

Northern Planning Committee

Agenda

Date: Wednesday, 10th October, 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 15 August 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. **18/0089M-Erection of Retirement Living Housing (Category II type accommodation) with associated communal facilities, landscaping and car parking together with a Memorial Garden following demolition of the existing buildings, Memorial House, Northwich Road, Knutsford, for McCarthy & Stone Retirement Lifestyles Ltd (Pages 9 - 28)**

To consider the above application.

6. **17/5071M-Construction of one pair semi-detached dwellings, Land South Of, 18 Gaskell Avenue, Knutsford for Mr A Vale, Cranford Estates Ltd (Pages 29 - 40)**

To consider the above application.

7. **18/3205M-Construction of a single dwelling (Victorian Garden Walled Dwelling), Land To The South Of, Gaskell Avenue, Knutsford for Mr A Vale, Cranford Estates Ltd (Pages 41 - 52)**

To consider the above application.

8. **18/2244M-Reserved matters following outline approval of landscape layout, details are also provided on materials, ground levels, floor slabs, electric vehicle charging points and arboricultural information, Bowling Green, Ingersley Vale, Bollington for Mr Chris Bowman, Ingersley Crescent Ltd (Pages 53 - 62)**

To consider the above application.

9. **18/3145M-Demolition of existing dwelling and erection of three dwellings with associated external works, The Brackens, 1, Blackshaw Lane, Alderley Edge for Mr Chris Oakes (Pages 63 - 74)**

To consider the above application.

10. **Cheshire East Borough Council (Bollington - Bollington - 17A Jackson Lane No.2) Tree Preservation Order 2018** (Pages 75 - 102)

To consider the above report.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 15th August, 2018 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors C Andrew, E Brooks, H Davenport, T Dean, L Durham,
H Gaddum, N Mannion, M Warren and G Williams

OFFICERS IN ATTENDANCE

Mr R Croker (Planning Officer), Mrs N Folan (Planning Solicitor), Mr P Hooley
(Planning & Enforcement Manager) and Mr N Jones (Principal Development
Officer)

13 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Harewood.

14 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 18/0544M, Councillor
G Walton declared that he was acquainted with some of the speakers and
some of the members on Pickmere Parish Council as he had previously
attended meetings of the Parish Council.

In the interest of openness in respect of the same application, Mrs N
Folan, the Planning Solicitor declared that she had friends who lived close
to the application site.

15 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 11 July 2018 be approved as a
correct record and signed by the Chairman.

16 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

17 18/0544M-OUTLINE APPLICATION FOR CONSTRUCTION OF REPLACEMENT VILLAGE HALL, TOGETHER WITH LINK TO TURTON PAVILION AND CONSTRUCTION OF STORE, EXTERNAL ALTERATIONS TO PAVILION, AND PROVISION OF CAR PARKING, LAND AT TURTON PAVILION, JACOBS WAY, PICKMERE FOR PICKMERE PARISH COUNCIL

Consideration was given to the above application.

(Parish Councillor Andrew Shore, Chairman of Pickmere Parish Council, Virginia Brown, an objector and Warren Stone, an objector attended the meeting and spoke in respect of the application)

RESOLVED

That the application be refused for the following reason:-

1. The development would result in the loss of Open Space in a sustainable area in close proximity to residential properties. It has not been demonstrated that this land is surplus to requirements, and the loss resulting from the proposed development would not be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. No benefits are identified which would outweigh the loss of this Open Space. As such the proposal would fail to comply with paragraph 97 of the National Planning Policy Framework (2018), policies SC2, SC3 and SE6 of the Cheshire East Local Plan Strategy (2010 – 2030), and policy RT1 of the Macclesfield Borough Local Plan (2004).

In the event of any changes being needed to the wording of the Committee's decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Enforcement Manager 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.

18 PLANNING APPEALS

Consideration was given to the above report.

Members suggested that it would be useful to have information relating to the cost of any appeal the Council had to fight.

RESOLVED

That the report be noted.

The meeting commenced at 10.00 am and concluded at 11.20 am

Councillor G M Walton (Chairman)

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Application No: 18/0089M

Location: Memorial House, Northwich Road, Knutsford, Cheshire, WA16 0AW

Proposal: Erection of Retirement Living Housing (Category II type accommodation) with associated communal facilities, landscaping and car parking together with a Memorial Garden following demolition of the existing buildings.

Applicant: McCarthy & Stone Retirement Lifestyles Ltd

Expiry Date: 30-Nov-2018

SUMMARY

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means “approving development proposals that accord with the development plan without delay”

The site is located close to Knutsford Town Centre and has easy access to local shops, amenities and public transport opportunities. The proposal raises no issues in respect of highway safety, ecology or any other environmental impacts. The impact of the proposals on the amenity of neighbouring properties is considered acceptable and the design and layout of the site respects the history and constraints on site.

The developer will make a financial contribution to provision of off-site affordable housing. No contributions in respect of health, open space or education have been requested.

The building on site is a locally listed building and it will be lost if the development is approved. The building is not suitable for conversion and subject to conditions over the recording of the building and the provision of the memorial garden it is considered its loss is, on balance, acceptable.

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a s106 agreement and subject to confirm from the National Planning Casework Unit that the application can be determined.

PROPOSAL

The application is for the erection of Retirement Living Housing with associated communal facilities, landscaping and car parking together with a Memorial Garden following demolition of the existing buildings. The proposed accommodation comprises of 9 x 1 bed and 37 x 2 bed apartments.

SITE DESCRIPTION

The application site consists of Memorial House that is a neo-Georgian cottage hospital, built 1922 by Sir Percy Worthington and Francis Jones, as a First World War memorial. The building comprises a Two-storey, three-bay central block, constructed from red brick, with tall chimney stacks. A timber porch has been added to the front of the building, and retains most of its original timber sliding sash windows. The main part of the building is reflective of local building styles and use of materials. The rear of the building has been subject to various additions over the years most of which are unsympathetic to the character of the original building.

The building has not been used as a hospital for a number of years and is currently in use by the Red Cross. No medical functions are carried out on the site. The area in front of the building is used for parking and is home to a statue.

The access to the site is taken from Northwich Road and a tree lined lane leads to the building and parking areas. The site is heavily screened along the boundaries of the site by large mature trees. To the north and west of the site is agricultural land that is allocated in the local plan for housing. To the east is a narrow strip of undeveloped land separating the site from the existing two-storey residential properties in Warren Avenue. Northwich Road and the Old Toll House form the southern boundary of the site.

RELEVANT HISTORY

The site has been subject to a number of applications in the past, although none are recent and none have any relevance to the consideration of this application.

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy

The following are considered relevant material considerations as indications

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

IN1 – Infrastructure

IN2 – Developer Contributions

SC1 – Leisure and Recreation

SC3 – Health and Well-Being

- SC4 – Residential Mix
- SC5 – Affordable Homes
- CO1 - Sustainable Travel and Transport
- CO4 – Travel Plans and Transport Assessments
- 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 6 – Green Infrastructure
- SE 8 – Renewable and Low Carbon Energy
- SE 9 – Energy Efficient Development
- SE12 – Pollution, Land Contamination and Land Instability
- SE 13 - Flood Risk and Water Management

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

- NE3 – Protection of Local Landscapes
- NE11 – Protection and enhancement of nature conservation interests
- NE17 – Nature Conservation in Major Developments
- RT5 – Open Space Standards
- 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
- DC40 – Children’s Play Provision and Amenity Space
- DC41 – Infill Housing Development

Other Material Considerations:

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

The Knutsford Neighbourhood Plan has reached Regulation 14 stage and the draft plan has been subject to a period of public consultation. The relevant policies are;

- D1 – The Knutsford Design Guide
- D2 – Local Distinctiveness
- D3 – Landscape in New Development
- D4 – Sustainable Residential Design

E5 – Pollution
HW1 – Health and Wellbeing
HE1 – Landmarks, Views, Vistas, and Gateways
HE2 – Heritage Assets
H1 – Housing Mix
H2 – Previously Developed and Infill Development
T1 – Walking in Knutsford
T2 – Cycling in Knutsford
T3 – Public Transport
T4 - Parking

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 a condition relating to a construction management plan. Condition have also been requested requiring submission of a travel plan and provision of charging points for electric vehicles.

Flood Risk – No objection. A condition has been requested relating to submission of a drainage strategy.

Highway Engineer – No objection. The comments are addressed later in the report.

Nature Conservation – No objection. Conditions have been requesting requiring any tree works to be undertaken outside of the bird nesting season and for a scheme of a scheme of ecological enhancement.

United Utilities - No objection. A condition has been requested relating to submission of a drainage strategy.

NHS – No objection. In this instance a financial contribution is not sought.

Education No objection. This is on the basis of an age restriction being placed on the scheme.

Housing Strategy – No objection. This issues is addressed later in the report.

War Memorials Trust – No objection.

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council

Given new material facts which have become available from Cheshire East Council Conservation, Highways and Tree Officers, the Council resolves to OBJECT to this development. These comments supersede those submitted on 9th February 2018.

Knutsford Town Council requests that other uses for the existing building should be fully explored by the applicant, where no sufficient investigation of how the current building could be incorporated into the scheme have been demonstrated.

Knutsford Town Council have supported the Article IV declaration on the War Memorial Hospital and have also sought additional protection to prevent the demolition.

Should this development be approved, Knutsford Town Council requests that historical artefacts from the site are preserved in the appropriate way and that the following requests are considered: -

- The uPVC windows are not in keeping with the adjacent listed building and the Council requests that a condition requiring the use of painted wood windows is included in any approval.*
- Section 106 monies obtained from this development should provide a significant sum towards the improvement of health services. In recognition of the former use of the site, the manner in which the former Hospital was originally funded and the need for a new Health Centre within the Town.*
- Additionally, S106 monies should be requested to fund a regular bus service that should be diverted to provide a service to the residents of the new accommodation to prevent isolation of ageing residents.*
- The privacy and residential amenities of the adjacent listed building should be protected by ensuring there are appropriate distances between facing windows, and in the boundary treatments that are utilised.*

Knutsford Town Council look forward to being involved with planning the detailed proposals for the Memorial Garden on the site; including its layout, planting and future management; as per the pre-application discussions between representatives of KTC and McCarthy & Stone

OTHER REPRESENTATIONS

Representations have been received from 103 properties with 98 of those objecting to the proposal. The points raised in objection to the application and summarised as follows;

- The hospital belongs to the people of Knutsford and should remain that way.
- The war memorial should be given to the residents of Knutsford.
- The building should be retained for use of the community.
- Site should be used as a health centre for Knutsford and the surrounding villages.
- The building is of historic value and should not be demolished.
- The building was paid for by the people of Knutsford after the Great War.
- The site is not needed for development as enough houses are being built elsewhere.
- The development will result in the loss of the statue and war memorial.

- The development will add to the traffic issues in the area.
- The site does not belong to the Red Cross and it isn't theirs to sell.
- The proposal represents an over-development of the site.
- Inadequate parking provision is proposed.
- The existing building should be retained and converted to a new use.
- Covenants are in place to prevent the proposed use.
- The proposal will cause unacceptable overlooking.
- Elderly residents will be a burden on local services. No contributions are proposed to alleviate this.
- The proposed memorial garden should be larger.
- No affordable housing provision is proposed on-site.
- Impact of the development on the protected trees.
- Lack of capacity in local infrastructure.

The points raised in support of the application are summarised as follows;

- The proposal is a good use for the site.
- Welcome the retention of the memorial within the memorial garden.
- It is an appropriate scheme for the site.
- Demand exists for this type of development.
- The proposed building is impressive

APPRAISAL

Principle of Development

Knutsford is identified as one of the key service centres in Cheshire East where CELPS Policy PG 2 seeks to direct 'development of a scale, location and nature' to each town to maintain their vitality and viability.

The application site was removed from the Green Belt following the adoption of the Cheshire East Local Plan in July 2017 although the site is not included within the allocation for the strategic site to the north and west of the site.

The proposal is for a C2 residential use on a previously developed site and the surrounding land uses are primarily residential properties. No policies in either the Macclesfield Local Plan or the CELPS seek to protect the existing use taking place on the site.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

As per para 11 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6). The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”

The Council can now demonstrate a 5 year housing land supply but it is important to note that this site will deliver up to 46 properties for older persons within a key service centre. Proposals like this that bring forward development of such sites make a valuable contribution to maintaining a 5 year housing land supply and preventing inappropriate development elsewhere.

The development results in the re-use of a previously developed site and the principle of residential development on the site is accepted and the key material considerations are detailed below.

SUSTAINABILITY

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

LOCATION OF THE SITE

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. The site is considered to be locationally sustainable. Whilst the applicant has not provided a full break down of the

services listed in the justification for CELPS Policy SD2 the site is within the recommended distance for access to public transport and is within easy access of the services and amenities within Knutsford Town Centre.

As such, the application site is considered to be locationally sustainable.

AFFORDABLE HOUSING

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) requires the provision of 30% affordable housing on all 'windfall' sites of 15 dwellings or more. This relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

Therefore for this application there is a requirement for 30% affordable housing provision which for a development of 46 units will be 14 units. It is agreed that the proposed type of development is not suitable for on-site provision of affordable housing and as such are willing to accept a commuted sum, as has been proposed by the applicant. This is a standard approach in dealing with applications of this nature.

Based upon the information submitted with the application it was considered a financial contribution of £1,800,000 is required. The applicant initially offered a contribution of £30,242 and submitted a Viability Report produced by Alder King (AK) in support of this application. The Council has instructed Cushman & Wakefield (CW) to undertake a Due Diligence Assessment of the Financial Viability Appraisal.

In terms of ensuring viability and deliverability the NPPF (paragraph 57) states that;

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

The Planning Practice Guidance (PPG) says that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development.

The initial findings of CW identified a number of issues and these are summarised as follows;

- Under calculation of the Gross Development Value (GDV)
- Over-stating of construction costs
- No justification of the site clearance costs.
- Excessive land value applied to the site

- Ground rents not included within the appraisal.

Further information and justification was submitted in response to the matters raised and an agreed position was reached that provided for a contribution of either £600,943 or £938,702. The final level of contribution depends on the Government restricting rather than prohibiting the levying of ground rents.

These contributions allow for a developer's profit of 20% of the GDV. NPPG makes an assumption that a reasonable level of profit for developers is between 15-20% depending on the level of risk. The applicant has provided the flowing justification for seeking a return at the top end of what the NPPG considered reasonable;

- No ability to phase or stop/start – once started each flatted development has to be completed before occupation by the older person's community.
- Significant capital outlay: land purchase; planning permission; construction of the entire development before revenue receipt.
- Added to significant capital outlay is the period of time the capital is employed, i.e. longer cash-flow profile over the land purchase, planning permission, construction and sales period than general market housing.
- Premium sales values are expected above the general needs housing market thus adding risk because of the requirement to accommodate:
- Added levels of assistance for the older person and the disabled, i.e. hands rails, maximising level access (60% - 70% of occupants are aged 78 years or over).
- Added levels of building and site security, including intruder alarm systems and emergency assistance alarm/help-line available to each unit.
- Restricted Market – over 55's age as opposed to general needs market housing available to all-comers.
- No Help-to-Buy, i.e. No financial market support/intervention.
- Retirement Housing Sector Developers and their Shareholders & Lenders require adequate financial returns to carry the typical higher capital outlay and timing risks associated with specialist retirement housing.

It is considered following submission that the level of profit is reasonable and in line with government guidance.

Therefore to conclude the financial contribution has been agreed to be either £600,943 or £938,702 depending on the outcome of the Government proposals on ground rent and will be delivered through a s106 agreement. The contribution will be put towards the provision of affordable housing within the Knutsford Area. The contribution will be paid at the following trigger points;

1. £50,000 to be paid prior to the demolition of the existing building;
2. Half of the remaining balance to be paid prior to the proposed building's first occupation;
3. The remainder to be paid prior to the occupation of the 35th unit.

The proposal therefore complies with Policy SC5 of the CELPS.

HIGHWAY IMPLICATIONS

Safe and Suitable Access

The site benefits from existing pedestrian infrastructure provision and is a short walking distance to the local amenities and services in Knutsford Town Centre, to bus stops and the railway station.

The proposed access into the site utilises the existing access from Northwich Road which will remain almost identically to how it is at the moment. This is considered acceptable for the level of traffic generated which will be low and it has been demonstrated adequate visibility is achievable. A plan has been submitted that demonstrates large service vehicles such as a refuse vehicle can safely enter and exit the site in a forward gear.

The access and internal layout of the site will not give rise to any issues of highway safety and therefore are considered acceptable.

Car Parking Provision

The development proposes a total of 46 parking spaces on site.

Appendix C of the CELPS sets out the parking standards for new development. The requirement for this proposal is 0.5 spaces per unit, 1 space per 3 units for visitors and 1 space per 2 staff. As only 1 employee will be on site at any one time the total parking requirement is 40 spaces. The car park layout submitted with the application shows 46 spaces will be provided. This exceeds the level required and is considered to be an acceptable level of parking provision.

Highway Conclusion

A safe access is achievable and the impact on the local and wider highway network will be minimal. It is therefore considered that the highways impact of the development would be acceptable and comply with the NPPF and Policy DC6 of the Macclesfield Borough Local Plan.

IMPACT ON RESIDENTIAL 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. Local Plan policies DC3, DC38 and DC41 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property.

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. The policy includes provisions to increase these distances in circumstances when development exceeds two-stories in height.

The main impacts in respect of overlooking and overshadowing are in respect of the residential properties to the east on Warren Avenue. These properties are two-storeys in height whilst the proposed building is four-storeys in height. In this instance policy DC38

recommends a separation distance of 39 metres. It must also be noted that the existing properties on Warren Avenue are lower in ground than the application site and therefore allowance must also be made for this fact in assessing the relationship.

The elevation facing the properties on Warren Avenue contains a number of habitable room windows on all floors. At each end of the eastern elevation is a projecting gable and as the closest point to the existing houses. The distance between the existing and proposed properties is 48.4 metres, this is in excess of the 39 metres recommended and also makes an allowance for the change in levels. This relationship is considered acceptable given the distance allowed for and the impact in respect of overlooking and overshadowing.

In addition to the above the protected mature trees along the eastern boundary of the site form an effective screen between the existing and proposed properties and whilst the proposed building will remain visible the upper floors will be partially screened by the trees further reducing any impacts.

In terms of the impact on the Toll House a gap of 52 metres exists to the proposed building. At this point the building is three storeys rather than four and this relationship is considered acceptable.

The proposal is for a residential type use in close proximity to other residential properties. On that basis the proposal will not have any adverse impacts in respect of noise, dust, odour or any other environmental impact. Traffic generation is low as considered elsewhere in the report. Whilst some disruption may be apparent during the construction process this is for a limited time and a condition requiring a construction management statement will be included on the decision notice.

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

DESIGN AND LAYOUT

Policies SE1 and SD2 seek to ensure that new development respects the character of the area and is of an appropriate design. This is consistent with the provisions of the NPPF and is supported through the Cheshire East Design Guide.

Scale:

Although the proposed scale is four storeys in height, the green buffer surrounding the building will be such that this space will visually reduce the prominence of the building. The cross sections across the proposal to shows the building scale in context and in proportion with existing adjacent buildings. It shows the natural topography of the site amplifying the height to the East site of the plot, but again the space between the buildings and existing mature planting is enough to offset this.

Proportion:

The proposal uses traditional proportions in its representation of a Georgian style building and so is successful in its design & materials. The massing has been broken down with the use of different materials: traditional brick and stone and uses bays to break up the massing.

Connectivity:

The site is close to Northwich Road and is served by bus routes into Knutsford town centre. There is a cycle and scooter store within the building which provides and encourages additional sustainable travel modes.

Boundary treatment:

There are plans to introduce a 1.8m high fence in places along the boundary to the north, east and west. Along these boundaries existing hedgerows will be tidied and supplemented where required to ensure an attractive boundary feature is in place. The retention of existing landscape features such as the avenue of trees gives the site a mature setting which has steered the design towards a more traditional solution. The existing boundary trees also provide a visual buffer between the existing houses to the East.

Architectural Detailing:

Windows – a more traditional slim frame would be required to suit the styling of this building with recessed frames to add even more depth to the facades. The Juliette balcony details need to be adjusted to suit the architectural styling in this location – a wrought iron railing of a similar period to the building style may be more suitable. These matters will be dealt with through condition on the decision notice.

Landscape

The proposal will not have a significant landscape or visual impact as the site is a previously developed site and is well screened by the mature protected trees. A high level landscape plan has been submitted with the application and the principle of the landscape approach is acceptable. A condition will be included in the decision notice requiring a detailed landscape scheme to be agreed and implemented. A separate condition will be included for details of the memorial garden to ensure this is available at an early stage in the development.

Design Conclusion

Overall this is a well designed building which is well screened and will sit well in the existing surroundings. The memorial garden will be prominent to the street frontage and therefore will provide a more accessible space for the general public to visit. Conditions relating to landscaping, materials and window and balcony detailing will be included on the decision notice.

LOSS OF NON-DESIGNATED HERITAGE ASSET

The building is recognised as a building of local value and therefore as a non-designated heritage asset as defined in the NPPF. The significance of this building lies both in its role as a memorial and also that it was designed by the noteworthy Manchester Architect Sir Percy Worthington. His work on hospitals was recognised as pioneering. A number of listed buildings by Worthington are located in Knutsford and other areas of Cheshire East.

The building is located to the north of Northwich Road, set beyond a tree lined driveway, being the terminal feature, to a clearly laid out design. The TPO trees are noted as being protected and retained as part of the replacement development on the site.

The replicated design features for the replacement building, appear to be taken from the existing building on the site, appears as an indicator that the existing buildings architectural design is considered to be important, to a degree.

A spot listing application was made to Historic England, to add this building to the statutory list (i.e. the national list of listed buildings) but it was unsuccessful. This does not diminish its local heritage significance however. The designation report concludes “Although not of sufficient special interest in a national context to recommend for listing, this building might be considered to be of local historical interest as a First World War memorial, and of local architectural interest for its understated but attractive and little-altered exterior. In considering the listing Historic England concluded the following;

Based on the information provided and judged against the criteria and guidance, Knutsford War Memorial Cottage Hospital is not recommended for listing for the following principal reasons:

** Date: the early C20 is a period when a high degree of selectivity is required due to the large numbers of surviving buildings;*

** Comparative significance: the limited exterior detailing does not reach the same standard as listed cottage hospitals of a similar date.*

** Degree of survival: the interior retains few historic features, in particular relating to its function as a hospital;*

** Historical association: the involvement of Sir Percy Scott Worthington in the design is of some interest, but this commission is a late example in his career and involved collaboration with another architect. The design does not display the pioneering quality associated with some of Worthington’s hospital work.*

Given the heritage status (non-designated) of the building, it was considered that the demolition of the building without proper consideration of the planning merits would be prejudicial to the proper planning of the area or would constitute a threat to the amenities of the area. In response to this, Cheshire East Council served an Article 4 (1) Direction. This direction was confirmed on 28th February 2017, removing the permitted development rights granted by article 3 of the GPDO to demolish the building without a further grant of planning permission. In confirming the order, the justification was based on the significance of the building

Paragraph 197 of the NPPF requires a balanced consideration in relation to non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset. The NPPF goes on to state that great weight should be given to an asset’s conservation.

It is considered that the loss of the building causes a less than substantial level of harm. This conclusion has been reached taking into account of the comments of Historic England when considering the listing of the building and the building not being suitable for any viable uses going forward.

Para 198 of the NPPF states that LPAs should not allow the loss of an asset, without taking reasonable steps to ensure that the new development proceeds. In this instance the applicant has offered to pay part of the off-site affordable housing contribution before demolition of the

building can occur. This is considered reasonable in the circumstances and therefore the proposal complies with this aspect of the NPPF.

As the proposal results in the loss of a heritage asset a condition will be included on the decision notice requiring the developer to record and advance the understanding of the significance of the asset. This is fully in compliance with para 199 of the NPPF. This will include a measured survey of the building and a full photographic record of the building internally and externally.

IMPACT ON PROTECTED TREES

The trees within the site are protected by the Macclesfield Borough Council Knutsford-War Memorial Hospital Tree Preservation Order 1992. These include groups of Corsican Pine to the west and eastern boundaries and an avenue of pollarded Lime either side of the existing access.

The application is now supported by an Arboricultural Report (Ian Keen Limited) which includes a Tree Survey, Arboricultural Implications Assessment and Tree Protection Plan.

Direct loss of trees to Development

Two trees, a moderate (B) category Holly (T44) and High (A) category Silver Birch are proposed for removal to accommodate the design of the Memorial Garden adjacent to Northwich Road. Neither tree is protected by the Tree Preservation Order, and their removal does not impact significantly on the wider amenity of the area or in terms of the setting of the existing building.

Below Ground Constraints - Root Protection Areas (RPA)

The Addendum Report submitted following initial comments confirms that pruning will not be required to accommodate the proposed scaffolding during the construction of the building. . It should be noted however that at its closest point the building footprint is only 5.45 metres to Tree Protective fencing. Width of scaffold towers are about 2.5 metres wide which leaves less than 3 metres access for construction vehicles (adjacent to trees 66-68.) taking into account safety margins for vehicle movement.

The report states that the root protection area in BS5837 is theoretical and the 20% design recommendations stated at para 7.4.2.3 of BS5837 is not supported by evidence. It should be noted that the British Standard is currently the industry wide standard that provides recommendations and guidance for trees in relation to construction and it seems somewhat disingenuous to then disregard the recommendations. The Addendum Report provides photographs of other sites which have been supervised by the Consultant where the extent of no dig coverage far exceeds the 20% stated by BS5837:2012 where the trees have shown no ill effects.

As evidence, the photographs have no particular relevance to this site as the impact of proposed hard standing and encroachment within a tree's RPA depends upon a number of factors including species tolerance and the type of underlying soils. However having considered further the Arboricultural Report which gives an indication that the underlying soils are free draining and in this regard are more likely to provide a greater lateral diffusion

rate for water and air, it is accepted subject to detailed engineering solution this issue can be overcome,

Above Ground Constraints

The relationship between trees and the building and its amenity space would, be constrained; much more so, given that the age of people living in the building will likely be more sensitive to the size and proximity of the trees and the full implications of shade, branch shedding and general concerns about safety which will gradually manifest themselves over time. In these circumstances there is a strong likelihood that future occupiers would seek to reduce the tree cover as a consequence of the trees proximity to the building and the potential threat would present a persuasive case being made, despite the protection afforded by the TPO.

Proposed Drainage

This will be a relatively minor incursion and the impact on Tree T31 will be minimal.

Tree Conclusion

The development will not have a detrimental impact on the health of the protected trees and the tree removal from the site is minor and is restricted to trees that are not protected.

The issue of the shading caused by the protected trees on future residents is one that does cause an issue, however the trees are protected and any works to prune or other works to the trees will have to be approved by the Council before they can take place. Additionally the residents purchasing the properties within the development will do so in the full knowledge of the trees being along the boundary of the site and the protection afforded to them. Therefore only limited weight can be afforded to this dis-benefit of the proposal.

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

COMMENT ON OBJECTIONS

A number of the points of objection have been addressed in the main body of the report and the remaining points are addressed below.

Many issues have been raised over the ownership of the site and the site is not the Red Crosses to sell. The application form identifies the site owners being the British Red Cross

Society and no evidence has been submitted in the representations that demonstrate otherwise.

One issue raised in some representations was the potential presence of a restrictive covenant that restricts development on the site. A covenant is a restriction on what can be done with land or property. Planning permission can be granted for development that breaches the terms of a restrictive covenant but the granting of planning permission does not over-ride the covenant itself. A landowner or developer with a planning permission may still be unable to develop land because of a restrictive covenant. Whether a covenant is enforceable or not is not a matter for the Council to determine or become involved in.

A number of comments stated that the site should be in community use. The site is not in community use at the moment as it is used for first aid courses and as offices. A nomination of the site was made under the Community Right to Bid legislation, however this bid was unsuccessful. The main reasons being the public use of the site is limited and no clear evidence of wider community benefit of the asset has been shown. The proposals include provision of a memorial garden that will allow public access.

Many representations relate to the loss of the war memorials and the statue. Discussions have been taking place between the applicant and the town council over the future of these memorial features. A condition will be included on the decision notice requiring the agreement of the future plans for them before any work can take place on site. The applicant has agreed to this condition.

CONCLUSIONS AND PLANNING BALANCE

The proposal provides a number of benefits. It provides much needed residential accommodation for elderly persons on a site that is sustainably location close to the centre of Knutsford. This helps to provide a mix of housing in the area

The existing memorials within the building and the statue to the front of the building will be gifted by the applicant, most likely to the Town Council and this will be agreed through a condition before works on site can start. This is also considered a benefit of the scheme. For the first time the memorials and statue will be displayed in more publically accessible spaces.

The Council can demonstrate a 5 year supply of housing and the provision of an additional dwelling will assist in providing a continual supply. However as it only a single dwelling this benefit can only be given some weight.

A benefit of the scheme is the financial contribution for off-site affordable housing. Whilst this is a policy requirement and the full requirement is not met it has been demonstrated that the appropriate level of contribution has been secured. Whilst this cannot be given full weight as a benefit to the scheme it does weigh positive in the planning balance.

In respect of highway issues the impact of the development is neutral. This is because whilst no adverse impact has been identified there is neither any benefit. Whilst there will be some impact on the amenity of the nearby residential properties it is not considered the harm is at a level to withhold planning permission.

The loss of a non-designated heritage asset does weigh against the proposal and the harm is considered to be less than substantial and considering the benefits. The existing uses of the site are appreciated as are the fact the hospital was built in memorial to those lost in the Great War, however the building has been turned down for formal listing and a development that respects the previous uses of the site has been put forward.

The other dis-benefit is the shading issue caused by the protected trees on the proposed properties. The future works to the trees are within the control of the Council and therefore only limited weight can be afforded against this.

On balance it is considered the benefits of the application outlined above outweigh the less than harm caused by the loss of the heritage asset and the limited harm caused by the trees. Therefore the application should be approved subject to conditions and completion of a s106 agreement following confirmation from the Secretary of State that the Council can determine the application.

RECOMMENDATION

The National Planning Casework Unit is in receipt of a third party request to 'call-in' the application to the Secretary of State. Therefore the recommendation is made subject to referral to the NPCU to ensure the decision can be issued.

The application is recommended for approval subject to the completion of a s106 agreement for the financial contribution outlined above and 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) 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:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Tree protection
4. Tree pruning / felling specification
5. Service / drainage layout
6. Submission of samples of building materials

7. Submission of landscaping scheme
8. Landscaping (implementation)
9. Provision of car parking
10. NPPF
11. Contam Land
12. No dig specification
13. Submission of surface water drainage scheme
14. Construction Management Plan
15. Electric Vehicle Charging Points
16. imported soil testing and verification
17. Contam Land 3
18. Breeding Birds - timing of works
19. Breeding Bird boxes provision
20. minimum age: 60 years (with 55 for dependent)
21. Survey and photographic record of the building
22. Details of the memorial garden
23. Window and balcony detailing.
24. Before development commences future of statues and memorial to be agreed.



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Application No: 17/5071M

Location: LAND SOUTH OF 18 GASKELL AVENUE, KNUTSFORD, WA16 0DA

Proposal: Construction of one pair semi-detached dwellings

Applicant: Mr A Vale, Cranford Estates Ltd

Expiry Date: 13-Apr-2018

SUMMARY

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means “approving development proposals that accord with the development plan without delay”

The site is located in the Knutsford Town Centre Conservation Area and the proposals are considered to have a detrimental impact on the character and appearance of this conservation area by virtue of the scale and location of the dwelling.

The proposal involves access being taken directly in front of a separate dwelling and the proposal will therefore have a detrimental impact on the amenity of this property by way of the disturbance from vehicle movements and potential overlooking of the habitable room windows at ground floor.

The proposal is considered acceptable in terms of access and parking and raises no environmental issues that cannot be mitigated against through conditions.

SUMMARY RECOMMENDATION

Minded to Refuse

REASON FOR REPORT

The applicant has appealed against the non determination of the planning application. Therefore as part of the appeal process, the Local Planning Authority has to inform the inspector what their intended recommendation would have been and put forward a case to support this. The purpose of

the following report is therefore to consider what decision the Council would have been minded to recommend.

REFFERAL

The application has been referred to Northern Planning Committee following a call in request by Cllr Gardiner for the following reasons:

The application is considered to be inappropriate development as it constitutes back land development unacceptable, the harm caused to the properties adjacent to the proposed access by the additional traffic is unacceptable, the Garden space to be provided to the proposed properties and the proximity and overlooking caused to the existing properties on Stanley Road is contrary to Macclesfield Borough Council saved policy DC41. Furthermore, the proposed development fails to enhance or preserve the locally listed Heritage Asset or the Conservation Area contrary to Policy SE7 of the Local Plan and the proposed dwellings fail in every respect to reflect the character of the historic buildings around them.

PROPOSAL

The application is for the construction of one pair semi-detached dwellings to the rear of 18 Gaskell Avenue. The two properties each have four bedrooms.

SITE DESCRIPTION

The application site is located to the rear of 18 Gaskell Avenue and is located close to Knutsford Town Centre. The site is accessed through the property known as Hamlet House which is a large property that has been sub-divided into apartments and passes a detached property known as the Coach House. The site adjoins the rear of semi-detached residential properties on Stanley Road to the west and south and residential gardens to the north and east.

The site is currently covered in unmaintained trees and plants. Some of the trees around the boundaries of the site are large, mature trees.

RELEVANT HISTORY

56936P – 2 two-storey dwellings to rear of existing house. Refused 10 May 1989 and subsequently dismissed at appeal 25 June 1990.

A separate application for one property on the site is currently being considered alongside this application (18/3205M).

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy

The following are considered relevant material considerations as indications

MP1 – Presumption in Favour of Sustainable Development
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - 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 6 – Green Infrastructure
SE7 – The Historic Environment

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

BE2 - Historic Fabric
DC3 - Protection of the amenities of nearby residential properties
DC6 - Circulation and access
DC8 - Landscape scheme
DC9 - Tree protection
DC37 - Landscaping
DC38 - Guidelines for space, light and privacy for housing development
DC41 – Residential – Infill Housing Development
NE11 - Nature conservation

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

Other Material Considerations:

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

The Knutsford Neighbourhood Plan has reached Regulation 14 stage and the draft plan has been subject to a period of public consultation. The relevant policies are;

D1 – The Knutsford Design Guide
D2 – Local Distinctiveness
D3 – Landscape in New Development
D4 – Sustainable Residential Design
HE2 – Heritage Assets
HE3 – Conservation Areas
H1 – Housing Mix
H2 – Previously Developed and Infill Development
T1 – Walking in Knutsford
T2 – Cycling in Knutsford
T3 – Public Transport

T4 - Parking

CONSULTATIONS (External to Planning)

Environmental Health – Conditions have been requested relating to method statements relating to dust control and piling, details of electric vehicle charging points and site investigations.

United utilities – No objection. The surface water from the site shall be drained in accordance with the drainage hierarchy. This matter would be agreed through a condition.

Highway Engineer – No objection.

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council – *The Council OBJECTS to the application and considers back land development unacceptable, the harm caused to the properties adjacent to the proposed access by the additional traffic is unacceptable, the Garden space to be provided to the proposed properties and the proximity and overlooking caused to the existing properties on Stanley Road is contrary to Macclesfield Borough Council saved policy DC41. Furthermore, the proposed development fails to enhance or preserve the locally listed Heritage Asset or the Conservation Area contrary to Policy SE7 of the Local Plan and the proposed dwellings fail in every respect to reflect the character of the historic buildings around them.*

OTHER REPRESENTATIONS

Representations have been received from 23 properties in respect of the application and the points raised are summarised as follows;

In objection to the application;

- Loss of amenity caused by vehicles passing directly in front of habitable room windows.
- Inadequate access on to Gaskell Avenue.
- Access to the property is too narrow and was only designed to accommodate the present number of properties on the site.
- The proposal will have an adverse impact on the character of the Conservation Area because of the scale and mass of the proposed dwellings.
- No public benefit in approving the application.
- The proposal is contrary to the Cheshire East Design Guide.
- Lack of drainage details shown as part of the application.
- Impact on local ecology, bats and barn owls use the site.
- The trees screen the neighbouring properties from local road noise.
- The proposal results in the loss of mature trees.
- The site has been allowed to get into such a state and this should not be a reason to allow development.
- Development will result in a loss of sunlight and cause overshadowing.

- Impact on amenity caused by overlooking.
- The dwellings are out of keeping with those around them.
- Inappropriate access for delivery and refuse vehicles.
- Disruption caused during the construction process.

In support of the application;

- The site is a derelict eyesore that should be developed.
- The construction of a property on the site will enhance the area,

APPRAISAL

Key Issues

- Principle of development
- Impact on the character and appearance of the Conservation Area.
- Residential Amenity
- Impact on Local Highway Network / Access
- Trees
- Response to Representations

PRINCIPLE OF DEVELOPMENT

Knutsford is identified as one of the key service centres in Cheshire East where CELPS Policy PG 2 seeks to direct 'development of a scale, location and nature' to each town to maintain their vitality and viability.

The proposal is for a residential use site and the surrounding land uses are primarily residential properties. No policies in either the Macclesfield Local Plan or the CELPS seek to prohibit this proposed residential use taking place on the site.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined "in accordance with the plan unless material considerations indicate otherwise".

As per para 11 of the NPPF and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6). The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The Council can demonstrate a 5 year housing land supply but it is important to note that this site will deliver 2 properties within a key service centre. Proposals such as this that bring forward development of such sites make a contribution to maintaining a 5 year housing land supply and preventing inappropriate development elsewhere.

Therefore the principle of residential development on the site is accepted and the key material considerations are detailed below.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

This property lies within the Knutsford Town Centre Conservation Area, the main consideration is whether or not the development would preserve or enhance the character or appearance of the Conservation Area.

The conservation area at this point is characterised by Georgian and Victorian large detached houses, fronting onto Gaskell Avenue. Modern development does sit close by, but the large imposing buildings along Gaskell Avenue and Stanley Road dominate. Combined with their spacious plots, green infrastructure and traditional appearance, this contributes positively to the character of the conservation area, and forms part of its significance as a designated heritage asset at this point.

A detailed heritage assessment/significance summary has been provided, and aside from the impact of the proposed scheme on the Knutsford Conservation Area, the assessment and the chronology of the land and the relationship, past and present the application site has to Hamlet House, as required by para 189 of the NPPF is accepted.

Para 193 of the NPPF, states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 says any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The proposal is for the construction of one of pair semi-detached dwellings in the rear garden of 18 Gaskell Avenue. This area of land has been in use as an orchard for some time and has the character of a large house and garden together with its orchard, typical of property in that area. Although the proposed property may well be somewhat hidden from public view the new roof line will be visible given it is proposed to be 8.6 metres in height: It is considered that by developing the rear garden that it would be harmful to the conservation area, as the character of the area is houses with large gardens, this proposed development would harm that character, seen or not from public view points.

When viewed in the context of the traditional form and layout of houses in the area the size, scale and siting of the scheme would lead to an incongruous form of development in this location. Whilst curtilage buildings may have been a feature of large Georgian and Victorian properties, the proposal would be significantly larger than a traditional, ancillary outbuilding such as a coach house or stable block. These have been present in this area as evidenced by historic mapping records.

However the proposed properties are considerably larger than what would be expected from an ancillary outbuildings and appears very much as back land development. This will erode the existing green infrastructure afforded to the conservation area by the land to the rear of

Gaskell Avenue, and being at odds with the established character of the conservation area. It will also result in a much higher density of development on this part of the site.

Historically an appeal decision under application 56936P, identifies the gardens to the rear of Gaskell Avenue as very large gardens “which act as a foil to the buildings around”, the erosion of the land which makes a positive contribution to the conservation area, together with the scale and design of the proposed house would fail to preserve or enhance the character or appearance of the Knutsford Town Centre Conservation Area.

The heritage statement suggests; *“The site lies on the edge of the conservation area and owing to its negligible visual contribution and historic and evidential values makes a neutral contribution to the character, appearance and significance of the conservation area. In relative terms, the significance of the application site within the context of the conservation area as a whole is therefore considered to be low”*. This statement under values the contribution made by the open land to the backs of the houses and the erosion of the land for development, and the impact the proposed development will have to the entire row, if the remaining land is then subsequently developed. It is also totally irrelevant that the site is on the edge of the conservation area. Neither the NPPF nor any local policies differentiate between sites in the middle or on the edge of conservation areas.

The Knutsford Town Centre Conservation Area Appraisal identifies Gaskell Avenue as being an area of particular character and states the following;

Along Gaskell Avenue are a number of 18th and 19th century houses, mostly listed grade II, overlooking the Heath.

Hamlet House, a locally listed building, and the neighbouring listed buildings would continue to be appreciated in the context of a large, mature landscaped garden tantamount with their significance, but when viewed in the context of the traditional form and layout of houses in the area, the size, scale and siting of the scheme would lead to an incongruous form of development in this location.

It is considered the proposal will lead to a substantial level of harm to the character and appearance of the conservation area. The harm identified through the proposed design and scale, together with the loss of open, green land should therefore be weighted accordingly as required in Para 195. This states that such proposals should be refused unless it can be demonstrated the level of harm is necessary to achieve substantial public benefits.

No public benefits of the development have been put forward by the applicant that outweighs the harm caused by the proposal. Therefore the proposal is contrary to Part 16 of the NPPF, Policy SE7 of the CELPS, Policy BE2 of the Macclesfield Local Plan and Policies HE2, HE3 and H2 of the Draft Knutsford Neighbourhood Plan.

IMPACT ON RESIDENTIAL AMENITY

Local Plan policies DC3, DC38 and DC41 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst

other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

New residential developments proposing two storey properties should generally achieve a distance of between 21m and 25m between principal windows and 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.

The proposal meets the required separation distances with all properties that surround the site and therefore the proposal is acceptable in respect of overlook, overshadowing and it will not have an overbearing impact on adjacent properties.

Policy DC41 sets out a number of criteria that new housing development must meet and of particular relevance to the proposal in respect of its amenity impacts are as follows;

5 THE PROPOSAL SHOULD NOT RESULT IN EXCESSIVE AMOUNTS OF NEW TRAFFIC INTO A QUIET AREA OR ON UNSUITABLE ROADS. WITHIN THE SITE THE LOCATION AND AMOUNT OF VEHICLE SPACE SHOULD NOT LEAD TO ANNOYANCE OR INTRUSION TO NEIGHBOURING PROPERTIES

6 THE PROPOSAL SHOULD NORMALLY ENJOY OPEN OUTLOOK ONTO HIGHWAY OR OPEN SPACE FROM ONE ELEVATION. TANDEM AND BACK LAND DEVELOPMENT WILL NOT NORMALLY BE PERMITTED WHERE THIS WOULD RESULT IN SUBSTANDARD OUTLOOK, OVERLOOKING AND DISTURBANCE BY THROUGH TRAFFIC

The vehicular access into the site passes directly in front of habitable room windows in the property known as the Coach House. This property is to the rear of the main building on site and does not currently suffer from any through traffic past it. The proposal for two large dwellings on a backland site will result in a number of vehicles passing directly in front of habitable room windows of The Coach House. No way exists to mitigate against this impact and whilst the level of harm may not be significant it needs to be weighed in the balance with the other issues considered in this report.

A level of disturbance not currently experienced by the occupiers of The Coach House such as noise from traffic and the potential for people to look into the property will therefore be created. The proposal is contrary to Policies DC3 and DC41 of the Macclesfield Local Plan.

IMPACT ON LOCAL HIGHWAY NETWORK / ACCESS

The Strategic Infrastructure Manager has made no objections to the proposal. It is considered the use of the access for two additional properties is acceptable as it will not materially alter the function of the access point on to Gaskell Avenue.

Sufficient space exists within the site to allow the required 2 parking spaces per dwelling and allow vehicles to leave and enter the site in forward gear. Reverse vehicles would not be able

to access the site and any future residents would have to ensure that bins are taken to the roadside on Gaskell Avenue.

TREES

Trees within the site are afforded pre-emptive protection by virtue of their location within the Knutsford Town Centre Conservation Area . A group of protected trees, Group G2 of the Macclesfield Borough Council (Knutsford-Sandilands, Gaskell Avenue., Revised) Tree Preservation Order 1989 stands to the north west of the application site adjacent to Gaskell Avenue where it is assumed access will be gained to the site utilising the existing access arrangements alongside Hamlet House.

The application is supported by an Arboricultural statement and a Tree Constraints Plan which has identified that the majority of the trees within the site are Low (C) category individuals and groups as defined by BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. In this regard, the Arboriculturist's assessment is accepted.

The Category B moderate value trees T14 and G15 along with a number of the identified Category C low value trees have also been retained; their social proximity to the proposed development footprint will necessitate regular on going maintenance and management to preserve a reasonable tree property relationship and adequate external utilisable space.

The access driveway which internal to the site serves Plot 2 extends within the RPA of the group of tree G15 and T14, the identified incursions are not considered significant with the construction of both areas requiring Arboricultural supervision and special construction method implementation; this has been acknowledged as part of the submitted TPP, and can be addressed by condition should the application be approved. Service drainage details have not been provided, it is assumed they can follow the line of the proposed access road outside the identified RPA's; this can be addressed by condition

Subject to conditions relating to tree protection, tree pruning and details of a no-dig surface construction the proposal is considered acceptable in respect of its impact on trees.

COMMENT ON OBJECTIONS

Many points made in objection have been addressed in the main body of the report. A number of residents raised issue with the disturbance caused as part of the construction works. This is inevitable with the nature of the site but would only be for a temporary period and if the application is approved a condition requiring a construction management plan would be included on the decision notice.

CONCLUSIONS

The proposal is considered to have a detrimental impact on the character and appearance of the conservation area. Whilst this harm has been less than significant and in line with

paragraph 195 of the NPPF this harm should be weighed against the public benefits of the proposal.

No significant benefits have been identified in support of the application.

The Council can demonstrate a 5 year supply of housing and the provision of 2 additional dwellings will assist in providing a continual supply. However as it 2 dwellings this benefit can only be given limited weight.

In respect of highway and tree issues the impact of the development is neutral. This is because whilst no adverse impact has been identified there is neither any benefit.

The impact on the amenity of the occupiers of The Coach House clearly weighs against the proposal with the impact being considered as being less than substantial.

It is not considered that the limited benefit of the provision of 2 dwellings to the continuing 5 year supply of housing outweighs the harm the character of the conservation area and the impact on the development on the amenity of the neighbouring property. The application is recommended it be resolved to refuse for the reasons below and allow the appeal case to be put forward on the basis of this report.

RECOMMENDATION

The application is recommended to be minded to refuse for the following reasons;

- 1. The proposal will have a substantial detrimental impact on the character and appearance of the Conservation Area by way of the scale and location of the development and the loss of green open space between dwellings. No public benefits of the development have been put forward by the applicant to outweigh the harm caused by the proposal. Therefore the proposal is contrary to Part 16 of the NPPF, Policy SE7 of the CELPS, Policy BE2 of the Macclesfield Local Plan and Policies HE2, HE3 and H2 of the Draft Knutsford Neighbourhood Plan.**
- 2. The proposal will result in vehicles passing directly alongside the The Coach House and this will have a detrimental impact on the amenity of this property by way of disturbance and potential overlooking caused by inappropriate vehicle movements. The proposal is therefore contrary to Policies DC3 and DC41 of the Macclesfield Borough Local Plan.**

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



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Application No: 18/3205M

Location: Land To The South Of, GASKELL AVENUE, KNUTSFORD

Proposal: Construction of a single dwelling (Victorian Garden Walled Dwelling)

Applicant: Mr A Vale, Cranford Estates Ltd

Expiry Date: 12-Oct-2018

SUMMARY

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means “approving development proposals that accord with the development plan without delay”

The site is located in the Knutsford Town Centre Conservation Area and the proposals are considered to have a detrimental impact on the character and appearance of this conservation area by virtue of the scale and location of the dwelling.

The proposal involves access being taken directly in front of a separate dwelling and the proposal will therefore have a detrimental impact on the amenity of this property by way of the disturbance from vehicle movements and potential overlooking of the habitable room windows at ground floor.

The proposal is considered acceptable in terms of access and parking and raises no environmental issues that cannot be mitigated against through conditions.

SUMMARY RECOMMENDATION

REFUSE

REASON FOR REPORT

The application has been referred to Northern Planning Committee because of the other application on the site (17/5071M) requires a committee resolution for a decision as the application is subject to an appeal against non-determination.

PROPOSAL

The application is for the erection of a single dwelling to the rear of 18 Gaskell Avenue. The property is proposed to have 4 bedrooms.

SITE DESCRIPTION

The application site is located to the rear of 18 Gaskell Avenue and is located close to Knutsford Town Centre. The site is accessed through the property known as Hamlet House which is a large property that has been sub-divided into apartments and passes a detached property known as the Coach House. The site adjoins the rear of semi-detached residential properties on Stanley Road to the west and south and residential gardens to the north and east.

The site is currently covered in unmaintained trees and plants. Some of the trees around the boundaries of the site are large, mature trees.

RELEVANT HISTORY

56936P – 2 two-storey dwellings to rear of existing house. Refused 10 May 1989 and subsequently dismissed at appeal 25 June 1990.

A separate application for two properties on the site is subject to appeal against non-determination (17/5071M).

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy

The following are considered relevant material considerations as indications

- MP1 – Presumption in Favour of Sustainable Development
- PG2 – Settlement Hierarchy
- PG7 – Spatial Distribution of Development
- SD1 - Sustainable Development in Cheshire East
- SD2 - 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 6 – Green Infrastructure
SE7 – The Historic Environment

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

BE2 - Historic Fabric
DC3 - Protection of the amenities of nearby residential properties
DC6 - Circulation and access
DC8 - Landscape scheme
DC9 - Tree protection
DC37 - Landscaping
DC38 - Guidelines for space, light and privacy for housing development
DC41 – Residential – Infill Housing Development
NE11 - Nature conservation

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

Other Material Considerations:

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

The Knutsford Neighbourhood Plan has reached Regulation 14 stage and the draft plan has been subject to a period of public consultation. The relevant policies are;

D1 – The Knutsford Design Guide
D2 – Local Distinctiveness
D3 – Landscape in New Development
D4 – Sustainable Residential Design
HE2 – Heritage Assets
HE3 – Conservation Areas
H1 – Housing Mix
H2 – Previously Developed and Infill Development
T1 – Walking in Knutsford
T2 – Cycling in Knutsford
T3 – Public Transport
T4 - Parking

CONSULTATIONS (External to Planning)

Environmental Health – Conditions have been requested relating to method statements relating to details of electric vehicle charging points and site investigations.

Highway Engineer – No objection. The use of the access by one additional dwelling is acceptable and there is sufficient space within the site for off-street parking provision.

Nature Conservation – No objection. Conditions have been requested relating to timing of works in respect of the bird nesting season and the provision of features in the development for breeding bats and birds.

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council – *The Council **OBJECTS** to the proposal for which neither blends nor compliments the area of grounds of the locally listed heritage asset. The proposal must pay due regard to the heritage asset, having some relationship in terms of material and architectural merit. The proposed development fails to enhance or preserve the locally listed Heritage Asset or the Conservation Area, contrary to Policies SE7.5 of the Local Plan Strategy and section 8.2 in the Knutsford Conservation area appraisal*

OTHER REPRESENTATIONS

Representations have been received from 18 properties in respect of the application and the points raised are summarised as follows;

In objection to the application;

- Loss of amenity caused by vehicles passing directly in front of habitable room windows.
- Inadequate access on to Gaskell Avenue.
- Access to the property is too narrow and was only designed to accommodate the present number of properties on the site.
- The proposal will have an adverse impact on the character of the Conservation Area because of the scale and mass of the proposed dwellings.
- No public benefit in approving the application.
- The proposal is contrary to the Cheshire East Design Guide.
- Lack of drainage details shown as part of the application.
- Impact on local ecology, bats and barn owls use the site.
- The trees screen the neighbouring properties from local road noise.
- The proposal results in the loss of mature trees.
- The site has been allowed to get into such a state and this should not be a reason to allow development.
- Development will result in a loss of sunlight and cause overshadowing.
- Impact on amenity caused by overlooking.
- The dwellings are out of keeping with those around them.
- Inappropriate access for delivery and refuse vehicles.
- Disruption caused during the construction process.
- The proposal is contrary to the Knutsford Neighbourhood Plan

APPRAISAL

Key Issues

- Principle of development
- Impact on the character and appearance of the Conservation Area.
- Residential Amenity
- Impact on Local Highway Network / Access
- Trees
- Response to Representations

PRINCIPLE OF DEVELOPMENT

Knutsford is identified as one of the key service centres in Cheshire East where CELPS Policy PG 2 seeks to direct 'development of a scale, location and nature' to each town to maintain their vitality and viability.

The proposal is for a residential use site and the surrounding land uses are primarily residential properties. No policies in either the Macclesfield Local Plan or the CELPS seek to prohibit this proposed residential use taking place on the site.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined "in accordance with the plan unless material considerations indicate otherwise".

As per para 11 of the NPPF and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6). The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The Council can now demonstrate a 5 year housing land supply but it is important to note that this site will deliver 1 new property within a key service centre. Proposals such as this that bring forward development of such sites make a contribution to maintaining a 5 year housing land supply and preventing inappropriate development elsewhere.

Therefore the principle of residential development on the site is accepted and the key material considerations are detailed below.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

This property lies within the Knutsford Town Centre Conservation Area, the main consideration is whether or not the proposed development would preserve or enhance the character or appearance of the Conservation Area.

The conservation area at this point is characterised by Georgian and Victorian large detached houses, fronting onto Gaskell Avenue. Modern development does sit close by, but the large imposing buildings along Gaskell Avenue and Stanley Road dominate. Combined with their spacious plots, green infrastructure and traditional appearance, contributes positively to the

character of the conservation area, and forms part of its significance as a designated heritage asset at this point.

A detailed heritage assessment/significance summary has been provided, and aside from the impact of the proposed scheme on the Knutsford Conservation Area, the assessment and the chronology of the land and the relationship, past and present the application site has to Hamlet House, as required by para 189 of the NPPF is accepted.

Para 193 of the NPPF, states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 says any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The proposal is for the construction of a single dwelling in the rear garden of 18 Gaskell Avenue. This area of land has been in use as an orchard for some time and has the character of a large house and garden together with its orchard, typical of property in that area. Although the proposed property may well be somewhat hidden from public view the new roof line will be visible given it is proposed to be 7.2 metres in height: It is considered that by developing the rear garden that it would be harmful to the conservation area, as the character of the area is houses with large gardens, this proposed development would harm that character, seen or not from public view points.

When viewed in the context of the traditional form and layout of houses in the area the size, scale and siting of the scheme would lead to an incongruous form of development in this location. Whilst curtilage buildings may have been a feature of large Georgian and Victorian properties, the proposal would be significantly larger than a traditional, ancillary outbuilding such as a coach house or stable block. These have been present in this area as evidenced by historic mapping records.

However the proposed property is considerably larger than what would be expected from an ancillary outbuilding and appears very much as back land development. This will erode the existing green infrastructure afforded to the conservation area by the land to the rear of Gaskell Avenue, and being at odds with the established character of the conservation area. It will also result in a higher density of development on this part of the site.

Historically an appeal decision under application 56936P, identifies the gardens to the rear of Gaskell Avenue as very large gardens "which act as a foil to the buildings around". The erosion of the land which makes a positive contribution to the conservation area, together with the scale and design of the proposed house would fail to preserve or enhance the character or appearance of the Knutsford Town Centre Conservation Area.

The heritage statement suggests; *"The site lies on the edge of the conservation area and owing to its negligible visual contribution and historic and evidential values makes a neutral contribution to the character, appearance and significance of the conservation area. In relative terms, the significance of the application site within the context of the conservation area as a whole is therefore considered to be low"*. This statement under values the

contribution made by the open land to the backs of the houses and the erosion of the land for development, and the impact the proposed development will have to the entire row, if the remaining land is then subsequently developed. It is also totally irrelevant that the site is on the edge of the conservation area. Neither the NPPF nor any local policies differentiate between sites in the middle or on the edge of conservation areas.

The Knutsford Town Centre Conservation Area Appraisal identifies Gaskell Avenue as being an area of particular character and states the following;

Along Gaskell Avenue are a number of 18th and 19th century houses, mostly listed grade II, overlooking the Heath.

Hamlet House, a locally listed building, and the neighbouring listed buildings would continue to be appreciated in the context of a large, mature landscaped garden tantamount with their significance, but when viewed in the context of the traditional form and layout of houses in the area, the size, scale and siting of the scheme would lead to an incongruous form of development in this location. The design of the proposed dwelling is clearly of high quality and consideration has gone into creating a quality scheme, and the sedum roof, which would appear to be a response to the mature gardens and green infrastructure which is currently afforded too/contributes to the conservation area at this point. The design is positive, however, it is felt not in this sensitive location.

It is considered the proposal will lead to a less than substantial level of harm to the character and appearance of the conservation area. The harm identified through the proposed design and scale, together with the loss of open, green land should therefore be weighted accordingly as required in Para 196. This states that such proposals should be refused unless it can be demonstrated the level of harm is necessary to achieve some public benefits.

No public benefits of the development have been put forward by the applicant to outweigh the harm caused by the proposal. Therefore the proposal is contrary to Part 16 of the NPPF, Policy SE7 of the CELPS, Policy BE2 of the Macclesfield Local Plan and Policies HE2, HE3 and H2 of the Draft Knutsford Neighbourhood Plan.

IMPACT ON RESIDENTIAL AMENITY

Local Plan policies DC3, DC38 and DC41 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

New residential developments proposing two storey properties should generally achieve a distance of between 21m and 25m between principal windows and 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.

The proposal meets the required separation distances with all properties that surround the site and therefore the proposal is acceptable in respect of overlook, overshadowing and it will not have an overbearing impact on adjacent properties.

Policy DC41 sets out a number of criteria that new housing development must meet and of particular relevance to the proposal in respect of its amenity impacts are as follows;

5. THE PROPOSAL SHOULD NOT RESULT IN EXCESSIVE AMOUNTS OF NEW TRAFFIC INTO A QUIET AREA OR ON UNSUITABLE ROADS. WITHIN THE SITE THE LOCATION AND AMOUNT OF VEHICLE SPACE SHOULD NOT LEAD TO ANNOYANCE OR INTRUSION TO NEIGHBOURING PROPERTIES

6. THE PROPOSAL SHOULD NORMALLY ENJOY OPEN OUTLOOK ONTO HIGHWAY OR OPEN SPACE FROM ONE ELEVATION. TANDEM AND BACK LAND DEVELOPMENT WILL NOT NORMALLY BE PERMITTED WHERE THIS WOULD RESULT IN SUBSTANDARD OUTLOOK, OVERLOOKING AND DISTURBANCE BY THROUGH TRAFFIC

The vehicular access into the site passes directly in front of habitable room windows in the property known as the Coach House. This property is to the rear of the main building on site and does not currently suffer from any through traffic past it. The proposal for a large dwelling on a backland site will result in a number of vehicles passing directly in front of habitable room windows of The Coach House. No way exists to mitigate against this impact and whilst the level of harm may not be significant it needs to be weighed in the balance with the other issues considered in this report.

A level of disturbance not currently experienced by the occupiers of The Coach House such as noise from traffic and the potential for people to look into the property will therefore be created. The proposal is contrary to Policies DC3 and DC41 of the Macclesfield Local Plan.

IMPACT ON LOCAL HIGHWAY NETWORK / ACCESS

The Strategic Infrastructure Manager has made no objections to the proposal. It is considered the use of the access for one additional property is acceptable as it will not materially alter the function of the access point on to Gaskell Avenue.

Sufficient space exists within the site to allow the required 2 parking spaces and allow vehicles to leave and enter the site in forward gear. Refuse vehicles would not be able to access the site and any future residents would have to ensure that bins are taken to the roadside on Gaskell Avenue.

TREES

Trees within the site are afforded preemptive protection by virtue of their location within the Knutsford Town Centre Conservation Area . A group of protected trees, Group G2 of the Macclesfield Borough Council (Knutsford-Sandilands, Gaskell Avenue., Revised) Tree Preservation Order 1989 stands to the north west of the application site adjacent to Gaskell Avenue where it is assumed access will be gained to the site utilising the existing access arrangements alongside Hamlet House.

The application is supported by an Arboricultural statement and a Tree Constraints Plan which has identified that the majority of the trees within the site are Low (C) category individuals and groups as defined by BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. In this regard, the Arboriculturist's assessment is accepted.

The Category B moderate value trees T14 and G15 along with a number of the identified Category C low value trees have also been retained; their social proximity to the proposed development footprint will necessitate regular on going maintenance and management to preserve a reasonable tree property relationship and adequate external utilisable space.

The relationship between the development and trees G15 and T14 is considered an improvement to the proposals for application 17/5071M. The Tree protection details are considered acceptable including the revisions for the ground protection. Service drainage details have not been provided, it is assumed they can follow the line of the proposed access road outside the identified RPA's; this can be addressed by condition

Subject to conditions relating to tree protection and tree pruning the proposal is considered acceptable in respect of its impact on trees.

COMMENT ON OBJECTIONS

Many points made in objection have been addressed in the main body of the report. A number of residents raised issue with the disturbance caused as part of the construction works. This is inevitable with the nature of the site but would only be for a temporary period and if the application is approved a condition requiring a construction management plan would be included on the decision notice.

CONCLUSIONS AND PLANNING BALANCE

The proposal is considered to have a detrimental impact on the character and appearance of the conservation area. Whilst this harm has been less than significant and in line with paragraph 196 of the NPPF this harm should be weighed against the public benefits of the proposal.

No significant benefits have been identified in support of the application.

The Council can demonstrate a 5 year supply of housing and the provision of an additional dwelling will assist in providing a continual supply. However as it only a single dwelling this benefit can only be given limited weight.

In respect of highway and tree issues the impact of the development is neutral. This is because whilst no adverse impact has been identified there is neither any benefit.

The impact on the amenity of the occupiers of The Coach House clearly weighs against the proposal with the impact being considered as being less than substantial.

It is not considered that the limited benefit of the provision of a dwelling to the continuing 5 year supply of housing outweighs the harm the character of the conservation area and the impact on the development on the amenity of the neighbouring property. The application is recommended to be refused for the reasons below.

RECOMMENDATION

The application is recommended to be minded to refuse for the following reasons;

- 1. The proposal will have a substantial detrimental impact on the character and appearance of the Conservation Area by way of the scale and location of the development and the loss of green open space between dwellings. No public benefits of the development have been put forward by the applicant to outweigh the harm caused by the proposal. Therefore the proposal is contrary to Part 16 of the NPPF, Policy SE7 of the CELPS, Policy BE2 of the Macclesfield Local Plan and Policies HE2, HE3 and H2 of the Draft Knutsford Neighbourhood Plan.**
- 2. The proposal will result in vehicles passing directly alongside The Coach House and this will have a detrimental impact on the amenity of this property by way of disturbance and potential overlooking caused by inappropriate vehicle movements. The proposal is therefore contrary to Policies DC3 and DC41 of the Macclesfield Borough Local Plan.**

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



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Application No: 18/2244M

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

Proposal: Reserved matters following outline approval of landscape layout, details are also provided on materials, ground levels, floor slabs, electric vehicle charging points and arboricultural information.

Applicant: Mr Chris Bowman, Ingersley Crescent Ltd

Expiry Date: 12-Oct-2018

SUMMARY

The residential use of the site has been established through the approval of the outline application (15/2354M and subsequently amended through 17/1531M) 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 not considered to have an unacceptable impact on the character and appearance of the local area and of the adjacent Conservation Area. The material used for all elevations is Kerridge Stone with other details being resolved through the conditions to be attached to the decision notice.

The proposal is fully consistent with that of the Planning Inspector in allowing the previous reserved matters application on the site.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The application was advertised as being a committee item and given the history of the site it was considered appropriate the application be determined by Northern Planning Committee.

PROPOSAL

The application is for the approval of the reserved matters following outline approval 15/2354M 11no. 2.5 storey townhouses and 1no. 2 storey detached house and as subsequently varied by application 17/1531M.

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 is 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.

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.

17/3500M - Reserved matters application following outline approval 15/2354M - Details of appearance of the proposed 11 2.5-storey townhouses and 1 two-storey detached house. Details of landscape layout and materials. Allowed on Appeal 13 July 2018.

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy

The following are considered relevant material considerations as indications

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)
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Highway Engineer – No objection.

Public Rights of Way Officer – Comments made about obstructions on the public right of way but as this is outside of the red line of the application no conditions can be imposed on this issue. The applicant has been made aware of the comments and any issues caused can be resolved using separate legislation.

Environmental Protection – The submitted information in respect of electric vehicle charging points is considered acceptable. A condition will be included on the decision notice requiring the development to be carried out in accordance with these details.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council

*The Town Council was concerned regarding the absence of a site contamination survey and management plan. Also, the plan showing the site lines from plots 11 and 12 to 3 Rainow Mill Cottage did not take into account first floor windows. Although previous correspondence had mentioned a frosted glass first floor window in Plot 12, which was not a sustainable enforceable solution, no mention was made of Plot 11 in this regard. There were also discrepancies in terms of the relative heights of plot 12 and Rainow Mill Cottages. Again, these discharges raised more questions and continued to confuse. The Town Council **RESOLVED** to recommended refusal.*

OTHER REPRESENTATIONS

A total of 18 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 combined with the lack of pedestrian access.
- Disruption caused through the construction process.

- The properties are too large for 3 bedroom properties.
- Impact on local ecology.
- Lack of green space in front of the dwellings
- Not enough of the stone wall is being retained.
- Window detailing is inappropriate in this location.
- Inappropriate materials are proposed for the dwellings and not all materials are shown on the sample provided on site.

APPRAISAL

Background

A reserved matters approval is already in place for the site after being allowed on appeal. This approval (17/3500M) related to the original outline approval on the site approved as part of application 15/2354M.

An application (17/1531M) was allowed on appeal that resulted in an increase in footprint of the previously approved permission and this current application seeks the approval of the reserved matters of the amended outline approval.

The difference between the two applications are that the current application has a slightly larger footprint and plots 1-11 being a single block of housing rather than two separate blocks. The height of the buildings is consistent with that approved as part of the outline and reserved matters applications.

Principle of Development

The residential use of the site has been established through the approval of the outline application (15/2354M and varied by 17/1531M) 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.

An issue has been raised from a resident concerning the appeal decision for the outline application allowed on appeal (17/1531M) and that the plan approving the height of the dwellings was not listed. This was a mistake at the time by the Planning Inspector who should have included the plan from the original outline permission as this application did not seek to alter the scale of the development in respect of the heights of the dwellings.

The alternative reserved matters approval was allowed on appeal and is consistent in terms of height with this current application and the previous outline permission. This is an extant planning permission capable of implementation once pre-conditions have been discharged and therefore it is considered that the scale has been established despite not being listed in the inspector's decision.

Appearance of the Dwellings

Policies SE1 and SD2 seek to ensure that new development respects the character of the area and is of an appropriate design. This is consistent with the provisions of the NPPF and is supported through the Cheshire East Design Guide.

The appearance of the properties is consistent with that allowed on appeal as part of application 17/3500M and the appearance of the properties is considered acceptable. The external elevations of the dwellings will be faced in Kerridge stone, this will be on all external elevations. The roof slate proposed is Kentdale Blue-Grey. These materials are considered appropriate for this site and a condition will be included in the decision notice ensuring these materials will be used.

Conditions relating to rainwater goods, windows and doors, garage doors and rooflights will be included on the decision notice further controlling aspects of the appearance of the dwellings.

Consequently the proposal would comply with Policies SE1 and SD2 of the Cheshire east local plan, which seek to ensure new developments respect the character of the local area in so far as it requires high quality design. It is also considered that the proposal complies with the National Planning Policy Framework in terms of the setting of the Bollington conservation area which abuts the site,

The proposal is in line with NPPF paragraph 184 which states heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The current proposal would not cause any harm to the significance of Bollington conservation area, by virtue of being in its setting, and meets the objectives set out in the Cheshire East Local Plan, SE7

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.

The window arrangement is the same as that allowed on appeal as part of application 17/3500M with exception of the window in the north eastern elevation of plot 12 which has now been removed and replaced by a rooflight on the side elevation. This raises no issues in respect of overlooking. The Inspector considered both the impact on the windows at 3 Rainow Mill Cottages and the impact on the garden of the property. The Inspector concluded;

I conclude that the proposed development would not have a harmful effect on the living conditions of the occupiers of 3 Rainow Mill Cottages, with particular regard to privacy. It would comply with the development plan and in particular there would be no conflict with

Policies DC3 or DC38 of the MBLP which seek to ensure, amongst other things, that development should not injure the amenities of adjoining or nearby residential property due to loss of privacy.

Conditions 5, 6 and 12 of the inspector's decision outlined measures to ensure the continued protection of the amenity of 3 Rainow Mill Cottages. Condition 5 is no longer required as the window in question has been removed. Condition 6 restricts the possibility of additional windows being installed on the side and rear elevations of plots 11 and 12. This condition will be replicated on the decision notice. Condition 12 relates to the retention of a boundary screen along the boundary of plot 12 and this condition will be replicated on the decision notice.

The proposal therefore complies with the requirements of Policies DC3 and DC38 and is fully consistent with the conclusions of the Planning Inspector.

Accordance with Condition 17 of the Outline approval

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 submissions to the previous reserved matters application the applicant 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.

Trees / Landscaping

The Tree Protection Plan (Dwg No BGIV/MS/01 Rev C) identifies the removal of three Cypress from within G1 and a linear section of trees (Cypress Goat Willow Ash) interspaced with Laurel which partially extend along the north western boundary of the site identified as G3, retaining the southern most section of the group.

The recent inspectors decision accepted the loss of the three Cypress associated with G1 identifying them as not making a valuable contribution to the character of the area, nor do they perform a significant screening function Removal will also benefit the adjacent protected mature Oak T1. The trees identified for removal as part of G3 are considered to be low value specimens (Cat C) who do not contribute significantly to the immediate area or the wider landscape including the sites location on the edge of the Conservation Area. The condition of the mature Ash (T2) has deteriorated further over the preceding years since the trees initial inspection, justifying the decision not to protect it as part of the 2017 Tree Preservation Order.

A limited amount of crown lifting is proposed in respect of both T1 and T2 raising their respective crowns to 3 metres; this is considered to be minor works which can be expedited by the removal and shortening of secondary and sub-lateral branches. Additional consent under the TPO legislation is not required should the detail be approved as part of this application.

Tree protection details have been provided, this accord with the requirements of current best practice BS5837:2012, and are considered acceptable.

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 (AMS) is indicative only (gravel with cell stabilization system); site specific details including a sectional drawing can be obtained by condition; the inspector also refers to this condition in the most recent decision. The affected trees are not considered worthy of formal protection under a Tree Preservation Order.

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.

The extent of the stone walls retained along the eastern boundary of the site has been accepted by the Inspector and this application is consistent with that approach. The wider landscape proposals for the site are considered acceptable.

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.

An issue was raised over the suitability of the garages as parking provision. 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.

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 dwelling 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. The proposal is consistent with the comments made in the appeal decision for 17/3500M and the impact of the development is no worse than that approved by Inspector at appeal.

RECOMMENDATION

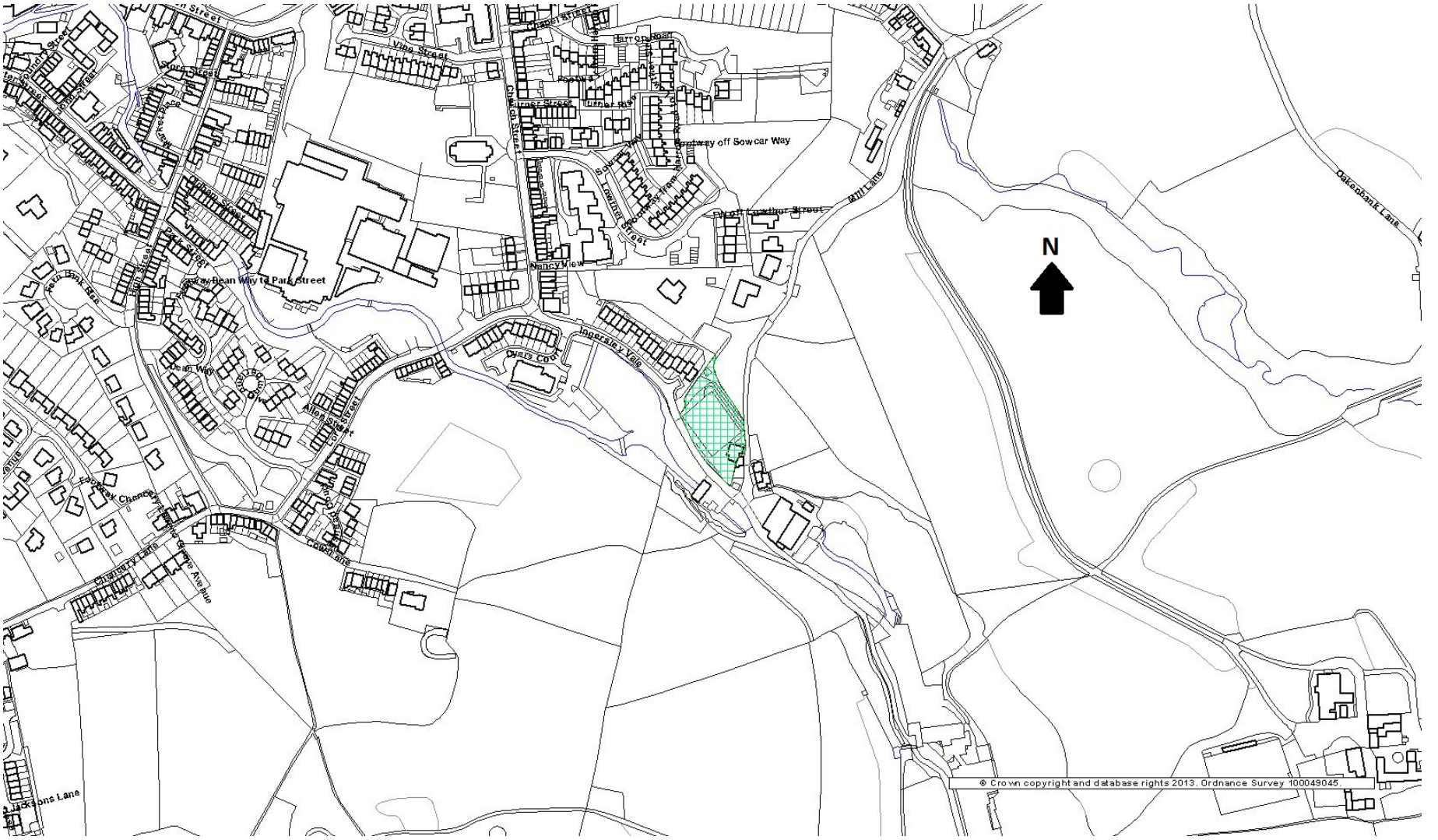
The application is recommended for approval subject to the conditions listed below:

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) 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. Informative
2. Plans
3. Materials - Kerridge Stone and Kentdale blue-grey
4. No-dig surface
5. Implement landscape plan
6. No windows / dormer windows in rear of plots 11 or 12
7. All rainwater goods shall be metal and painted black.
8. All windows and doors in the external elevations shall be fabricated in timber and shall be set behind a reveal of 100mm and retained in such form thereafter.
9. All garage doors shall be constructed in timber vertical boarded and shall be retained in such a form thereafter.
10. The roof lights hereby permitted shall be installed flush with the angle of the surrounding roof slope.
11. Implement tree works
12. Ensure 2 metre high boundary alongside of plot 12
13. Ensure garages remain available for parking
14. Carry out development in accordance with details submitted - electric vehicle charging points



Application No: 18/3145M

Location: The Brackens, 1, Blackshaw Lane, Alderley Edge, SK9 7UN

Proposal: Demolition of existing dwelling and erection of three dwellings with associated external works.

Applicant: Mr Chris Oakes

Expiry Date: 12-Oct-2018

Summary

The proposal seeks to demolish the existing 2-storey dwelling, and erect 3x dwellings (2x semi-detached and 1x detached) on the same site. There would be a greater intensification in the use of the site, and this would be visible within Blackshaw Lane, particularly given the vertical emphasis of the design. However, the visual impact is mitigated by the set-back of the development and the mature vegetation to the Blackshaw Lane boundary.

The local area is characterised by developments of higher densities including Greenland Walk, and the residential developments along Downesway. The architectural styles are varied and some contemporary designs are increasingly visible within the locality. The proposed development, whilst contemporary utilises traditional materials and would broadly integrate into the urban grain without unacceptably compromising the sylvan and set-back character of the area.

In terms of highways, the parking provision is in accordance with the Councils adopted parking standards. No issues are raised with respect to protected trees, vehicle access, contamination, flood risk, or ecology.

However, the proximity to shared boundaries, and the height and length of the dwellings will have a detrimental impact upon the living conditions of neighbours, particularly at Arundale due to the overbearing nature of the building, contrary to policy DC3 of the MBLP.

RECOMMENDATION**Refuse****REASON FOR REFERRAL**

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor for the following reason:

“This application is a resubmission of 17/2800m and 17/6288m, the former of which was refused under delegated powers and the latter of which was withdrawn by the applicant. Both previous applications were called in following concerns expressed by the Parish Council, Neighbourhood Plan Steering Group and Local residents. This application, which does not differ significantly from the two previous applications, is called in for similar reasons and to enable a full discussion of the potential impact of the proposals on the character of this part (of) Alderley Edge Village.”

PROPOSAL

This application seeks planning permission for the demolition of the existing two storey dwelling, subdivision of the plot, and erection of 2x semi-detached dwellings and 1x detached dwelling (3 x units). The proposed dwellings would be 4x bedroom comprising habitable space over 2.5 storeys. Three parking bays are indicated for each plot in addition to an area of hardstanding which could provide a turning circle. The architectural style is contemporary with the dwellings incorporating prominent gable-ends, expansive glazing and a general vertical emphasis. The roof-types would include a hipped-flat roof to the semi-detached pair and a gable-end with 1.5-storey side section to the detached. An integral garage is included within Plot 1 (semi-detached).

A new gated access would be created positioned centrally to the Blackshaw Lane frontage. The driveway would be resin bound gravel. Hedges and overgrown plants would be cut back to the rear of the site allowing for larger gardens separated by close boarded fencing. A number of large trees to the eastern aspect of the site would be retained. Materials to the dwellings include brickwork, stonework and zinc cladding, slate roofing tiles and aluminium framed windows/timber doors.

Full consultation has been carried out on the plans submitted with the application.

SITE DESCRIPTION

The application site comprises a large detached residential dwelling and its curtilage set within the settlement boundary of Alderley Edge (as defined by the Local Plan Policies Map, 2004). The surrounding area is predominantly residential and the architectural styles in the area are distinctly varied with mostly 2 storey dwellings and some 2.5 storey dwellings.

The host building is two-storey, with a linear pitched roof constructed in facing brickwork with a concrete tiled roof and a mix of timber and upvc windows. The site has a north-south emphasis, fairly rectangular in form, with a sizeable rear garden and open setting to the front. Mature trees characterise the site, many of which are formally protected through Tree Preservation Orders (TPO). Specifically there is a ‘blanket’ TPO which runs to the side of the existing property along the eastern and western boundaries and there are 2 individually protected trees (Ash and Pine) to the front of the site and a protected Spruce to the rear. In the wider context of the site, there are many other protected trees which are important in their contribution to the area’s visual amenity.

The main character of the area comprises detached dwellings although there are some semi-detached buildings as constructed on nearby Greenlands Walk. The density appears greater along nearby Downesway with dwellings filling the width of the plots and comprising smaller

gardens than the application site. Between Downesway and Greenland Walk there are 4 detached properties (Arundale, The Brackens, Netherbrook and Aeolia) which all enjoy larger gardens and a more spacious setting in contrast to Downesway and Greenlands Walk. It should be noted, however, that a recent appeal on the adjacent site (Netherbrook 17/1977m) has allowed the subdivision of this plot to accommodate +1 dwelling to the side.

RELEVANT SITE HISTORY

17/2800m - Demolition of existing dwelling and erection of four semi-detached dwellings with associated external works. Withdrawn (15th September 2017)

17/6288m - Proposed demolition of existing dwelling and erection of four semi-detached dwellings with associated external works (re-submission of application 17/2800M). Withdrawn (6th April 2018)

LOCAL AND NATIONAL POLICY

Macclesfield Borough Local Plan (2004) – saved (legacy) policies

DC3 (Design & Amenity – Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC35 (Materials and Finishes)
DC37 (Landscaping)
DC38 (Space, Light and Privacy)
DC41 (Infill Housing Development or Redevelopment)

Cheshire East Local Plan Strategy (2010 – 2030)

Policy SD1 (Sustainable Development in Cheshire East)
Policy SD2 (Sustainable Development Principles)
Policy SE1 (Design)
Policy SE2 (Efficient Use of Land)
Policy SE4 (The Landscape)
Policy SE5 (Trees, Hedgerows and Woodland)
Policy SE9 (Energy Efficient Development)
Policy SE12 (Pollution, Land Contamination and Land Instability)
Policy IN1 (Infrastructure)
Policy PG1 (Overall Development Strategy)
Policy PG2 (Settlement Hierarchy)

National Policy

The National Planning Policy Framework (NPPF) (2018) establishes a presumption in favour of sustainable development. Of particular relevance are the following sections:

Section 5: Delivering a sufficient supply of homes
Section 11: Making efficient use of land

Section 12: Achieving well-designed places

The National Planning Practice Guidance (NPPG) (as updated online)

Supplementary Planning Documents

Cheshire East Borough Design Guide (2017)

CONSULTATIONS

United Utilities: No objection subject to conditions:

Foul and surface water being drained on separate systems. Surface water to be drained in accordance with the hierarchy of drainage options in national planning practice guidance.

Alderley Edge Parish Council - Objection:

“The Parish council recommends refusal on the grounds that it still constitutes overdevelopment of the site. The proposal encroaches too close to the westerly boundary and coupled with its height would be overbearing. Any loss of the hedges at this point would lead to loss of privacy. Indeed the windows on this side should be conditioned with being obscured with frosting. There is insufficient provision for car parking which then might give concerns around highways ingress and egress. This should be called in to committee.”

REPRESENTATIONS

4x letters of representation have been received in total, from 4 different addresses.

General observations (2x letters):

- Scheme more acceptable (compared to previous applications)
- Windows in upper floors should be located to prevent overlooking
- All vehicles (including trades vehicles) should be contained within the boundaries of the site (to prevent congestion on nearby roads)
- Roots of large trees north of the entrance to be protect against any heavy machinery.
- Dwellings are still too large to fit in with surrounding architecture
- Construction should not disrupt Blackshaw Lane

Objections (2x letters):

- Impact on trees
- Concerns about privacy
- Development should be restricted to 2 dwellings
- Drainage
- Highway safety / operation

The full content of the above objections can be viewed on the public file. These have been noted and considered in the assessment of this application.

The details submitted are considered sufficient, in enabling the Local Planning Authority to satisfactorily determine this application. Numerous site inspections have been carried out in relation to this application and the previous applications (17/2800m and 17/6288m).

Public consultation has been carried out in accordance with statutory requirements.

APPRAISAL

Key Issues

- Principle of development;
- Design considerations
- Character of the area
- Impact upon amenity of neighbouring properties
- Highway Safety Implications
- Tree impacts
- Flooding/Drainage
- Sustainability

Principle of Development

The application site resides within an area designated as predominantly residential (as defined by the Macclesfield Borough Local Plan, 2004). Within this designation, the principle of residential development is considered acceptable by the development plan and national policy. The NPPF strongly emphasises, at paragraph 11, there is a “presumption in favour of sustainable development” and that this is vital in decision-taking. With reference to decision-taking, this means approving development proposals that accord with the development plan without delay.

Housing land supply

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”

The Cheshire East Local Plan Strategy is a recently adopted plan. Upon adoption, the Examining Inspector concluded that the Local Plan would produce a five year supply of housing land, stating that *“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 Cheshire East Local Plan Strategy (LPS) was adopted after a lengthy examination and was produced through engagement with stakeholders who have an impact upon housing delivery. The adopted plan incorporated the recommendations of the Secretary of State. In accordance with paragraph 74 of the NPPF and footnote 38, the LPS should be considered 'recently adopted' until 31 October 2018 and full weight should therefore be given to the findings of the Inspector in confirming that the Local Plan would produce a five year supply of housing land.

The Council continues to monitor housing delivery and housing land supply, publishing its annual assessment through the Housing Monitoring Update. This report provides information on the delivery of sites and the supply of housing land to an annual base date of the 31 March. The most recent Housing Monitoring Update (base date 31 March 2017) was re-published in December 2017 and this confirmed a housing land supply of 5.45 years. The Housing Monitoring Update (base date 31 March 2018) is currently being produced and this is likely to show a continued positive direction of travel in relation to completions and commitments since the previous annual assessment.

The Council's published housing land supply position has been subject to thorough scrutiny at a number of planning appeals since the LPS was adopted. The most recent of these to report involved an appeal by Gladman Developments for 46 homes at New Road Wrenbury. Here the Council's housing land supply assessment was fully updated, looking afresh at the latest position on key sites and the housing sector generally. This appeal was dismissed on the 10th April 2018 with the Inspector finding that the Council could demonstrate a deliverable 5 year housing land supply.

In the light of the above, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 11 of the NPPF is not engaged.

Design assessment

The existing detached dwelling sits comfortably within the plot offering generous amounts of landscaping and external amenity. The density of this particular plot is lower than many of the surrounding dwellings. The scales of the 3 dwellings proposed are not excessive in the context of this plot nor would the external amenity space provided be inadequate despite the density of the plot being increased. External passageways are afforded to the side of the plots enabling external maintenance of the site and also storage of bins with each dwelling incorporating an allocated bin store. The dwellings are well set-back from Blackshaw Lane, respecting the prevailing building line.

There is good punctuation in the elevations of the dwellings and the differing styles do add some architectural interest into the site. The verticality of the design does encourage a perception of height and dominance. However, the actual heights of the dwellings are not excessive (8.7m (semi-detached) and 8.8m (detached with the gable end being 9.7m). Sufficient space is available to the front for soft landscaping and the use of resin bound gravel would be appropriate.

Character of the area

The proposal would increase the density of the built development on the site; however the plot sizes and spacing between the proposed and existing properties would be commensurate with the general pattern of development in the locality. The dwellings would be staggered relative to each other, thus providing punctuation between them and breaking up the overall mass of the development. It is not considered that the scheme would appear cramped in the street scene nor would it be significantly uncharacteristic of other development in the locality. The spacing of the dwellings would be most reflective of the spacing between buildings within the local area, particularly those on Greenlands Walk and Downesway.

There would be a clear intensification in use of the site, and this would be visible in the street scene. 9 parking spaces would be provided to the front of the site which would create an impression of an intensified use. The residential units would also have a more prominent impact on Blackshaw Lane and Chorley Hall Lane through the vertical nature of the design and contemporary features. This would intensify the contribution of the site to the area's character.

Saying this, the character of this area has undergone change recently. Developments along Greenlands Walk, and the recently constructed additional dwelling within the garden of Netherbrook have increased the built density of the urban grain. These elements are visible within the street scene and do contribute to the changing character to this area. The proposal would contribute to this trend, although in the case of this application the dwellings are positioned further back within the site and the mature trees along the Northern (Blackshaw Lane) boundary are protected. These trees can be afforded significant weight in their amenity contribution and help to screen the development. A landscaping scheme could also be conditioned which would supplement this screening and ensure suitable boundary treatments to protect the hedge lined character. This would help to safeguard the sylvan character of Blackshaw Lane. On balance, it is considered that the visual impact of the development would be adequately mitigated through the screening of the site, and the architectural styles would not be significantly incongruous when compared to others in the area. The introduction of more contemporary designs has arguably set a precedent for this type of architecture within the locale.

This development would also accord with the thrust of national planning policy with the revised NPPF (2018) stating the following:

“Planning decisions should not prevent or discourage appropriate innovation or change (such as increased densities)” (para. 127)

“Making the optimal use of the potential of each site” and “optimise the use of land in their (Local Authorities) area and meet as much of the identified need for housing as possible” (para. 123).

“Decisions should support development that makes efficient use of land” (para. 122).

There is of course, the need to prevent inappropriate development of residential gardens, but only where this would cause harm to the local area. As detailed in this section and following sections, the proposal would not cause any clear identifiable harm.

Inspectors have taken similar approaches, with both the subdivision of the adjacent site allowed (ref.17/1977M), and other developments within the wider Borough (for example Orme Close, Prestbury – 17/4862m). The latter was for the demolition of a detached dwelling and replacement with 4x semi-detached units. This does not set a precedent for this type of development, but it does give an indication of the approach Inspectors are taking to subdivision of plots in light of national planning policy (NPPF).

Overall, whilst the modern design would increase the prominence of the development, this is mitigated by vegetation and (protected trees) to the front of the site. The development is also well set-back. At 2.5 storeys, the dwellings are large, but it is not considered that any significant harm exists to the areas character. On this basis, a reason for refusal could not be substantiated. The development is compliant with policies SD2, and SE1 of the CELPS, and the guidance of the NPPF (2018).

Residential amenity

The dwellings are orientated in such a way that the proposals would not compromise light levels within the adjacent site. Any upper floor side elevation windows would be conditioned to be obscure glazed to prevent losses in privacy to the adjacent sites.

The main issue would be the visual impact within the gardens of the 2 adjacent properties (Arundale and Netherbrook). To the east, the gabled side elevation of plot 3 would come within 1.1m of the shared boundary with Netherbrook at a height of 9m. Whilst trees in the neighbour's garden sit to the front and rear of the new dwelling, the presence of the side elevation at this scale will clearly be experienced visually within this neighbour's garden.

To the west, the side elevation of plot 1 comes within 2.5m of the "assumed" boundary with Arundale at a height of 8.7m. The eaves of plot 1 are 5.8m above ground level, and whilst above this height the roof slopes away, the flat roof design has led to relatively steep roof pitches which will increase this massing in close proximity to this shared boundary. Added to this the side elevation of plot 1 extends along the entire length of the neighbour's garden, adding to the dominance of the structure. The position, height, and length of plot 1 are considered to have an unacceptably overbearing impact upon this neighbour's rear garden area, contrary to policy DC3 of the MBLP.

Highways

There are 3 car parking spaces provided for each unit which is an acceptable provision. There would be adequate visibility for the new access point in to the site. Conditions would be necessary, to ensure that the gates are set back 5.5m from the edge of the carriageway and that the existing access is closed and footpath reinstated. The Councils Highways Officer has raised no objection to the works.

The proposed level of parking (3 spaces per dwelling) would be in accordance with the CE parking guidelines which stipulates that 3 spaces should be provided for 3 bedroom+ dwellings within the settlement boundary. This compliant level of parking put forward with the application does reduce the likelihood that this development would cause on-street parking outside the site.

Notwithstanding that the proposed level of parking is in compliance with the CEC standards, the site resides in a sustainable location with good access to local amenities and public transport links. The site is within walking distance of Alderley Edge Village Centre. Buses run through Alderley Edge providing frequent transport to larger settlements. Alderley Edge train station also supports links to Manchester, Crewe, Liverpool and Wigan. The NPPF encourages, at various points, the reduction in use of the private vehicles and encourages a shift towards other sustainable modes of transport. As per above, the occupiers would also have opportunities to use more sustainable transport methods.

An EVP (Electric Vehicle Infrastructure – Charing Point) condition as recommended by Environmental Health shall be added to the recommendation ensuring that the occupiers of each dwelling have the infrastructure in place to accommodate more environmental friendly modes of transport. This helps to contribute to the Borough's clean air quality targets.

Arboricultural impacts

The application is supported by an Arboricultural Method Statement (Ref TRE/1BL/Rev C) and an Arboricultural Implications Assessment (Ref TE/1BL/Rev C) by Mulberry Tree Management dated 22nd August 2018.

The main issues with this site are associated with -:

- 1)The social and spatial proximity of the proposed build footprint Plot 3 in relation to the large mature Oak protected as part of G7 of The Alderley Edge Urban District Council (Chorley Hall Lane) Tree Preservation Order 1968
- 2)The impact the retained trees have on the utilisable external space associated the rear garden of Plot 3 including the mature Spruce protected as T32 within the The Alderley Edge Urban District Council (Chorley Hall Lane) Tree Preservation Order 1968, and those located off site T6 and T7
- 3)The impact of the engineering works required to facilitate the hard standing to the front of the development associated with the proposed car parking bays and their interface with the Root Protection Areas (RPA) of both T1 and T5

The development footprint of Plot 3 is now located outside the RPA of T5 which is the default position in respect of current best practice BS5837:2012; this accepts that implementation is probable without causing direct damage likely to result in a reduction in the trees vigour and vitality leading to its demise. A realistic assessment during the design process should take into account the probability of successful tree retention when taking into consideration issues of shading, nuisance, and pressure for unacceptable pruning / removal because of the buildings proximity to a large mature tree and the apprehension this causes for occupiers. The glazed units which face directly under and into the canopy of the Oak T5 are associated with secondary rooms (dining room and 1st floor en-suite). Any reduction in terms of light attenuation is not considered to be significantly detrimental when taking into consideration the presence of a second dining area to the rear of the plot. The position of the living room and bedroom 3 faces directly towards T1 and shouldn't be influenced by T5 in terms of light attenuation and direct sunlight. The build set back allows the erection of scaffolding without any facilitation pruning with lateral branch spread now considered a reasonable distance from

the adjacent elevations; this can be managed without detrimentally impacting on the natural shape and form. The build distance is reflective of the adjacent dwelling but the Oak T5 does interface with a gable elevation in respect of the property known as Netherbrook rather than the off set frontage of plot 3; on balance the relationship is considered sustainable.

The loss of the small suppressed Beech T8 is accepted, but this doesn't directly establish any additional utilisable space. The loss of direct sunlight during the late afternoon early evening period to the rear of plot 3 in respect of T6, 7, & 9 will still be a factor but the deletion of the additional plot now establishes a greater utilisable garden area outside the canopy spread of the three identified trees. Some additional pruning which accords with the requirements of best practice BS3998:2010 would enable additional and filtered light penetration to the rear of plot 3 and its associated garden.

The loss of the identified trees is accepted. T11 presents a poor social proximity to the existing building with both T10 and 11 partial screened from public vantage points by the existing and other dwellings which is presumably why they were omitted from the 1968 TPO. Group 4 contributes minimally to the street scene and the amenity of the immediate area.

On balance the scheme from an Arboricultural perspective is considered viable subject to the following conditions required to resolve the anomalies identified above:

- Tree Protection Scheme
- Tree Pruning/Felling specification
- Service/Drainage layout
- Details of an engineer no-dig hard surface for the construction of the driveway and parking areas (where there is RPA incursion)

Subject to the above conditions, it is considered that the proposal can be accommodated without harming the Arboricultural value of the site. The proposals would accord with policy DC9 (MBLP).

Flooding issues

The site is sited within Zone 1 (EA Flood Risk) which indicates a low probability of flooding (less than 1 in 1,000 annual probability). It is not considered that this scheme would significantly exacerbate any present flooding within the neighbouring sites or the immediate locality and is thus acceptable in this aspect, in line with the NPPF. As part of any landscaping scheme suitable areas of permeable surfacing would be secured which would facilitate surface water drainage.

The proposal accords with policy SE13 of the CELPS.

Ecology and Nature Conservation

Prior to the removal of vegetation or any demolition/conversion works between 1st March and 31st August of any given year, a survey must be carried out to check for nesting birds and where found a 4m exclusion zone created until breeding is complete. This shall be conditioned.

The Council's Nature Conservation Officer has suggested that features should be provided as part of the re-development to accommodate breeding birds, house sparrows, bats and replacement pond. This can be conditioned and would accord with the thrust of CELPS policy SE3 which requires development to positively contribute to the conservation and enhancement of biodiversity.

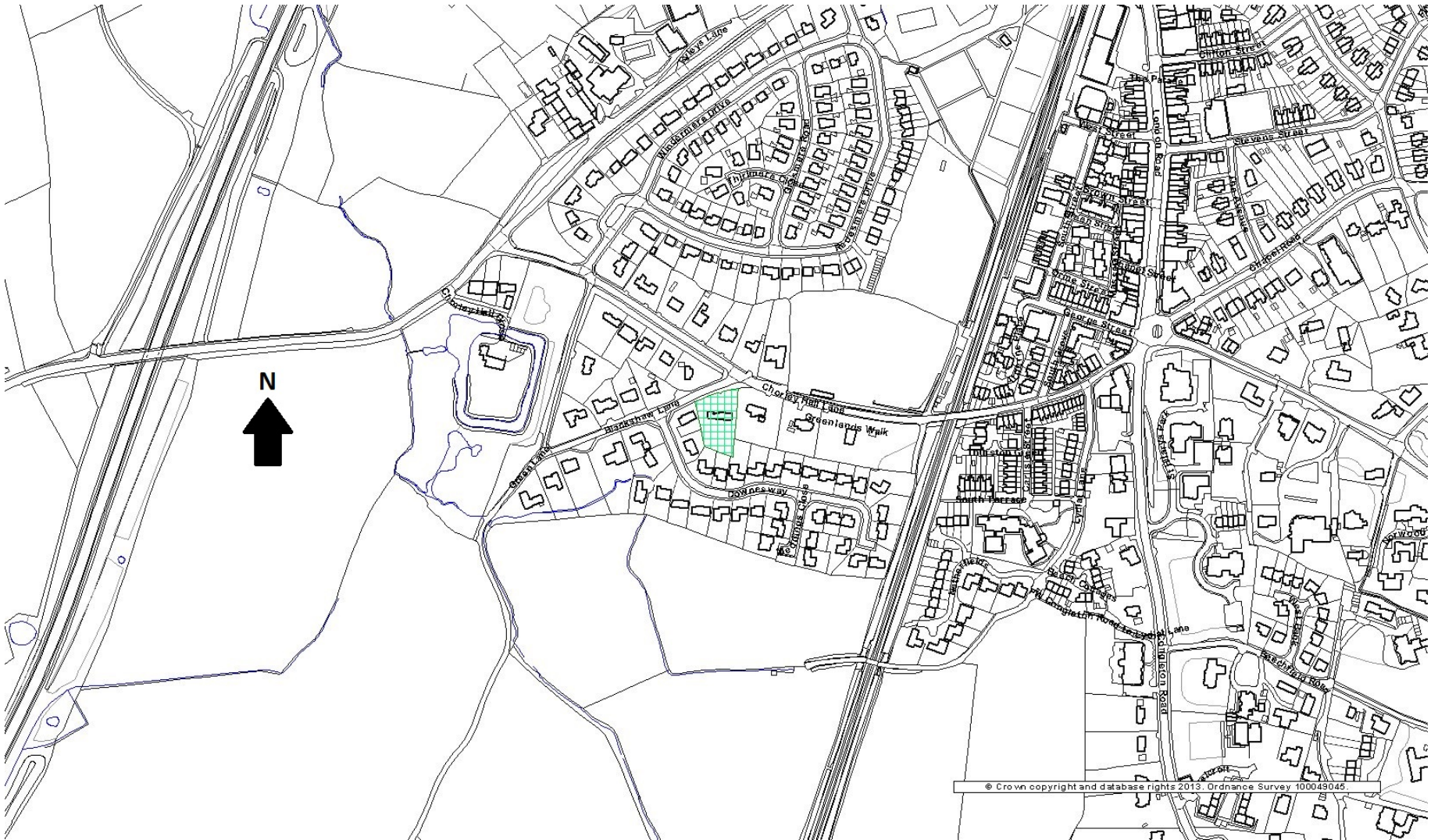
Conclusion

The proposals are, on balance, considered to have an acceptable impact upon the character of the area, and do not raise any significant issues in terms of highways, trees, ecology or flood risk. However, the proximity to shared boundaries, and the height and length of the dwellings will have a detrimental impact upon the living conditions of neighbours, particularly at Arundale due to the overbearing nature of the building, contrary to policy DC3 of the MBLP. Accordingly a recommendation of refusal is made.

Recommendation – Refuse for the following reason:

- 1. The proximity to shared boundaries, combined with the height and length of the dwellings will have a detrimental impact upon the living conditions of neighbours, particularly at Arundale due to the overbearing and dominant nature of the building when viewed from this adjoining property, contrary to policy DC3 of the MBLP.**

In the event of any changes being needed to the wording of the Committee's decision (such as to debate, 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.



Cheshire East Council**Northern Planning Committee****Date of meeting: 12th September 2018****Report of Emma Hood, Arboricultural Officer, Environmental Planning****Title: Cheshire East Borough Council (Bollington – Bollington – 17A Jackson Lane No.2) Tree Preservation Order 2018****PURPOSE OF THE REPORT:**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 24th April 2018 at 17A Jackson Lane; 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 17A Jackson Lane with no modifications.

WARD AFFECTED

Bollington Town Council East Ward

POLICIES

Not applicable

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 a Section 211 notice was received (18/1207T) from the tree owner to dismantle one large Oak located to the rear of 17A Jackson Lane which is sited within the Kerridge Conservation Area.

The tree is located within the garden of the property and forms part of an important group of trees visible from Jackson Lane. Existing TPO coverage is present within the garden of the subject property. The cited reasons for the notice to remove the tree were;

'The tree is growing in shallow soil on top of bedrock and therefore has a shallow root system. We are concerned that the tree may become unstable and fall onto our property in severe weather. There is a precedent for Oak trees being blown down in the vicinity of our house as one fully mature tree in my neighbours garden blew down during the east storm as well as two mature oak trees in the field diagonally across the road from the Bulls Head pub in Kerridge. Furthermore all these trees were in good health and in deep soil'

'The tree when in full leaf blocks a significant amount of light to the property necessitating the use of lights throughout the day.'

An assessment of the tree on 20th April found the tree to be of reasonable form, good condition and vigour consistent with the normal growth habit of the genus. An amenity evaluation of the tree was carried out in accordance with Government guidance.

The assessment confirmed that the tree contributed to the visual amenity and landscape character of the area and that it was considered expedient to make an Order to protect the tree as without a Tree Preservation Order the tree would be removed as indicated in the Section 211 notification.

Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 24th April 2018.

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 24th April 2018. Copies of the Order were also sent to adjoining landowners who are immediately affected by the Order, Bollington Town Council, and Ward Members.

VIEWS OF THE PARISH/TOWN COUNCIL

No comments have been received.

OBJECTIONS/REPRESENTATIONS

The Council has received one objection to the Tree Preservation Order from the tree owner. The objection comprises of a letter and the main points of objection are as detailed below:

- *Whilst I agree with your arguments about tree preservation in a conservation area, and the importance of maintaining such trees, an exception should be considered when safety is an issue.*
- *You point out that the tree is healthy. However healthy trees blow down and as you are aware several healthy trees in the vicinity of my house blew down during a storm last winter*
- *Three years ago a tree in the grounds of Hollin Hall Hotel, which backs onto my land, blew down and wrote off my daughters car (which was parked next to the oak tree in question)/ She had exited the vehicle only minutes before the accident.*

- *You state that the tree is between 8 and 15 metres tall and is situated an acceptable distance from the tree owners property. However the tree is nearer to 20m tall and is only 10 m from my property. In fact the lower branches are almost touching the house.*
- *The area we are discussing is exposed and subject to strong winds during a storm. Moreover, the tree in question is growing on a bed rock and has a shallow root system and as the tree matures it is becoming increasingly top heavy. If we are to believe global warming, adverse weather conditions will prevail and storms we experienced last winter will become more common. Moreover, since Hollin Hall Hotel topped the fir trees, behind this Oak tree, the top of this tree is now further exposed to winds from the west.*
- *There are in excess of 50 trees within 100m of my property. Indeed there are 25 trees on my land of which 9 are mature trees. I am asking for the removal of only one of these trees based on our safety concerns.*

APPRAISAL AND CONSIDERATION OF THE OBJECTION

Objection by the tree owner.

The registration of the Section 211 notice on 15th March 2018 (tree work application 18/1207T) triggered an assessment of the nature of the proposed works at 17A Jackson Lane. Government Guidance states that a local authority can deal with a section 211 notice in one of three ways. It may:

- make a Tree Preservation Order if justified in the interests of amenity, preferably within 6 weeks of the date of the notice;
- decide not to make an Order and inform the person who gave notice that the work can go ahead; or
- decide not to make an Order and allow the 6-week notice period to end, after which the proposed work may be done within 2 years of the date of the notice.

Guidance states that the authority's main consideration should be the amenity value of the tree. In addition, authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The amenity evaluation assessment found that due to the size, age and quality of the tree, its presence within the Conservation Area and the fact that a degree of public visibility could be demonstrated, that in light of the notification to fell that there would be an impact on the amenity of the northern boundary of the Conservation Area if the tree were not protected.

The assessment determined that there were no obvious signs of structural weakness or decay sufficient to warrant the removal of the tree at this present time or progressive root plate disruption that would suggest the tree has been, or is likely to be structurally compromised. Some deadwood was noted within the trees crown but this is consistent with the trees age and recent squirrel activity. The tree has clearly adapted to its below ground conditions and there is no evidence to suggest that it has been affected by the recent strong winds.

The tree is considered a suitable species for its location with space available to accommodate its growth to maturity without the need for inappropriate or unreasonable intervention.

While it is acknowledged that tree failures have occurred in the vicinity, the removal of healthy trees because they may fail during an extreme weather event does not constitute adequate justification for the removal of trees which are demonstrated to have amenity value.

The tree has been recorded as being between 15 and 18 metres in height and it is acknowledged that the Amenity Evaluation Assessment form was incorrectly populated and should have read; large (more than 15 metres).

The position of the tree to the dwelling is not considered unreasonable and pruning solutions exist to allow for the clearance of lower branches of the tree from the property. In addition the tree in question is the most mature and prominent specimen on the plot in terms of significance and is integral to the collective value of a group of trees.

It is accepted that most tree roots are found in the top 600-900mm of the soil and that typically trees have shallow widespread root systems which provide for anchorage and stability. In the absence of any supporting arboricultural information that demonstrates that this is not the case, that the tree is structurally compromised, diseased or presents an increased risk of failure, its protection is considered appropriate given its significant contribution to the amenity of the area. If the removal of mature and prominent trees is allowed based on the assumption that a risk is present simply due to the failure of other trees in the area, then a precedent would be set that could in turn lead to further erosion of the current mature tree cover in the area.

RECOMMENDATION

That the Cheshire East Borough Council (Bollington - 17A Jackson Lane No.2) Tree Preservation Order 2018 is confirmed without modification.

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BOLLINGTON

SITE MAP

Bollington St John's
C of E Primary School

Hollin Old Hall

186.8m

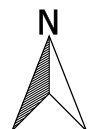
180.1m

168.9m

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

**DOTTED HATCHING INDICATES EXTENT
OF KERRIDGE CONSERVATION AREA
INDIVIDUAL GREEN CIRCLES AND GREEN
HATCHED AREAS INDICATE AREAS
WHERE TREES ARE ALREADY AFFORDED
PROTECTION BY TREE PRESERVATION
ORDERS**

**LOCATION OF NEW TPO AT 17A JACKSON
LANE AND ITS RELATIONSHIP WITH
PROPERTIES AND OTHER PROTECTED
TREE COVER**



1:2500 at A4

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Decones
18/1207T
EH
Emma
Hood



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

Dear Ms. Hood

Your ref. 18/1207T section 211 Notification to Fell (current)

Thank you for your correspondence dated 24/4/2018 in which you reject my application to fell an oak tree identified as T1 standing between an access track and the driveway of 17a Jackson Lane, Kerridge, SK10 5BE.

I would like to appeal against your decision not to allow the felling of this tree for the following reasons:

- Whilst I agree with your arguments about tree preservation in a conservation area, and the importance of maintaining such trees, an exception should be considered when safety is an issue.
- You point out that the tree is healthy. However, healthy trees blow down and as you are aware several healthy trees in the vicinity of my house blew down during a storm last winter.
- Three years ago a tree in the grounds of Hollin Hall hotel, which backs on to my land, blew down and wrote off my daughter's car (which was parked next to the oak tree in question). She had exited the vehicle only minutes before the accident.
- You state that 'the tree in question is between 8 and 15m tall and is situated an acceptable distance from the tree owner's property'. However, the tree is nearer to 20m tall and is only 10m from my property. In fact, the lower branches of the tree are almost touching the house.
- The area we are discussing is exposed and subject to strong winds during a storm. Moreover, the tree in question is growing on bed rock and has a shallow root system and as the tree matures it is becoming increasingly top heavy. If we are to believe global warming, adverse weather conditions will prevail and storms we experienced last winter will become more common. Moreover, since Hollin Hall hotel topped the fir trees, behind this oak tree, the top of this tree is now further exposed to winds from the west.

As mentioned previously, I agree with your policies to protect trees in a conservation area. However, to put this into perspective, there are in excess of 50 trees within 100m of my property. Indeed, there are 25 trees on my own land of which 9 are mature trees. I am asking for the removal of only one of these

trees based on our safety concerns. I believe there would be limited impact on the local landscape by the removal of a single tree.

I would ask you to reconsider my application to remove this tree.

Many thanks.

Yours sincerely,

Town and Country Planning Act 1990
CHESHIRE EAST BOROUGH COUNCIL
(BOLLINGTON – 17A JACKSON LANE No.2)
TREE PRESERVATION ORDER 2018

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 – 17A JACKSON LANE No.2) TREE PRESERVATION ORDER 2018**

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 *24th* day of *April 2018*

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

was affixed to this Order in the presence of—

Patricia Brown
.....



10349
(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	Standing between an access track and the driveway of 17A Jackson Lane Grid Ref: 393,459– 377,303

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	

The Old Sta

CHESHIRE EAST BOROUGH COUNCIL
(BOLLINGTON - 17A JACKSON LANE No.2)
TREE PRESERVATION ORDER 2018

Hollin Farm
Cottage

⊙ T1

184.1m



17a

19 17

1



4

27

AEC – LANDSCAPE APPRAISAL

PHOTOGRAPHS OF TREES, THE SITE AND SURROUNDINGS

REFERENCE:	07-041
SITE NAME:	17A Jackson Lane, Bollington
DATE OF VISIT:	20 th April 2018
COMPLETED BY:	Emma Hood
NOTE:	Tree identified in Section 211 notification to fell 18/1207T
TREES PROPOSED FOR FORMAL PROTECTION:	1 Oak tree

PICTURE DESCRIPTION	PICTURE
Looking south along access track from the east side of The Old Stables towards group of trees	
Looking south along access track from the east side of The old Stables towards group of trees	

Looking south from rear of cottages towards Grimshaw Lane (northern end) of access track



Looking south west from Jackson Lane towards group of trees



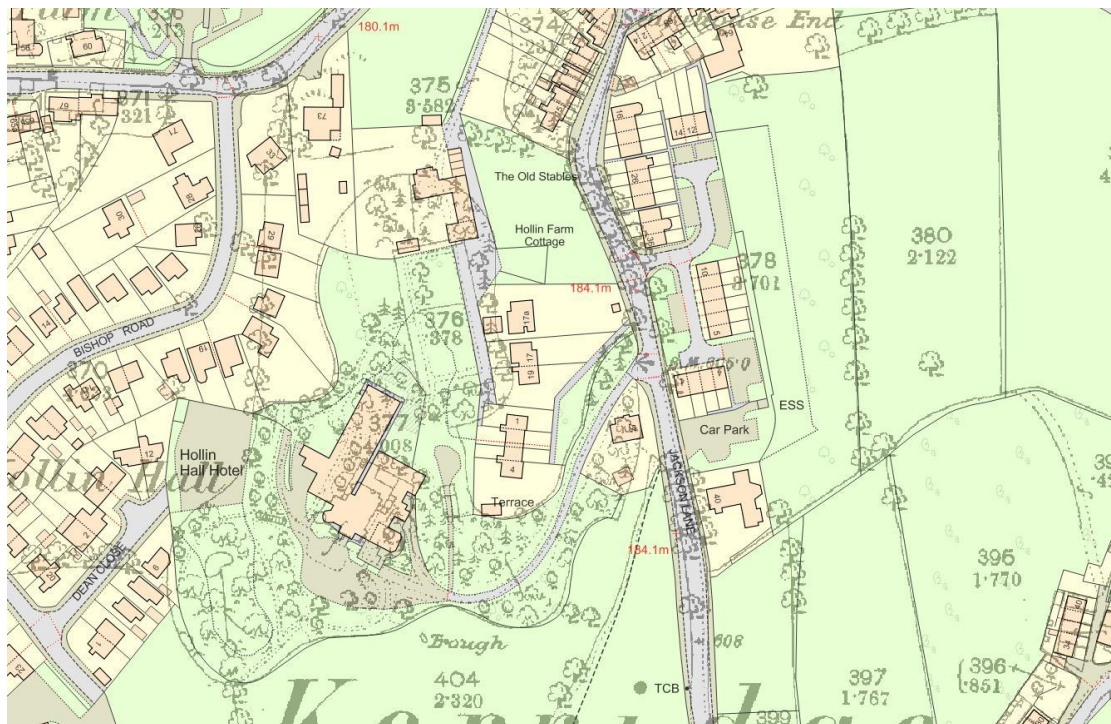
Looking west from Jackson Lane



Looking west from the junction of Jackson Lane with Jackson Close with protected Lime to the rear of the property, and the Oak identified for formal protection located to the right hand side of the property at the edge of the group of mature trees



Looking north west towards property from Jackson Lane with Oak identified for protection located to the rear of the right hand elevation.



1873 Ordnance Survey map of the area overlaid on to the existing OS map demonstrating the presence of trees of a significant size around the area where the group of tree and the tree to be afforded protection are located. Provided by Cheshire Records Centre 23/4/2018

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Amenity Evaluation Checklist

Completed by:

Date form completed:

Form status:

Reference

Attachments

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
Cheshire East Local Plan Strategy (2010-2030) - Open Countryside, Green Belt, Peak District National Park Fringe, Area of Special County Value

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

Relevant site planning history (incl. current applications)
17/4347T - crown lift and reduction of branches extending towards property of Oak approved 9/10/2017
18/1207T Section 211 Notification to Fell (Current)

STATUTORY CONSULTEES

Are there any Scheduled Ancient Monuments on or adjacent to the site?

Is the land currently safeguarded under the Town & Country Planning (Aerodromes & Technical Sites) Direction 1992?

Does the Forestry Commission currently have an interest in the land?

No

Grant scheme

☐

Forestry Dedication Covenant

☐

Extant Felling Licence

☐

Are any of the trees situated on Crown Land?

No

Are any of the trees situated on NHS land?

No

Is the land owned by this Local Authority

No

Is the land owned by another Local Authority

No

2. MOTIVATION

Development Control

☐

- Application Ref

- Committee deadline

- Development Control Office comments

Conservation Area Notification

☒

Application ref

18/1207T

Date of registration

15/03/2018

Expiry date

24/04/2018

Emergency action
(immediate threat to the trees)

☐

Strategic inspection

☐

Change to Local Plan land-use

☐

Change in TPO legislation

☐

Sale of Council owned land

☐

Reviewing existing TPO

☐

Hedgerow Regulations 1997

☐

3. SOURCE

Source

Tree officer

4. LANDSCAPE APPRAISAL

Site visit date

19/04/2018

Inspecting Officer

Emma Hood & Nigel Bates

Site description

The Oak is located to the west of 17A Jackson Lane and stands on the southern edge of an important group of 6 mature trees which are located in an elevated position above Jackson Lane and which extend north and form part of Hollin Farm & The Old Stables. The Oak which is individually relevant expresses good vigour and vitality is surrounded by permeable surfacing including an informal access track which serves the properties to the south.

Description of surrounding landscape character

The group of trees are visually prominent in that they are raised above the road level of Jackson Lane and make an important contribution to the landscape character and sylvan setting of the Kerridge Conservation Area which is designated in part because of the importance of trees. Hollin Hall Hotel a Grade II Listed Building is located to the south west of the group of trees.

Statement of where the trees are visible from

Jackson Lane, Jackson Close and access track from Grimshaw Lane leading to The Old Stables, Hollin Farm Cottage and other properties.

annotate map

Photograph the trees, the site and surroundings



No picture inserted

annotate map

Landscape function

- ☒ Landmark trees
- ☒ Skyline
- ☒ Road frontage (unclassified)
- ☒ Backdrop
- ☒ Filtered views

Visual prominence

- ☒ Conurbation
- ☒ Neighbourhood, estate, locale
- ☒ Site and immediate surroundings

Species suitability for the site

Particularly suitable

Condition

Good

Past work consistent with prudent arboricultural management?

Yes

Are past works likely to have compromised long term retention?

No

Will past work necessitate any particular future management requirements?

The mature Oak exhibits good viour and vitality for a tree of its size and age with some dead wood in the crown. The tree has been pruned in the past to raise the crown clearance over the driveway with pruning wounds present to the main stem, all of which appear to be actively occluding. The implementation of previous consents and the removal of dead wood would improve the trees relationship with the property. The submitted justification for the trees removal referenced in Section 211 notification 18/1207T which alluded to recent tree failures in the area and the potential for this Oak tree to fail was considered but no evidence was found during the site visit to suggest that the tree was compromised in anyway and which would justify the felling of the tree. Pruning options remain the most appropriate method of improving the trees relationship with the property.

Tree size (at maturity)	Medium (between 8m and 15m)
-------------------------	------------------------------

Presence of other trees	High 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 has both individual and collective value in the context of the landscape setting and represents both current and future growth potential .
---	---

Assessment of importance as a wildlife habitat	The trees doesn't appear tp support features suitable for roosting bats but does present the oppertunity for nesting birds.
--	---

Additional factors	<input checked="" type="checkbox"/> Conservation area (within or adjacent) <input checked="" type="checkbox"/> 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	No
--	----

are currently causing any actionable nuisance?

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

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

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

Assessment of future management

requirements

9. MANAGEMENT:

Are the trees currently under good arboricultural or silvicultural management

Is an order justified?

Justification (if required)

To ensure the retention of a mature tree located in a Conservation Area. The tree is clearly visible from several vantage points and is the subject of a Section 211 notice to fell. The tree exhibits good vitality and is situated an acceptable distance from the tree owners property. The principle of justifying the premature removal of a protected tree (Conservation Area) is inconsistent with prudent Arboricultural management; there is currently no Arboricultural justification to warrant removal of this tree at the present time.

10. DESIGNATIONS:**a. Individual**

Do the trees merit protection as individual specimens in their own right?

b. Group

Does the overall impact and quality of the trees merit a group designation?

Would the trees reasonably be managed in the future as a group?

c. Area

Area

d. Woodland

Woodland

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

Land Registry search required?

☐

13. SUPPLEMENTARY INFORMATION:

Has a detailed on-site inspection been carried out?

Does the risk of felling justify making an order prior to carrying out a detailed on-site inspection

Provide details of trees to be excluded

The tree to be afforded protection forms part of an important group of trees comprising of 4 Oak and 2 Beech. All of the trees are afforded a level of protection by virtue of their presence within the Conservation Area and as they are not at threat it is not considered expedient to protect them all.

Additional publicity required?

☐

Relevant Local Plan policies

Cheshire East Local Plan - SE5 Trees, hedges and woodlands and SE7 The Historic Environment

Bollington and Kerridge Conservation Area

Statement of reasons for promoting this Order

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

Such 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 Council has been served a Section 211 notice under the Town and Coutry Planning Act of the intention to fell one mature Oak within the Conservation Area

The tree has been assessed in accordance with the Council’s Amenity Evaluation Checklist, and it is considered expedient in the interests of amenity to make provision for its long-term retention.

To maintain the landscape setting and historic character of the Bollington and Kerridge Conservation Area

14. SUMMARY:

Would loss of the trees have a significant impact on the local environment?

Will a reasonable degree of public benefit accrue?

Is an Order in the interests of amenity?	<div>Yes</div>
Is an Order expedient in the circumstances?	<div>Yes</div>