

Application No: 20/3162M

Location: Car Park to The Crown, Ingersley Vale, BOLLINGTON

Proposal: Proposed erection of three dwellings together with associated access and car parking.

Applicant: Gustav Bonnier Holdings Ltd

Expiry Date: 16-Sept-2020

### **SUMMARY**

The application site comprises an existing car park to The Crown Public House situated on Church Street in Bollington. It is in a sustainable location with good access to local services and facilities. The proposed development would add to the stock of housing in the local area.

The proposal provides a modern but locally distinctive design which also raises no significant highways safety, ecological or flood risk concerns and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours.

The comments from neighbours and the Parish Council are considered within this report, however the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore given that there are no material considerations to indicate otherwise, in accordance with Policy MP1 of the Cheshire East Local Plan Strategy (CELPS), the application should be approved without delay.

### **RECOMMENDATION**

Approve subject to conditions

### **REASON FOR REFERRAL**

The application is to be presented at Northern Planning Committee as Cllr Stott has requested it be called in to Committee for the following reasons;

- *Under the Employment and Business Policy Regulations for the Regeneration of existing Employment Land in Cheshire East Council's Planning Rules it states that proposals for change of use from C1, B1, B2 and B8 which reduce overall employment will not be supported*

- *It should be demonstrated that no alternative user can be found and that although the Bollington Neighbourhood Plan gives a period of two years there is a minimum term in Cheshire East Council of 6 months*
- *Bollington Neighbourhood Plan states There should be an appropriate and realistic marketing exercise which includes onsite visible signage, online marketing detailing the sale, viewing and negotiating opportunities, records of enquires and outcomes, an asking price in line with similar properties in the region, and consultation with Bollington Town Council at the outset*
- *This public house is not redundant nor is it an unused car park*
- *The site is within 20 metres of a water course*

## **BACKGROUND**

The adjacent Public House known as 'The Crown', was granted full planning permission at the Northern Planning Committee meeting of 4<sup>th</sup> March earlier this year (planning ref; 20/3175M refers) for the conversion of the building into two dwellings. Detailed information was submitted regarding the loss of the Public House business, which was considered and accepted by Members.

## **DESCRIPTION OF SITE AND CONTEXT**

The site is currently a car park associated with a public house known as 'The Crown' which is located on Church Street in the Bollington and Kerridge Conservation Area. The car park itself is not in the conservation area and is accessed from Ingersley Vale. It is enclosed to the south by a small stone wall and extends northwards towards a cul-de-sac known as 'Nancy View'. It is bordered to the west by residential dwellings which face on to Church Street and to the east by modern existing dwellings facing onto Ingersley Vale. There is a care home located to the north east which sits at a much greater height than the application site.

## **DETAILS OF PROPOSAL**

This application proposes the erection of three dwellings with associated access and car parking. They would comprise a pair of semi-detached dwellings and one detached dwelling with car parking and access to the front. The detached dwelling would be slightly staggered further south from the pair of semi-detached properties. The substation which is currently on site would remain in situ.

The semis would be two storey three bed with a projecting central bay design at first floor They would have one bathroom and one en-suite. They would be accessed from a side door at ground floor level. The detached dwelling would be a similar layout but as a single unit only.

## **RELEVANT HISTORY**

## **The Crown Public House**

20/3175M - Change of use and conversion of former public house and associated residential accommodation into two dwellings. Demolition of outbuilding structure at rear - Approved 4-Mar-2021

54930P - Internal illuminated sign - Refused 13-Oct-1988

44269P - Kitchen extension - Approved 14-Mar-1986

40274P - Extension to form gents' toilets and bedroom - Approved 04-Apr-1985

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

IN1 Infrastructure

IN2 Developer Contributions

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE7 The Historic Environment

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient development

SE12 Pollution, Land Contamination and Land Instability

SC4 Residential Mix

SC5 Affordable homes

SE13 - Flood risk and water management

C01- Sustainable travel and transport

Appendix C – Parking Standards

### **Macclesfield Borough Local Plan (MBLP) – Saved Policies**

Policy DC3 - Amenity

Policy DC6 - Circulation and access

Policy DC8- Landscaping

Policy DC9 Tree protection

Policy DC35 Materials and finishes

Policy DC37 Landscaping in housing developments

Policy DC38 - Space, light and privacy  
Policy DC41 - Infill housing development or redevelopment  
Policy NE11 - Nature conservation  
Policy DC41 - Infilling housing or redevelopment

**Bollington Neighbourhood Plan (made on 1 June 2018)**

HO.P1 New dwellings  
HO.P2 Housing location  
HO.P3 Type of housing  
HO.P4 Design of housing  
HO.P5 Parking for new dwellings  
BE.P2 Conservation areas

**Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Cheshire East Design Guide  
Cheshire East Parking Standards – Guidance note

**CONSULTATIONS (External to Planning)**

**Coal Authority** – Initially raised an objection but following the submission of a Coal Report withdrew the objection and recommended conditions

**Manchester Airport** – No objection

**Environmental Health** – No objection subject to appropriate conditions relating to **Error! Reference source not found., Error! Reference source not found.** and contamination

**United Utilities** – No objection subject to conditions for the provision of a surface water drainage scheme and foul and surface water being on separate systems

**Bollington Town Council** – Recommend refusal for the following reasons:

- Bollington's neighbourhood Plan, which had been approved by Cheshire East as a planning document to have regard to when determining planning applications, states that employment properties should be marketed for a period of two years before losing their employment status. Clearly this public house, although closed for a few months had not been actively marketed for its existing use or an alternate employment use.

Bollington TC have been asked to bring to members attention the existence of a Covenant on the car park of this development which is alleged to prevent its development for housing.

## OTHER REPRESENTATIONS

Representations have been received from 7 properties. 6 object to the proposal and 1 does not object subject to there being no damage to drains /culverts. The following concerns are raised.

- Potential of overlooking
- Previous problems associated with construction of the Bowling green site
- Nowhere to park lorries during construction phase
- Drains run under the car park from the banking side
- Bats and birds nest in the bushes
- No visitor parking which will exacerbate existing problems on Lord Street and Ingersley Vale
- Accessibility to the countryside will be hindered
- This is a confined area where there are many dog walkers, residents accessing local amenities and businesses as well as families and walkers accessing the local countryside
- The number of additional journeys associated with the new housing is underestimated and appears not to account for normal leisure and shopping activities.
- There is already highway congestion, especially with large lorries from Tullis Russell using the very narrow road network
- A physical site visit is necessary in order to assess the true impact.
- The houses in the terrace with The Crown pub are in the conservation area
- The proposed development behind the gardens of these houses would negatively change the character of these properties and the open space outlook which enhances the conservation area would be lost
- The development that has taken place on Lord Street and Ingersley Vale has been linear. The infill development proposed is out of character with the area which is basically terraced housing. The design of the proposed new properties with apex gables facing the road is not cohesive and detracts from the overall character of the area
- When the development next door to the 'The Crown' was approved a number of years ago it resulted in a significant amount of an neighbours boundary hawthorn hedge being unlawfully removed by the developer to enhance the views from the gardens of the new properties
- Loss of outlook from the front of adjacent house from both the ground and first floors
- All three dwellings will overlook existing properties and result in a serious loss of privacy
- There will be an increase of noise and disturbance from the use of these dwellings
- These dwellings will not help preserve the style of Bollington houses in and around the conservation area
- No objection to the Crown pub conversion but do object to additional housing

- How does the proposal fit in with the local plan? Little point in consultation and drawing-up this plan if this sort of development is allowed
- Would result in an increase in noise and increased pollution
- Increased risk of accidents and deteriorating air quality, leading to ill-health
- The space would be better used for parking than housing
- There is a main sewer under the carpark which served The Crown.
- Loss of light

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within a Predominantly Residential Area as designated in the adopted Macclesfield Borough.

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 stated in paragraph 11 of the National Planning Policy Framework (NPPF) and Cheshire East Local Plan Strategy (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 car park is now a redundant piece of land in respect of its use associated with the Public House due to the change of use of the Pub. It can be classed as previously developed land within the village boundary of Bollington where there is a presumption in favour of sustainable development. The loss of the public house / employment considerations are not relevant to this scheme which relates to the car park only. Its development for housing would accord with Policies PG 1, PG 7 of the CELPS and Bollington Neighbourhood Plan Policies HO.P1. and HO.P2. The principle of development is therefore acceptable.

### **Residential Mix**

Policy SC4 of the Cheshire East Local Plan states that *“New residential development should maintain, provide or contribute to a mix of housing*

*tenures and types and sizes to help support the creation of mixed, balanced and inclusive communities*". The erection of three new three bedroom dwellings in the form of a pair of semi-detached dwelling and one no, detached dwelling within a residential area would contribute to the mix of housing in the area. This is made up of a range of terraced, semi-detached and detached properties of varying sizes. The proposal would complement the existing provision in the area, in accordance with Policy SC 4 of the CELPS and Policy HO.P3 of the Bollington neighbourhood Plan.

## **Design and Character of the Area**

NPPF paragraph 127 notes that planning decisions should ensure that developments are visually attractive as a result of good architecture and layout; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. Paragraph 130 notes that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area.

CELPS Policy SD 2 notes that development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials, external design features, massing of development, and relationship to neighbouring properties, street scene and the wider neighbourhood.

CELPS Policy SE 1 notes that development proposals should make a positive contribution to their surroundings by:

- Ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements
- Encouraging innovative and creative design solutions that are appropriate to the local context

The proposed development would infill the gap between the rear of the public house, properties on Church Street and properties on Inversely Vale. It would be set back into the site and as mended, would provide a scale of development in keeping with the surrounding built form. The dwellings would be modestly proportioned and constructed from stone. There would be some contemporary hints through the provision of flat roof parapet corners but the dwellings would be traditionally designed to assimilate in with their surroundings.

The scheme is considered to provide a modern but locally distinctive design, which will make a positive contribution to the character of the area and is in accordance with CELPS Policies SE 1 and SD2, the Cheshire East Design Guide, Policy DC41 of MBLP and Policy HO.P4 of the Neighbourhood Plan.

## **Landscaping**

CELPS Policy SE 4 relates to the landscape and requires all development to conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

Landscape conditions are suggested so that hard and soft landscaping details for the communal car park area, including boundary treatments, are submitted for approval. Sufficient space is available for appropriate landscaping to be incorporated in the proposed scheme, albeit limited in amount. It is therefore considered that the proposal would comply with policy SE 4.

### **Residential Amenity**

Saved Policy DC38 states that new residential developments should generally achieve a distance of between 21 metres front to front and 25 metres back to back between principal windows and 14 metres between a principal window and a blank / flank elevation for one or two storey properties with a 1 metre separation with the boundary. This is required to maintain an adequate standard of privacy and amenity between residential properties unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

The first-floor flat roofs would not be accessible from within the dwellings and there would be no windows within the side elevations of the projecting bays therefore no direct overlooking of adjacent properties. Side elevation windows would serve non habitable rooms at first floor and all other windows would face north and south.

#Amended plans were submitted during the life of the application as some concern was raised regarding the proximity of the dwellings to the rear of the dwellings on Church Street. As a result, the roof ridges of the proposed dwellings were reduced in height and the design of the first-floor elevations altered to prevent there being any overshadowing or an overbearing impact upon the adjacent dwellings.

It is considered that the proposed dwellings enjoy a similar standard of space light and privacy as the adjacent properties. They would not result in direct overlooking of existing private gardens or lead to excessive overshadowing of existing habitable rooms.

The garden space reflects the typical ratio of garden space of adjacent dwellings and the location size and shape is suitable for the intended purpose. The proposed development is therefore considered to provide a satisfactory level of space light and privacy and does not significantly injure the living conditions of adjoining properties, in accordance with saved policies DC3 and DC38 of the MBLP.

### **Air quality**



Policy SE 12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with the NPPF and the Government's Air Quality Strategy.

This proposal is for the residential development of 3 dwellings. Whilst this proposal is small scale, and as such does not require an air quality impact assessment, there is a need to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Conditions relating to travel information packs for residents and electric vehicle charging are therefore recommended to ensure compliance with the air quality objectives of CELPS Policy SE 12.

### **Contaminated Land**

Policy DC63 of the MBLP and Policy SE 12 of the CELPS also seek to ensure that development for new housing development is not located on areas of contaminated land. In this case, the application is for a proposed use that would be particularly vulnerable to the presence of contamination.

The site lies within a Coal Authority Development High Risk Area. No contamination report has been submitted therefore the applicants attention is drawn to the their duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land via an informative.

A Coal Risk Assessment was submitted and forwarded to the Coal Authority, who have confirmed the details are acceptable. The Coal Authority recommend conditions regarding intrusive works. The proposal complies with saved Policy DC63 of the MBLP and CELPS Policy SE 12.

### **Flood Risk**

The site is located over 30 metres away from the Dyers Pond at Ingersley Vale. Comments have been received regarding the potential for flooding. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less.

Policy SE 13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

United Utilities raise no objection to the proposal subject to appropriate conditions regarding the drainage of surface and foul water details being

submitted and agreed. Subject to this condition, the proposal complies with Policy SE13 of the CELPS.

## **Highways**

Bollington is designated as a Local Service Centre where the parking standards at Appendix C of the CELPS advises that a parking provision of 2 spaces per 2/3 bed dwelling is provided. The proposal would provide 2 spaces per dwelling. The proposed vehicular and pedestrian access would be safe with adequate visibility splays onto Ingersley Vale.

The recent permission for the conversion of the public house also used some of the existing car park for 4 parking spaces. However, this proposal will not interfere with this as there is sufficient room to provide all the spaces required.

The proposed dwellings would not result in excessive amounts of new traffic into a quiet area on unsuitable roads nor would vehicle parking spaces lead to annoyance or intrusion to neighbouring properties, particularly as the land had previously been a public house car park.

There are no material highway implications associated with the proposal as the use of the existing access to serve the dwellings is acceptable and the proposed off-street parking provision is in accordance with CEC parking standards and HO.P5 of the Neighbourhood Plan.

It is recommended that the provision of cycle storage is the subject of a condition to encourage alternative transport to the private car. There are no objections to the application raised by the Head of Strategic Infrastructure, and therefore no highway safety issues are raised.

## **Arboriculture and Forestry**

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

The application site is located just outside the Bollington Conservation Area and is bordered by vegetation which provides a level of screening between the site and adjacent properties. The application has been supported by an Arboricultural Implications Assessment and Arboricultural Method Statement (AMS).

Two 'C' category groups of closely spaced trees which comprise of a lapsed hedgerow of hawthorn and one conifer hedgerow have been identified to the northern and eastern boundary. The Council's Tree Officer has confirmed that none are considered worthy of formal protection.

The trees are located on top of the sloping bank down to the existing car park area. One mature Ash which hasn't been identified in the survey is located to the east within the garden of a residential property. The crown of the tree extends over the existing grassed area within the site boundary. However, any development is considered to be located outside the root protection area of the tree, and remedial pruning works can be undertaken to improve its relationship with the proposed plots.

All trees on the site are shown to be retained with hedgerow H1 removed to accommodate the development. The AMS has concluded that Tree Protection fencing is not required due to the site topography and its accepted that this will restrict opportunities for storage of materials and compaction ordinarily associated with development. However, the development should be implemented in accordance with the precautionary method of work as detailed in the method statement. Subject to this, the proposal complies with policy SE 5 of the CELPS.

### **Nature Conservation**

Policy SE 3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

In addition, Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy.

No significant ecological issues associated with the proposed development are anticipated. Conditions to safeguard nesting birds and ensure the provision of features to enhance the biodiversity value of the completed development are recommended. Subject to these conditions, the proposal complies with Policy SE3 of the CELPS.

### **Impact on Setting of Adjacent Conservation Area**

The proposed properties would fit into the current gap between the public house and the modern town houses along Ingersley Vale. They would be outside but visible from the conservation area. The scale and position of the dwellings i.e. set back within the site is considered acceptable as it would not harm the character and appearance of the Conservation Area. It therefore complies with CELPS Policy SE 7 and Neighbourhood Plan Policy BE. P2.

### **Other Matters**

Bollington Town Council have highlighted the existence of a Covenant on the car park of this development which is alleged to prevent its development for housing. The agent advises no such covenant exists. Nonetheless, covenants are not a material planning consideration.

## **CONCLUSION**

The application site comprises a previously developed site in a sustainable location, with good access to a range of local services and facilities. The proposed development would add to the stock of housing in the local area. The proposal provides a modern, but locally distinctive design, which also raises no significant highway safety, ecological or flood risk concerns, and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours.

The comments from the neighbours and Town Council are acknowledged and have been considered within this report. However, the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay.

**RECOMMENDATION:** Approve subject to the following conditions

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Submission of samples of building materials
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Landscaping to include details of boundary treatment
7. Nesting bird survey to be submitted
8. Provision of features to enhance the biodiversity value
9. Hours of operation condition including details of piling works
10. Construction method statement
11. Foul and surface water shall be drained on separate systems.
12. Surface water drainage details to be submitted
13. Travel information pack to be submitted
14. Electric vehicle infrastructure to be provided
15. Steps to be taken in event of unidentified contamination
16. Car parking spaces to be provided and retained at all times thereafter
17. Details of proposed finished floor levels and land levels to be submitted
18. Cycle storage to be provided
19. Coal mining scheme of works/investigations pre-commencement condition
20. Coal mining safety report prior to occupation
21. Accordance with Arboricultural Information

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



