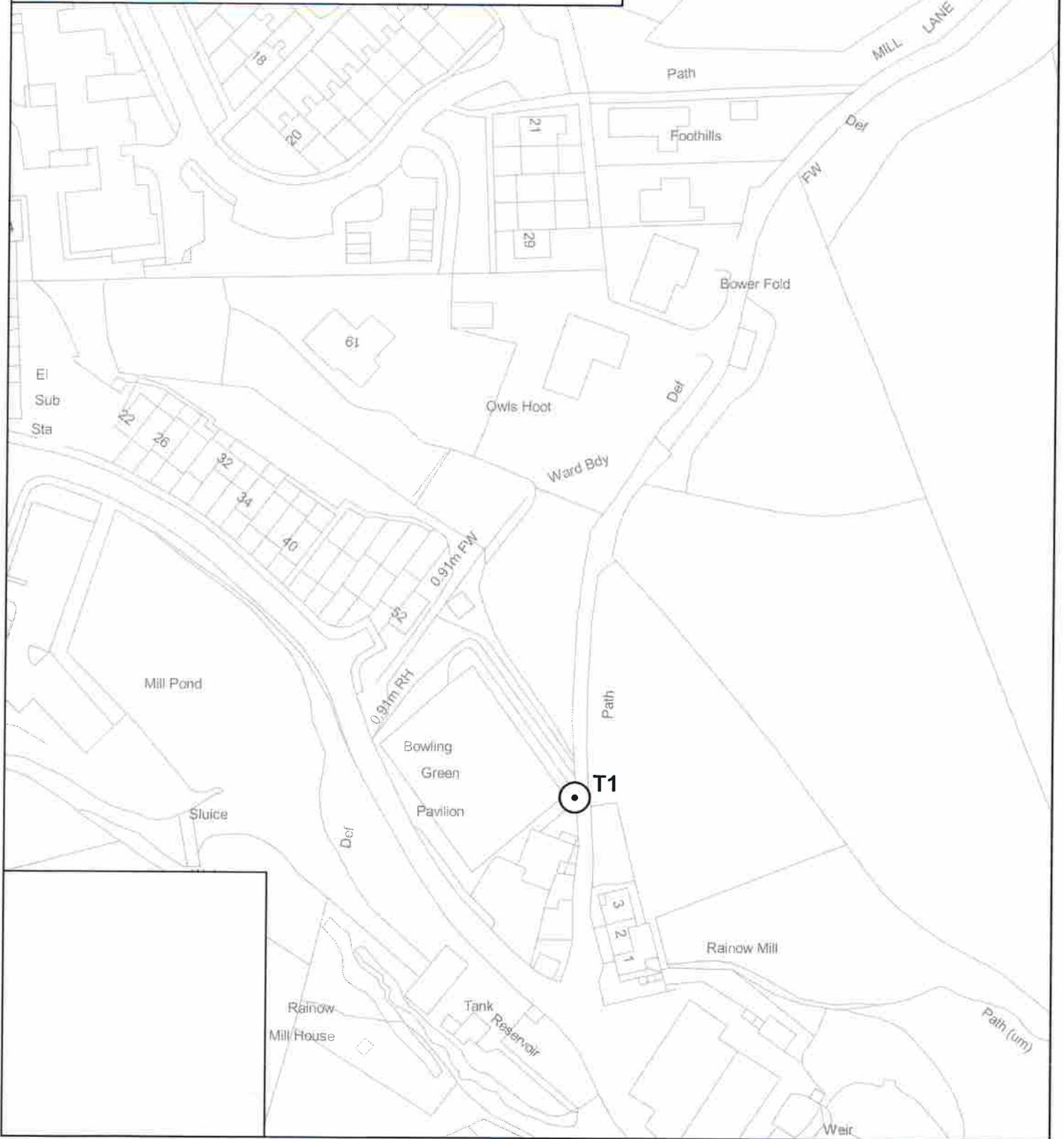
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

Woodlands

(within a continuous black line on the map)

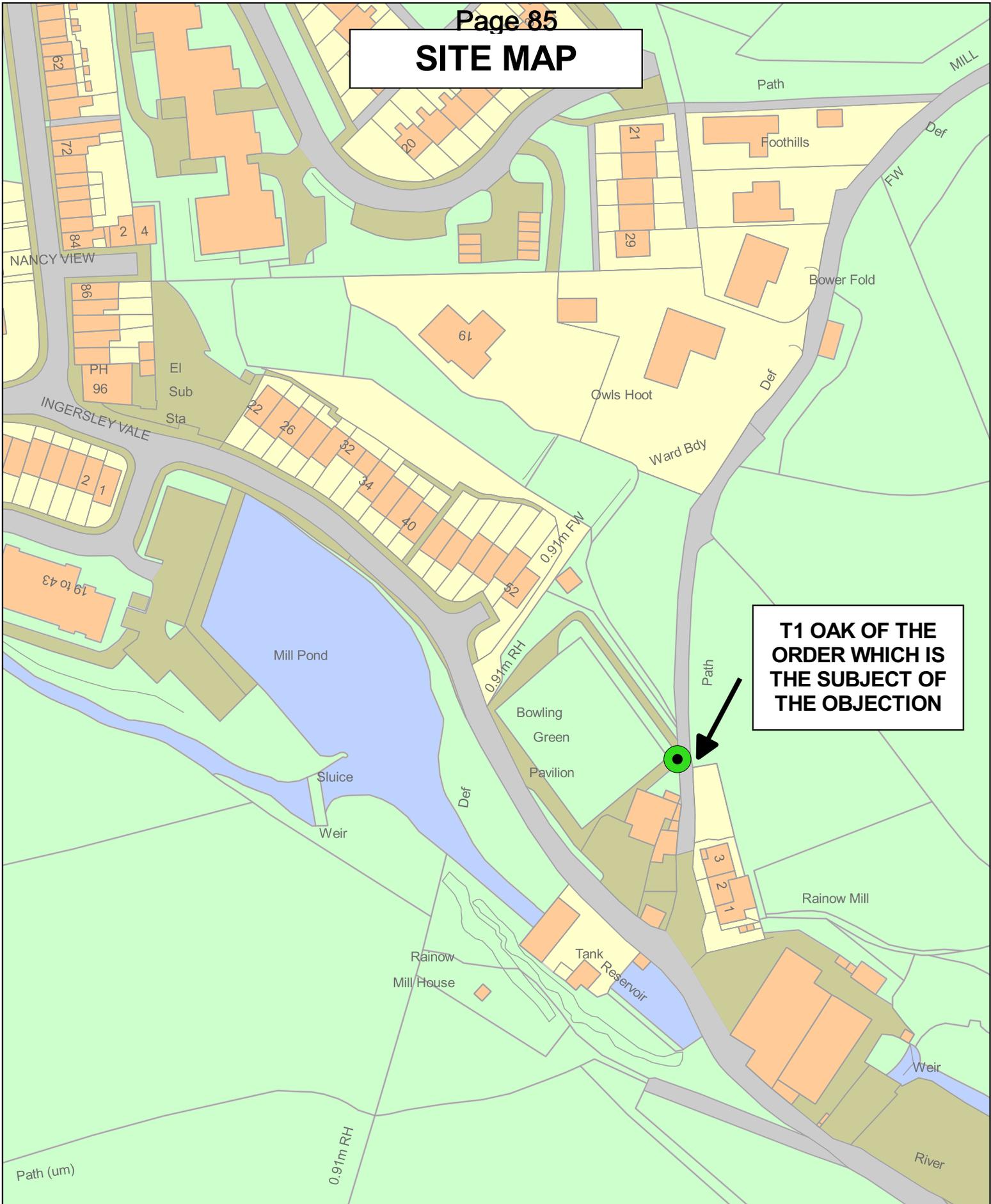
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

CHESHIRE EAST BOROUGH COUNCIL (BOLLINGTON -
MILL LANE PATH, TO THE EAST OF INGERSLEY VALE)
TREE PRESERVATION ORDER 2017



1:1,250 at A4

SITE MAP



T1 OAK OF THE ORDER WHICH IS THE SUBJECT OF THE OBJECTION

LOCATION OF NEW TPO IN RELATION TO INGERSLEY VALE, BOLLINGTON



1:1250 at A4



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AEC – LANDSCAPE APPRAISAL

PHOTOGRAPHS OF TREES, THE SITE AND SURROUNDINGS

REFERENCE:	07-040
SITE NAME:	The Bowling Green, Ingersley Vale, Bollington
DATE OF VISIT:	11/10/2017
COMPLETED BY:	Emma Hood

PICTURE DESCRIPTION	PICTURE
Looking south east from Ingersley Vale access to properties and businesses and PROW Rainow FP 39	
Looking east from Ingersley Vale access to properties and businesses and PROW Rainow FP 39	

Looking north east from Ingersley Vale access to properties and businesses and PROW Rainow FP 39

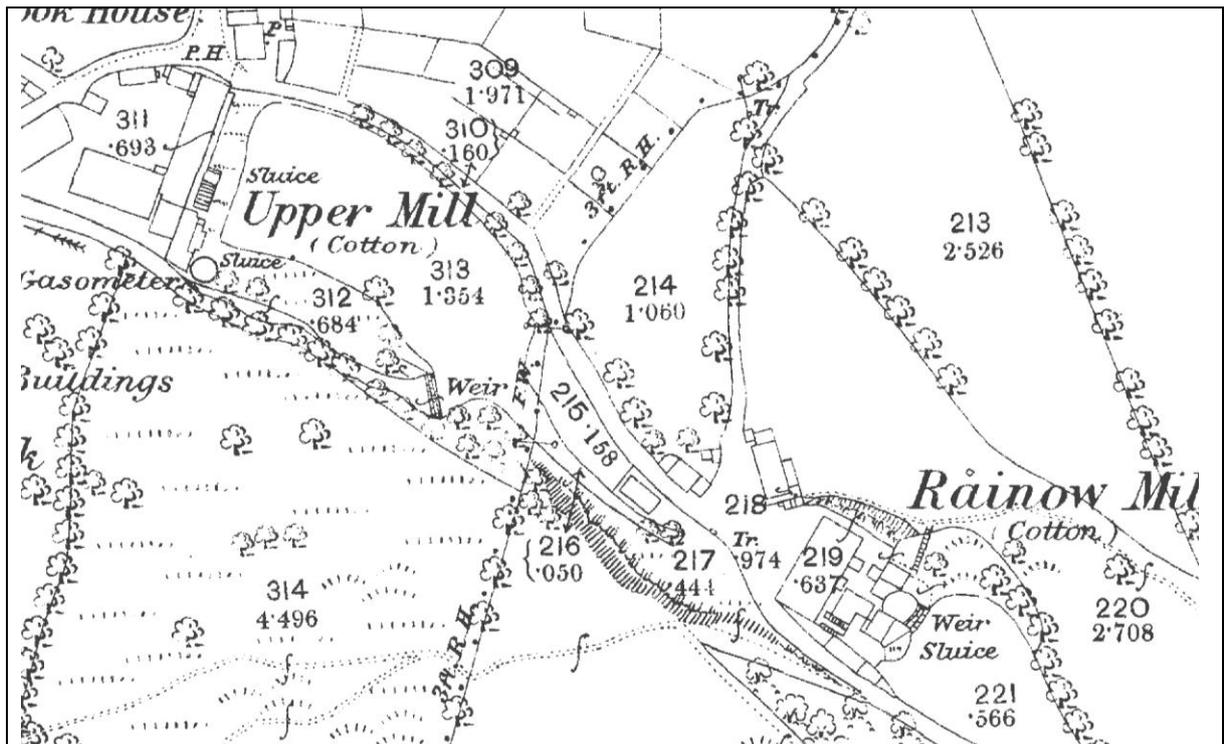


Looking north from Ingersley Vale at point where PROW's Rainow FP38 & FP 39 meet



Location of tree in relation to track/footpath to which public have access and which is shown on Ordnance Survey maps and Historic Maps but has no recorded status





1875 Ordnance Survey Map of the area demonstrating the location of established trees and tree cover - provided by Cheshire Records Centre 13/10/2017

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Amenity Evaluation Checklist

Completed by:

Date form completed:

Form status: ▾

Reference

Attachments

[AEC - LANDSCAPE APPRAISAL-Ingersley Vale.pdf](#)

Address

Town

Postcode

Ward: ▾

1. BACKGROUND FILE CHECK:

Any existing TPOs on or adjacent to the site/land? ▾

Is the site within a conservation area? ▾

Is the conservation area designated partly because of the importance of trees? ▾

Is the site adjacent to a Conservation Area? ▾

Are there any Listed Buildings on or adjacent to the site? ▾

Local Plan land-use designation

Are there currently and designated nature conservation interests on or adjacent to the site?

The site faces White Nancy a local becon site set in Green Belt and an Area of Special County Value

Relevant site planning history (incl. current applications)

15/0669M - outline application for 19 x two bed apartments and 1 two bed bungalow - refused 8/4/2015

15/2354M - outline application 11 x 2.5 storey dwellings and 2 x 2 storey dwellings - granted 2/12/2016

Reserved matters applications ; 16/6172M, 17/0706D, 17/1522M, 17/3500M

17/1531M variation of condition 3 (approved plans 15/2354M) - refused 13/6/2017

Appeal - APP/R0660/W/17/3179760 - awaiting decision

STATUTORY CONSULTEES

Are there any Scheduled Ancient Monuments on or adjacent to the site?	<input type="text" value="No"/>
Is the land currently safeguarded under the Town & Country Planning (Aerodromes & Technical Sites) Direction 1992?	<input type="text" value="No"/>
Does the Forestry Commission currently have an interest in the land?	<input type="text" value="No"/>
Grant scheme	<input type="checkbox"/>
Forestry Dedication Covenant	<input type="checkbox"/>
Extant Felling Licence	<input type="checkbox"/>
Are any of the trees situated on Crown Land?	<input type="text" value="No"/>
Are any of the trees situated on NHS land?	<input type="text" value="No"/>
Is the land owned by this Local Authority	<input type="text" value="No"/>
Is the land owned by another Local Authority	<input type="text" value="No"/>

2. MOTIVATION

Development Control	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Application Ref 	<input type="text" value="15/2354M"/>
<ul style="list-style-type: none"> Committee deadline 	<input type="text"/> 
<ul style="list-style-type: none"> Development Control Office comments 	<input type="text" value="Outline permission granted - appeal in progress relating to variation of condition 3"/>
Conservation Area Notification	<input type="checkbox"/>
Application ref	<input type="text"/>
Date of registration	<input type="text"/> 
Expiry date	<input type="text"/> 
Emergency action (immediate threat to the trees)	<input type="checkbox"/>
Strategic inspection	<input type="checkbox"/>

Change to Local Plan land-use	<input checked="" type="checkbox"/>
Change in TPO legislation	<input type="checkbox"/>
Sale of Council owned land	<input type="checkbox"/>
Reviewing existing TPO	<input type="checkbox"/>
Hedgerow Regulations 1997	<input type="checkbox"/>
3. SOURCE	
Source	Public 
4. LANDSCAPE APPRAISAL	
Site visit date	11/10/2017 
Inspecting Officer	Emma Hood
Site description	The site comprises of the former Bowling Green and Pavillion which is located on Ingersley Vale. The redundant bowling green is presently bordered by trees along much of the north eastern and north western boundary. The south western boundary abutts Ingersley Vale and the Bollington Conservation Area boundary. Rainow Mill Cottages are located to the south east and are also sited within the Bollington Conservation Area boundary. The Bowling Green is bordered by sloping sides upon which are established green cover
Description of surrounding landscape character	A semi-rural setting located to the east side of Bollington which is bound by an unmaintained area of land to the north east with a track/pathway a continuation of Mill Lane (with no recorded status) running north, past the eastern corner of the site and elevated above the existing levels of the bowling green. Rainow Mill Cottages are located to the south east with Ingersley Vale (the access road) and Rainow footpath 39 located along the south west side of the site, with the Mill Pond to the west and new development abutting the site boundary to the north west.
Statement of where the trees are visible from	The tree is visible from Ingersley Vale, Rainow FP38 & FP39 with a link path with no recorded status running directly past the tree which joins Bollington FP33 to Rainow FP38. annotate map
Photograph the trees, the site and surroundings	 Click here to insert a picture annotate map
Landscape function	

	<input type="checkbox"/> Landmark trees <input checked="" type="checkbox"/> Skyline <input type="checkbox"/> Road frontage (trunk) <input type="checkbox"/> Road frontage (principal) <input type="checkbox"/> Road frontage (classified) <input type="checkbox"/> Road frontage (unclassified) <input checked="" type="checkbox"/> Backdrop <input checked="" type="checkbox"/> Glimpses between properties or through gateways <input checked="" type="checkbox"/> Filtered views <input checked="" type="checkbox"/> Screening/buffering
Visual prominence	<input checked="" type="checkbox"/> Conurbation <input checked="" type="checkbox"/> Neighbourhood, estate, locale <input checked="" type="checkbox"/> Site and immediate surroundings <input type="checkbox"/> Value restricted site
Species suitability for the site	Particularly suitable ▼
Condition	Good ▼
Past work consistent with prudent arboricultural management?	No ▼
Are past works likely to have compromised long term retention?	No ▼
Will past work necessitate any particular future management requirements?	<p>Past pruning of lower branches to the south side of the tree has taken place and pruning cuts do not accord with BS 3998 Tree Work Recommendations, however the tree overall represents good vitality for a tree of its age with signs of adaptive growth. While the tree is located atop a displaced retaining wall, the rooting zone will be concentrated to the east side of the tree and any re construction of the retaining wall to the west side of the tree is something that can be resolved at such time that landscaping of the plots takes place.</p>
Tree size (at maturity)	Large (more than 15m) ▼
Presence of other trees	Medium percentage tree cover ▼
Define visual area/reference points	
BENEFITS	
Are the benefits current?	Yes ▼
Assessment of future benefits (future growth potential; continuity/sustainability of tree cover; development)	The tree represents both current and future growth potential and is a historic landscape feature that complements the setting of the adjacent Conservation Area
Assessment of importance as a wildlife habitat	

The tree represents a possible nesting site for birds

Additional factors

- Exceptional landscape value
- Conservation area (within or adjacent)
- Contribution to the setting of a Listed Building
- Part of deliberate composition (avenue/focal point)
- Screening/buffering (visual/noise)
- Botanical interest/rarity
- Historical associations

5. EXEMPTIONS (TCPA 1990)

Are any of the trees obviously dead, dying or dangerous

No ▼

Are there any statutory obligations which might apply?
(consider: Highways Act 1980, Electricity Act 1989, Civil Aviation Act 1982)

No ▼

Is there any obvious evidence that the trees are currently causing any actionable nuisance?

No ▼

Based on the trees in their current locations, is the likelihood of future actionable nuisance reasonably foreseeable?

No ▼

Is there any Forestry Commission interest in the land?

No ▼

6. EXEMPTIONS (MODEL ORDER):

Are there any extant planning approvals on the site which might compromise retention of the trees?

No ▼

Are there any lapsed planning approvals which might have compromised the trees?

No ▼

Are any of the trees obviously cultivated for commercial fruit production?

No ▼

Are any of the trees situated on or adjacent to a statutory undertaker's operational land?

No ▼

Are any of the trees situated on or adjacent to land in which the Environment Agency has an interest?

No ▼

7. COMPENSATION:

Do any of trees currently show any obvious signs of causing damage?

If Yes provide details

Based on the trees in their current locations, is the risk of future damage reasonably foreseeable?

If yes provide details	<input type="text"/>
Are there any reasonable steps that could be taken to avert the possibility of future damage or to mitigate its extent?	N/A ▼
If yes provide details	<input type="text"/>
8. HEDGEROW TREES:	
Individual standard trees within a hedge	No ▼
An old hedge which has become a line of trees of reasonable height	No ▼
Are the "trees" subject to hedgerow management?	No ▼
Assessment of past hedgerow management	<input type="text"/>
Assessment of future management requirements	<input type="text"/>
9. MANAGEMENT:	
Are the trees currently under good arboricultural or silvicultural management	Yes ▼
Is an order justified?	Yes ▼
Justification (if required)	To ensure the long term retention and management of the tree in accordance with current best practice recommendations
10. DESIGNATIONS:	
a. Individual	
Do the trees merit protection as individual specimens in their own right?	Yes ▼
b. Group	
Does the overall impact and quality of the trees merit a group designation?	No ▼
Would the trees reasonably be managed in the future as a group?	No ▼
c. Area	
Area	<input type="checkbox"/> Does the 'area' comprise scattered individual trees? <input type="checkbox"/> Is the area classification warranted as an emergency meas <input type="checkbox"/> Is the area designation intended as a temporary measure, <input type="checkbox"/> Do all trees/species merit inclusion?

d. Woodland

Woodland

- Does the 'woodland' form an area greater than 0.1 hectare
- Would normal silvicultural management principles reasonably be expected to be applied?
- Does the 'woodland' currently contain regeneration and a diverse range of tree species?
- Does the 'woodland' form part of a garden?

11. MAP INFORMATION:

Identify the parcel of land on which the trees are situated.

(Outline in **red** on the attached location plan)

Identify all parcels of land which have a common boundary with the parcel concerned

(Outline in **green** on the attached plan)

Identify all parcels of land over which the physical presence of the trees is situated, or that they could reasonably be expected to cover during their lifetime

(Cross hatch on the plan)

12. LAND OWNERSHIP:

Land ownership details (if known)

Please see list of persons served with Order

Land Registry search required?

13. SUPPLEMENTARY INFORMATION:

Has a detailed on-site inspection been carried out? Yes

Does the risk of felling justify making an order prior to carrying out a detailed on-site inspection? No

Provide details of trees to be excluded

Trees to be excluded include those already determined to be an acceptable loss in relation to the approved planning permission and also one ash tree which has been assessed as inappropriate for long term retention due to signs of reduced vigour and vitality

Additional publicity required?

Relevant Local Plan policies

Cheshire East Local Plan:
SE5 Trees, hedgerows and woodlands

Statement of reasons for promoting this Order

Page 98

In the interests of maintaining the area in which the tree stands, in that it is considered to be a long term amenity feature

Since amenities are enjoyed by the public at large and without the protection the Order affords, there is a risk of the amenity being destroyed

The tree has been assessed in accordance with the Councils Amenity Evaluation Checklist and it is considered expedient in the interests of amenity to make provision for the trees long term retention

To enable the Local Planning Authority to fulfill its statutory duty under Section 197 of the Town and Country Planning Act

The tree is of historic interest in that it can be identified as occurring on the boundary with Mill Lane on the 1873 - 1883 Ordnance Survey Map of Bollington

14. SUMMARY:

Would loss of the trees have a significant impact on the local environment?	Yes ▼
Will a reasonable degree of public benefit accrue?	Yes ▼
Is an Order in the interests of amenity?	Yes ▼
Is an Order expedient in the circumstances?	Yes ▼



TREE PRESERVATION ORDER OBJECTION

Bollington – Mill Lane Path to the East of Ingersley Vale Tree
Preservation Order 2017

Author: C. Salisbury
Date: 7 December 2017
Ref: TPO/TBG



Mulberry

Adamson House, Towers Business Park, Wilmslow Road, Didsbury, M20 2YY

T 0161 955 3628
F 0161 955 4201
E info@mulberrytmc.co.uk

www.mulberrytmc.co.uk

1. Introduction

- 1.1 My name is **Carl Anthony Salisbury**. I am an Arboricultural consultant for Mulberry Tree Management Consultants acting on behalf of Mr Bowman.
- 1.2 I hold a **Higher National Diploma in Arboriculture**, I am an Associate Member of the Institute of Chartered Foresters and a Professional member of the Arboricultural Association.
- 1.3 The following information is a formal objection to the Bollington – Mill Lane Path to the East of Ingersley Vale Tree Preservation Order 2017.
- 1.4 This report contains a description of the tree, its surroundings and an appraisal of the objection.

2. Site and Surroundings

- 2.1 The site is situated on an unadopted road to the rear of a former bowling club.
- 2.2 The property is surrounded by wooded open space with considerable mature tree cover.
- 2.3 The tree is located within the grounds of the former bowling club away from the highway.

3. Appraisal

- 3.1 The Oak tree form part of a larger group within the grounds of the property and surrounding area. The tree stands approximately 15 metres in height and was in sound condition at the time of the inspection.
- 3.2 The tree survey which supported the planning application graded the trees as having only moderate value. BS5837:2012 advises that moderate value trees are those that might be included in category A (High Quality) but are downgraded because of impaired condition, such that they are unlikely to be suitable for retention beyond 40 years; or trees lacking the special quality necessary to merit the category A designation.
- 3.3 This assessment was further supported by the Councils Tree officer in their memorandum dated the 18 July 2017 and contained within Appendix One of this objection.

3.4 To assist in the process of determining whether trees should be subject of an Order the government has provided guidance on *Tree Preservation Orders and Trees within Conservation Areas* this guidance offers advice on what might a local authority take into account when assessing amenity value and lists the following key criteria to assess the value of a tree: -

- (1) **Visibility:** The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.
- (2) **Individual, Collective and wider Impact:** Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - size and form;
 - future potential as an amenity;
 - rarity, cultural or historic value;
 - contribution to, and relationship with, the landscape; and
 - contribution to the character or appearance of a conservation area.
- (3) **Other Factors:** Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order..

3.5 It is clear from the criteria listed above that the most important value of a tree is the impact it has to the public as a whole. This is further supported by a statement in the section entitled *What does 'amenity' mean in practice?* This states that 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public.

3.6 Taking the above guidance into account a full visual amenity assessment of the trees has been undertaken and it was determined that due to the location of the tree and the presence of a large number of trees within the surrounding area its loss would not have a significant impact on the local environment.

4 Conclusion

- 4.1 Taking all the points detailed above into account we feel that the Council has completely ignored Government advice in protecting a tree that does not fulfill the criteria outlined to identify trees worthy of a Tree Preservation Order. On that basis we object to the Order and respectfully suggest that it cannot be confirmed.
- 4.2 In addition to the above information our client has asked us to add that the Council's Tree Officer has agreed that the tree only has moderate value.
- 4.3 The recent planning application ensures the retention of the tree for the long-term.
- 4.4 In summary therefore, we object to the Order in that the Order seeks to protect a tree that is unworthy of protection and is contrary to Government advice. For these reasons, detailed above we formally object to the Bollington – Mill Lane Path to the East of Ingersley Vale Tree Preservation Order 2017 and we trust that you will consider these objections before deciding to confirm the Order.

Tree Officers Comments Appendix One



Heritage & Design - Forestry

Development Management
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

Telephone: **0300 123 5014**
E-Mail: **planning@cheshireeast.gov.uk**

Dear Sir/Madam

Date: **18-Jul-2017**

TOWN AND COUNTRY PLANNING ACT AND ORDERS PLANNING CONSULTATION

Application No: **17/3500M**
Application Type: **Reserved Matters**
Proposal: **Reserved matters application following outline approval
15/2354M - Details of Appearance of the proposed 11no. 2.5
storey townhouses and 1no. 2 storey detached house. Details
of Landscape layout and materials.**

Location: **BOWLING GREEN, INGERSLEY VALE, BOLLINGTON,
CHESHIRE**

National Grid Ref: **394082 377573**

I would be grateful for your observations on the above proposal. The application form and plan(s) are available for viewing online by using the link below and selecting Application Details then View documents.

<http://planning.cheshireeast.gov.uk/>

Under the terms of current legislation, the Council is permitted a period of eight weeks in which to determine this application. For your views to be considered I need to receive them by **08-Aug-2017** on the attached Internal Consultee Reply Form which should be emailed to planning@cheshireeast.gov.uk.

Once a decision has been made on the application, the decision will be posted on the Planning pages of our website www.cheshireeast.gov.uk where you will also be able to view a copy of the Decision Notice.

Yours faithfully



Working in partnership with Cheshire East Development Management

Head of Planning (Regulatory)

Internal Consultee Reply Form

Consultation on Planning Reference Number **17/3500M**

Proposal: **Reserved matters application following outline approval 15/2354M - Details of Appearance of the proposed 11no. 2.5 storey townhouses and 1no. 2 storey detached house. Details of Landscape layout and materials.**

Location: **BOWLING GREEN, INGERSLEY VALE, BOLLINGTON, CHESHIRE**

Applicant: **Chris Bowman, Ingersley Crescent Ltd**

Views of Heritage & Design - Forestry in response to consultation dated 18-Jul-2017.

The application is supported by updated Arboricultural Implications Assessment, Arboricultural Method Statement, and Tree Survey by Mulberry dated 24th August 2017

The Arboricultural Impact Assessment and Tree Protection Plan identifies the removal of the north west corner aspect of G3, the loss of these trees which have been categorised as low value category C specimens was accepted as part of the outline approval (15/2354m); none of the trees individually and collectively are considered worthy of formal protection. This is an amendment to the previous submissions

The Root Protection Area's (RPA) of T1, T2, and G2 have all been modified to reflect pre-existing site conditions namely the retaining wall to the bowling green which has established an asymmetrical rooting pattern. The retaining wall is depicted for retention acts as a root barrier preventing root migration into the development site towards plots 2 to 11. The linear group of Cypress identified as G2 individually and collectively are considered to be inconsequential low value specimens, with both T1 and T2 noted as moderate value category B specimens I would concur with these designations, with the Ash T2 presenting signs of reduced vigour and vitality. The elevated positions of these trees in relation to the adjacent plots located to the west will establish issues of ongoing maintenance to reflect matters of light attenuation; the trees are visible from a number of public vantage points but on balance, and review the majority are not considered worthy of formal protection, because of their moderately low categorisations.

There is a hard standing incursion within the RPA of the retained trees



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associated with G3; special construction measures are proposed for this area which accord with the requirements of current best practice BS5837:2012, but this will depend on highways accepting non-adoptable implementation. The construction detail provided is indicative only; site specific details can be obtained by condition. The affected trees are not considered worthy of formal protection under a Tree Preservation Order.

Should you be minded to approve the application the following conditions should be attached to any subsequent approval.

None Standard

No Development shall take place until details of an Engineer designed no dig hard surface construction for the driveway where there is a Root Protection Area incursion has been submitted to the Local Planning Authority. These details shall also include the proposed details of the materials for the final wearing surface.

Reason: To ensure the continued well being of trees in the interests of the amenity of the area and to accord with Section 7.4 of BS 5837:2012 Trees in Relation to design, demolition and construction – Recommendations

None Standard

All arboricultural works shall be carried out in accordance with Mulberry Tree Management Arboricultural Implications Assessment ref TRE/TBGIV/Rev B dated 24th August 2017, and Tree Protection Plan BGIV/MS/01 Rev A dated 24th August 2017

Reason To the continued well being of the trees in the interests of the amenity of the locality.

NB



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CHESHIRE EAST COUNCIL

NORTHERN PLANNING COMMITTEE

Date: 14 February 2018
Report of: David Malcolm: Head of Planning (Regulation)
Title: Planning Appeals Report

1.0 Purpose of Report

- 1.1 To summarise the outcome of Planning Appeals that have been decided between 1st October 2017 and 31st December 2017. The report provides information that should help measure and improve the Council's quality of decision making in respect of planning applications.

2.0 Decision Required

- 2.1 That the report be noted.

3.0 Background

- 3.1 All of the Council's decisions made on planning applications are subject to the right of appeal under section 78 of the Town and Country Planning Act 1990. Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. However, the Secretary of State has the power to make the decision on an appeal rather than it being made by a Planning Inspector – this is referred to as a 'recovered appeal'.
- 3.2 Appeals can be dealt with through several difference procedures: written representations; Informal Hearing; or Public Inquiry. There is also a fast-track procedure for householder and small scale commercial developments.
- 3.3 All of the Appeal Decisions referred to in this report can be viewed in full online on the planning application file using the relevant planning reference number.
- 3.4 This report relates to planning appeals and does not include appeals against Enforcement Notices or Listed Building Notices.

4.0 Commentary on Appeal Statistics

- 4.1 The statistics on planning appeals for year to date are set out in Appendix 1. A full list of the appeals for the third quarter (Q3) is set out in Appendix 2.

- 4.2 The statistics in Appendix 1 are set into different components to enable key trends to be identified:
- Overall performance;
 - Performance by type of appeal procedure;
 - Performance on delegated decisions;
 - Performance on committee decisions;
 - Overall numbers of appeals lodged;
 - Benchmarking nationally.
- 4.3 The overall number of appeals lodged has remained consistent and averages out at approximately 120 planning appeals annually. It was previously reported that the number of appeals lodged was falling in the last quarter, however this was due to delays in the appeals being registered with the Council, not in the number of submissions reducing. 120 appeals annually represent approximately 2.5% of all planning decisions that the Council makes. At present, approximately 1 in 4 decisions to refuse planning permission will result in a planning appeal.
- 4.4 In terms of the outcomes of the appeals decided, more have been allowed than would be expected against a national average (with the exception of householder appeals). Overall, in the year to date, 36% of appeals have been allowed against a national average of 31%. However, the overall performance this quarter has been very strong, with **only 17% of all appeals allowed**.
- 4.5 The outcomes for the third quarter have been better than the national average for Public Inquiries, Hearings, Written Representations and Householder Fast-track Appeals.
- 4.6 In respect of Householder Appeals, only 7% were allowed compared to the national average for the previous quarter of 40%.
- 4.7 Only 10% of appeals against delegated decisions were allowed in the quarter, taking the yearly average down to 22% - which is well below the national average of 31%
- 4.8 Appeals against committee decisions have been less favourable, although the outcomes have improved in the latest quarter. Overall 64% of appeals made against committee decisions have been allowed. In the third quarter this has reduced to 43%, but it is notable that all of the 3 appeals allowed were decisions made against officer recommendation.
- 4.9 For the year to date 17 appeals have been allowed following decisions to refuse planning applications contrary to officer recommendation. When a committee has made a decision contrary to officer recommendation and the decision has been appealed, the development has been allowed in 71% of those cases.

- 4.10 Appendix 2 illustrates that one refusal of planning permission against officer recommendation was successfully defended by the Council at appeal. However, the overwhelming majority of decisions where officer recommendations were overturned have resulted in the appeal being allowed. These figures continue to emphasise that a decision contrary to officer recommendation based on empirical evidence and good planning grounds may be defended, but too often decisions are made contrary to officer advice without good reason and with insufficient evidence. The total of 24 appeals over the period against decisions made contrary to officer advice should be considered too many in itself.
- 4.11 It should be noted that, due to the timescales of the appeals process, these figures will reflect committee decisions made prior to the last 3 months at the very latest.
- 4.12 It should also be emphasised that the appeal process runs to very strict procedural guidelines. Deadlines for appeal statements, site visits, hearing and Inquiries are fixed. A high volume of appeals places a significant burden on the planning department and it is good practice to work to reduce the number of appeals received.

5.0 Commentary on Appeal Decisions

- 5.1 This section summaries several appeal decisions that have implications for the Council. All of the decisions have importance for different reasons but due to the volume of decisions only a few are selected for comment in this report. Although one of the appeals referred to falls outside of the reporting period, it is referred to as it potential raises important issues for decision making.
- 5.2 The Council is now beginning to receive appeal decisions since the adoption of the Cheshire East Local Plan Strategy. Whilst the early decisions confirmed the Council's definitive position of being able to demonstrate a five year supply of housing land, this position has been challenged via recent planning appeals at Public Inquiry.
- 5.3 On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.
- 5.4 However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years. In this context, the Inspector engaged the 'tilted balance' set out in the 4th bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granting permission unless

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

- 5.5 On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years. On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.
- 5.6 The Council is currently reviewing this appeal decision and is taking legal advice on the approach taken by the Inspector towards housing land supply. The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available.
- 5.7 What is clear from the WMQ and Park Road appeal decisions, is that policies within the adopted Local Plan Strategy are being given significant weight by Inspectors in deciding planning appeals, sufficient to warrant the dismissal of appeals where conflicts arise with them, even when the 'tilted balance' in paragraph 14 of the NPPF is engaged.
- 5.8 The decisions continue to emphasise the importance of maintaining a five year supply of housing land in the plan-led system. The Council's five year supply will be further supplemented as allocated sites within the Local Plan Strategy are brought forward. In this context there is particular importance for decision makers in the planning process to be cognisant of the need for the delivery of the allocated housing sites.
- 5.9 Whilst many of the significant appeal decisions related to housing development, the Council has also received important decisions on other forms of development. One decision of note is application ref. 16/1353M which was for a proposed water sports and outdoor activity centre at the former Mere Farm Quarry.
- 5.10 This appeal was an example of a Member decision against officer advice and illustrates that can be a healthy part of the decision making process. In this case it had been emphasised that it was a balanced decision and there was evidence of ecological harm that officers were able to use at the appeal hearing. Interestingly, and somewhat unusually, the reasons that the Inspector dismissed the appeal were not directly related to the reason given by the Strategic Planning Board. Although the Inspector considered there would be some residual harm to the interests of biodiversity they were not considered to be significant. The appeal was dismissed as the Inspector considered the

development to be inappropriate development in the Green Belt without the very special circumstances needed to justify it.

- 5.11 The Inspector noted that there would be social and economic benefits to the proposal, including benefits to the rural economy and benefits to education, health and well-being. However, she did not consider that the benefits clearly outweighed the harm to the Green Belt that had been identified. One can interpret from the decision, that had the site been in a non-green belt countryside location the development would almost certainly have been allowed. The decision therefore serves to emphasise the strict control of development in the Green Belt.

6.0 Recommendation

- 6.1 That Members note the contents of the report.

7.0 Risk Assessment and Financial Implications

- 7.1 As no decision is required there are no risks or financial implications.

8.0 Consultations

- 8.1 None.

9.0 Reasons for Recommendation

- 9.1 To learn from outcomes and to continue to improve the Council's quality of decision making on planning applications.

For further information:

Portfolio Holder: Councillor Ainsley Arnold

Officer: Peter Hooley – Planning & Enforcement Manager

Tel No: 01625 383705

Email: Peter.Hooley@cheshireeast.gov.uk

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Quarterly Planning Appeals Report

Appendix 1. Planning Appeal Statistics

All s.78 Planning Appeals decided				
Q1 (1st April 2017 to 30 June 2017)				
Q2 (1st July 2017 to 30th Sept 2017)				
Q3 (1st October 2017 to 31st December 2017)				
	Q1	Q2	Q3	Year to date
Number of Planning Appeals determined	32	30	36	98
Total Allowed	17	12	6	35
Total Dismissed (%)	15	18	30	63
Percentage allowed	53%	40%	17%	36%
<i>Note: appeals that were withdrawn, deemed invalid or part allowed/part dismissed are excluded from the figures provided.</i>				

Public Inquiries	Q1	Q2	Q3	Year to date
Number of appeals determined	1	1	3	5
Total Allowed	1	1	0	2
Total Dismissed	0	0	3	3
Percentage allowed	100%	100%	0%	40%

Hearings	Q1	Q2	Q3	Year to date
Number of appeals determined	2	1	4	7
Total Allowed	1	0	1	2
Total Dismissed	1	1	3	5
Percentage allowed	50%	0%	25%	29%

Written representations	Q1	Q2	Q3	Year to date
Number of appeals determined	22	25	15	62
Total Allowed	13	11	4	28
Total Dismissed	9	14	11	34
Percentage allowed	59%	44%	27%	45%

Quarterly Planning Appeals Report

Householder Appeal Service	Q1	Q2	Q3	Year to date
Number of appeals determined	7	3	14	24
Total Allowed	2	0	1	3
Total Dismissed	5	3	13	21
Percentage allowed	29%	0%	7%	12.5%

Appeals against Delegated Decisions

	Q1	Q2	Q3	Year to date
Number of appeals determined	18	18	29	65
Total Allowed	8	3	3	14
Total Dismissed	10	15	26	51
Percentage allowed	44%	17%	10%	22%

Appeals against Planning Committee Decisions

	Q1	Q2	Q3	Year to date
Number of appeals determined	14	12	7	33
Total Allowed	9	9	3	21
Total Dismissed	5	3	4	12
Percentage allowed	64%	75%	43%	64%

Appeals Lodged this year

	Q1	Q2	Q3	Year to date
Public Inquiries	0	3	0	3
Hearing	3	3	1	7
Written Rep	20	21	17	58
Household fast-track	6	10	9	25
Total	29	37	27	93

Benchmarking

National figures for s78 Planning Appeals

July – Sept 2017				
	Public Inquiry	Hearings	Written Representations	All
Number of appeals determined	87	154	2418	2659
Percentage allowed	48%	40%	30%	31%

Quarterly Planning Appeals Report

National figures for Householder Appeal Service

July – Sept 2017	
	Householder
Number of appeals determined	1377
Percentage allowed	40%

Quarterly Planning Appeals Report

Appendix 2. Appeals determined 1st October 2017 to 31st Sept 2017

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Over-turn?
14/5671N	Former Gorstyhill Golf Club, Abbey Park Way, Weston, CW2 5TD	Proposed housing development (approximately 900 new dwellings)	Strategic Planning	Public Inquiry	Dismissed	N
15/4888N	WHITE MOSS, BUTTERTON LANE, BARTHOMLEY, CW1 5UJ	Outline application for the provision of up to 400 residential units	Strategic Planning	Public Inquiry	Dismissed	N
16/1353M	Former Mere Farm Quarry, Chelford Road/Alderley Road, Nether Alderley	Delivery of watersports and outdoor activity centre	Strategic Planning	Informal Hearing	Dismissed	Y
16/2583C	Land west of BRADWALL ROAD, SANDBACH	Outline planning permission for residential development to include details of ac	Strategic Planning	Public Inquiry	Withdrawn	N
16/3286C	130, HOLMES CHAPEL ROAD, CONGLETON, CW12 4NY	Demolition of existing dilapidated bungalow and garage and erection of 4 no. dwellings	Southern Planning	Written Representations	Allowed	Y
17/0066N	Land off WRENBURY ROAD, ASTON	Outline planning application for Residential development	Southern Planning	Written Representations	Dismissed	N
17/1725N	331- 333, HUNGERFORD ROAD, CREWE, CW1 5EZ	Proposed conversion of existing properties to form four apartments	Southern Planning	Written Representations	Allowed	Y
17/1531M	BOWLING GREEN, INGERSLEY VALE, BOLLINGTON	Variation of condition 3 (approved plans) of 15/2354M	Northern Planning	Written Representations	Allowed	Y
16/1367N	Daisy Bank Farm, Mickley Hall Lane, Broomhall, CW5 8AJ	Erection of a permanent dwelling for a poultry worker.	Delegation	Informal Hearing	Dismissed	N/A
16/3092N	Former Gorstyhill Golf Club, Abbey Park Way, Weston, CW2 5TD	Variation of S106 agreement	Delegation	Public Inquiry	Dismissed	N/A
16/3721M	EAST WOODEND FARM, SCHOOLFOLD LANE, ADLINGTON, SK10 4PL	Proposed new dwelling at Eastwood End Farm.	Delegation	Informal Hearing	Dismissed	N/A
16/4910C	18, KINGS CRESCENT, MIDDLEWICH, CW10 9EQ	Change of Use for building of three dog kennels	Delegation	Written Representations	Dismissed	N/A

Quarterly Planning Appeals Report

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Overturn?
16/5093M	HAWTHORNE HOUSE, FREE GREEN LANE, OVER PEOVER, WA16 9QY	Lawful Development Certificate for existing use or operation	Delegation	Written Representations	Dismissed	N/A
16/5202C	Dane Bank Bungalow, Knutsford Road, Holmes Chapel, CW4 7DE	Development of three dwellings (dormer bungalows), new access and landscaping.	Delegation	Written Representations	Withdrawn	N/A
16/5449M	LAND AT DARK LANE, GAWSWORTH	Proposed new dormer bungalow	Delegation	Written Representations	Dismissed	N/A
16/5594M	Oak Tree House, PEPPER STREET, CHELFORD, SK11 9BE	Removal of condition 4 on 16/3981M- Replacement dwelling with detached garage	Delegation	Written Representations	Allowed	N/A
16/6067N	Willow Grove Farm, Long Lane, Alpraham, CW6 9LH	Outline Application for Key Workers Dwelling (Permanent) Re submission 16/1025N	Delegation	Informal Hearing	Allowed	N/A
16/6180M	GRASSLANDS NURSERY, FREE GREEN LANE, OVER PEOVER, WA16 9QY	Replacement building for the sales area	Delegation	Written Representations	Dismissed	N/A
17/0292C	LAND ADJACENT 17, RANDLE BENNETT CLOSE, SANDBACH	Proposed erection of a new one bedroom house	Delegation	Written Representations	Dismissed	N/A
17/0379M	OAK COTTAGE FARM, SLADE LANE, MOBBERLEY, WA16 7QN	change of use of agricultural land to residential use	Delegation	Written Representations	Dismissed	N/A
17/0464C	ARCLID COTTAGE BARN, REYNOLDS LANE, SANDBACH, CW11 4SU	Prior Approval for a proposed change of use of agricultural building	Delegation	Written Representations	Dismissed	N/A
17/0789M	HAWTHORNE HOUSE, FREE GREEN LANE, OVER PEOVER, WA16 9QY	Lawful development certificate	Delegation	Written Representations	Withdrawn	N/A
17/0967M	1, WINDSOR CLOSE, POYNTON, SK12 1JL	Replacing 4ft 2in gate at the rear of the property with a new gate which is 6ft	Delegation	Householder Appeal Service	Dismissed	N/A
17/1041C	Land at Beechwood Drive, Alsager	Dormer bungalow	Delegation	Written Representations	Dismissed	N/A

Quarterly Planning Appeals Report

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Overturn?
17/1484M	HIGHFIELD HOUSE, PEOVER LANE, SNELSON, SK11 9AW	Demolition of existing single storey extensions to rear and replacement	Delegation	Householder Appeal Service	Dismissed	N/A
17/1792M	69, OLDFIELD ROAD, SANDBACH, CW11 3LX	Single storey rear and partial side extension	Delegation	Householder Appeal Service	Dismissed	N/A
17/1808C	1, BURNS CLOSE, RODE HEATH, ST7 3UD	Retrospective application to replace bushes at the side of property with a fence	Delegation	Householder Appeal Service	Dismissed	N/A
17/1814M	ASTLE HALL, HOLMES CHAPEL ROAD, CHELFORD, SK11 9AQ	Demolition of existing garage and construction of new ancillary 1 1/2 storey detached building	Delegation	Householder Appeal Service	Dismissed	N/A
17/1847M	Land at WARFORD HALL DRIVE, GREAT WARFORD	Infill development comprising 2 two-storey detached dwellings	Delegation	Written Representations	Dismissed	N/A
17/1863M	145, BUXTON ROAD, DISLEY, SK12 2HF	Kerb lowering to enable us to convert front garden into a drive.	Delegation	Householder Appeal Service	Dismissed	N/A
17/2015C	1, WRIGHTS LANE, SANDBACH, CW11 2JX	Double storey side extension and two smaller single storey extensions	Delegation	Householder Appeal Service	Dismissed	N/A
17/2066C	123, CREWE ROAD, SANDBACH, CW11 4PA	Two storey extension to right side of house and rear of property.	Delegation	Householder Appeal Service	Deemed Invalid by DoE	N/A
17/2099C	11, WILLOW LANE, GOOSTREY, CW4 8PP	Ground & first floor front and side extensions with roof works to dwelling	Delegation	Householder Appeal Service	Dismissed	N/A
17/2138C	Coltsfoot Cottage, Tunstall Road, CONGLETON, CW12 3QB	Proposed two storey rear extension and alterations	Delegation	Householder Appeal Service	Dismissed	N/A
17/2231C	24, High View, Mow Cop, ST7 4YE	Double garage and link extension to main dwelling.	Delegation	Householder Appeal Service	Dismissed	N/A
17/2434M	Little In Site, 54, Hollin Lane, Styal, SK9 4JH	Demolition of existing single storey dwelling and construction of new 2 storey dwelling	Delegation	Written Representations	Dismissed	N/A
17/3482C	2, Willow Barns, Newcastle Road South, Brereton, CW11 1SB	Seeking retrospective planning permission for the erection of a porch	Delegation	Householder Appeal Service	Dismissed	N/A

Quarterly Planning Appeals Report

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Overturn?
17/3565C	3, WELL BANK, SANDBACH, CW11 1FQ	Demolish existing garage and conservatory, construction of extensions	Delegation	Householder Appeal Service	Part allowed/Part dismissed	N/A
17/3695M	The Old School, MAIN ROAD, LANGLEY, SK11 0BU	Renovations, alteration and extension, with associated landscaping works	Delegation	Householder Appeal Service	Allowed	N/A
17/4008M	6, KENILWORTH AVENUE, KNUTSFORD, WA16 8JX	Extension to ground floor to rear and side, plus a loft conversion	Delegation	Householder Appeal Service	Dismissed	N/A
17/4056N	NEW HOUSE, LEA FORGE TROUT FARM, LONDON ROAD, WALGHERTON, CW5 7LF	Erection of detached pitched roof garage including storage and personal workshop	Delegation	Householder Appeal Service	Dismissed	N/A

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