

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 23rd April, 2025  
**Time:** 10.00 am  
**Venue:** The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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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

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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 at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making 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 interests, other registerable interests, and non-registerable interests in any item on the agenda and for Members to declare if they have a pre-determination in respect of any item on the agenda.

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For requests for further information

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3. **Minutes of the Previous Meeting** (Pages 3 - 6)

To approve the Minutes of the meeting held on 13 November 2024 as a correct record.

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. **21/5803M - Frank R Marshall And Co, Marshall House Church Hill, Knutsford, Cheshire East, WA16 6DH** (Pages 7 - 30)

To consider the above planning application.

6. **21/5804M - Frank R Marshall And Co, Marshall House Church Hill, Knutsford, Cheshire East, WA16 6DH** (Pages 31 - 50)

To consider the above planning application.

7. **24/4319/HOUS - Lower Brook Croft Smithy Lane, Rainow, Macclesfield, Cheshire East, SK10 5UP** (Pages 51 - 62)

To consider the above planning application.

8. **25/0233/HOUS - 2 Delamere Drive, Macclesfield, Cheshire East, SK10 2PW** (Pages 63 - 78)

To consider the above planning application.

9. **Cheshire East Borough Council (Knutsford - 82 King Street) Tree Preservation Order 2024** (Pages 79 - 122)

To consider the above report.

**Membership:** Councillors M Beanland, S Bennett-Wake, T Dean, D Edwardes, K Edwards, A Harrison, S Holland, T Jackson, D Jefferay (Chair), J Smith, J Snowball and F Wilson (Vice-Chair)

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 13th November, 2024 in the The Capesthorpe Room -  
Town Hall, Macclesfield SK10 1EA

**PRESENT**

Councillor D Jefferay (Chair)  
Councillor F Wilson (Vice-Chair)

Councillors M Beanland, D Edwardes, A Harrison, S Holland, T Jackson,  
N Mannion, J Smith and B Puddicombe

**OFFICERS IN ATTENDANCE**

- Paul Wakefield, Planning Team Leader
- Andrew Poynton, Planning and Highways Lawyer
- Gaynor Hawthornthwaite, Democratic Services Officer

**17 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor K Edwards and Councillor J Snowball. Councillor B Puddicombe attended as a substitute for Councillor Snowball.

**18 DECLARATIONS OF INTEREST/PRE DETERMINATION**

Councillor D Jefferay declared on behalf of the Committee, that additional information relating to application 22/0721M had been received from Mr B Perkins, one of the public speakers on this item.

In the interests of openness Councillor T Jackson declared that Mr M Simpkin, the applicant for application 22/0721M, is known to her.

**19 MINUTES OF THE PREVIOUS MEETING**

That the minutes of the previous meeting held on 2<sup>nd</sup> October 2024 be approved as a correct record and signed by the Chair.

**20 PUBLIC SPEAKING**

That the public speaking procedure be noted.

21 **22/0721M - 46 CHURCH STREET, BOLLINGTON, MACCLESFIELD, CHESHIRE EAST, SK10 5PY: CONVERSION OF GRADE II LISTED CHURCH TO 18 APARTMENTS AND ASSOCIATED WORKS FOR THE SIMPLY GROUP**

It was noted that the address of the location in the title of the reports for application 22/0721M and 22/0722M was incorrect and should be St John the Baptist Church, Church Street, Bollington, Macclesfield.

Consideration was given to the above application.

(Councillor Ken Edwards (Ward Member), Councillor Judy Snowball (visiting Member), Mr B Perkins (Objector), and Mr M Simpkin (applicant) attended the meeting and spoke in respect of the application).

Councillor Jefferey read out a statement on behalf of Reverend Nancy Goodrich, Vicar of Bollington (supporter).

*Councillor Ken Edwards and Councillor J Snowball left the meeting after speaking on this application.*

**RESOLVED:**

That for the reasons set out in the report the application be REFUSED for the following reasons:

As the development is in contrary to neighbourhood, local and national planning policies and guidance concerning housing mix/type/tenure, affordable housing, residential amenity, loss of Protected Open Space and supporting infrastructure, it is recommended that the application is refused approval for the following reasons:

1. The development does not propose a housing mix of types, sizes or tenures that meets the locally defined needs including that for affordable housing, downsizing and homes for elderly/older persons. The proposals are considered to result in a development that does not create or contribute to providing a mix of homes to create a balanced and sustainable community. The proposals are considered to be contrary to policies and guidance: SD1, SC4 and SC5 of the Cheshire East Local Plan Strategy 2017, HOU1 and HOU8 of the Site Allocations and Development Policies Document 2022, HO.P2 and HO.P3 of the Bollington Neighbourhood Plan, the Housing Supplementary Planning Document and the National Planning Policy Framework.  
The 11 units do not meet the Nationally described Space Standards and are non-compliant of space standards as required by policy HOU8.
2. The development results in the provision of habitable rooms that would have an insufficient provision of natural daylight, sunlight and



level of outlook that is considered to be detrimental to the future occupants' residential amenity. The proposals are considered to be contrary to policies and guidance SD1 and SE2 of the Cheshire East Local Plan Strategy 2017, GEN1 and HOU12 of the Site Allocations and Development Policies Document 2022, paragraph 129 (2) of the National Planning Policy Framework and the Cheshire East Design Guide.

3. The development results in the unjustified and unmitigated loss of Protected Open Space, a cemetery and graveyard area associated with a historic Church. The proposals are contrary to policies SD1, SD2, SC3 and SE6 of the Cheshire East Local Plan Strategy 2017 and REC1 and REC3 of the Site Allocations and Development Policies Document 2022.
4. The development fails to provide adequate financial contributions towards planning obligations for open space, outdoor sport and recreation, allotments, green infrastructure and affordable housing to offset the impact of the development on these needs, infrastructure and services as a result of additional demand placed on them. It is not considered there are material considerations, such as the conclusion of viability Appraisal works that outweigh the conflict with policies and guidance highlighted. It is considered that the proposals do not represent sustainable development when considered as a whole. It is considered that the development is contrary to policies and guidance MP1, SD1, SD2, IN1, IN2, SC1, SC2, SC4 and SC5 of the Cheshire East Local Plan Strategy 2017, GEN4, GEN7, REC2, REC3 and HOU1 of the Site Allocations and Development Policies Document 2022, EOS.P2 of the Bollington Neighbourhood Plan, the Developer Contributions SPD and the National Planning Policy Framework.
5. Due to the identified harm and policy conflict, it is not considered to be an overriding reason for granting approval of the application and as such the development is considered to fail the first test for habitat regulations and the development would have an adverse impact on protected species and because the benefits of the proposed development do not outweigh the impact of the development, the proposals are considered to be contrary to policies SE3 and ENV2 relating to bio diversity.

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

**22 22/0722M - 46 CHURCH STREET, BOLLINGTON, MACCLESFIELD, CHESHIRE EAST, SK10 5PY: LISTED BUILDING CONSENT FOR CONVERSION OF GRADE II LISTED CHURCH TO 18 APARTMENTS AND ASSOCIATED WORKS FOR THE SIMPLY GROUP**

Consideration was given to the above application.

**RESOLVED:**

That, for the reasons set out in the report, the application be APPROVED, subject to the following conditions:

1. Time 3 years LBC
2. Development in accordance with approved plans
3. Materials samples, sections and specifications to be submitted including windows, rooflights, internal walls, doors, glazed balconies, staircases, transoms (including glass inserts) timber louvres and vents
4. Access control details submission prior to installation
5. Prior to commencement submission of a method statement for the demolition and construction period of the development to ensure the structural stability, safety and retention of historic fabric. To include an updated photographic record of the interior and exterior of the building.
6. No installation of new plumbing, pipes, soil stacks, flues, vents, ductwork grilles, security alarms, lighting, cameras without the express prior permission of the LPA.

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

The meeting commenced at 10.00 am and concluded at 11.10 am

Councillor D Jefferay (Chair)

Application No: 21/5803M

Application Type: Full Planning

Location: Frank R Marshall And Co, Marshall House Church Hill, Knutsford, Cheshire East, WA16 6DH

Proposal: (1) Change of use of former auctioneers and valuers office/sales room to be used for flexible use purposes to allow weddings, celebratory events, conferencing, offices, bar and restaurant (sui generis) (2) Part single storey and part two storey rear and side extension (3) Internal and external alterations to listed building in association with the proposed change of use (4) Associated external works including to landscaping, garden area, car parking and servicing

Applicant: Peter Smith, One London Road Ltd

### Summary

The proposal is for change of use of a Grade II listed former school within Knutsford Town Centre Conservation Area to a flexible use for weddings and events. The proposed development would include extensions to the rear and side of the building. There has been harm identified to the designated heritage assets; however this harm is considered to be less than substantial harm, balanced by public benefits of the scheme including putting a currently disused listed building back into a viable and suitable town centre use.

**Summary recommendation** Approved subject to following conditions

## 1. REASON FOR REFERRAL

1.1. The application has been referred to the Northern Planning Committee by the Head of Planning due to the nature of the issues that are raised.

## 2. DESCRIPTION OF SITE AND CONTEXT

2.1. The application building is a late Victorian former school which is a grade II listed building. It is listed under the name of "Former Egerton Church of England School". The building is understood to date from the 1890s, built of brick with terracotta details and slate roof, in the Gothic Revival style. The Egerton family of Tatton Park were one of the original landowners of what now makes up much of Knutsford.

2.2. The building lies within the Knutsford Town Centre Conservation Area, and adjacent to the Grade II listed former Town Hall (now "Lost and Found" restaurant) and opposite Grade II\* St John the Baptist Church within spacious grounds. There are several other listed buildings in close proximity. It is also within an area of archaeological potential as identified on the adopted policies map. The site fronts onto Church Hill, which links two of the main routes

through the Town Centre, Princess Street and King Street. There is access via a pathway also adjacent to the rear boundary of the site. To the east of the site are several residential properties. The site also lies within a primary shopping area as identified on the adopted policies map.

### **3. DESCRIPTION OF PROPOSAL**

- 3.1. This application seeks full planning permission for the change of use of the existing building from an auctioneer and valuers office / sales room to a flexible use to include weddings and events, conferencing, offices, bar and restaurant with a two storey side and single storey rear extension plus internal alterations and landscaping.

### **4. RELEVANT PLANNING HISTORY**

An accompanying application for listed building consent appears elsewhere on the agenda alongside this full planning application – 21/5804M.

09/4015M Location of three metal storage containers. Approved with conditions 18/03/10 (two-year permission)

05/2212P Provision of disabled access & single storey rear extension. Approved with conditions 10/10/05

05/2211P Provision of disabled access & single storey rear extension. Approved with conditions 10/10/05

97/0907P Alterations and insertion of mezzanine floor to part. Approved with conditions 16/07/97

97/0906P Alterations and part change of use from sale room to offices with property sales (A2). Approved with conditions 23/07/97

97/0904P Demolition of detached former toilet block. Approved with conditions 16/07/97

25448P Demolition of existing derelict toilet block and erection of single-storey furniture & household goods store (listed). Approved with conditions 11/03/81

24218P Erection of furniture & household goods store. Approved with conditions 14/01/81

### **5. NATIONAL PLANNING POLICY**

- 5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.
- 5.2. The latest version of the NPPF was released in December 2024. Of particular relevance are chapters in relation to: Achieving sustainable development, Decision making, Ensuring the vitality of town centres, Achieving well designed places and Conserving and enhancing the historic environment.

## 6. DEVELOPMENT PLAN POLICY

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

### 6.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

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

MP1 (Presumption in Favour of Sustainable Development)

SD1 (Sustainable development in Cheshire East)

SD2 (Sustainable development principles)

SE 1 (Design)

SE 3 (Biodiversity and Geodiversity)

SE 7 (The Historic Environment)

EG 5 (Promoting a town centre first approach to retail and commerce)

#### **Site Allocations and Development Policies Document (SADPD)**

PG 9 (Settlement boundaries)

GEN 1 (Design Principles)

GEN 5 (Aerodrome safeguarding)

ENV 5 (Landscaping)

ENV 13 (Aircraft Noise)

ENV 15 (New development and existing uses)

HER 1 (Heritage assets)

HER 3 (Conservation Areas)

HER 4 (Listed buildings)

HER 8 (Archaeology)

HOU 12 (Amenity)

HOU 13 (Residential standards)

RET 1 (Town Centre and Retail)

RET 7 (Supporting vitality of town and retail centres)

RET 9 (Environmental Improvements, public realm and design in town centres)

INF 3 (Highway safety and access)

INF 9 (Utilities)

### 6.3. Neighbourhood Plan

Policies of the Knutsford Neighbourhood Plan relevant to the application are:

C1 Cultural and Community Places

C3 Re-use of Redundant Community Land and Buildings

C4 Utilities

D1 The Knutsford Design Guide

D2 Local Distinctiveness

D3 Landscape in New Development

HE1 Landmarks, Views, Vistas and Gateways

HE2 Heritage asset

HE3 Conservation Area  
HE4 Re-use of Historic Buildings  
T2 Cycling in Knutsford  
T4 Parking

## **7. Relevant supplementary planning documents or guidance**

7.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

7.2. Knutsford Town Centre Conservation Area Appraisal (2005)

7.3. List description:

*SJ7478 CHURCH HILL 792-1/3/15 (North West side) 13/02/73 Former Egerton Church of England School (Formerly Listed as: CHURCH HILL Egerton Church of England School)*

*GV II*

*School, now in commercial use. c1880. Brick with terracotta dressings and Welsh slate roof. PLAN: main range with recessed entrance wings each side, and parallel range to rear. EXTERIOR: 2-storey, 5-window, range, the principal storey to the first floor with trefoiled mullioned and transomed windows, those each side of centre beneath tall gabled dormers. Ground floor has segmentally-arched mullioned and transomed windows. Moulded eaves cornice, steep roof with ridge cresting, slate hung spirelet, and end wall stacks. Entrances in lower recessed wings each side. Boys' entrance to left, with hipped roofed pavilion block beyond. Girls' entrance to right, in pavilion block. Both have gabled porches with deeply moulded arches, and lettering in low-relief terracotta work above the arch. INTERIOR: not inspected.*

## **8. CONSULTATIONS (External to Planning)**

**Cheshire Archaeology Planning Advisory Service** - no archaeological observations required

**Head of Strategic Transport** – no objections, condition for cycle parking details

**Environmental Protection** – Conditions relating to acoustic mitigation, air quality control, contaminated land.

**LLFA** – no objection subject to condition – detailed drainage strategy

**Victorian Society** - no consultation response received.

**Knutsford Town Council** – comments on initial design: While the council welcomes the application, it is felt the proposal would benefit from some alterations. The manner in which the extension joins or 'breaks through' into existing building, to ensure the protection of the archaeology of the building. The design of the front elevation would be complimented by the addition of glazing bars found in the existing building. The rear elevation would benefit from some architectural alterations which might create more visual interest, and whilst this is a rear elevation, it is still visible from another neighbouring street. Cycle provisions to meet policy T2 of the Knutsford Neighbourhood Plan. Restrictions for disposal of operational waste'

Following revisions, and re-consultation, the Town Council raised no objections subject to addressing cycling provision

## 9. REPRESENTATIONS

3 letters of representation have been received. The key points are summarised below:

### 9.1. Objection from a local resident regarding initial proposal:

- Supports principle of change of use which can underpin restoration works and ensure structural and economic sustainability.
- NPPF requires that great weight should be given to conserving the asset and sustaining its significance. The impact of the proposed development on the setting will also require assessment.
- Historical background of the building provided
- Historic significance of former school, setting also contributes to its significance, close visual, spatial, architectural and social relationship with listed former town hall (II) and St John's parish church (II\*)
- No pre-application advice sought.
- Revised heritage statement provides historical analysis. Concludes negligible impact – not borne out by plans submitted.
- Accepts that external works will have a positive impact on the street scene
- Relationship with Lost and Found changes radically, not proven that development as a whole will have a positive impact on the setting of listed buildings and character of the conservation area.
- Layout of the building and hierarchy of spaces is not analysed. No justification for location of proposed extensions in relation to these elements. Extensions lead to irreversible invasive intrusion into external fabric, seriously compromise the historic fabric, contrary to claim of negligible impact.
- Structural changes to four ground floor windows on northern elevation to provide access to rear extension are particularly damaging to visual and architectural integrity of the building. KNP HE4 – Planning applications which result in the loss of, cause unacceptable harm to, or negatively impact on, the significance of heritage assets (designated or non-designated) will be resisted.
- KNP D1 to preserve nationally and locally listed buildings, also to enhance setting and significance and give them new roles and purposes whenever possible in the economic, social and cultural life of the town – only partially achieved. HE 4 lays out criteria to be met, including that external alterations are minimal and do not significantly alter the appearance of the building. Design Guide and policy D2 indicate how applications might respond, for example – reinforce local character and identity through locally distinctive design and architecture.
- Planning Statement sets out architectural approach to design of extensions asserting that they are subservient and have a mass approximately one third of the existing, therefore minor impact and less than substantial harm.
- Proposals constitute harm – increase in floor area from 647.6 sqm to 969.6 sqm, 49.72% - no justification or business case. In contrast ref 15/3019M for change of use from retail to restaurant bar - Lost and Found – involved no external extensions to floor space of 750 sqm.
- Two storey side separated by narrow glass strip. Mass and form neither physically or visually subordinate to main building, nor sympathetic to character which has prominent symmetrical façade. Balcony introduces further discordant addition – a void bereft of structural vertical features.

- Distinctive Victorian features of western elevation lost behind the two storey extension. Although set back new frontage will partially obscure two architecturally significant windows of the main building when viewed from the west.
- Extension will hide symmetry and obscure four Victorian ground floor windows to north. Extensions form a bland, featureless brick structure despite introduction of some panels of corten cladding.
- All facades of listed buildings are important to historic significance. Dominant and unsympathetic form of the proposed extensions will drastically alter two elevations of the former school, fail to meet criteria 1 of KNP HE4.
- Question over whether building can accommodate the requirements of the use without seriously compromising historic fabric and setting.
- Questions whether extensions are of sufficient architectural quality to respect the historic buildings and enable significance to be better appreciated and understood – not a debate on whether a traditional or modernistic design is appropriate. A modern design is accepted as appropriate to distinguish old from new,
- Whether proposed change of use requires the large extra floor space – can additional space be provided for catering, cloakroom but less for bar and private dining. Extensions adds to costs requiring a high volume of use as yet unproven in Knutsford.
- Extent of whether the changes and harm is offset by public benefit. Insufficient information to set out the activities for night time economy.
- Exemplifies an approach to solving problem of a disused and declining building characteristic of an important era of Knutsford. Insufficient evidence for answers to questions above. Request refusal until consultation with relevant stakeholders undertaken and revised plans prepared.

9.2. Comment from member of the public made under the listed building application ref 21/5804M for initial proposals, considered relevant also to the full planning:

- General observation
- A permanent long term use for this iconic building is welcome. However proposed elevations look as if a throwback from 1960s, in no way blend with existing structure and immediate neighbours. Should be more sympathetic with the existing building.

9.3. Comment on behalf of Knutsford Conservation and Heritage Group on initial proposals

- Provides historical background to the building, and significance.
- West end too close to rear of Lost and Found (Old Town Hall).
- Proposals –detrimentally affect the grade 2 listed building (photo to illustrate):
  - remove brickwork to create large entrance to new extension.
  - Remove two important upper floor windows, on to widen for a door.
  - Remove part of wall in upstairs office
  - Remove exit door from office in east end elevation
  - Project part way in front of windows of main building
  - Demolish four listed buildings at rear for access into extension
  - Fit a lift - first floor forms part of listed structure
  - West end elevation lost to view as inside two storey extension. Interior view split in two halves because of first floor of extension. Would cladding internally hide the Accrington brickwork? Marshall House should be visible complete not obscured by extensions which are unsuited to the Grade 2 listed building
  - Victorian society should be consulted.

## 10. OFFICER APPRAISAL

*Principle of the development in the Town Centre*



- 10.1. The site lies within Knutsford Town Centre, identified as a Key Service Centre in the development plan. SADPD policy RET 1 requires that development proposals should reflect the role, function and character of the relevant retail centre in the hierarchy to promote their long-term vitality and viability. The SADPD defines a main town centre use to include conference facilities, restaurants, leisure and entertainment. CELPS EG 5 likewise states that town centre will be promoted as the primary location for town main town centre uses including retail, leisure, cultural and office development. It is considered that the proposal would be an acceptable use in the town centre location.

### *Key Issues*

### **Heritage and Design**

- 10.2. The site comprises a grade II listed building, in close proximity to other listed buildings including the Grade II\* listed church opposite and is within the Knutsford Town Centre Conservation Area. The Planning, Listed Buildings and Conservation Areas Act 1990 requires the Council to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Heritage policies within the SADPD, CELPS and Knutsford Neighbourhood Plan also apply, as well as the NPPF. KNP policy HE 4 (Re-use of Historic Buildings) seeks for external alterations to be minimal and not to significantly alter the appearance of the building, preserving internal fabric where possible, using high quality materials and respecting the setting through carefully considered landscaping. The view down Church Hill is noted as an important view within the Knutsford Character Assessment (2018). KNP HE3 sets out design principles for development within the town's conservation areas.
- 10.3. Under SADPD policy GEN 1 proposals should, among other aspects, create high quality beautiful and sustainable buildings and places, avoiding the imposition of standardised and / or generic design solutions where they do not maintain a strong sense of quality and place. Policy SE1 of the CELPS aims to achieve development proposals which make a positive contribution to their surroundings through a range of measures. The policy encourages innovative and creative design solutions that are appropriate to the local context underpinned by character and design assessment. Policy SD2 of the CELPS states that development should contribute positively to an area's character and identity in terms of (amongst other considerations); height, scale, form, grouping, choice of materials.
- 10.4. The application is within an area of archaeological potential as defined in the Cheshire Historic Towns Survey (1997-2002) report for Knutsford, which forms part of the key evidence for LPS policy SE 7. The Cheshire Archaeology Planning Advisory Service has been consulted and considers that the proposal is unlikely to impact significant below grounds remains and therefore there are no archaeological observations required for this application.
- 10.5. The building is a former school building and retains much of the original floor plan on both floors with classroom walls and staircases. There are a number of original features within the building internally as well as externally. The proposal would result in a loss of some features and historic fabric including alterations to the rear and side elevations to accommodate the new extensions. The proposed side extension would be the most noticeable alteration to the building, with a single storey extension also to the rear. Materials are proposed to be facing brick with corten steel detailing. It is noted that some localised underpinning is proposed, a method statement for details can be required by condition.
- 10.6. The design officer, in consideration of the initial proposal, suggested that the massing could better respond to the existing building to be subservient, particularly as it was initially proposed forward of the building line of the side element of the original, as well as above the adjacent eaves line. The initial building line resulted in a 'boxing in' of the entrance ramp. Suggestions

were also made in relation to the front glazing to the extension, balcony area, west elevation and rear. The Conservation Officer raised concerns that a substantial extension could cause harm to the significance of the listed building and setting of adjacent listed buildings within a conservation area.

- 10.7. Officers worked with the applicant to make some amendments to the design to allow a wider glazed element for visual separation and set back between the original building and the new brick element on the frontage. An additional window has been added to the proposed side extension at first floor. It is noted that the rear extension would be a service area and would also face towards an external boundary wall providing some degree of screening to the back of the building particularly at ground floor level.
- 10.8. The proposed mass form and height of the two-storey side extension was considered by the Conservation Officer to be too bulky, undermining the symmetrical appearance of the French Gothic style building and the significance of the boys' entrance feature located in the recessed wing. The gap between this building and the adjacent listed building now known as "Lost and Found" would be reduced, which was considered by the Conservation officer to create a cramped appearance. Internally the ground floor spaces are proposed for retention on the whole and following discussion the application has indicated retention of sliding timber doors, albeit not in their original position. Costings involved for purchase and repair of the existing school and proposed extensions were provided. The Conservation Officer considered that the building could have potential to be used for weddings/functions and as such fulfil the requirement under the NPPF in terms of securing optimal viable use for a listed building without harm. A single storey extension may be acceptable to house services, more discretely placed without the need for cutting through all the rear windows of the former school. The proposal including both side and rear extensions was considered to be harmful to the architectural significance of the listed building, and the setting of adjacent listed buildings and the conservation area.
- 10.9. The harm was assessed as being 'less than substantial harm'. Under paragraph 215 of the NPPF, where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (It should be noted that there has been some renumbering of paragraphs in the December 2024 update to the NPPF, from those referenced in comments that have been made on the application).
- 10.10. The nature of the internal layout of the existing building means that there are some constraints on the types of uses, without significant subdivision of large internal spaces and retention of significant areas for communal use. This means that viability for a number of uses is less straight forward due to the constraints of the listed building. It is recognised also that refurbishment and ongoing maintenance of an historic building requires significant financial investment. The building's architectural and historic interest and its listing relates to the building internally as well as externally. The proposal for wedding and event uses would enable retention of some of the larger internal spaces.
- 10.11. In response to the Conservation Officers comments an exercise was undertaken by the applicant with updated figures and viability report considering three options:  
Option 1 – Refurbishment of the existing building.  
Option 2 - Refurbishment of the existing building with rear extension.  
Option 3 - Refurbishment of the existing building with rear and side extension  
An independent assessment has subsequently been undertaken of the applicant's viability report by consultants appointed by the Council. Additional information was then provided by the applicant to clarify initial queries raised by the Council's consultant. However, not all matters were agreed between the applicant and the Council's consultant. One major

difference of opinion was with regard to land value, where there was a significant difference between the parties.

10.12. This application has been put forward as a development by the applicant for their own occupation, and as such the appraisal in the independent review report for the application proposals included a reasonable management fee at 6% of cost. However, if this was a speculative development being marketed and then let or sold to a third party, then a profit at 15% of cost would be reasonable. Taking the independent consultant's approach to land value, their financial appraisal based on the application scheme proposals resulted in a residual land value of more than double the benchmark land value (BLV). This demonstrates that as a property development for owner occupation, the proposed scheme is viable. For completeness the appraisal was also carried out with a full speculative developers profit at 15% of cost. On this basis the outturn residual land value was 41% greater than the BLV, which indicates that on this basis the application proposals as a property development scheme would also be viable. Finally, it was noted that the outcome of the independent consultant's appraisal for option 2 with a rear extension only, was a residual land value of 56% greater than the BLV. The independent consultant advises that as the residual land value is also greater than the BLV, it indicates that this option "might" also be viable on the basis of owner occupation.

10.13. Notwithstanding, the potential viability of option 2 on an owner occupation basis, the proposal relates to option 3 – specifically the side and rear extensions, and the use, as proposed. The applicant represents a willing landowner ready to develop the site viably as proposed. The applicant's viability report identified the proposal (option 3) as the only viable option for the redevelopment of the site, and there is no indication that they would have any interest in developing the site on a less viable (or even unviable) basis, nor any incentive for them to do so. As such, option 2 would introduce uncertainty, and further delays in bringing the building back into active use. The Planning Practice Guidance advises that *"it is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset"*.

10.14. The building has been largely unused for some time and finding a viable new use is an important consideration in the assessment. The proposal would result in alterations to the historic fabric, most notably to one side and the rear, and would also result in extensions visible in the public realm. The extensions would on balance be subservient in scale overall and offer a contemporary approach in materials that complement but which would not be a pastiche of the original. Alternatives to a flat roof have been discussed, however it was considered that a pitched roof would be likely to undermine the subservience of the proposal in relation to the original building.

10.15. In its wider context and setting, the gap between the extension and Lost and Found has been noted as being reduced. Lost and Found's main prominent frontage faces towards Princess Street, with a plainer, although still historically and architecturally significant rear elevation facing into the application site. The set back of the building line to the proposed extension would mean that a significant part of the rear elevation to Lost and Found would remain visible particularly when approaching along Church Hill. The side elevation to Lost and Found forms a strong visual feature around the corner into Church Hill, set forward of Marshall House. St Johns Church opposite is set within spacious grounds with trees which help to provide some screening of the application site when viewed from Toft Road. The main front entrance of St Johns is opposite the eastern end of Marshall House, the area which would be less impacted by the proposals. In this context the set back of new elements of the proposals would allow the surrounding historic buildings to remain the prominent features in the street scene to Church Hill. The rear of the application site as noted above would form largely a service area to the new use, facing towards a carparking and access which itself

comprises parking and service areas and a secondary route to surrounding streets and buildings. An existing large timber shed at the rear of the site would be removed to accommodate the proposals.

- 10.16. Overall, the proposed development is considered to result in less than substantial harm to the architectural significance of the listed building, and the setting of adjacent listed buildings and the conservation area. Consequently, paragraph 215 of the NPPF requires this harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In terms of benefits, most notably, the proposal would bring back an important listed building within the Town Centre Conservation Area back into active use, thereby securing its future for years to come. The proposal would also result in required maintenance and repairs to the existing building being carried out. There will be economic benefits such as supply chain impacts, 20-30 construction jobs with associated apprenticeship roles, and 30-40 staff employed within the venue when operational. Both contractors and operation staff will in turn contribute to the to the local expenditure within shops, restaurants, bars and other services, adding additional spending power to the local economy within Knutsford town centre. Similarly, visitors to the venue will visit local shops bars, restaurants and hotels. The applicant also states that the development will improve the thermal efficiency and sustainability credentials of the existing building.
- 10.17. It is considered on balance that the proposed scheme as amended has been demonstrated to be a viable use which offers significant public benefits in the continued active use of an important listed building within the town centre. The proposals would be in contrast to the existing and also result in less than substantial to designated heritage assets, but the stated substantial public benefits are considered to outweigh the identified harm to these heritage assets.

### **Highways**

- 10.18. Policy CO1 of the CELPS sets out the Council's expectations for development to deliver the Council objectives of delivering a safe, sustainable, high quality, integrated transport system that encourages a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport.
- 10.19. As a *sui generis* use, there are no specific guideline parking standards with the CELPS relevant to the proposal. There would be 19 spaces retained on the site including 4 disabled spaces and 2 EV spaces. Servicing will be from the rear of the building with access off Princess Street. As a town centre site, it is well served by links to public transport and a number of carparks within walking distance. The Head of Strategic Transport raised no objections. A condition is recommended for cycle parking to be provided.

### **Aircraft Noise**

- 10.20. The site lies within Manchester Aircraft noise contours. SADPD policy ENV 13 relates to aircraft noise, seeking to avoid significant adverse aircraft noise impacts on health and quality of life for noise sensitive development including residential, educational and healthcare developments. The proposed uses would not be considered to be noise sensitive and as such mitigation is not required in this case.

### **Nature Conservation**

- 10.21. Policy SE3 of the CELPS requires areas of high biodiversity and geodiversity value to be protected and enhanced. All development (including conversions and that on brownfield and greenfield sites) must aim to positively contribute to the conservation and enhancement

of biodiversity and geodiversity and should not negatively affect these interests. Policy ENV2 of the SADPD sets out ecological requirements for development proposals.

- 10.22. An ecological survey was carried out. The existing building was deemed to offer some potential for roosting bats, it was considered unlikely that the proposed works would impact on any of the features identified. The Nature Conservation Officer has assessed the proposals and considers no further surveys are needed. Updated advice has been obtained from the Principal Nature Conservation officer (April 2025) confirming that it is unlikely that the risk of bats would have significantly increased in the intervening period since the survey was undertaken. A condition is recommended for a strategy for incorporation of features to enhance the biodiversity value of the proposed development in the case of an approval in line with CELPS policy SE 3. The site is within the Meres and Mosses catchment (buffer zones). Due to location in relation to specific risk zone contours and the type of development it is not a requirement to consult Natural England in this case. The application was submitted prior to mandatory Biodiversity Net Gain (BNG) and as such there are no BNG requirements. The proposal is therefore considered to comply with policies SE3 and ENV2.

### **Drainage and flood risk**

- 10.23. Policy SE13 of the CELPS requires developments to 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, in line with national guidance. Policy ENV16 of the SADPD requires development proposals to demonstrate how surface water runoff can be managed, including with the use of sustainable drainage systems (SuDS).
- 10.24. The site is within flood zone 1 where there is a low risk of flooding. It is in a town centre location where there are existing public sewers which the proposal is intended to connect into. The Lead Local Flood Authority (LLFA) have provided advice for the agent regarding drainage hierarchy. The LLFA have raised no objections subject to a condition for a detailed drainage strategy and maintenance plan. Proposals indicate diversion of some United Utilities infrastructure, any LLFA approval also is subject to agreement with United Utilities regarding these matters.

### **Living Conditions**

- 10.25. The site occupies a town centre location where there are a number of different uses including restaurants and bars as well as residential uses. The nearest residential properties are located to the north on Church View (including accommodation for the Cross Keys Hotel), to the east off Church Hill, and to the south on Marcliffe Grove. Due to the distance to, and relationship with, residential properties and nature of the proposals it is not considered that there would be a harmful impact on neighbouring residential amenity in terms of overlooking or overbearing impact.
- 10.26. An acoustic report has been submitted in support of the application. The impact of the noise from installed plant and music breakout from the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, and BS4142:2014 Methods for rating and assessing industrial and commercial sound. The reports methodology, conclusion and recommendations are accepted by environmental protection officers. A condition is recommended for implementation of the mitigation in full, prior to occupation, and for on-going maintenance of the mitigation system. The mitigation includes a scheme of sound insulation measures that includes replacement windows, acoustic lining to the existing roof and mechanical ventilation to negate the need to open the windows for ventilation. Noise from the car park will be relatively low, as the number of vehicles is small (19 spaces), and the general noise from customer egress can be

mitigated by means of a noise management plan as outlined in the noise report. Additionally for specifications of plant extraction units prior to installation to ensure appropriate noise levels are not exceeded. A condition can also be included for hours of use of the site. Subject to these conditions no significant noise issues are anticipated.

- 10.27. There are some small dining areas to Lost and Found with windows facing towards the application site. Taking into account the set back of the proposed side extension from the Church Hill frontage relative to the position of Lost and Found and the remaining space between the buildings and the nature of the use of this neighbouring building it is not considered that there would be significant harmful impact on users of this building.

### **Air Quality**

- 10.28. Lowering emissions is important and high-level consideration of the contributions of new development on air quality as it relates to land use is covered by planning legislation. Environmental Protection recommend conditions relating to Electric Vehicle infrastructure and boiler specifications. However, these fall within the remit of other legislation and as such it is not considered reasonable to impose planning conditions for these for this scale of development.

### **Contaminated Land**

- 10.29. The site has a history of commercial use and there is a possibility of land contamination. Conditions are requested in relation to land contamination, in particular in relation to proposals for garden areas and in the event that contamination not previously identified is found to be present.

## **11. PLANNING BALANCE/ CONCLUSION**

- 11.1. The proposals are for a change of use with extensions and alterations, identified as resulting in harm to a grade II listed building in the Knutsford Town Centre Conservation Area. This harm has been assessed as less than substantial harm to the designated heritage assets. It is considered on balance that the benefits of a new use for the building would present public benefits to balance in favour of the proposals as amended as assessed under the requirements of NPPF paragraph 215. There are not considered to be other material considerations that would result in conflict with the development plan. As such on balance the proposals as amended are recommended for approval.

## **12. RECOMMENDATION**

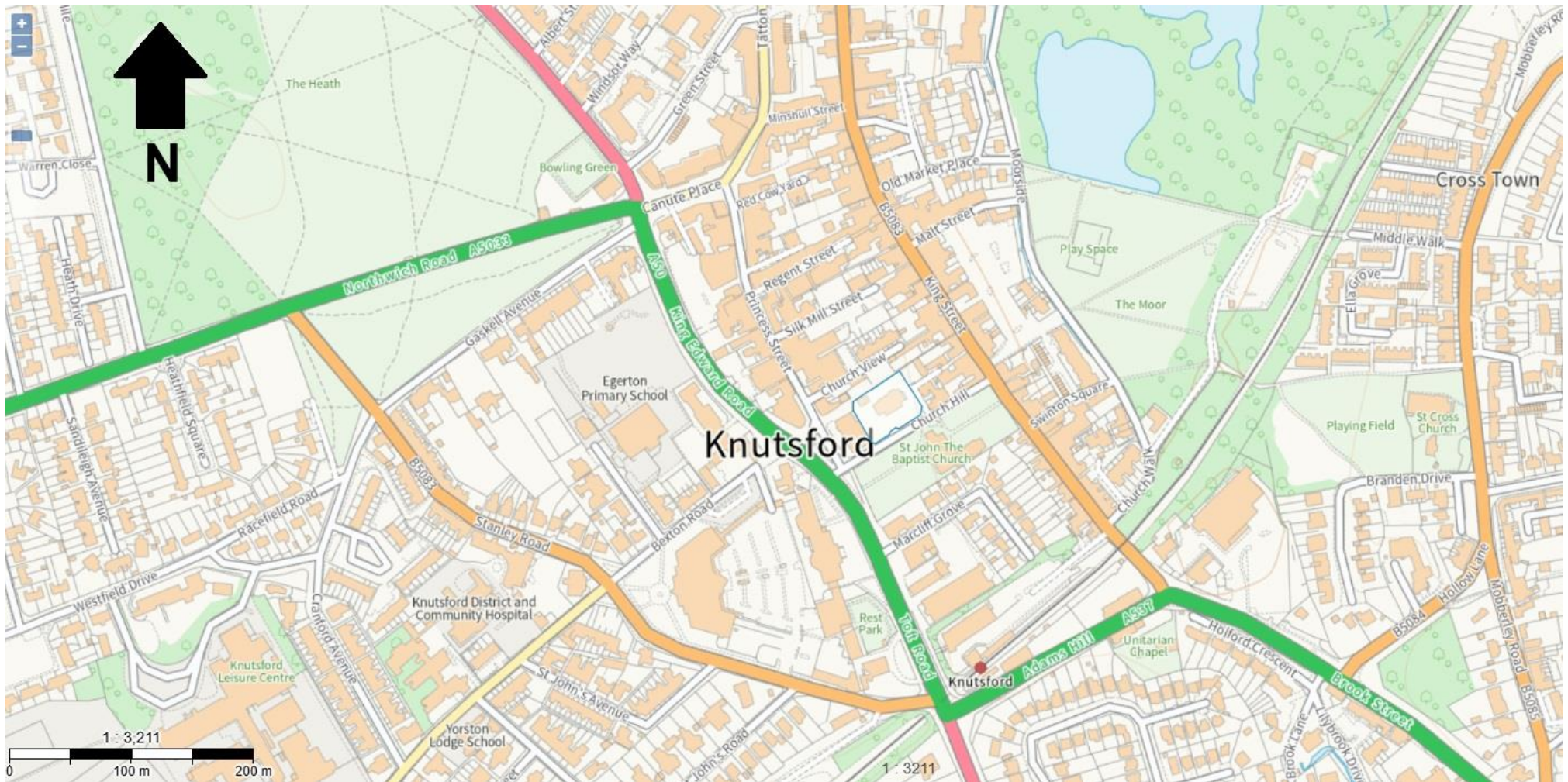
### **Approve subject to conditions:**

- 1. Time limit for implementation – 3 years**
- 2. Development to be in accordance with approved plans**
- 3. Materials samples to be submitted**
- 4. Sample panel brickwork to be submitted**
- 5. Window and door details to be submitted**
- 6. Method for protection of internal historic features and surfaces to be submitted**
- 7. Details of historic features to be left in situ to be submitted**
- 8. Retained fabric to be made good – details to be submitted**
- 9. New services details to be submitted**
- 10. Details of underpinning to be submitted**
- 11. Method statement for cleaning and repair of historic brickwork to be submitted**
- 12. Details of treatment of historic fabric abutting extensions to be submitted**

- 13. Details of retention of internal screens to be submitted**
- 14. Cycle parking details to be submitted**
- 15. Drainage details to be submitted**
- 16. Landscaping details and implementation including boundaries to be submitted**
- 17. Noise mitigation to be implemented**
- 18. Hours of opening**
- 19. Biodiversity enhancements to be submitted**
- 20. Testing importuned soil for contamination**
- 21. Action required in event of unidentified contamination**

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

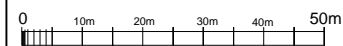






21/5803M

Frank R Marshall And Co, Marshall  
House Church Hill, Knutsford,  
Cheshire East, WA16 6DH



Notes:

Revision	Description	Date
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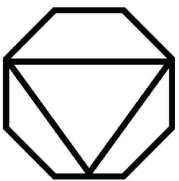
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Drawing No. 01	Drawing Title: SITE LOCATION PLAN
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Revision: -	Scale: 1:1250 @ A3	Date: JAN 2021	Drawn by: MW
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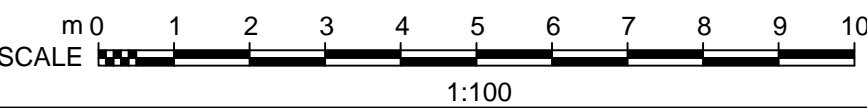
A	TREE PROTECTION ADDED	26.10.21
Revision	Description	Date



**DV8 DESIGNS**  
ARCHITECTURE+INTERIORS

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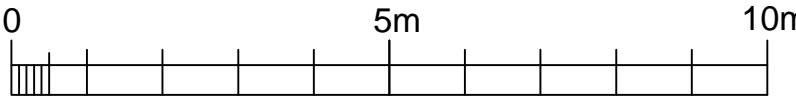
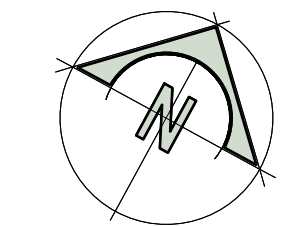
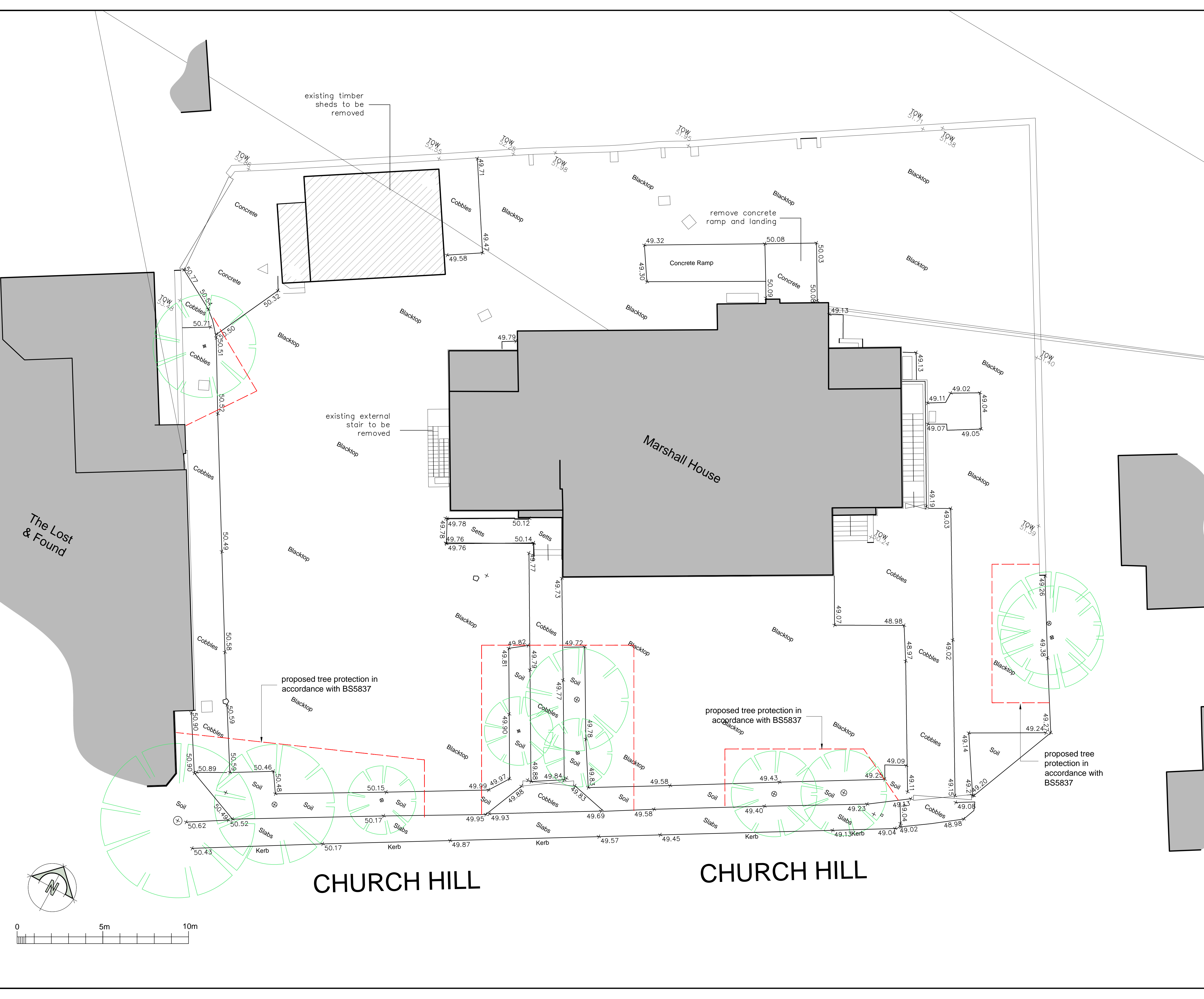


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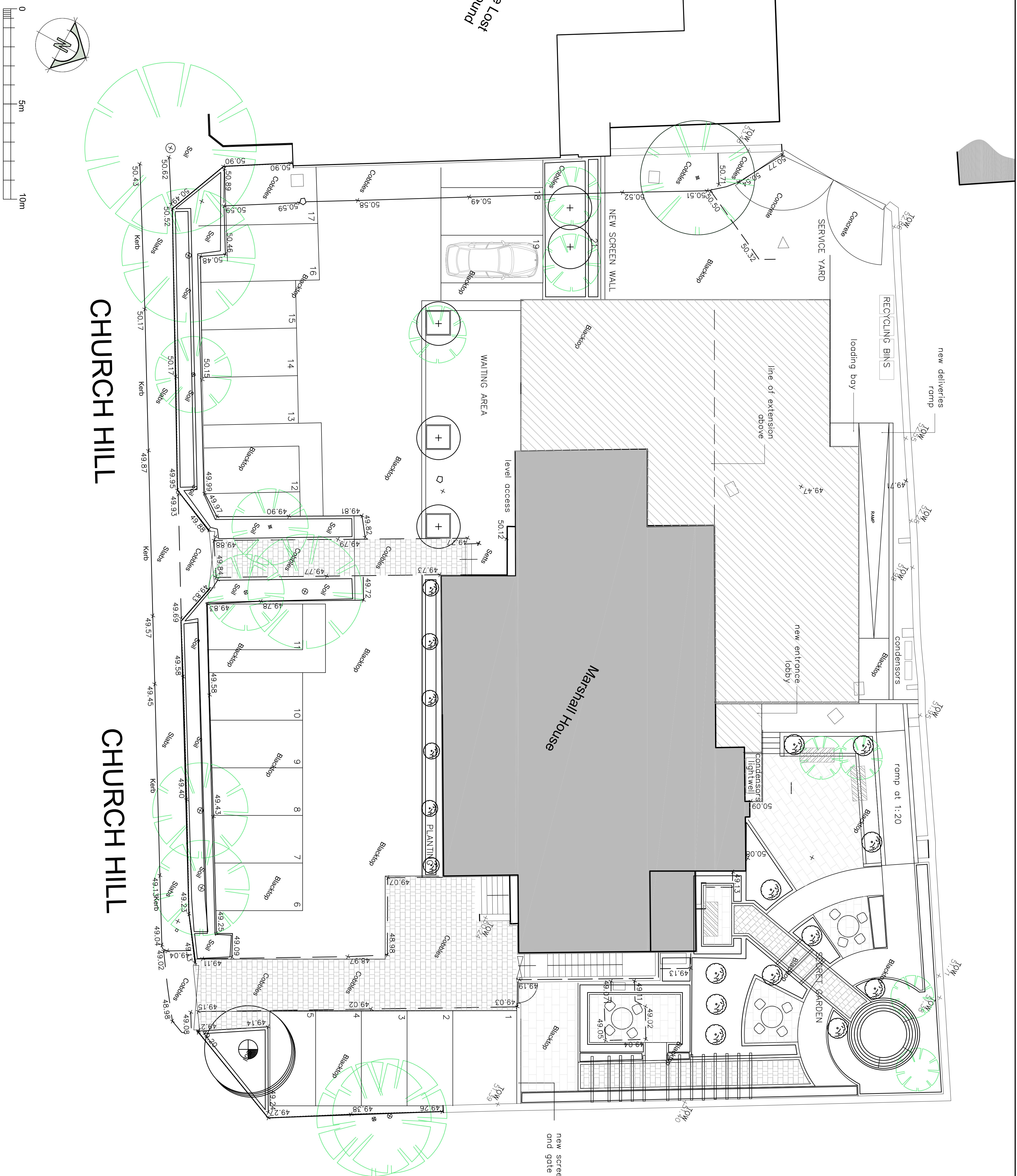
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Project: MARSHALL HOUSE KNUTSFORD

Drawing No. 102  
Drawing Title: EXISTING SITE PLAN

Revision: A	Scale: 1:100 @ A1	Date: JAN 2021	Drawn by: JH
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Notes:

C	EXTENSION SET BACK	18.08.22
B	POSITION OR EXTERNAL PLANT	28.07.21
A	AMENDED FOR CENTRAL BAR	01.04.21

Revision	Description	Date
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DV8 DESIGNS  
ARCHITECTURE+INTERIORS

PROPOSED

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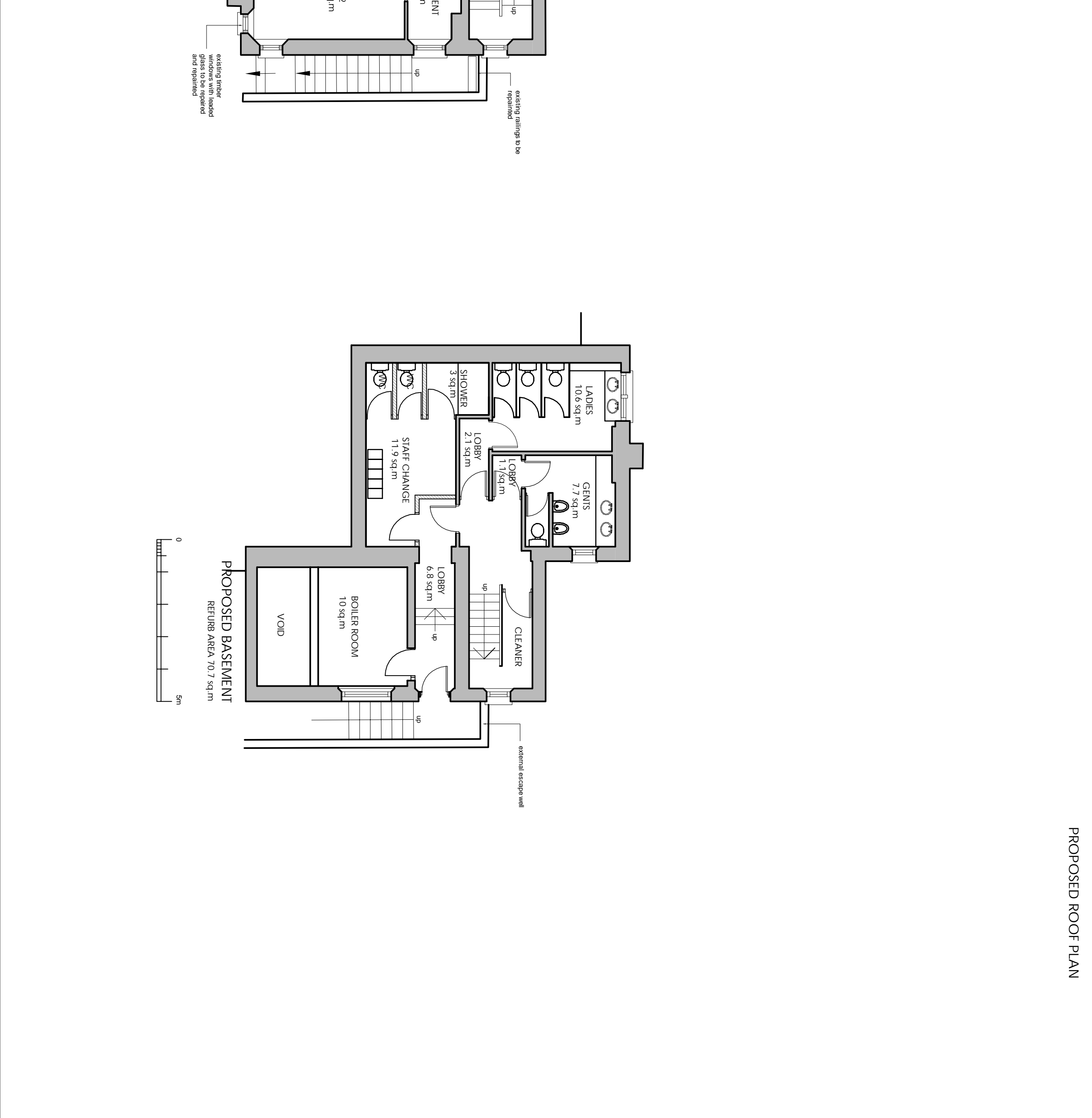
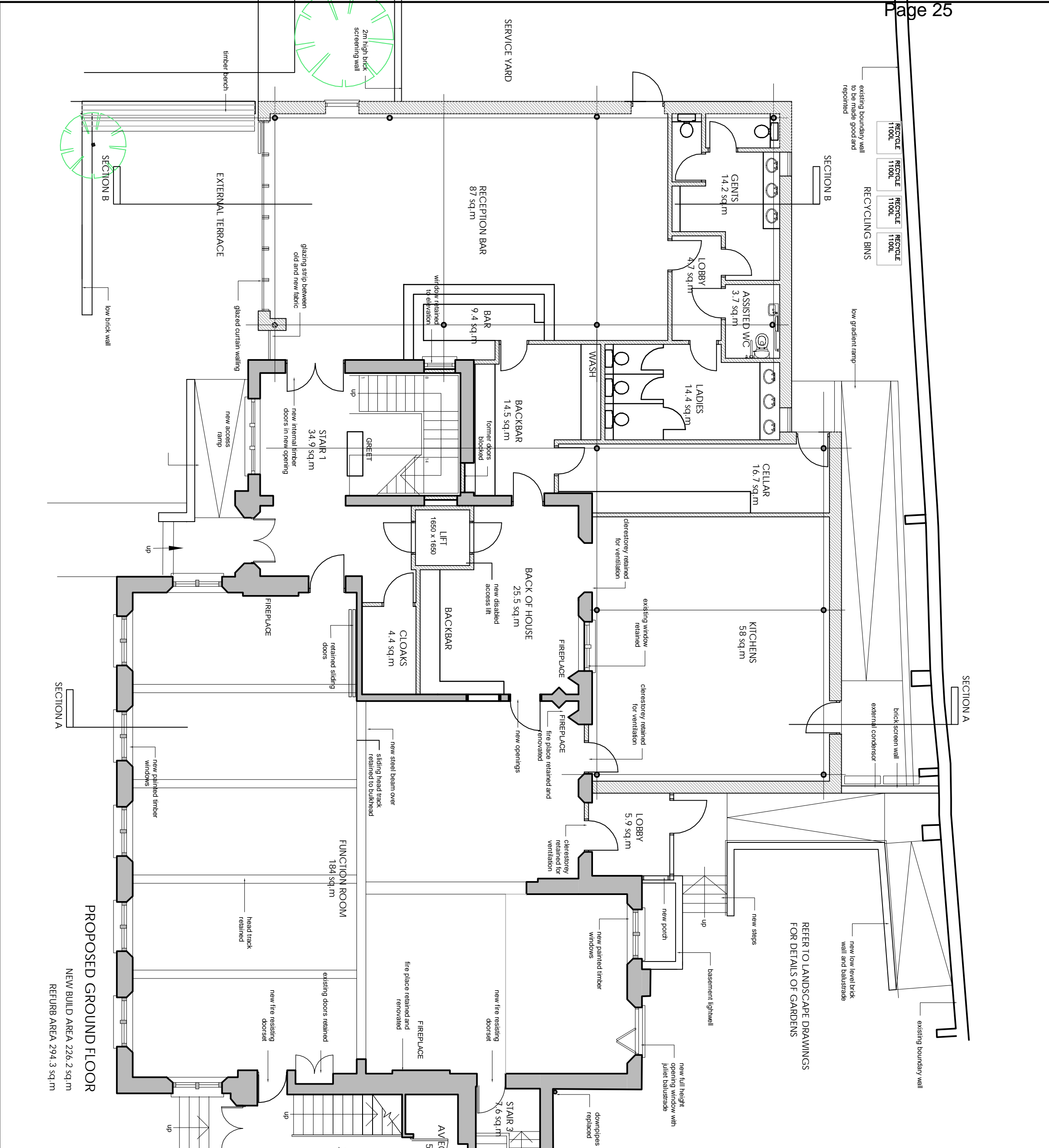
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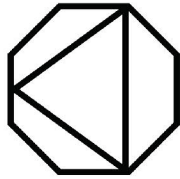
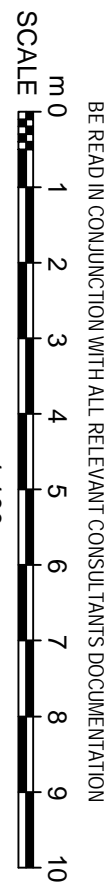
Project No. 1969	Project: MARSHALL HOUSE KNUITSFORD
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Drawing No.	Drawing Title:
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Revision:	Scale:	Date:	Drawn by:
C	1:100 @ A1	JAN 2021	MW





Revision	Description	Date
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Project No.	Project:	MARSHALL HOUSE KNUITSFORD
1969		
Drawing No.	Drawing Title:	
200	PROPOSED PLANS	
Revision:	Scale:	Date:
H	1:100 @ A1	JAN 2021
		Drawn by: MW

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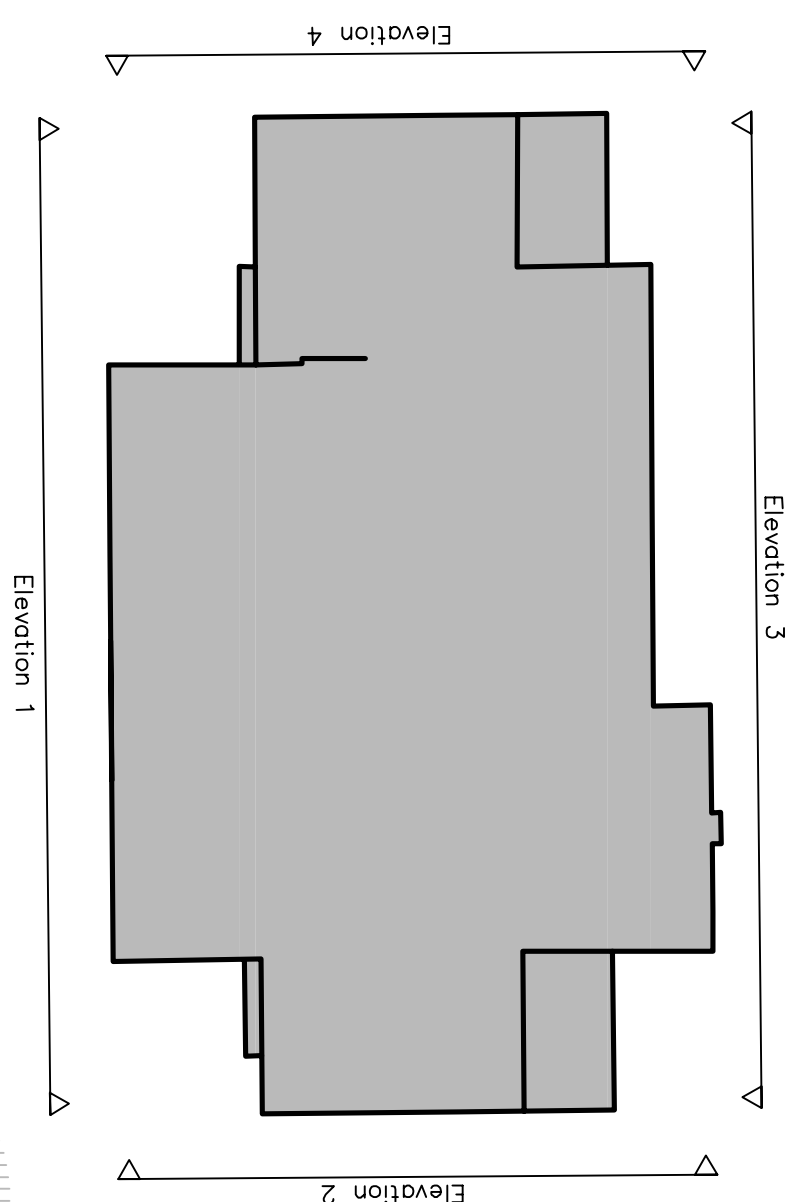
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Project No. 1969	Project: MARSHALL HOUSE KNUTSFORD
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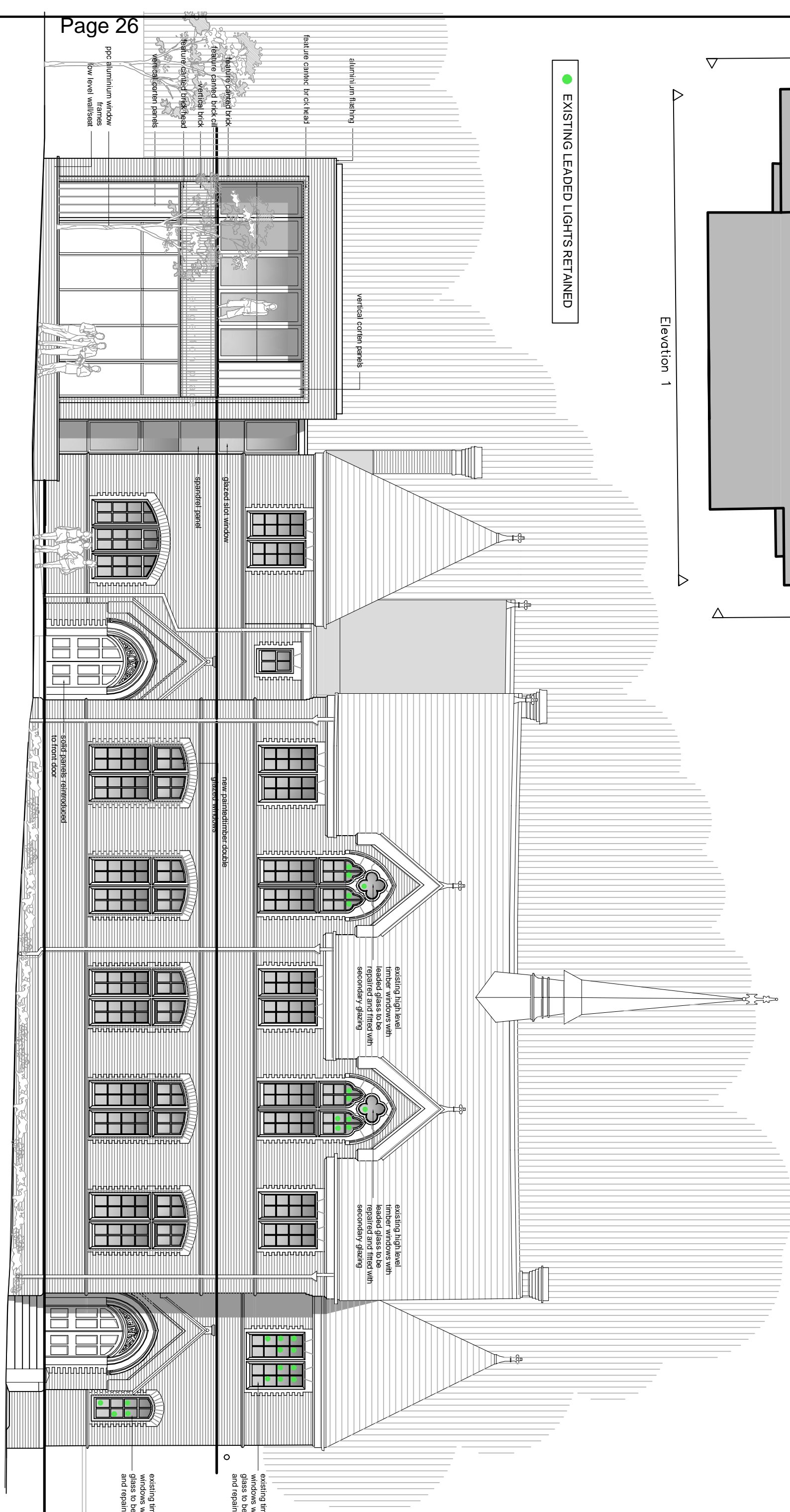
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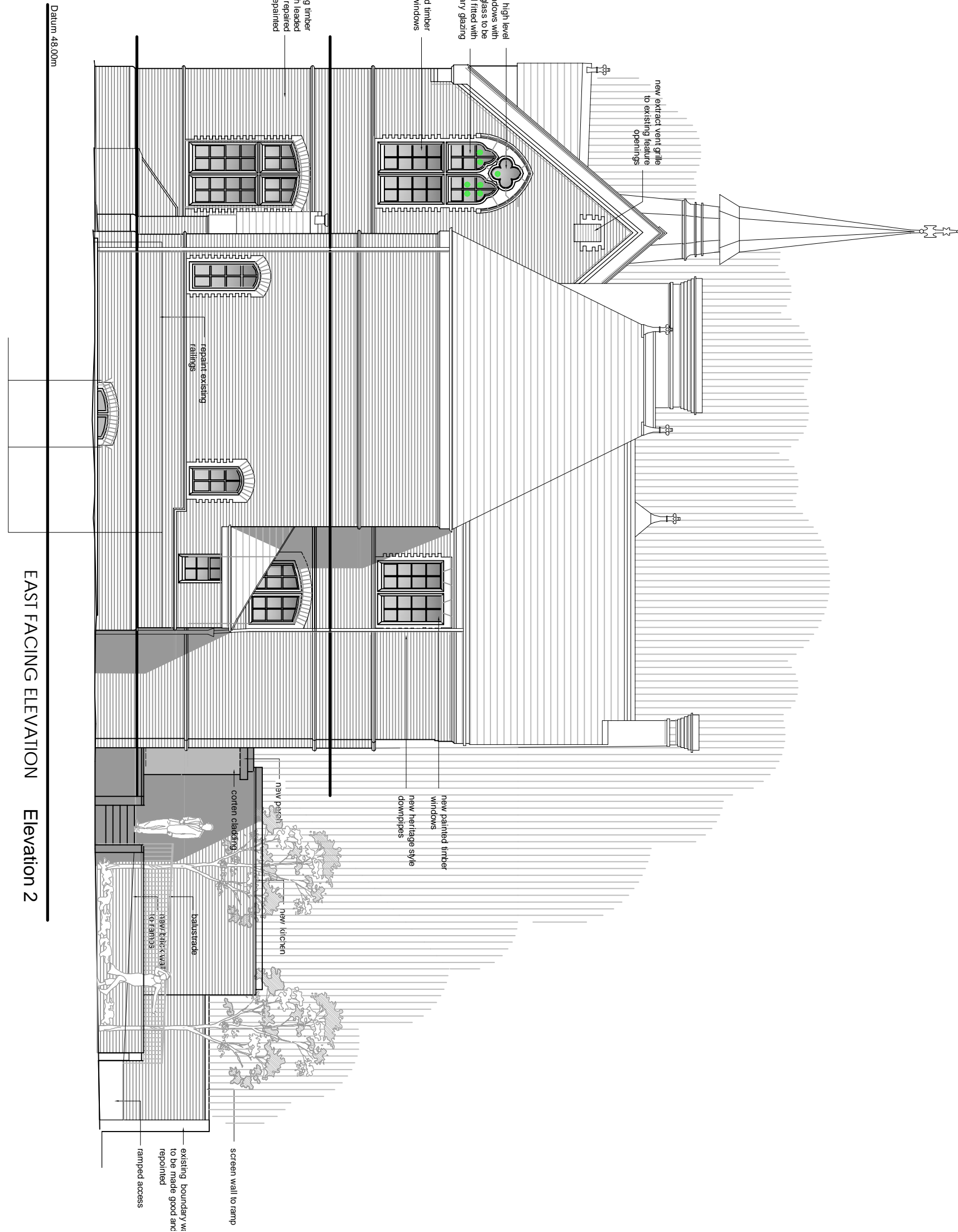
Notes:



- EXISTING LEADED LIGHTS RETAINED



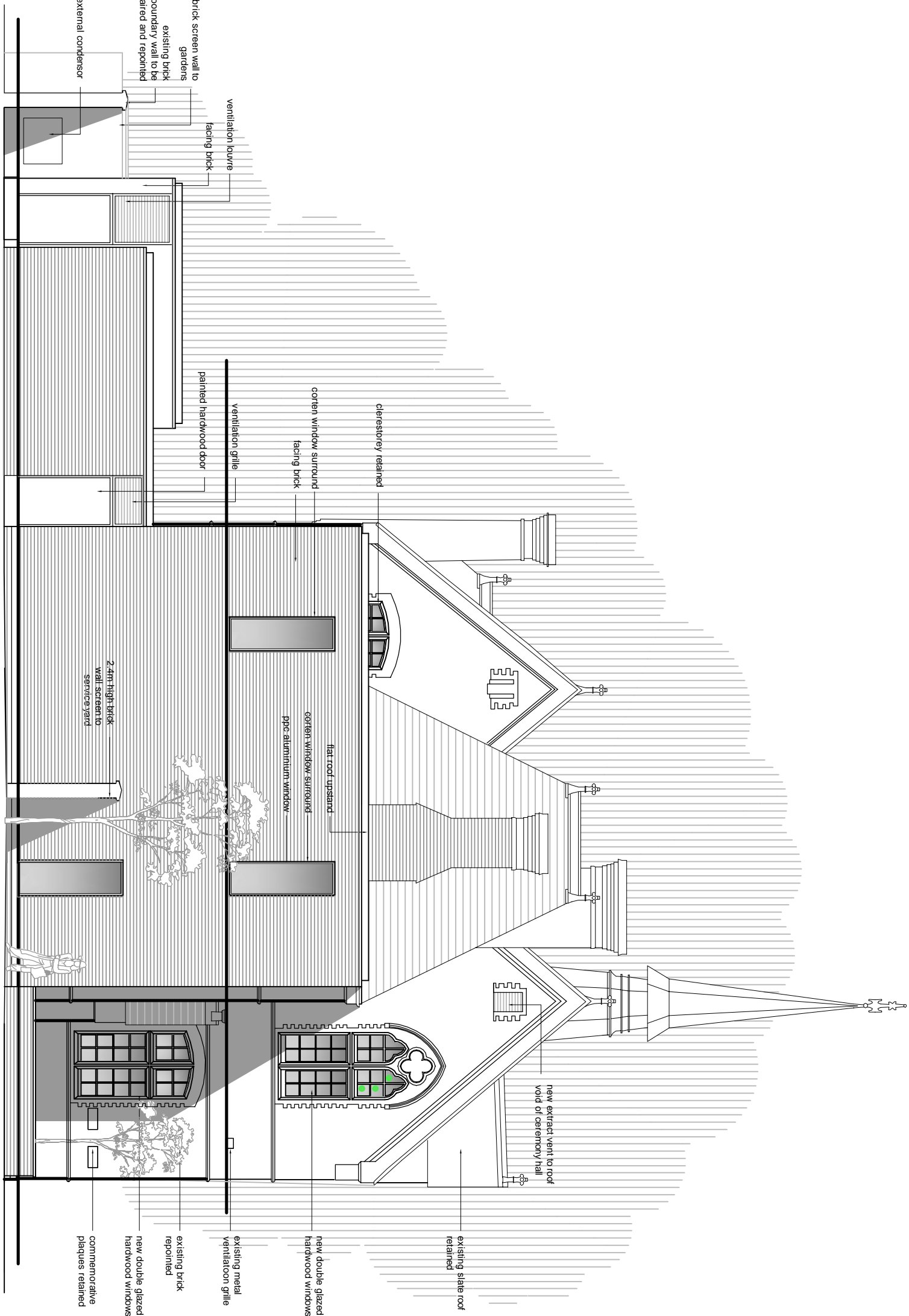
FRONT ELEVATION TO CHURCH HILL Elevation 1



EAST FACING ELEVATION      Elevation 2



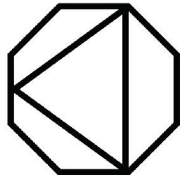
REAR NORTH FACING ELEVATION Elevation 3



WEST FACING ELEVATION Elevation 4

	C	F	E	D	B	A
UNDER GLAZED STRIP	12.01.23					
EXISTING LEADED LIGHTS SHOWN	04.10.22					
EXTENSION SET BACK	18.08.22					
FURTHER ANNOTATION	12.09.21					
WINDOWS AMENDED	26.07.21					
MULLION ADDED FURTHER ANNOTATION	02.07.21					
RECESSED BALCONY ADDED	22.04.21					

DV8 DESIGNS  
ARCHITECTURE+INTERIORS



PROPOSED

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## Clients

PRIVATE CLIENT

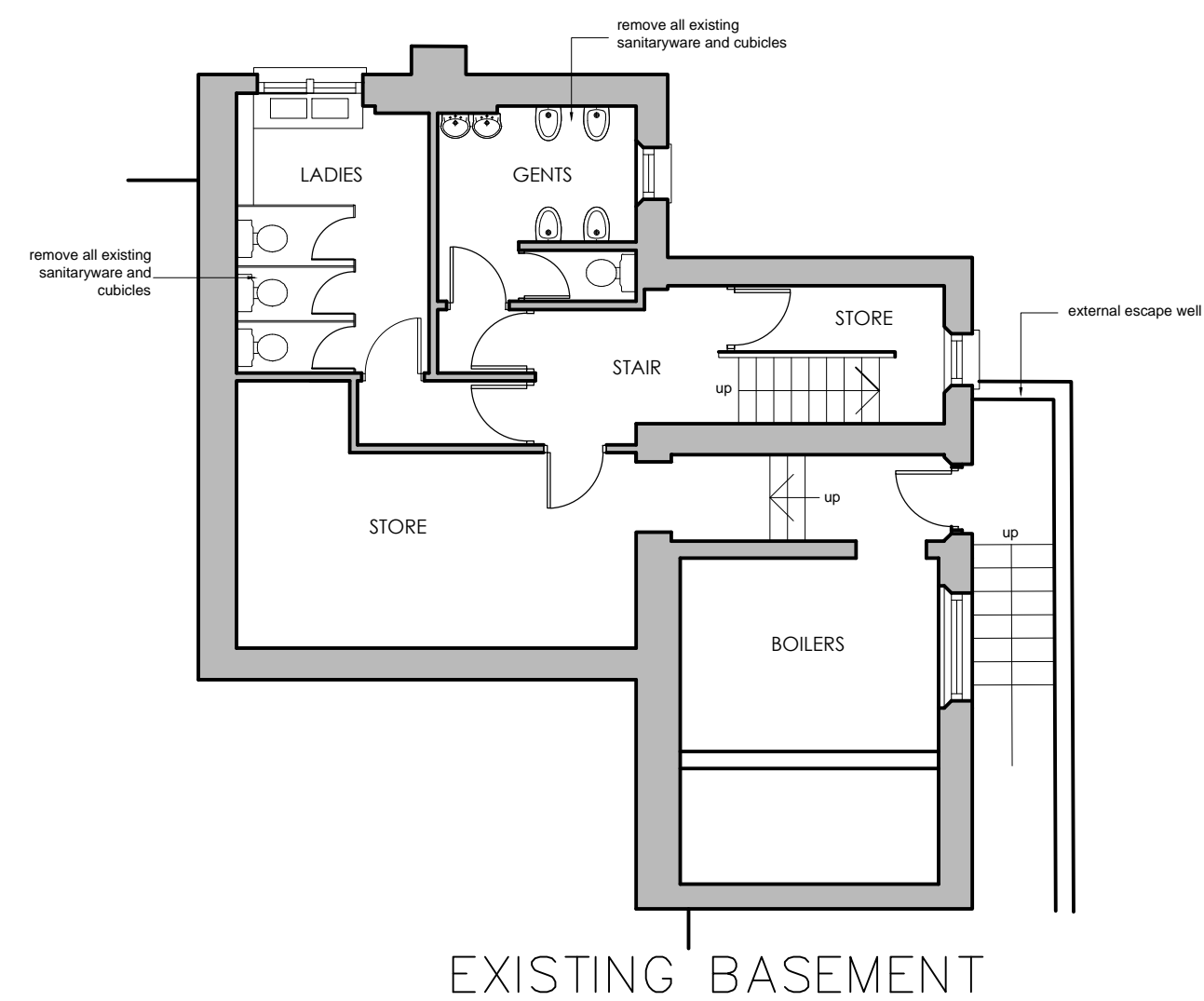
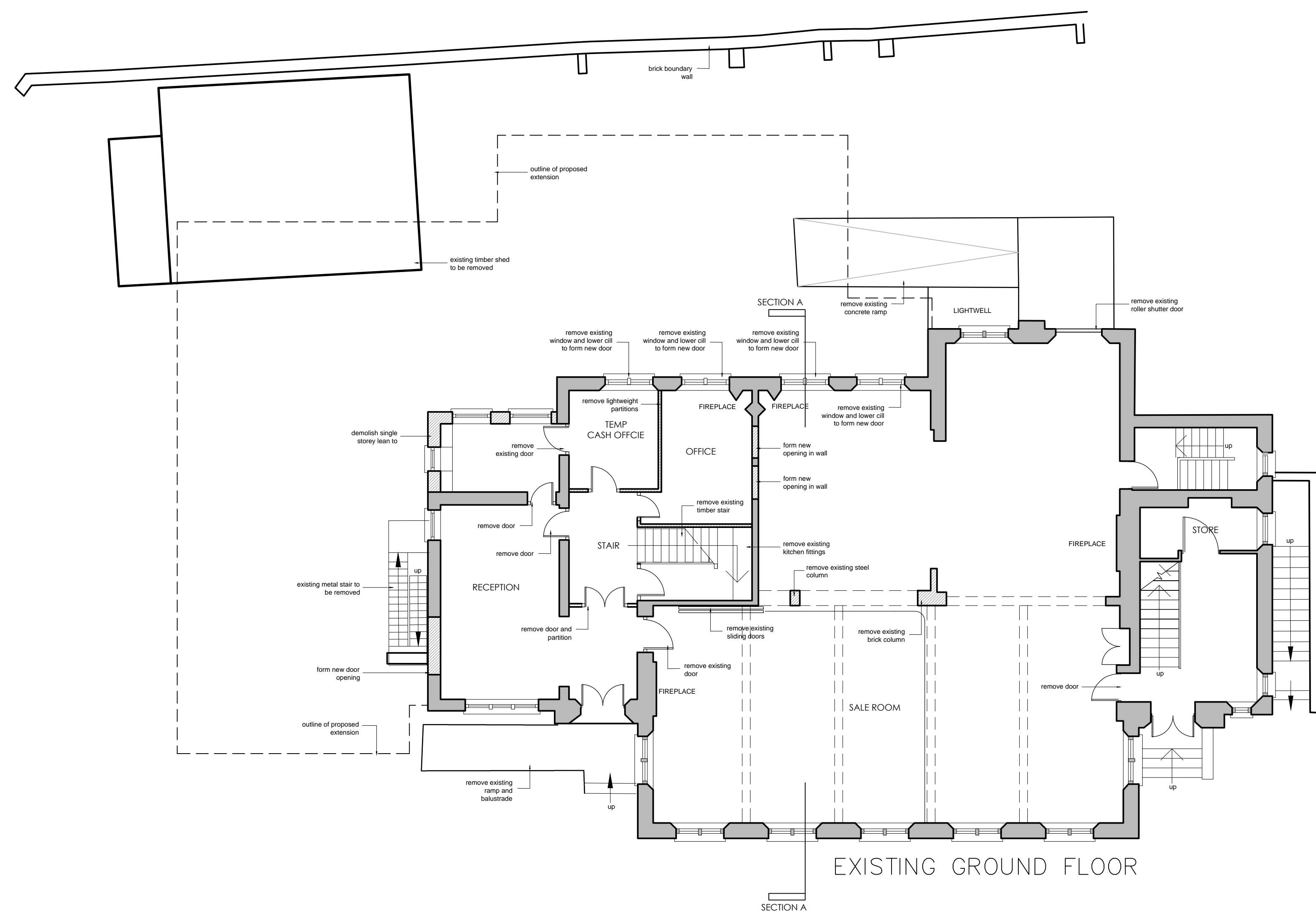
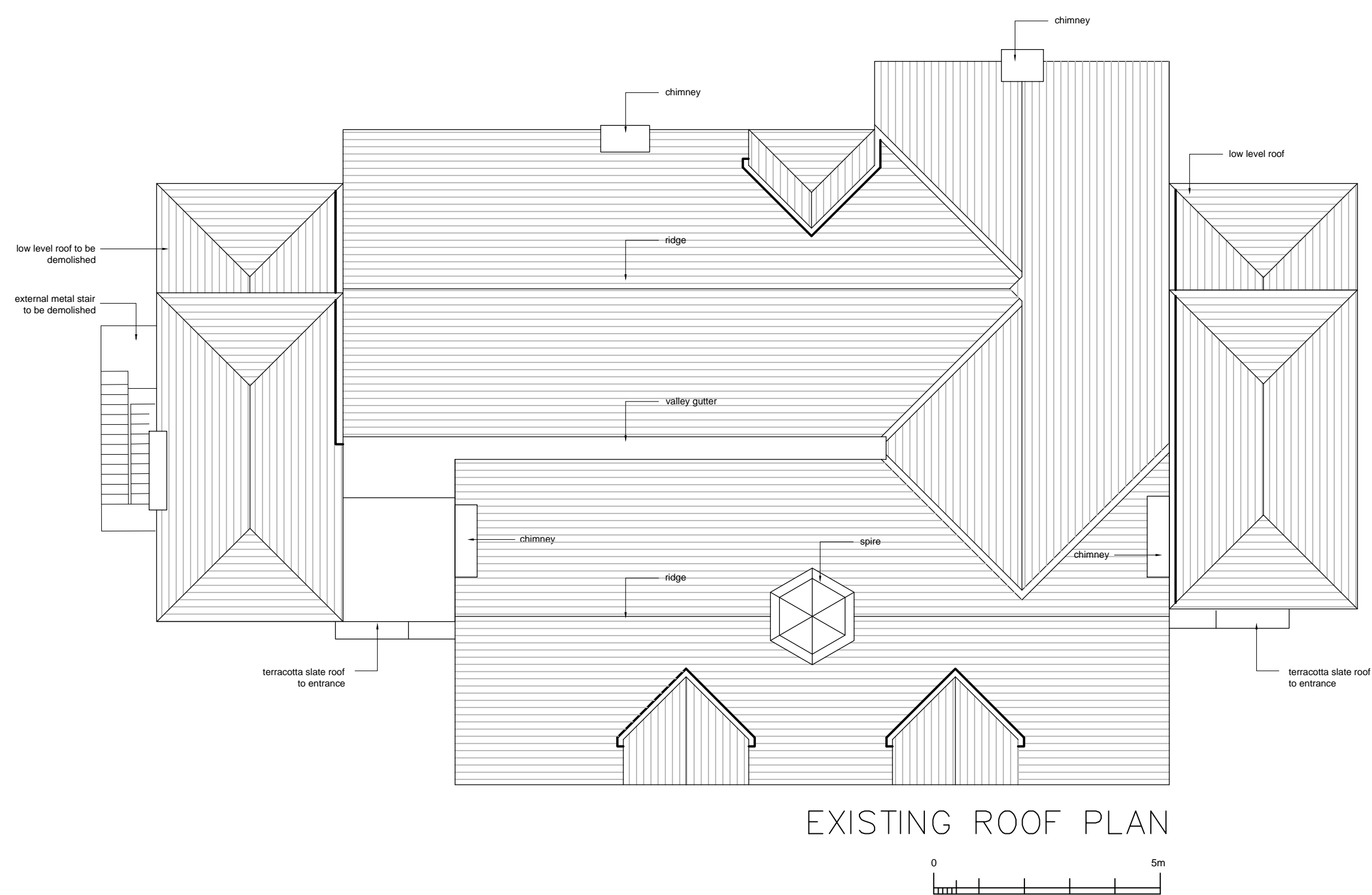
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1969	MARSHALL HOUSE KNUTSFORD

Drawing No.	Drawing Title:
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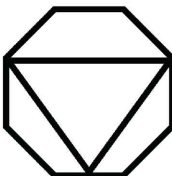
201 PROPOSED ELEVATIONS

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A	ROOF PLAN ADDED	26.06.21
Revision	Description	Date



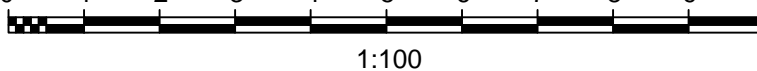
# DV8 DESIGNS

ARCHITECTURE•INTERIORS

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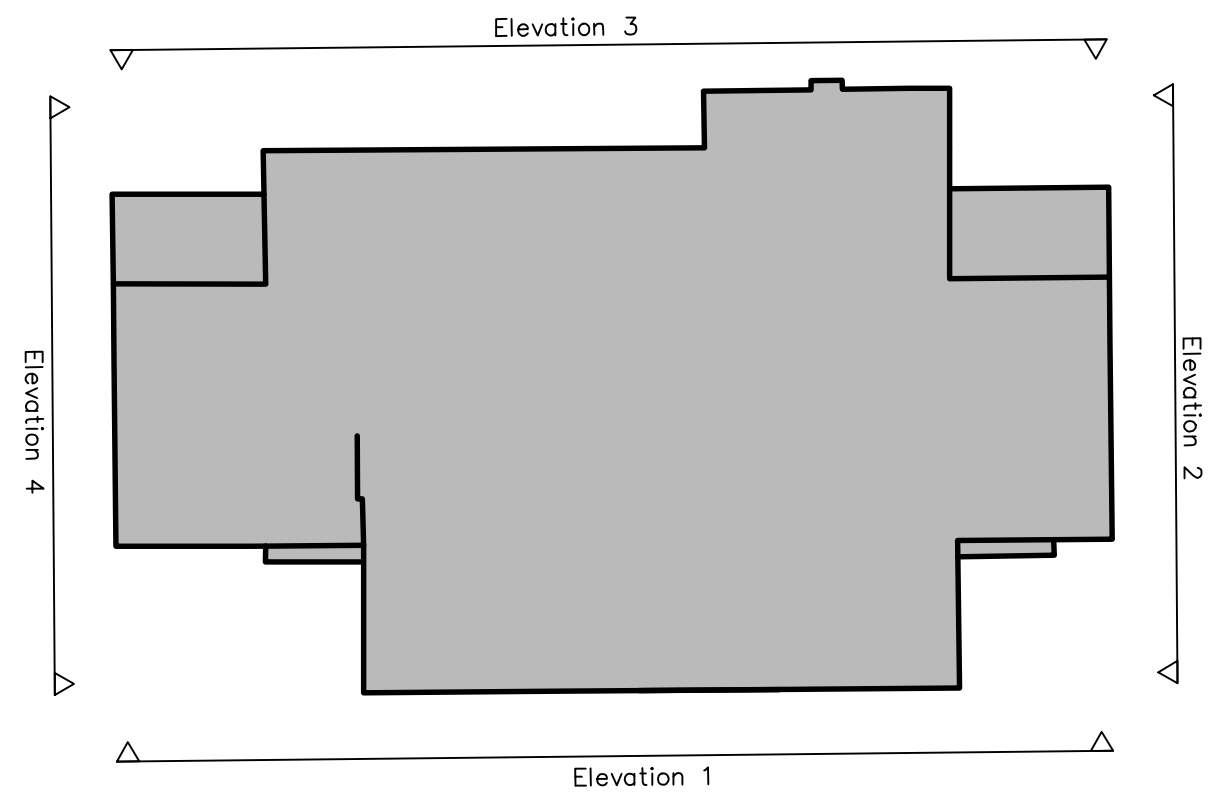
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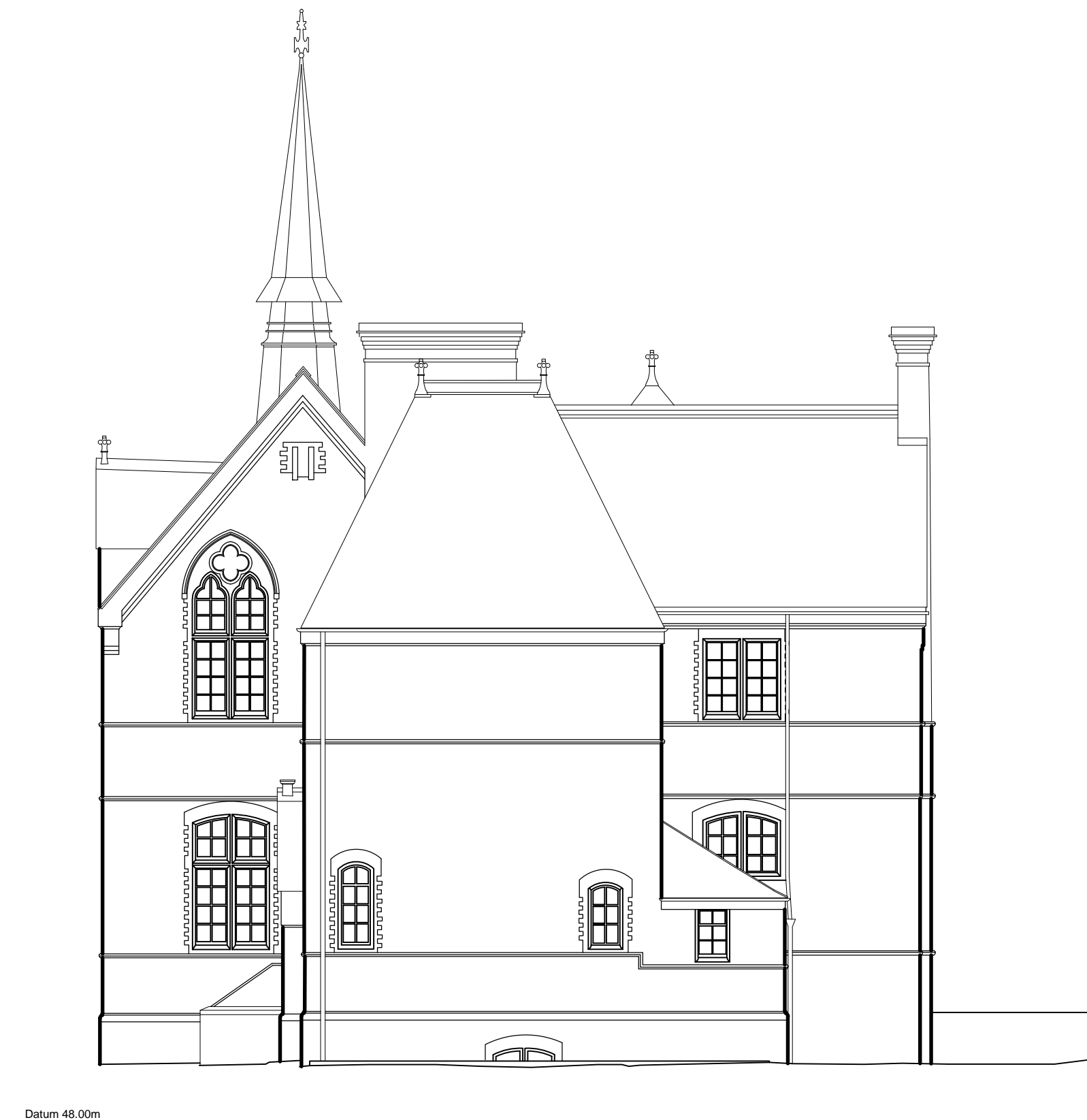
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Drawing No. 100	Drawing Title: EXISTING PLANS

Revision:	Scale:	Date:	Drawn by:
A	1:100 @ A1	JAN 2021	MW





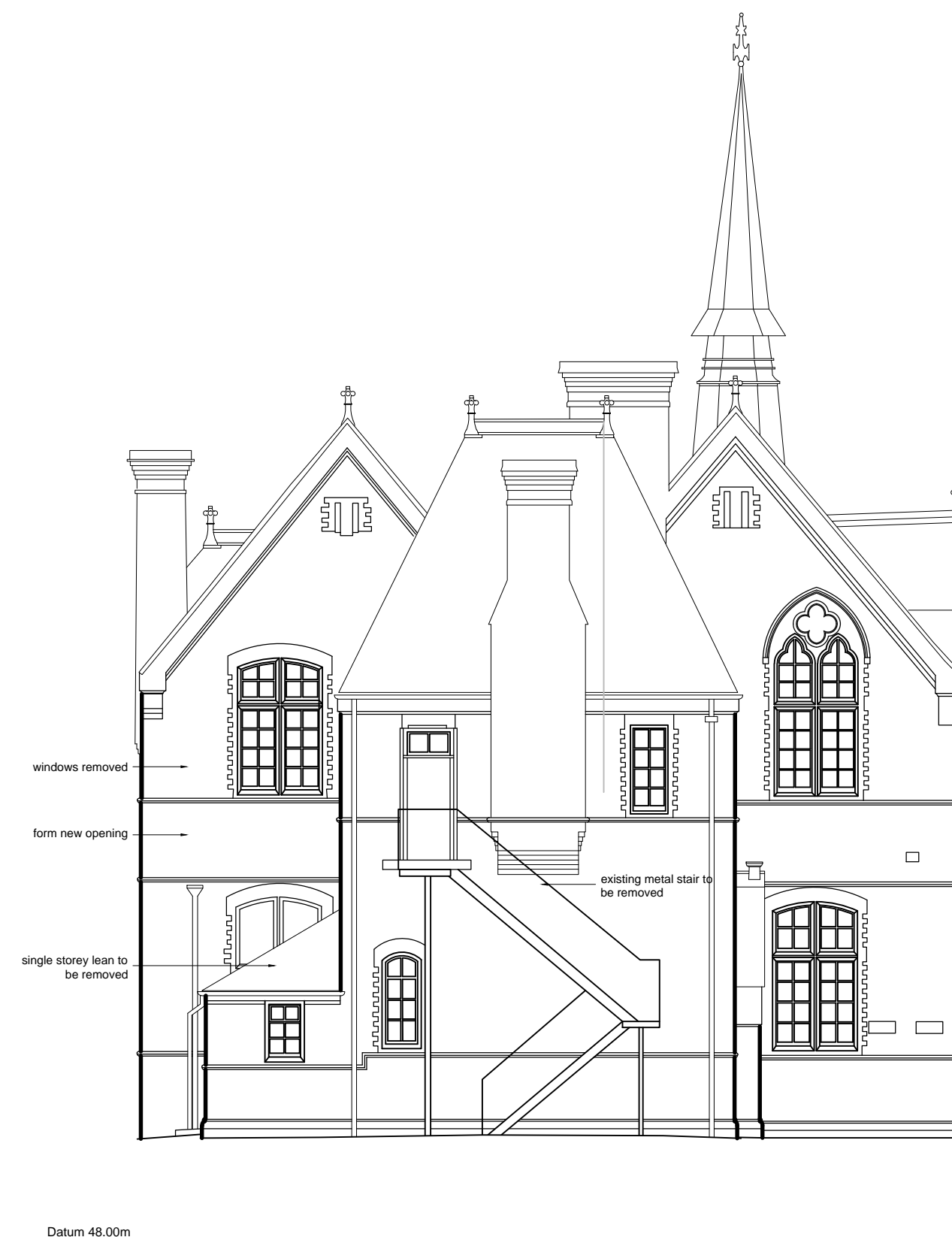
Elevation 1



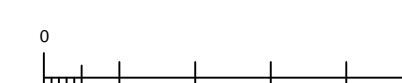
Elevation 2



Elevation 3



Elevation 4



Notes:

A	ANNOTATION ADDED	02.07.21
Revision	Description	Date



**DV8 DESIGNS**  
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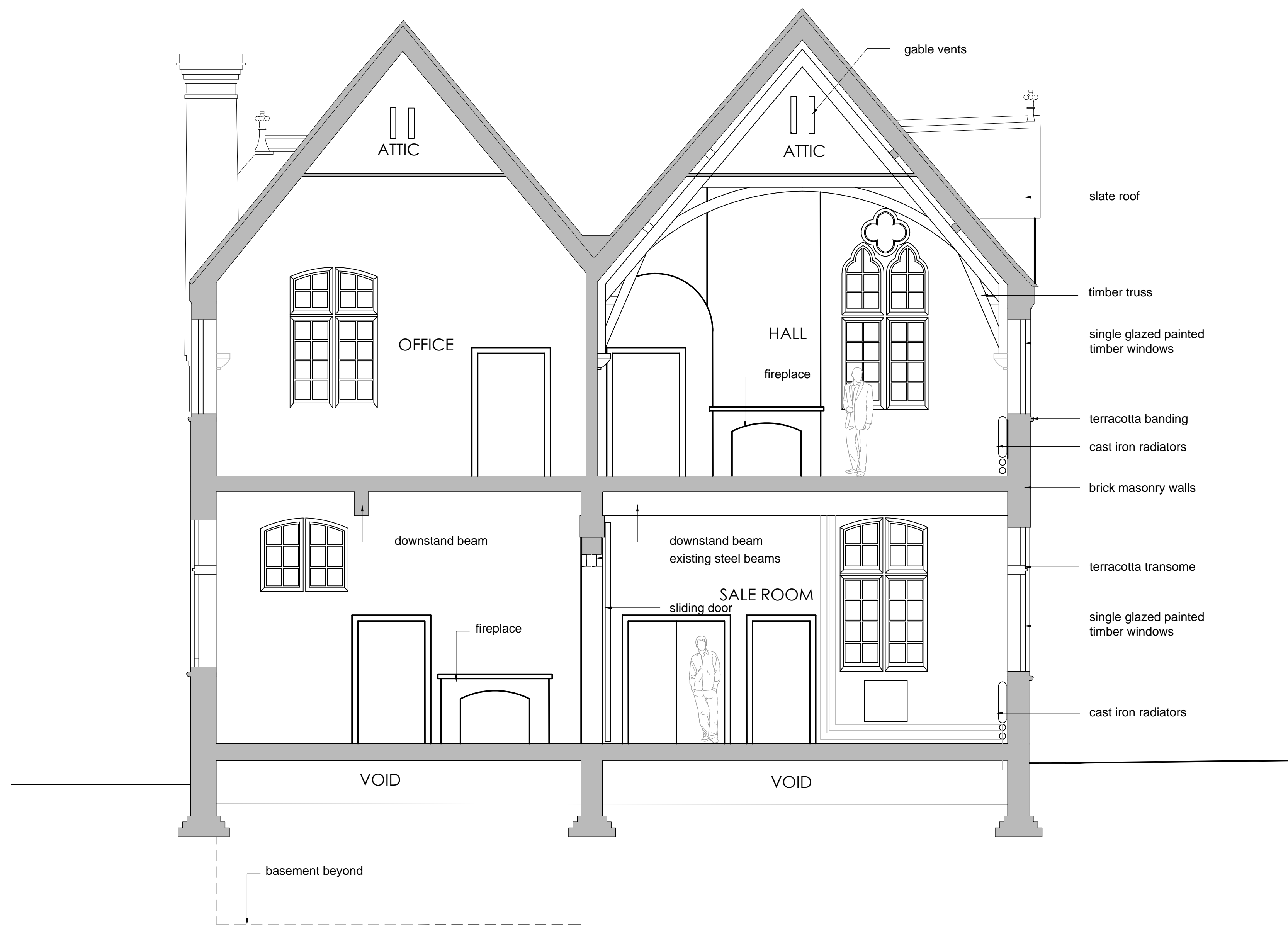
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Project No. 1969 Project: EDGERTON PLACE KNUTSFORD

Drawing No. 101 Drawing Title: EXISTING ELEVATIONS

Revision: A	Scale: 1:100 @ A1	Date: JAN 2021	Drawn by: MW
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Revision	Description	Date
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**DV8 DESIGNS**  
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Client:  
PRIVATE CLIENT

Project No. 1969	Project: EDGERTON PLACE KNUITSFORD
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Drawing No. 103	Drawing Title: EXISTING SECTIONS
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Revision: -	Scale: 1:100 @ A1	Date: JAN 2021	Drawn by: MW
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Application No: 21/5804M

Application Type: Listed Building Consent

Location: Frank R Marshall And Co, Marshall House Church Hill, Knutsford, Cheshire East, WA16 6DH

Proposal: Listed Building Consent to (1) Change of use of former auctioneers and valuers office/sales room to be used for flexible use purposes to allow weddings, celebratory events, conferencing, offices, bar and restaurant (sui generis) (2) Part single storey and part two storey rear and side extension (3) Internal and external alterations to listed building in association with the proposed change of use (4) Associated external works including to landscaping, garden area, car parking and servicing

Applicant: Peter Smith One London Road Ltd,

### Summary

The proposal is for change of use of a Grade II listed former school within Knutsford Town Centre Conservation Area to a flexible use for weddings and events. Proposals would include extensions to the rear and side of the building. There has been harm identified to the designated heritage assets; however this harm is considered to be less than substantial harm, balanced by public benefits of the scheme putting a currently disused listed building back into a viable suitable town centre use.

**Summary recommendation** Approved subject to following conditions

## 1. REASON FOR REFERRAL

1.1. The application has been referred to the Northern Planning Committee by the Head of Planning due to the nature of the issues that are raised.

## 2. DESCRIPTION OF SITE AND CONTEXT

2.1. The application building is a former late Victorian school grade II listed building. It is listed under the name of "Former Egerton Church of England School". The building is understood to date from the 1890s, built of brick with terracotta details and slate roof, in the Gothic Revival style. The Egerton family of Tatton Park were one of the original landowners of what now makes up much of Knutsford.

2.2. The building lies within the Knutsford Town Centre conservation area, and adjacent to the Grade II listed former Town Hall (now “Lost and Found” restaurant) and opposite Grade II\* St John the Baptist Church within spacious grounds. There are several other listed buildings in close proximity. It is also within an area of archaeological potential as identified on the adopted policies map. The site fronts onto Church Hill, which links two of the main routes through the Town Centre, Princess Street and King Street. There is access via a pathway also adjacent to the rear boundary of the site. To the east of the site are several residential properties. The site also lies within a primary shopping area as identified on the adopted policies map.

### **3. DESCRIPTION OF PROPOSAL**

3.1. This application seeks Listed Building Consent for the change of use of the existing building from an auctioneer and valuers office / sales room to a flexible use to include weddings and events, conferencing, offices, bar and restaurant with a two storey side and single storey rear extension plus internal alterations and landscaping.

### **4. RELEVANT PLANNING HISTORY**

An accompanying application for full planning permission appears elsewhere on the agenda alongside this application for LBC – ref: 21/5803M.

09/4015M Location of three metal storage containers. Approved with conditions 18/03/10 (two year permission)

05/2212P Provision of disabled access & single storey rear extension. Approved with conditions 10/10/05

05/2211P Provision of disabled access & single storey rear extension. Approved with conditions 10/10/05

97/0907P Alterations and insertion of mezzanine floor to part. Approved with conditions 16/07/97

97/0906P Alterations and part change of use from sale room to offices with property sales (A2). Approved with conditions 23/07/97

97/0904P Demolition of detached former toilet block. Approved with conditions 16/07/97

25448P Demolition of existing derelict toilet block and erection of single-storey furniture & household goods store (listed). Approved with conditions 11/03/81

24218P Erection of furniture & household goods store. Approved with conditions 14/01/81

### **5. NATIONAL PLANNING POLICY**

5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

## 6. DEVELOPMENT PLAN POLICY

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

6.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

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

MP1 (Presumption in Favour of Sustainable Development)

SD1 (Sustainable development in Cheshire East)

SD2 (Sustainable development principles)

SE 1 (Design)

SE 7 (The Historic Environment)

### **Site Allocations and Development Policies Document (SADPD)**

HER 1 (Heritage assets)

HER 4 (Listed buildings)

6.3. Neighbourhood Plan

Policies of the Knutsford Neighbourhood Plan relevant to the application are:

D1 The Knutsford Design Guide

D2 Local Distinctiveness

HE1 Landmarks, Views, Vistas and Gateways

HE2 Heritage asset

HE4 Re-use of Historic Buildings

## 7. Relevant supplementary planning documents or guidance

7.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

7.2. Knutsford Town Centre Conservation Area Appraisal (2005)

7.3. List description:

*SJ7478 CHURCH HILL 792-1/3/15 (North West side) 13/02/73 Former Egerton Church of England School (Formerly Listed as: CHURCH HILL Egerton Church of England School)*

GV II

*School, now in commercial use. c1880. Brick with terracotta dressings and Welsh slate roof.*

*PLAN: main range with recessed entrance wings each side, and parallel range to rear.*

*EXTERIOR: 2-storey, 5-window, range, the principal storey to the first floor with trefoiled*

*mullioned and transomed windows, those each side of centre beneath tall gabled dormers. Ground floor has segmentally-arched mullioned and transomed windows. Moulded eaves cornice, steep roof with ridge cresting, slate hung spirelet, and end wall stacks. Entrances in lower recessed wings each side. Boys' entrance to left, with hipped roofed pavilion block beyond. Girls' entrance to right, in pavilion block. Both have gabled porches with deeply moulded arches, and lettering in low-relief terracotta work above the arch. INTERIOR: not inspected.*

## 8. CONSULTATIONS

**Knutsford Town Council** – comments on initial design: While the council welcomes the application, it is felt the proposal would benefit from some alterations.

The manner in which the extension joins or 'breaks through' into existing building, to ensure the protection of the archaeology of the building.

The design of the front elevation would be complimented by the addition of glazing bars found in the existing building.

The rear elevation would benefit from some architectural alterations which might create more visual interest, and whilst this is a rear elevation, it is still visible from another neighbouring street.

Cycle provisions to meet policy T2 of the Knutsford Neighbourhood Plan.

Restrictions for disposal of operational waste

Following revisions the Town Council raised no objections subject to addressing cycling provision

## 9. Representations

3 letters of representation have been received. The key points are summarised below:

### 9.1. Objection from a local resident regarding initial proposal:

- Supports principle of change of use which can underpin restoration works and ensure structural and economic sustainability.
- NPPF requires that great weight should be given to conserving the asset and sustaining its significance. The impact of the proposed development on the setting will also require assessment.
- Historical background of the building provided
- Historic significance of former school, setting also contributes to its significance, close visual, spatial, architectural and social relationship with listed former town hall (II) and St John's parish church (II\*)
- No pre-application advice sought.
- Revised heritage statement provides historical analysis. Concludes negligible impact – not borne out by plans submitted.
- Accepts that external works will have a positive impact on the street scene
- Relationship with Lost and Found changes radically, not proven that development as a whole will have a positive impact on the setting of listed buildings and character of the conservation area.
- Layout of the building and hierarchy of spaces is not analysed. No justification for location of proposed extensions in relation to these elements. Extensions lead to irreversible invasive intrusion into external fabric, seriously compromise the historic fabric, contrary to claim of negligible impact.
- Structural changes to four ground floor windows on northern elevation to provide access to rear extension are particularly damaging to visual and architectural integrity of the building. KNP HE4 – Planning applications which result in the loss of, cause unacceptable

harm to, or negatively impact on, the significance of heritage assets (designated or non-designated) will be resisted.

- KNP D1 to preserve nationally and locally listed buildings, also to enhance setting and significance and give them new roles and purposes whenever possible in the economic, social and cultural life of the town – only partially achieved. HE 4 lays out criteria to be met, including that external alterations are minimal and do not significantly alter the appearance of the building. Design Guide and policy D2 indicate how applications might respond, for example – reinforce local character and identity through locally distinctive design and architecture.
- Planning Statement sets out architectural approach to design of extensions asserting that they are subservient and have a mass approximately one third of the existing , therefore minor impact and less than substantial harm.
- Proposals constitute harm – increase in floor area from 647.6 sqm to 969.6 sqm, 49.72% - no justification or business case. In contrast ref 15/3019M for change of use from retail to restaurant bar - Lost and Found – involved no external extensions to floor space of 750 sqm.
- Two storey side separated by narrow glass strip. Mass and form neither physically or visually subordinate to main building, nor sympathetic to character which has prominent symmetrical façade. Balcony introduces further discordant addition – a void bereft of structural vertical features.
- Distinctive Victorian features of western elevation lost behind the two storey extension. Although set back new frontage will partially obscure two architecturally significant windows of the main building when viewed from the west.
- Extension will hide symmetry and obscure four Victorian ground floor windows to north. Extensions form a bland, featureless brick structure despite introduction of some panels of corten cladding.
- All facades of listed buildings are important to historic significance. Dominant and unsympathetic form of the proposed extensions will drastically alter two elevations of the former school, fail to meet criteria 1 of KNP HE4.
- Question over whether building can accommodate the requirements of the use without seriously compromising historic fabric and setting.
- 3 Questions: - whether extensions are of sufficient architectural quality to respect the historic buildings and enable significance to be better appreciated and understood – not a debate on whether a traditional or modernistic design is appropriate. A modern design is accepted as appropriate to distinguish old from new,
- Whether proposed change of use requires the large extra floor space – can additional space be provided for catering, cloakroom but less for bar and private dining. Extensions adds to costs requiring a high volume of use as yet unproven in Knutsford.
- Extent of whether the changes and harm is offset by public benefit. Insufficient information to set out the activities for night time economy.
- Exemplifies an approach to solving problem of a disused and declining building characteristic of an important era of Knutsford. Insufficient evidence for answers to questions above. Request refusal until consultation with relevant stakeholders undertaken and revised plans prepared.

## 9.2. Comment from member of the public for initial proposals, considered relevant also to the full planning:

- General observation

A permanent long term use for this iconic building is welcome. However proposed elevations look as if a throwback from 1960s, in no way blend with existing structure and immediate neighbours. Should be more sympathetic with the existing building.

## 9.3. Comment on behalf of Knutsford Conservation and Heritage Group on initial proposals, received under the full planning application, also relevant to the LBC:

- Provides historical background to the building, and significance.

- West end too close to rear of Lost and Found (Old Town Hall).
- Victorian society should be consulted
- Proposals –detrimentally affect the grade 2 listed building (photo to illustrate):
  - remove brickwork to create large entrance to new extension.
  - Remove two important upper floor windows, on to widen for a door.
  - Remove part of wall in upstairs office
  - Remove exit door from office in east end elevation
  - Project part way in front of windows of main building
  - Demolish four listed buildings at rear for access into extension
  - Fit a lift - first floor forms part of listed structure
  - West end elevation lost to view as inside two storey extension. Interior view split in two halves because of first floor of extension. Would cladding internally hide the Accrington brickwork? Marshall House should be visible complete not obscured by extensions which are unsuited to the Grade 2 listed building

### 10. OFFICER APPRAISAL

- 10.1. The site comprises a grade II listed building, in close proximity to other listed buildings including the Grade II\* listed church opposite and is within a Knutsford Town Centre Conservation Area. The Planning, Listed Buildings and Conservation Areas Act 1990 requires the Council to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Heritage policies within the SADPD, CELPS and Knutsford Neighbourhood Plan also apply, as well as the NPPF. KNP policy HE 4 (Re-use of Historic Buildings) seeks for external alterations to be minimal and not to significantly alter the appearance of the building, preserving internal fabric where possible, using high quality materials and respecting the setting through carefully considered landscaping. KNP HE3 sets out design principles for development within the town's conservation areas.
- 10.2. The building is a former school building and retains much of the original floor plan on both floors with classroom walls and staircases. There are a number of original features within the building internally as well as externally. The proposal would result in a loss of some features and historic fabric including alterations to the rear and side elevations to accommodate the new extensions. The proposed side extension would be the most noticeable alteration to the building, with a single storey extension also to the rear. Materials are proposed to be facing brick with corten steel detailing. It is noted that some localised underpinning is proposed, a method statement for details can be required by condition.
- 10.3. The design officer, in consideration of the initial proposal, considered the massing could better respond to the existing building to be subservient, particularly as it was initially proposed forward of the building line of the side element of the original, as well as above the adjacent eaves line. The initial building line resulted in a 'boxing in' of the entrance ramp. Suggestions were also made in relation to the front glazing to the extension, balcony area, west elevation and rear. The Conservation Officer raised concerns that a substantial extension could cause harm to the significance of the listed building and setting of adjacent listed buildings within a conservation area.
- 10.4. Officers worked with the agent to make some amendments to the design to allow a wider glazed element for visual separation and set back between the original building and the new brick element on the frontage. An additional window has been added to the proposed side extension at first floor. It is noted that the rear extension would be a service area and would also face towards an external boundary wall providing some degree of screening to the back of the building particularly at ground floor level.



- 10.5. The proposed mass form and height of the two-storey side extension was considered by the Conservation Officer to be too bulky, undermining the symmetrical appearance of the French Gothic style building and the significance of the boys entrance feature located in the recessed wing. The gap between this building and the adjacent listed building now known as Lost and Found would be reduced, considered by the Conservation officer to create a cramped appearance. Internally the ground floor spaces are proposed for retention on the whole and following discussion the application has indicated retention of sliding timber doors, albeit not in their original position. Costings involved for purchase and repair of the existing school and proposed extensions were provided. The Conservation Officer considered that the building could have potential to be used for weddings/functions and as such fulfil the requirement under the NPPF in terms of securing optimal viable use for a listed building without harm. A single storey extension may be acceptable to house services, more discretely placed without the need for cutting through all the rear windows of the former school. The proposal including both side and rear extensions was considered to be harmful to the architectural significance of the listed building.
- 10.6. The harm was assessed as being 'less than substantial harm'. Under paragraph 215 of the NPPF, where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (It should be noted that there has been some renumbering of paragraphs in the December 2024 update to the NPPF, from those referenced in comments on the application).
- 10.7. The nature of the internal layout of the existing building means that there are some constraints on the types of uses, without significant subdivision of large internal spaces and retention of significant areas for communal use. This means that viability for a number of uses is less straight forward due to the constraints of the listed building. It is recognised also that refurbishment and ongoing maintenance of an historic building requires significant financial investment. The building's architectural and historic interest and its listing relates to the building internally as well as externally. The proposal for wedding and event uses would enable retention of some of the larger internal spaces.
- 10.8. In response to the Conservation Officers comments an exercise was undertaken by the applicant with updated figures and viability report considering three options:  
Option 1 – Refurbishment of the existing building.  
Option 2 - Refurbishment of the existing building with rear extension.  
Option 3 - Refurbishment of the existing building with rear and side extension  
An independent assessment has subsequently been undertaken of the applicant's viability report by consultants appointed by the Council. Additional information was then provided by the applicant to clarify initial queries raised by the Council's consultant. However, not all matters were agreed between the applicant and the Council's consultant. One major difference of opinion was with regard to land value, where there was a significant difference between the parties.
- 10.9. This application has been put forward as a development by the applicant for their own occupation, and as such the appraisal in the independent review report for the application proposals included a reasonable management fee at 6% of cost. However, if this was a speculative development being marketed and then let or sold to a third party, then a profit at 15% of cost would be reasonable. Taking the independent consultant's approach to land value, their financial appraisal based on the application scheme proposals resulted in a residual land value of more than double the benchmark land value (BLV). This demonstrates that as a property development for owner occupation, the proposed scheme is viable. For completeness the appraisal was also carried out with a full speculative developers profit at 15% of cost. On this basis the outturn residual land value was 41% greater than the BLV, which indicates that on this basis the application proposals as a property development scheme

would also be viable. Finally, it was noted that the outcome of the independent consultant's appraisal for option 2 with a rear extension only, was a residual land value of 56% greater than the BLV. The independent consultant advises that as the residual land value is also greater than the BLV, it indicates that this option "might" also be viable on the basis of owner occupation.

10.10. Notwithstanding, the potential viability of option 2 on an owner occupation basis, the proposal relates to option 3 – specifically the side and rear extensions, and the use, as proposed. The applicant represents a willing landowner ready to develop the site viably as proposed. The applicant's viability report identified the proposal (option 3) as the only viable option for the redevelopment of the site, and there is no indication that they would have any interest in developing the site on a less viable (or even unviable) basis, nor any incentive for them to do so. As such, option 2 would introduce uncertainty, and further delays in bringing the building back into active use. The Planning Practice Guidance advises that *"it is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset"*.

10.11. The building has been largely unused for some time and finding a viable new use is an important consideration in the assessment. The proposal would result in alterations to the historic fabric, most notably to one side and the rear, and would also result in extensions visible in the public realm. The extensions would on balance be subservient in scale overall and offer a contemporary approach in materials that complement but which would not be a pastiche of the original. Alternatives to a flat roof have been discussed, however it was considered that a pitched roof would be likely to undermine the subservience of the proposal in relation to the original building.

10.12. In its wider context and setting, the gap between the extension and Lost and Found has been noted as being reduced. Lost and Found's main prominent frontage faces towards Princess Street, with a plainer, although still historically and architecturally significant rear elevation facing into the application site. The set back of the building line to the proposed extension would mean that a significant part of the rear elevation to Lost and Found would remain visible particularly when approaching along Church Hill. The side elevation to Lost and Found forms a strong visual feature around the corner into Church Hill, set forward of Marshall House. St Johns Church opposite is set within spacious grounds with trees which help to provide some screening of the application site when viewed from Toft Road. The main front entrance of St Johns is opposite the eastern end of Marshall House, the area which would be less impacted by the proposals. In this context the set back of new elements of the proposals would allow the surrounding historic buildings to remain the prominent features in the street scene to Church Hill. The rear of the application site as noted above would form largely a service area to the new use, facing towards a carparking and access which itself comprises parking and service areas and a secondary route to surrounding streets and buildings. An existing large timber shed at the rear of the site would be removed to accommodate the proposals.

10.13. Overall, the proposed development is considered to result in less than substantial harm to the architectural significance of the listed building, and the setting of adjacent listed buildings and the conservation area. Consequently, paragraph 215 of the NPPF requires this harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In terms of benefits, most notably, the proposal would bring back an important listed building within the Town Centre Conservation Area back into active use, thereby securing its future for years to come. The proposal would also result in required maintenance and repairs to the existing building being carried out. There will be economic benefits such as supply chain impacts, 20-30 construction jobs with associated apprenticeship roles, and 30-40 staff employed within the venue when operational. Both

contractors and operation staff will in turn contribute to the to the local expenditure within shops, restaurants, bars and other services, adding additional spending power to the local economy within Knutsford town centre. Similarly, visitors to the venue will visit local shops bars, restaurants and hotels. The applicant also states that the development will improve the thermal efficiency and sustainability credentials of the existing building.

- 10.14. It is considered on balance that the proposed scheme as amended has been demonstrated to be a viable use which offers significant public benefits in the continued active use of an important listed building within the town centre. The proposals would be in contrast to the existing and also result in less than substantial to the designated heritage asset, but the stated substantial public benefits are considered to outweigh the identified harm to the Listed Building.

## **11. PLANNING BALANCE/ CONCLUSION**

- 11.1. The proposals are for a change of use with extensions and alterations, identified as resulting in harm to a grade II listed building. This harm has been assessed as less than substantial harm to the designated heritage asset. It is considered on balance that the benefits of a new use for the building would present public benefits to balance in favour of the proposals as amended as assessed under the requirements of NPPF paragraph 215. There are not considered to be other material considerations that would result in conflict with the development plan. As such on balance the proposals as amended are recommended for approval.

## **12. RECOMMENDATION**

**Approve subject to conditions:**

- 1. Time limit for implementation – 3 years**
- 2. Development to be in accordance with approved plans**
- 3. Materials samples to be submitted**
- 4. Sample panel brickwork to be submitted**
- 5. Window and door details to be submitted**
- 6. Method for protection of internal historic features and surfaces to be submitted**
- 7. Details of historic features to be left in situ to be submitted**
- 8. Retained fabric to be made good – details to be submitted**
- 9. New services details to be submitted**
- 10. Details of underpinning to be submitted**
- 11. Method statement for cleaning and repair of historic brickwork to be submitted**
- 12. Details of treatment of historic fabric abutting extensions to be submitted**
- 13. Details of retention of internal screens to be submitted**

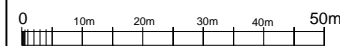
*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation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



21/5804M

Frank R Marshall And Co, Marshall  
House Church Hill, Knutsford,  
Cheshire East, WA16 6DH





Notes:

Revision	Description	Date
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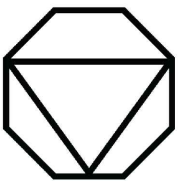
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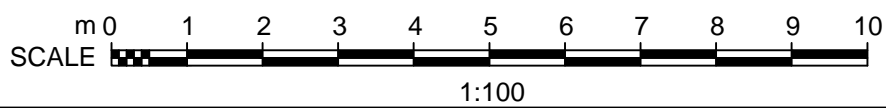
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Revision	Description	Date



**DV8 DESIGNS**  
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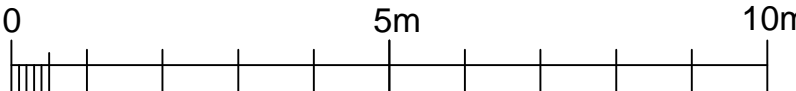
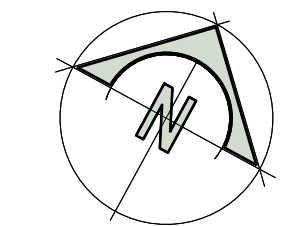
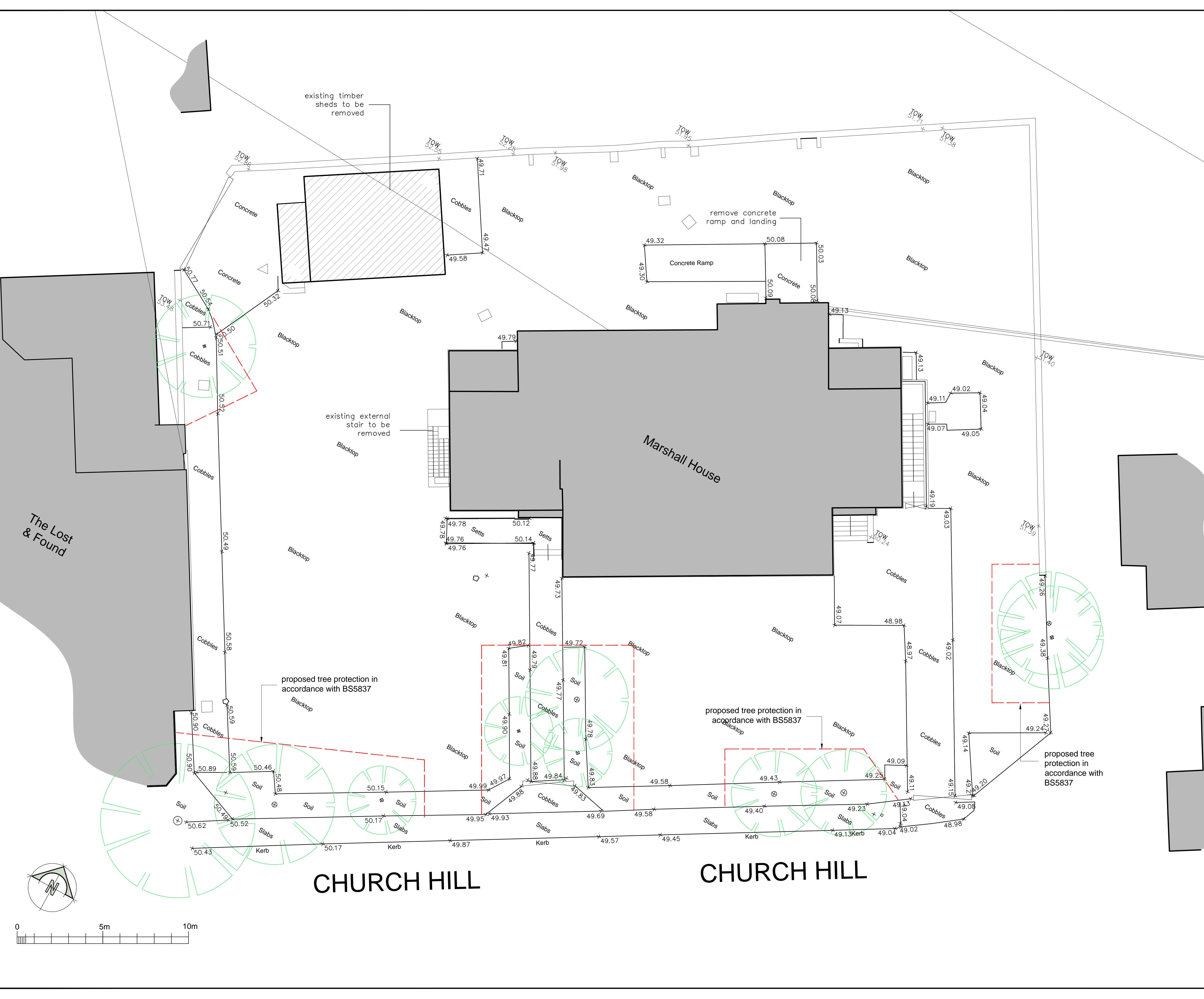


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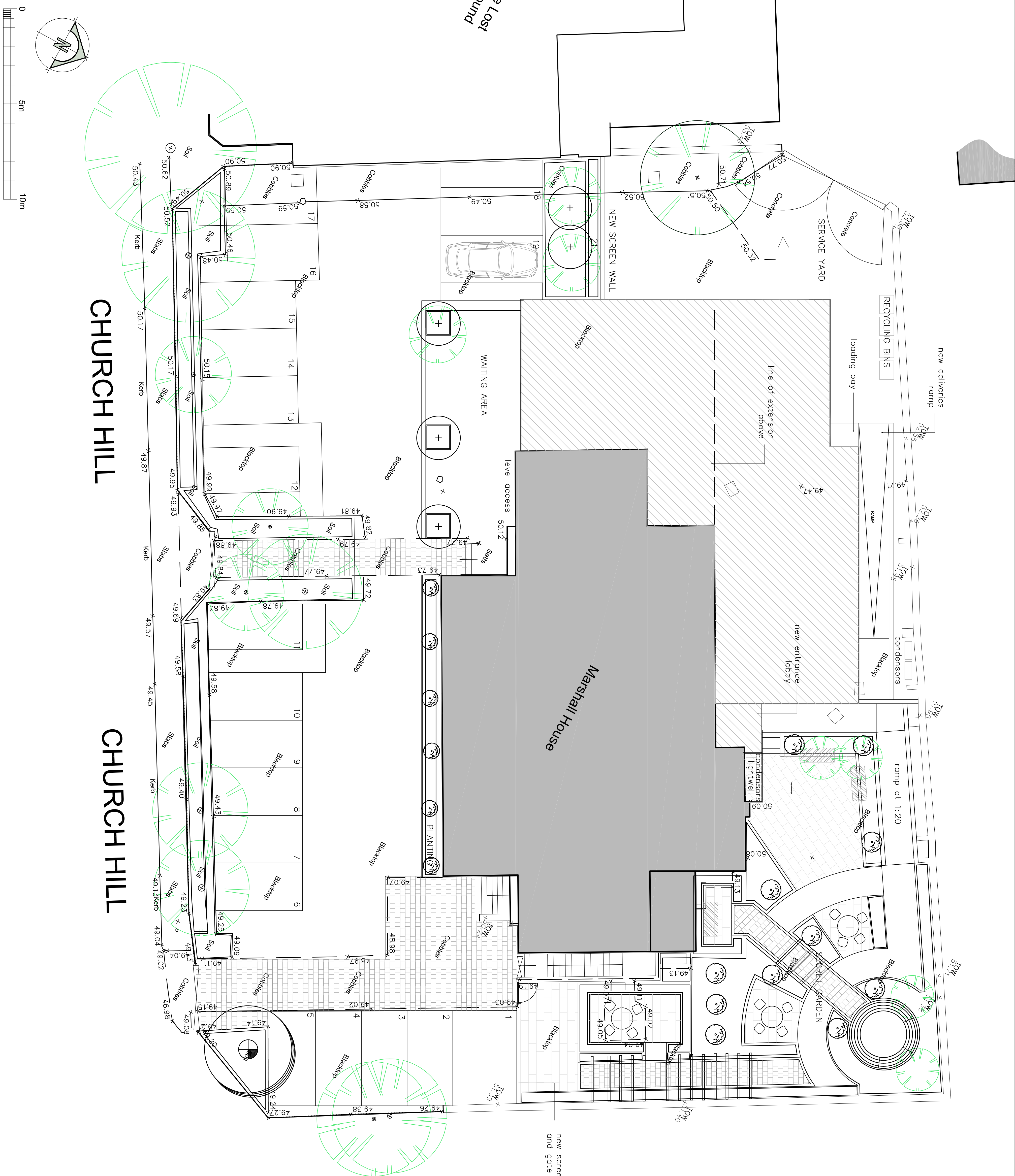
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Drawing No. 102  
Drawing Title: EXISTING SITE PLAN

Revision: A	Scale: 1:100 @ A1	Date: JAN 2021	Drawn by: JH
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Notes:

C	EXTENSION SET BACK	18.08.22
B	POSITION OR EXTERNAL PLANT	28.07.21
A	AMENDED FOR CENTRAL BAR	01.04.21

Revision	Description	Date
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DV8 DESIGNS  
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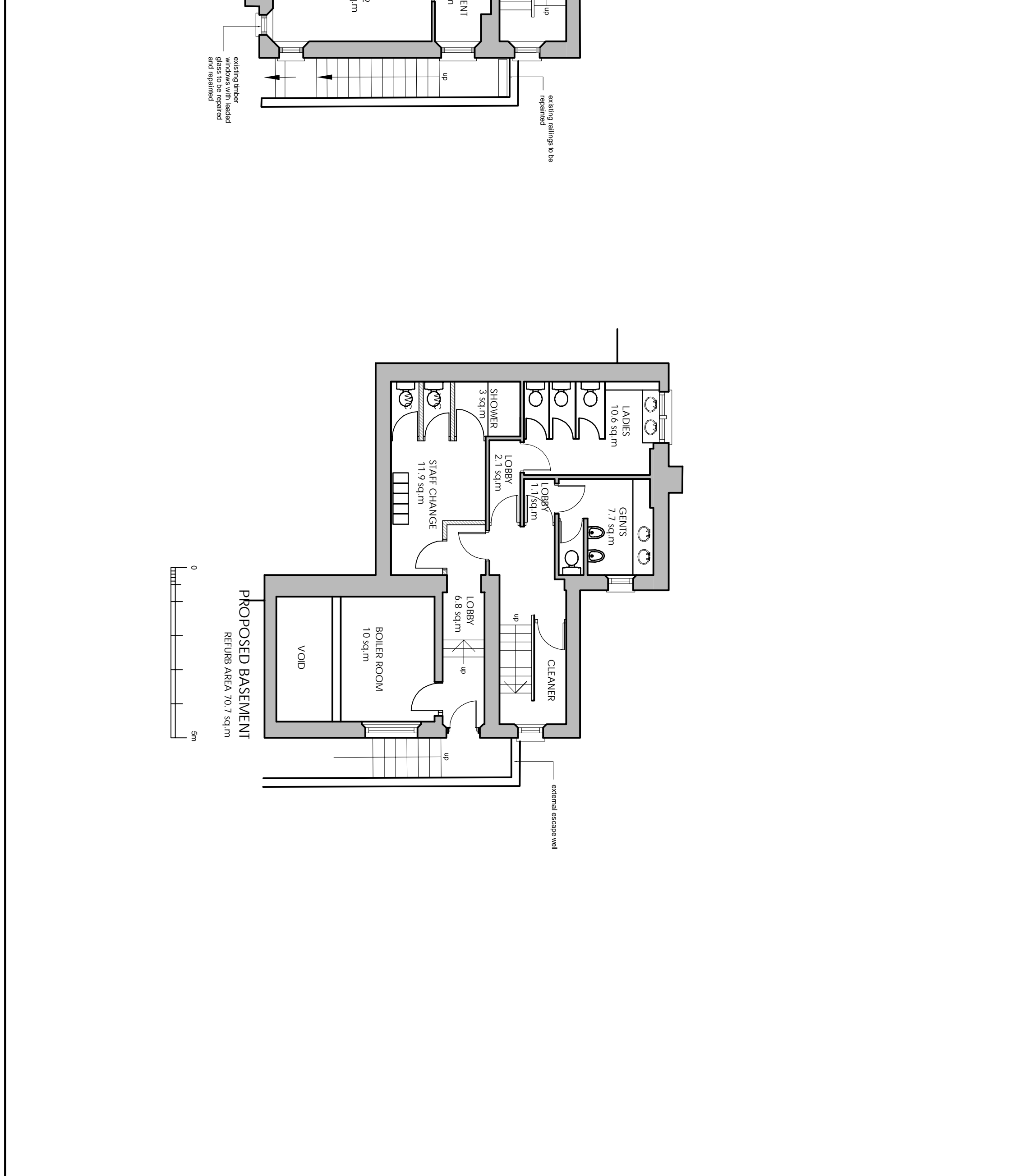
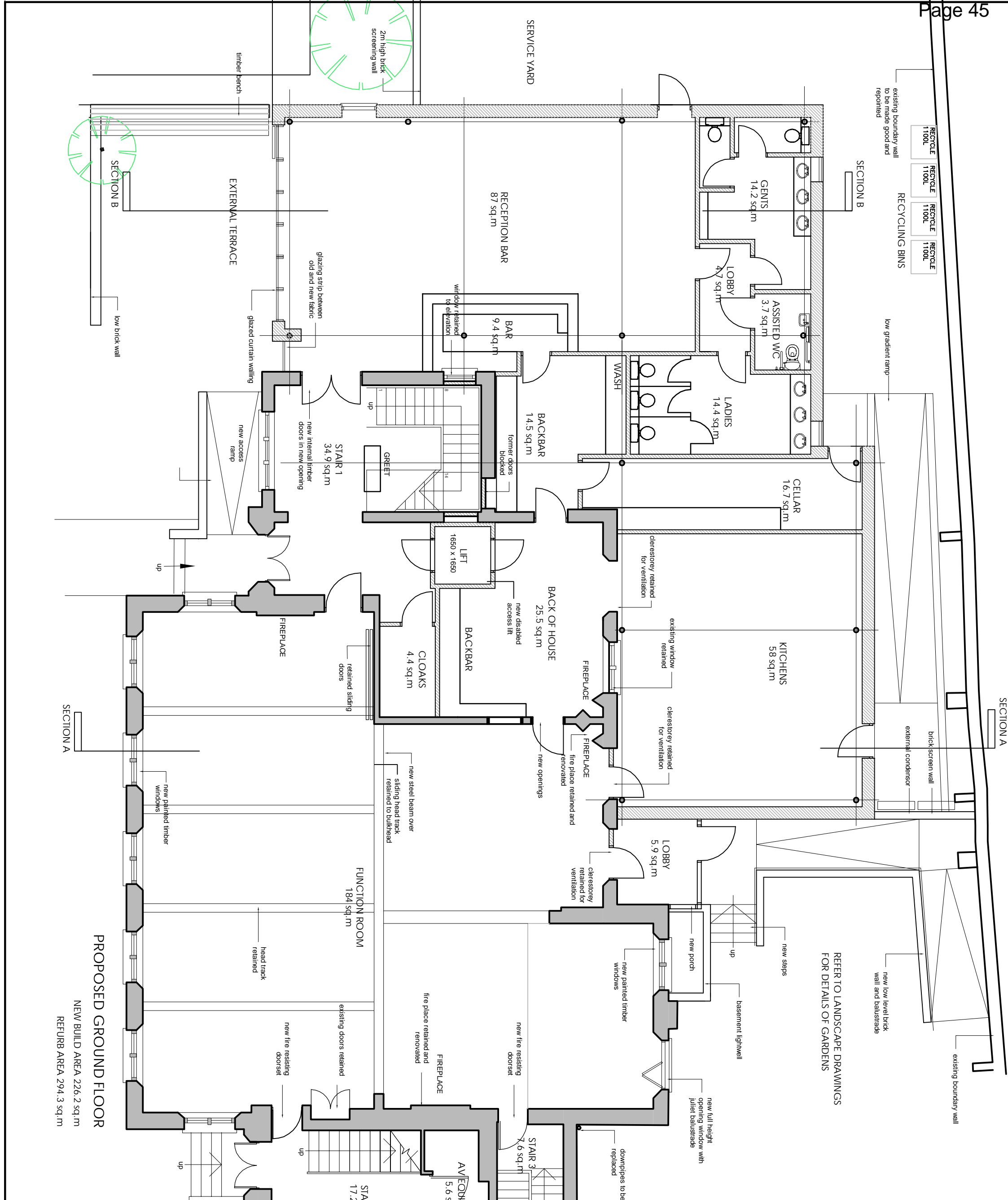
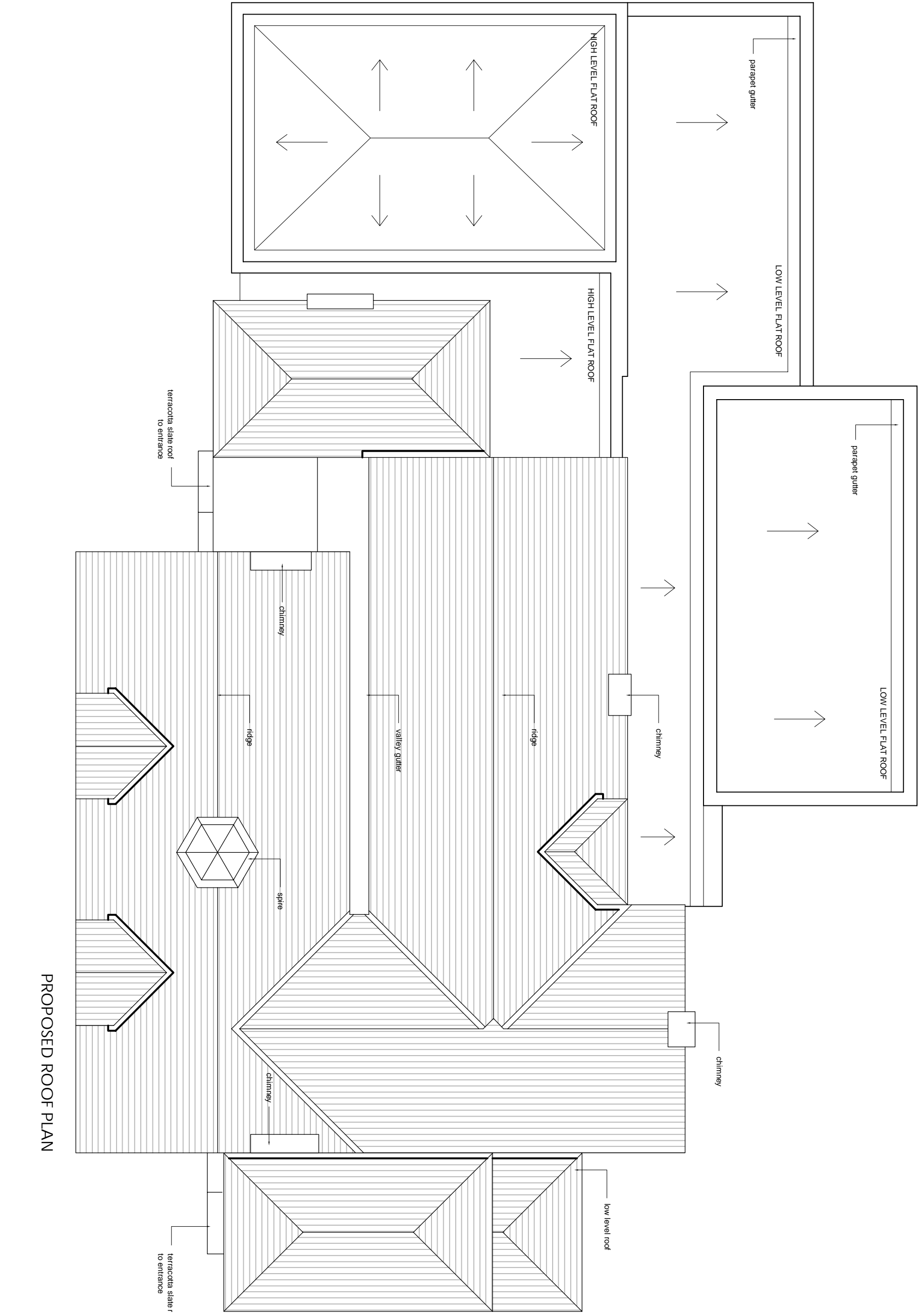
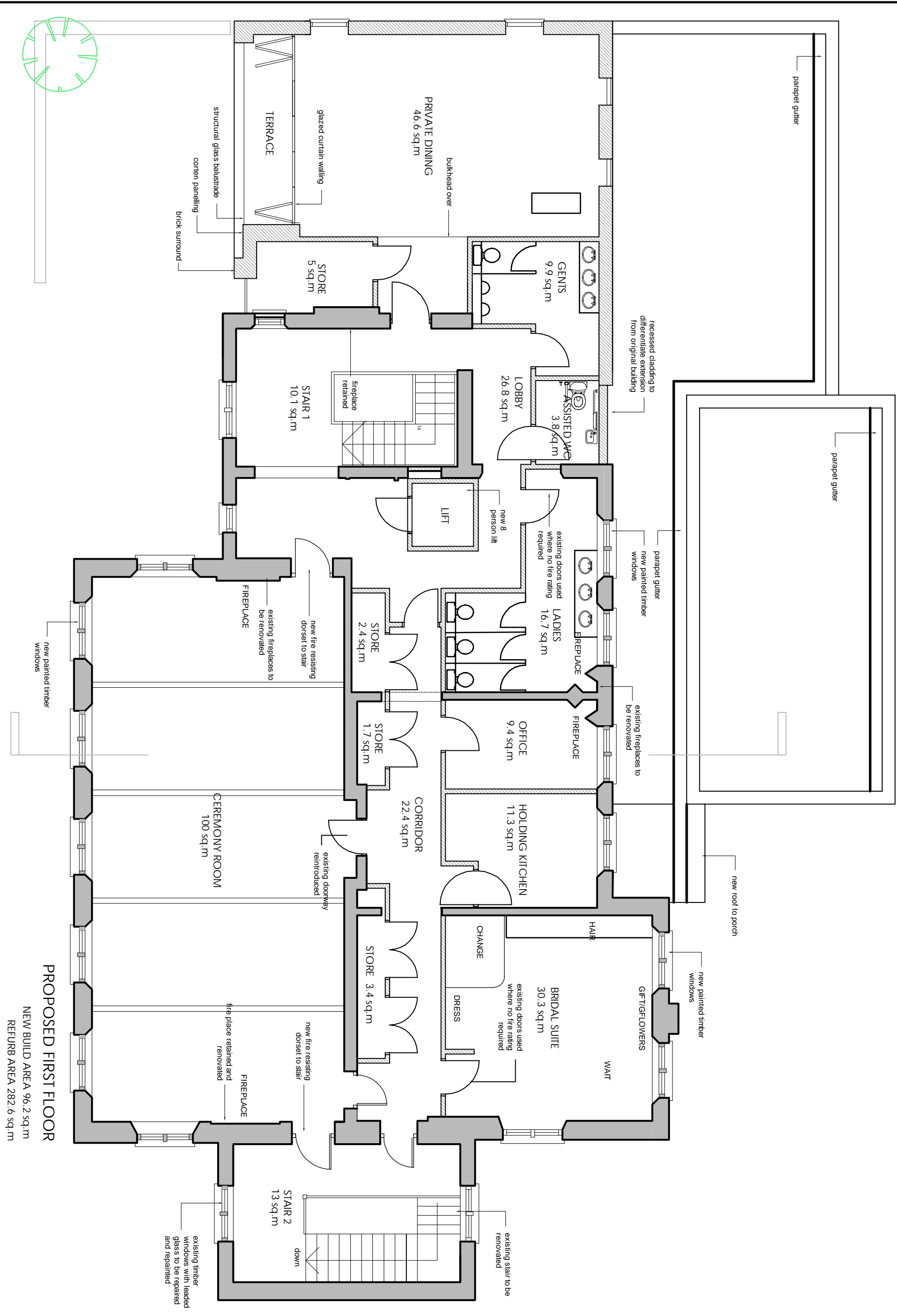
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1969	MARSHALL HOUSE KNUITSFORD

202	PROPOSED SITE PLAN
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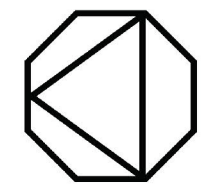
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Notes:



Revision	Description	Date
A	UNDER GLAZED STRIP	12.01.23
B	EXTENSION SET BACK	18.08.22
C	BRICKS OUTSIDE BUILDINGS	24.07.21
D	AMENDED ROOF PLAN ADDED	02.07.21
E	PROJECTING BAY REMOVED	
F	FURTHER ANNOTATION	
G	CENTRAL BAR TOILETS	26.03.21
H	REARRANGED	26.03.21
I	AMENDED FOLLOWING CLIENT	
J	DESIGN MEETING	
K	RAMP TO KITCHEN AMENDED	05.02.21
L	FIRST FLOOR CORRIDOR EXTENDED	



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Project No. 1969

Project: MARSHALL HOUSE KNUITSFORD

Drawing No. 200

Drawing Title: PROPOSED PLANS

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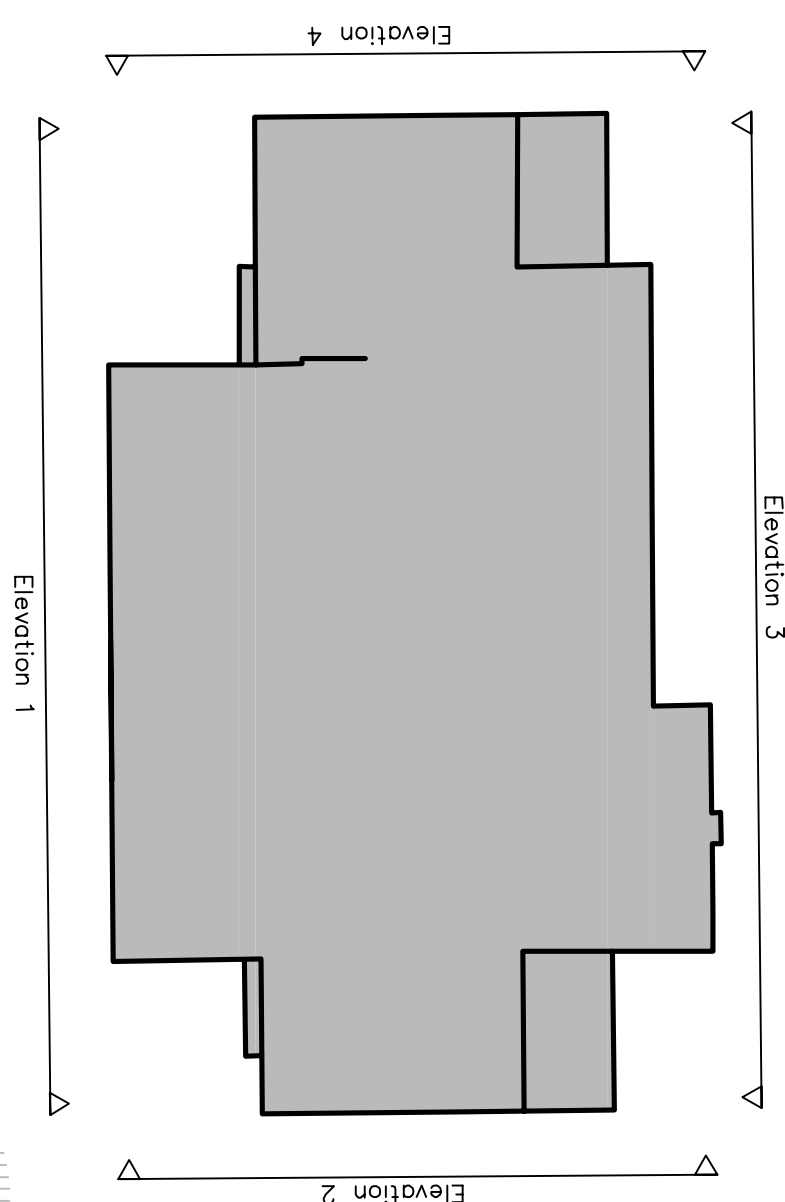
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Date: JAN 2021

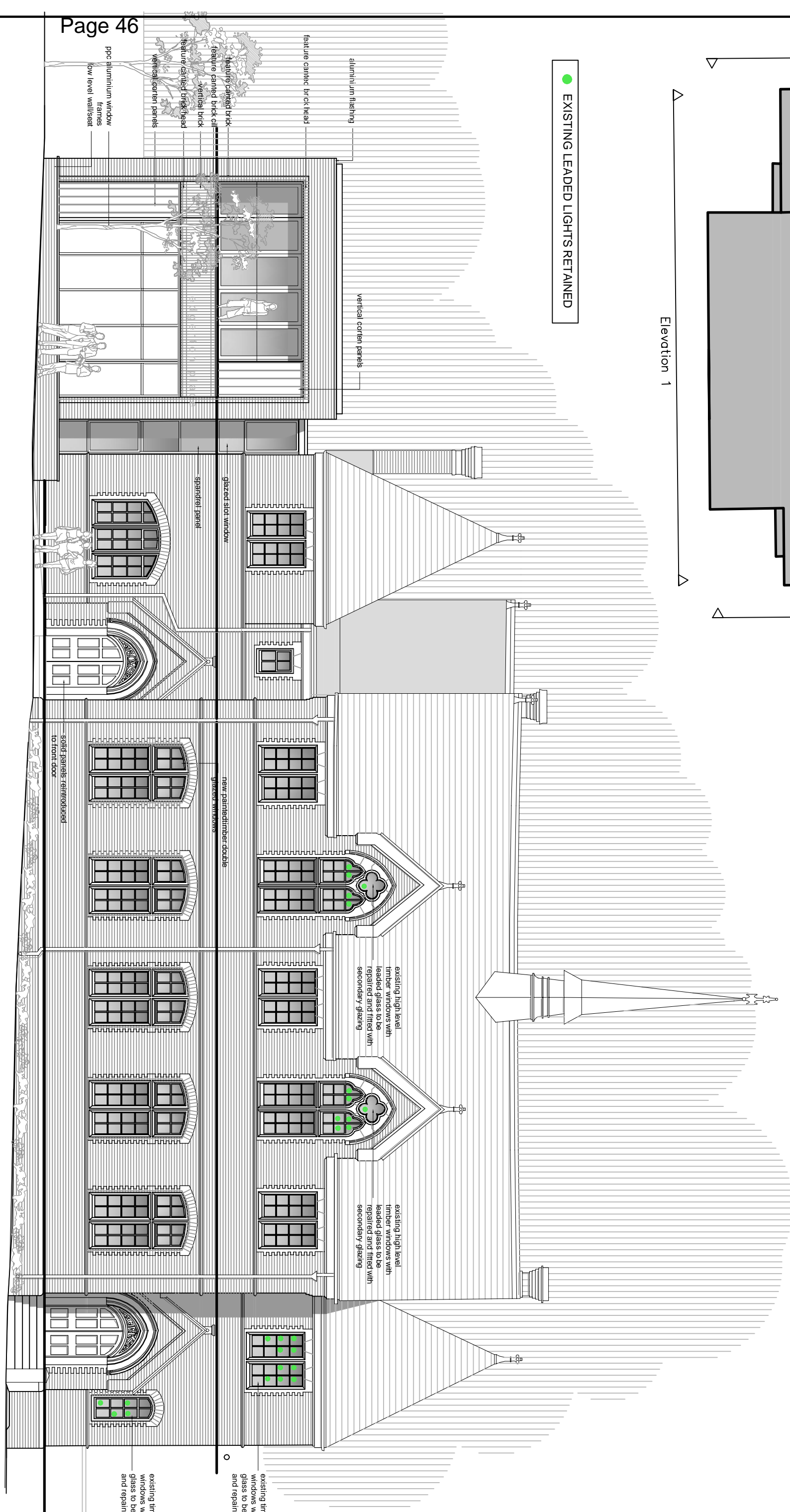
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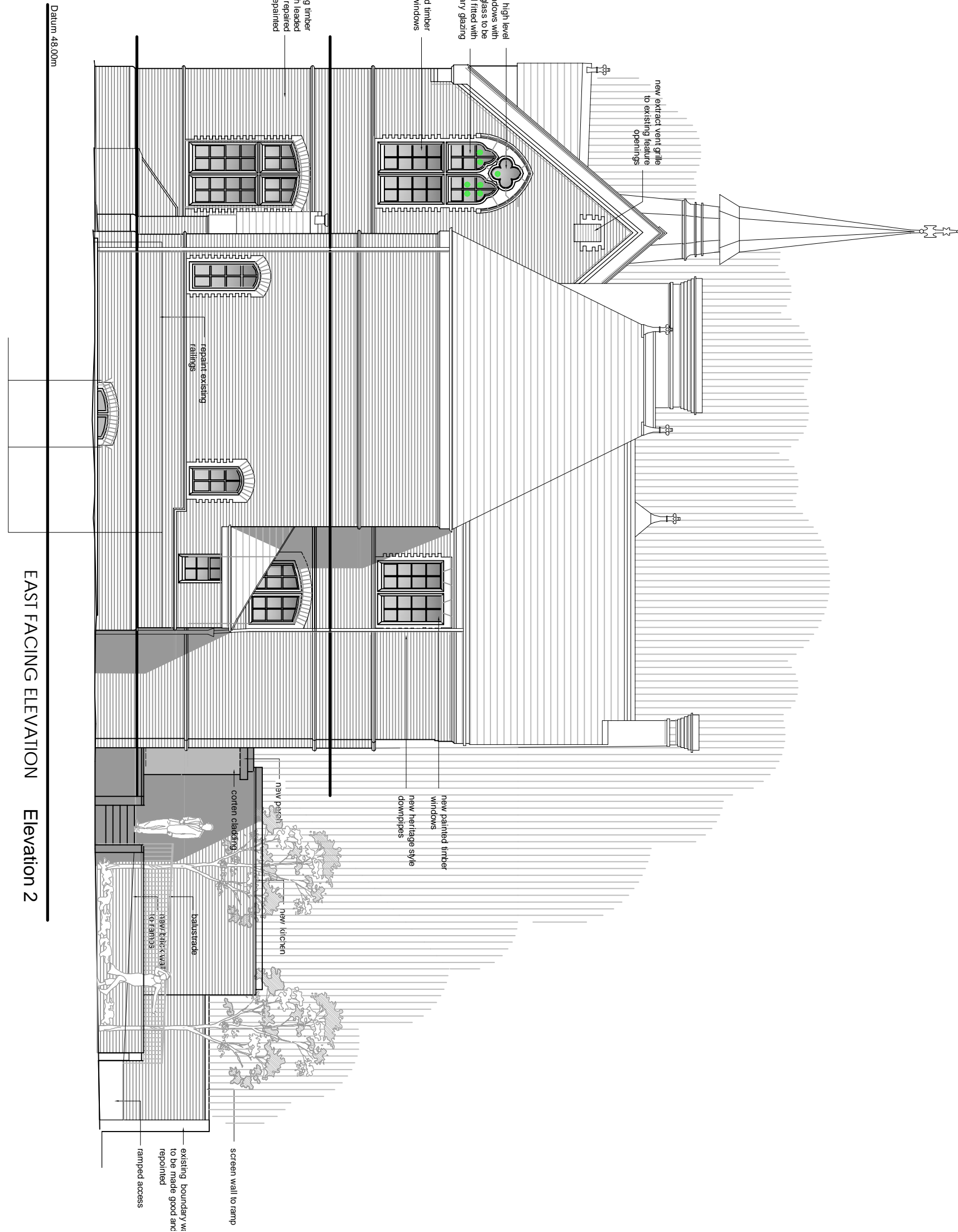
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- EXISTING LEADED LIGHTS RETAINED



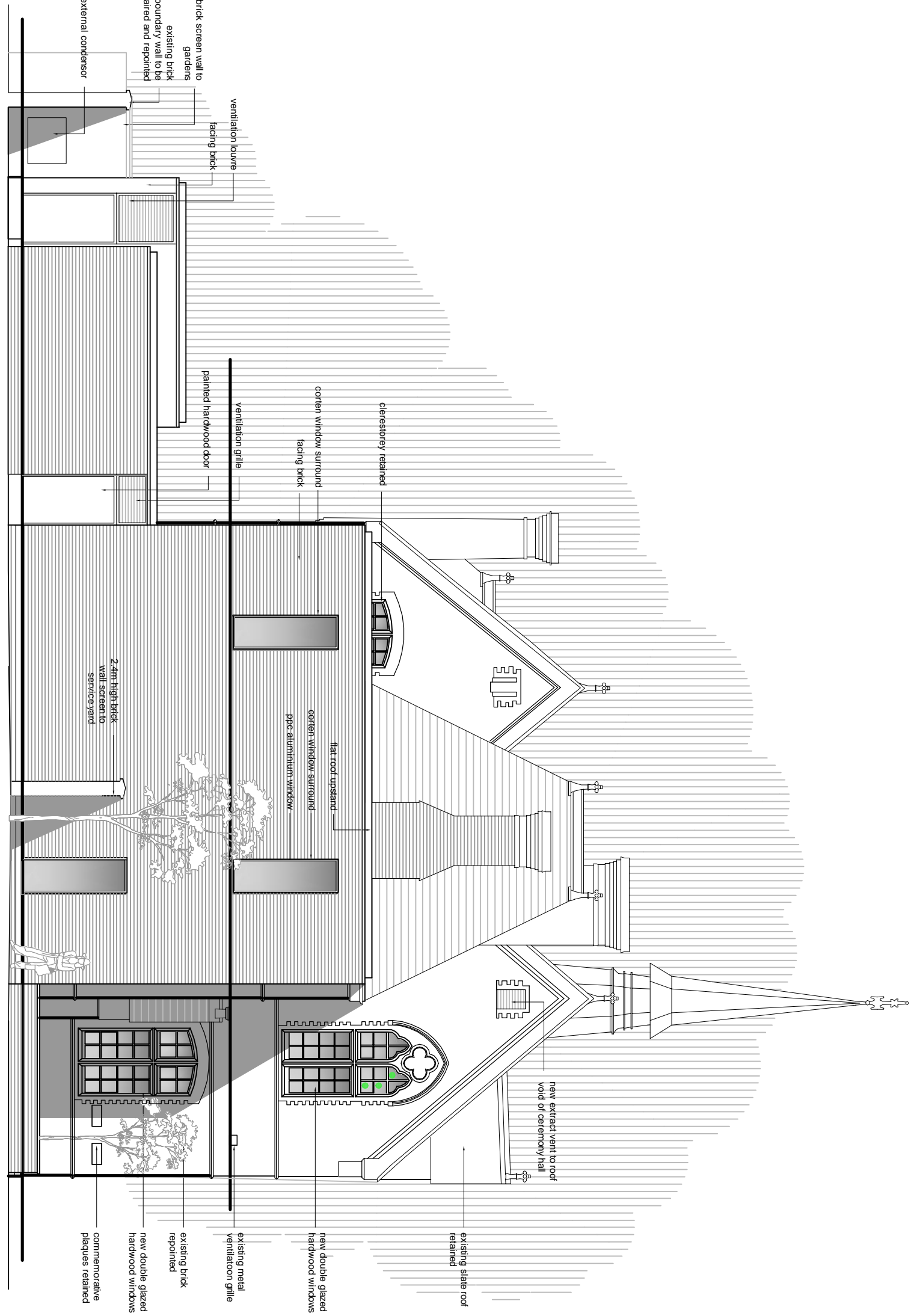
FRONT ELEVATION TO CHURCH HILL Elevation 1



EAST FACING ELEVATION      Elevation 2



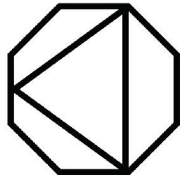
REAR NORTH FACING ELEVATION Elevation 3



WEST FACING ELEVATION Elevation 4

Revision	Description	Date
C	WIDER GLAZED STRIP	12.01.23
F	EXISTING LEADED LIGHTS SHOWN	04.10.22
E	EXTENSION SET BACK	18.08.22
D	FURTHER ANNOTATION	12.09.21
C	WINDOWS AMENDED	28.07.21
B	VENTILATION ADDED FURTHER	02.07.21
A	ANNOTATION	
	RECESSED BALCONY ADDED	22.04.21

DV8 DESIGNS  
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PRIVATE CLIENT

Project No.	Project:
1969	MARSHALL HOUSE KNUITSFORD

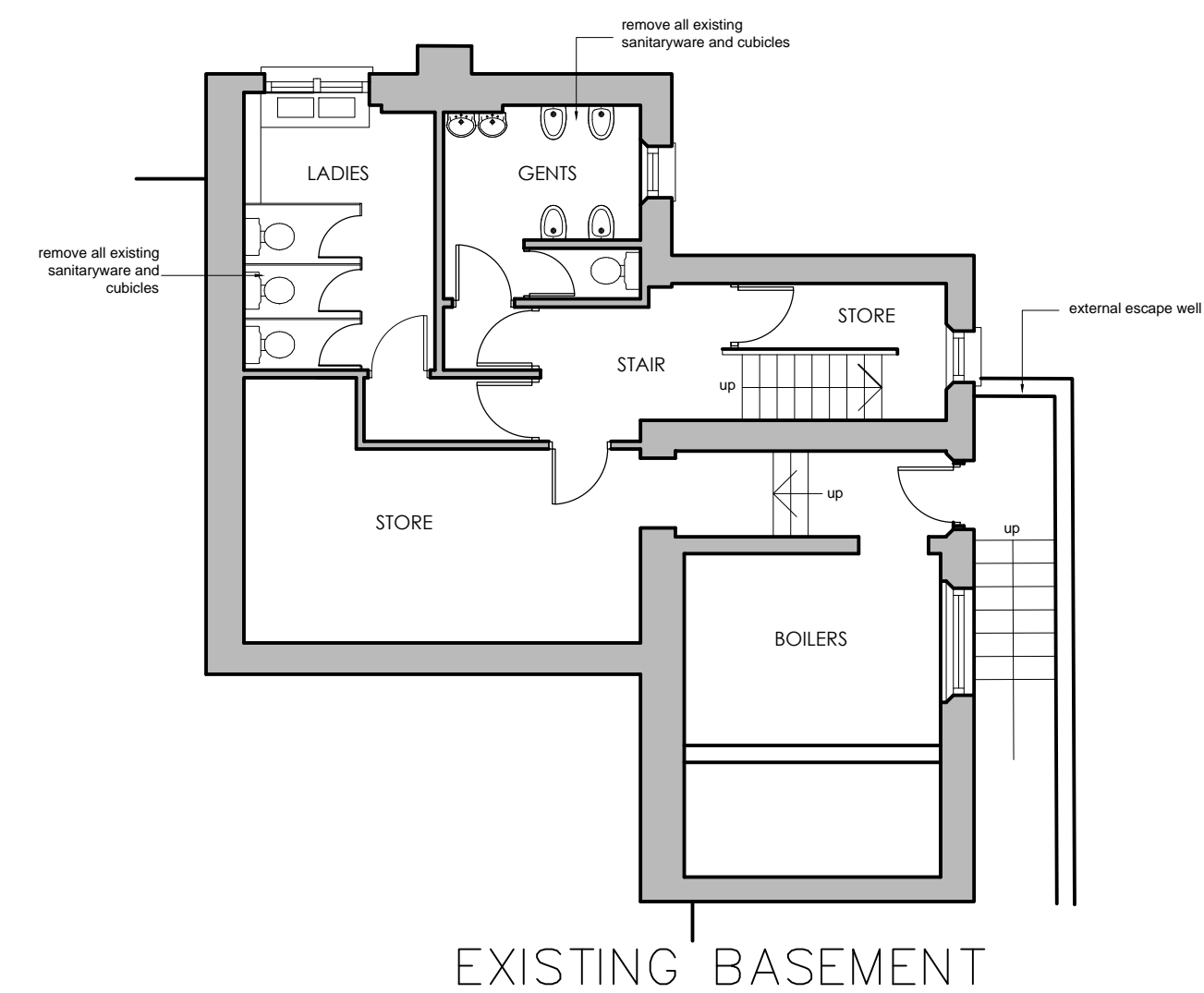
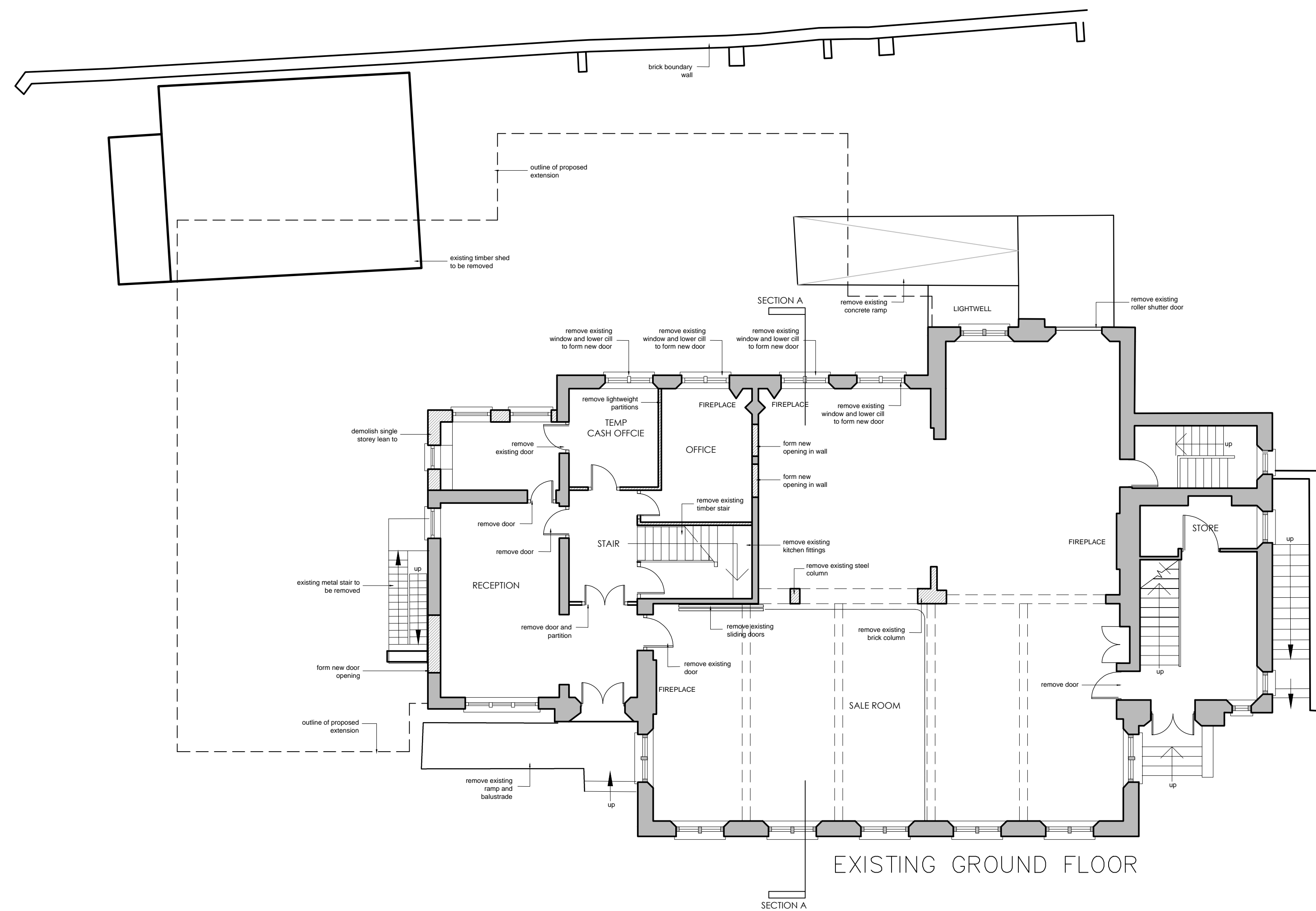
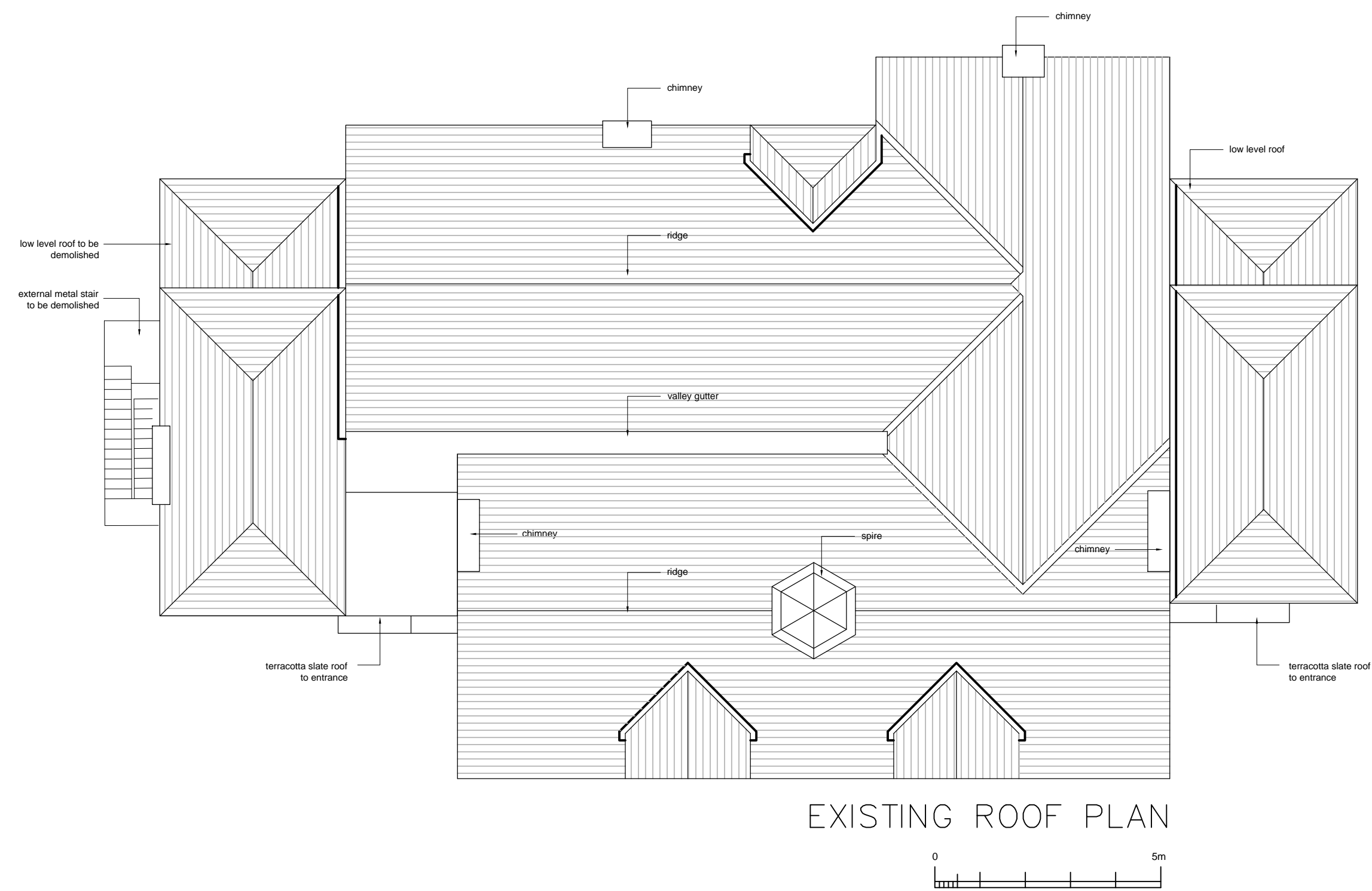
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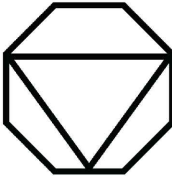

201 PROPOSED ELEVATIONS

Revision:

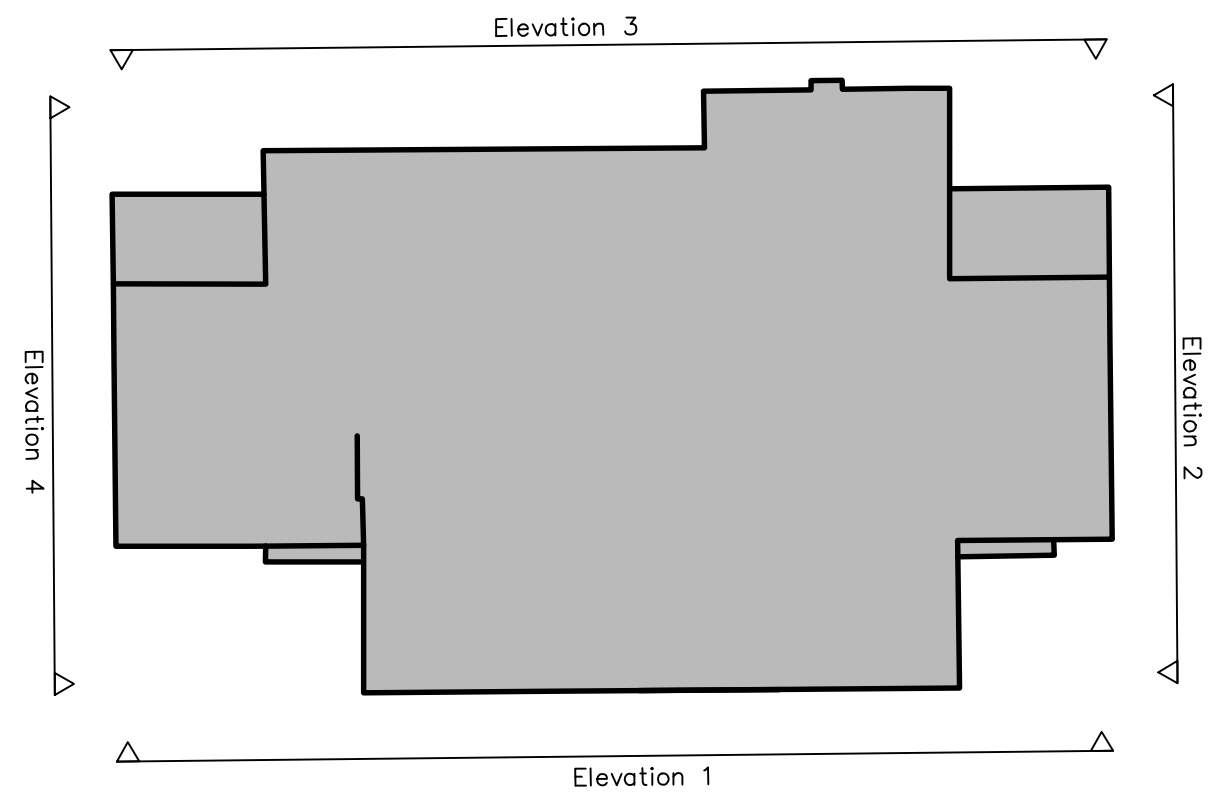
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A	ROOF PLAN ADDED	26.06.21
Revision	Description	Date
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<h1>EXISTING</h1> <p>NOTE: DO NOT SCALE FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONSULTANTS DOCUMENTATION</p> <div style="display: flex; align-items: center;"> <span>SCALE</span>  </div> <p style="text-align: center;">1:100</p>		
Client: PRIVATE CLIENT		
Project No. 1969	Project: EDGERTON PLACE KNUTSFORD	
Drawing No. 100	Drawing Title: EXISTING PLANS	
Revision: A	Scale: 1:100 @ A1	Date: JAN 2021
		Drawn by: MW





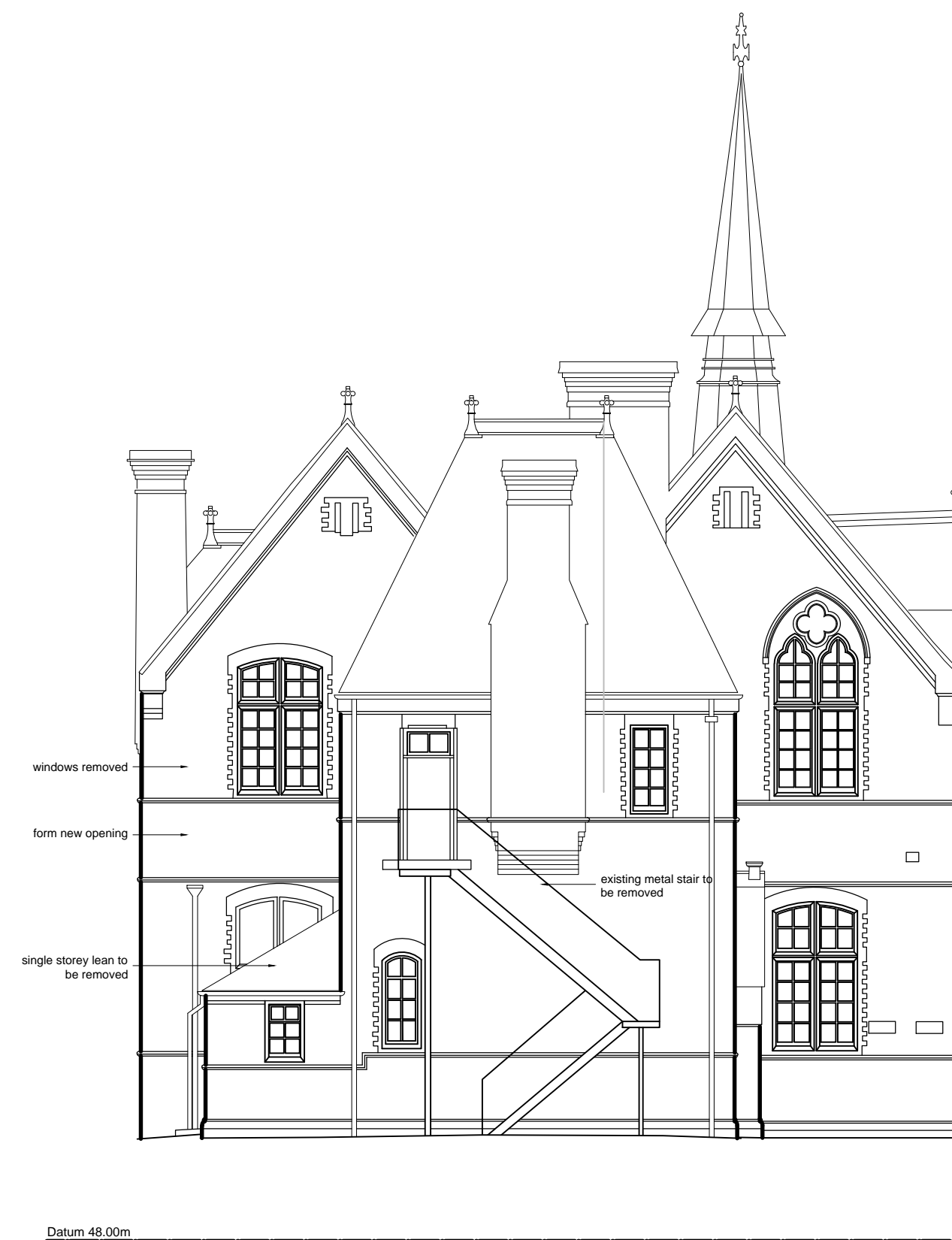
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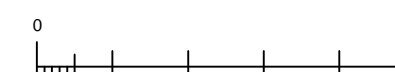
Elevation 2



Elevation 3



Elevation 4



Notes:

A	ANNOTATION ADDED	02.07.21
Revision	Description	Date



**DV8 DESIGNS**  
ARCHITECTURE•INTERIORS

EXISTING

NOTE: DO NOT SCALE FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE. TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONSULTANTS DOCUMENTATION.

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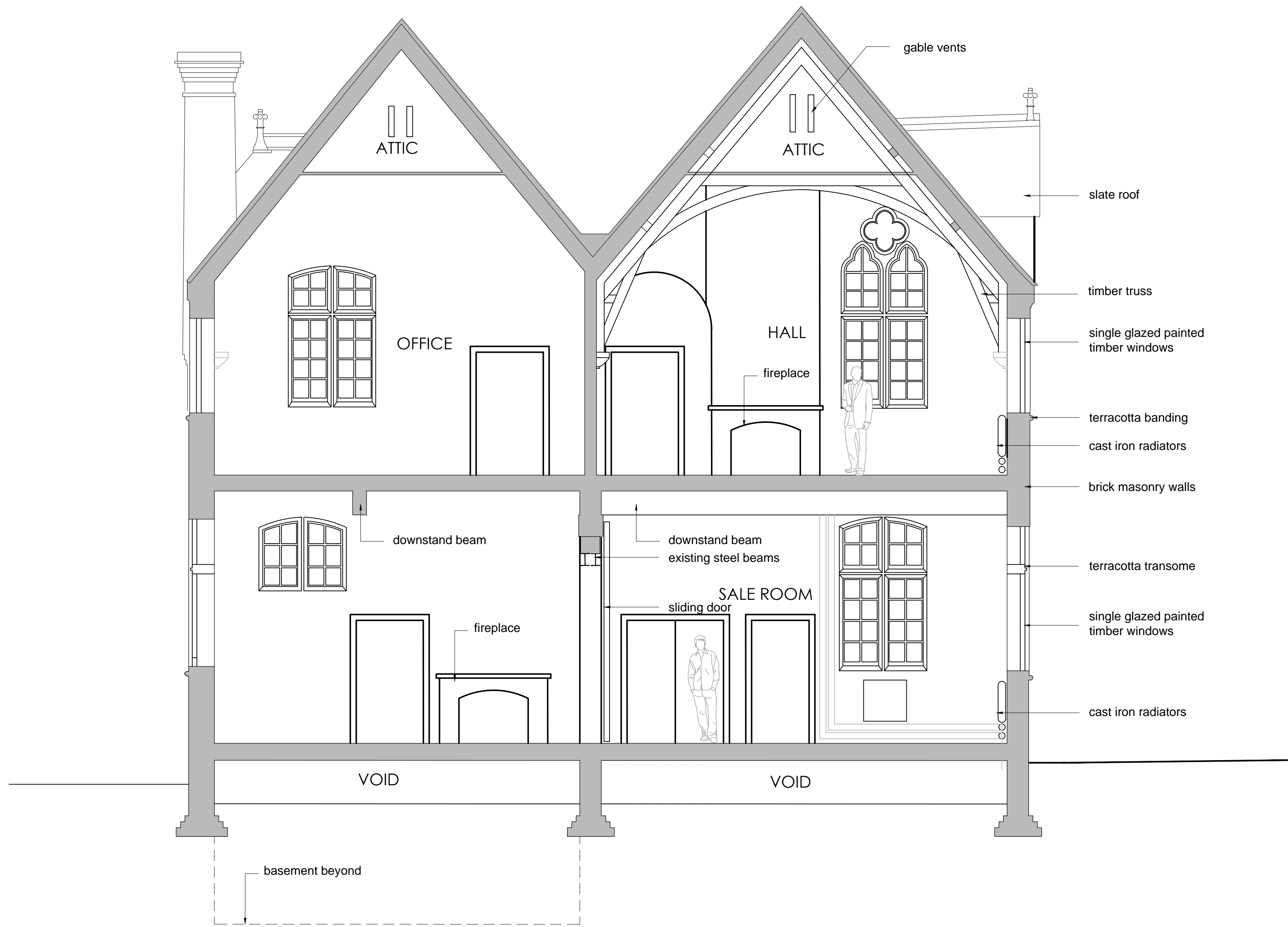
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Client: PRIVATE CLIENT

Project No. 1969 Project: EDGERTON PLACE KNUITSFORD

Drawing No. 101 Drawing Title: EXISTING ELEVATIONS

Revision: A	Scale: 1:100 @ A1	Date: JAN 2021	Drawn by: MW
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Revision	Description	Date
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Client: PRIVATE CLIENT

Project No. 1969	Project: EDGERTON PLACE KNUITSFORD
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Drawing No. 103	Drawing Title: EXISTING SECTIONS
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Revision: -	Scale: 1:100 @ A1	Date: JAN 2021	Drawn by: MW
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Application No: 24/4319/HOUS  
Application Type: Householder  
Location: Lower Brook Croft Smithy Lane, Rainow, Macclesfield, Cheshire  
East, SK10 5UP  
Proposal: Construction of oak framed single garage to include electric vehicle  
charging facilities.  
  
Applicant: Mr Tom Moody  
  
Expiry Date: 7 February 2025

**Summary**

Lower Brook Croft is a barn conversion within a former agricultural complex which includes two listed buildings, located within the Green Belt. The proposal, as amended, is for a single domestic garage with side aisle for storage.

**Summary recommendation**

**APPROVE SUBJECT TO CONDITIONS**

**1. REASON FOR REFERRAL**

1.1. The application is to be considered at Northern Planning Committee as the applicant is a Senior Council Officer.

**2. DESCRIPTION OF SITE AND CONTEXT**

2.1. The application relates to a barn conversion within a complex of former agricultural buildings. Lower Brook Farmhouse and one of the former barns are grade II listed. The site lies within the Green Belt and Peak Fringe. The former barn has recently been extended.

**3. DESCRIPTION OF PROPOSAL**

3.1. The amended proposal is for construction of an oak framed single garage with side storage and to include electric vehicle charging facilities.

**4. RELEVANT PLANNING HISTORY**

23/3707M & 23/3708M New single storey front and side extensions. Approved with conditions 11 Apr 2024

23/0108M & 23/0109M New two storey extension and single storey extension to replace existing outtrigger. Withdrawn 20 Mar 2023

20/1459M Listed building consent for construction of a single storey rear extension and a porch. Approved with conditions 16 June 2020.

20/1458M Construction of a single storey rear extension and a porch. Approved with conditions 16 June 2020.

19/5603M Lawful Development Certificate for proposed single storey rear extension and porch. Withdrawn 04-Feb-2020

17/0266M Certificate of proposed lawful use for the construction of hardstanding and associated access. Positive certificate 17 March 2017

15/0377D Discharge of conditions 9,10,11 and 12 of permission 13/2747M; Conversion of a redundant stone barn to a new dwelling. Approved 25/03/2015.

15/3459M New drive spur and associated hardstanding. Withdrawn 27-Oct-2015.

13/4129D Discharge of condition 3 (roof & cladding materials) on 09/2024M. Approved 10/12/2013.

13/2748M Listed Building Consent for the conversion of a redundant stone barn to a new dwelling. Approved 16/12/2013.

13/2747M Full planning application for the conversion of a redundant stone barn to a new dwelling. Approved 16/12/2013.

## **5. NATIONAL PLANNING POLICY**

5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

5.2. The latest version of the NPPF was released in December 2024. Of particular relevance are chapters in relation to: Achieving sustainable development, Decision making, Achieving well designed places, Protecting Green Belt land and Conserving and enhancing the historic environment.

## **6. DEVELOPMENT PLAN POLICY**

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.



6.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

CELPS Policy MP 1: Presumption in favour of sustainable development  
CELPS Policy PG 3: Green Belt  
CELPS Policy PG 6: Open Countryside  
CELPS Policy PG 7: Spatial distribution of development  
CELPS Policy SD 1: Sustainable development in Cheshire East  
CELPS Policy SD 2: Sustainable development principles  
CELPS Policy SE 1: Design  
CELPS Policy SE 2: Efficient use of land  
CELPS Policy SE 3 Biodiversity and Geodiversity  
CELPS Policy SE 4: The landscape  
CELPS Policy SE 5: Trees, hedgerows and woodland  
CELPS Policy SE 7: The historic environment  
CELPS Policy SE 12: Pollution, land contamination and land instability  
CELPS Policy SE 15: Peak District National Park Fringe  
CELPS Appendix C

SADPD Policy GEN 1: Design principles  
SADPD Policy GEN 5: Aerodrome Safeguarding  
SADPD Policy ENV 1: Ecological network  
SADPD Policy ENV 2: Ecological implementation  
SADPD Policy ENV 3: Landscape character  
SADPD Policy ENV 5: Landscaping  
SADPD Policy ENV 6: Trees, hedgerows and woodland implementation  
SADPD Policy ENV 17 Protecting water resources  
SADPD Policy HER 1: Heritage assets  
SADPD Policy HER 4: Listed Buildings  
SADPD Policy RUR 11: Extensions and alterations to buildings outside of settlement boundaries  
SADPD Policy HOU 11: Extensions and alterations  
SADPD Policy HOU 12: Amenity  
SADPD Policy HOU 13: Residential standards  
SADPD Policy INF 3: Highway safety and access  
SADPD Policy INF 9: Utilities

6.3. Neighbourhood Plan

N/A

**7. Relevant supplementary planning documents or guidance**

7.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

7.2. Cheshire East Design Guide SPD

**8. CONSULTATIONS (External to Planning)**

Rainow Parish Council raised no objection in response to the initial 3 bay garage proposal.

## 9. REPRESENTATIONS

None received

## 10. OFFICER APPRAISAL

### Principle of Development in the Green Belt

- 10.1. The application site lies within the Green Belt and as such, is subject to the requirements of Policy PG3 of the CELPS. As per the NPPF, PG3 details that within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances. The policy continues that the construction of new buildings is inappropriate in the Green Belt. However, a number of exceptions are listed, including for extensions and alterations provided that it does not result in disproportionate additions over and above the size of the original building. This exception is similar to that referred to within the NPPF (para 154). Policy RUR 11 includes also an exception for a small-scale domestic outbuilding in a residential curtilage.
- 10.2. The initial proposal under this application was for a three-bay garage with home office accommodation above. The proposal includes removal of an existing storage container on site in the position of the proposed garage. This would need to be removed by condition in the case of an approval. It does not appear to have planning history and as such its removal would have very limited weight in favour of in the assessment.
- 10.3. Previous extensions to the barn conversion were permitted under the above policy taking into consideration also an assessment of impact on character as required under RUR 11, particularly where the existing building is of traditional construction or appearance and that the proposal would not unduly harm the rural character of the countryside by virtue of prominence, excessive scale, bulk or visual intrusion.
- 10.4. The current proposal has been amended and reduced in scale considerably to a single garage with side storage which is better proportioned to the host dwelling. The description of development has been altered in accordance with the amendments. It is considered acceptable as a small-scale domestic outbuilding under the above exception under policy RUR 11. The siting of the garage would be at a low level on the site, set further back as viewed from the access from Smithy Lane to the south. The materials would be timber cladding with pitched roof and gabled frontage. It would not be harmful to the rural character of the countryside by virtue of scale, bulk, prominence or visual intrusion. As amended it is considered acceptable in principle in the Green Belt as an exception to inappropriate development in the Green Belt under policy RUR 11.

### Design, character and impact on heritage assets

- 10.5. Policies SE 1 and SD 2 of the CELPS and GEN 1 of the SADPD between them set out design criteria for new development which is underpinned by achieving high quality design. Design matters that should be considered, include height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene. CELPS Policy SE 7 supports proposals which do not cause harm to or better reveal the significance of heritage assets. SADPD policy HER 4, in line with NPPF paragraph 16, requires the Council to have special regard to the desirability of preserving listed buildings, their settings and features of special architectural or historic interest that it possesses.
- 10.6. The former agricultural complex includes two listed buildings. Lower Brook Croft itself is a former barn constructed of rough course stone with stone roof and timber cladding to a lean-

to extension. Extensions have been granted permission under refs 24/3707M and 24/3708M. The proposed garage addition as amended would be clearly subordinate in scale to the host building and those around it. The garage would be clad in timber with slate roof. As amended it would be considered acceptable in design and impact on character on the former agricultural buildings, including the setting of the two listed buildings.

### **Landscape**

10.7. Policy SE 4 seeks for development to reflect the character of the area through appropriate design and management. The site lies within the Peak Fringe local landscape designation area. SE 4 states that within local landscape designation areas, the Council will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and setting. CELPS policy SE 15 states that within the Park Fringe, development that would affect the setting of the Peak District National Park will be resisted where it compromises the statutory designation and purposes of the National Park. The Development will be considered on its individual merits having regards to the type, scale and location, taking account of the Peak District National Park Landscape guidelines and characteristics of the South West Peak and the adjoining areas of the Cheshire Plain.

10.8. The proposed development is close to the boundary with the Peak Park. It is relatively minor in scale and within the context of the adjacent buildings. It would be located on an existing hardstanding parking area. As such it is not considered to result in any material impact on landscape character.

### **Arboriculture**

10.9. The proposed positioning of the garage is adjacent to a wooded area at the edge of the site. The most applicable policies to consider in relation to trees are SE5 of the CELPS and ENV 6 of the SADPD. The arboricultural officer has considered the amended proposals. The siting would be on existing hardstanding and the adjacent trees are young silver birch which appear to be of natural regeneration. Any arboricultural impact would be negligible.

### **Living Conditions**

10.10. CELPS Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to loss of privacy; loss of sunlight and daylight; the overbearing and dominating effect of new buildings; environmental disturbance or pollution; or traffic generation, access and parking. HOU 13 along with table 8.2 provides minimum separation distances. Taking into account the small scale of the proposal and relationship with nearby properties it is not considered that the proposal would result in harm to neighbouring amenity.

### **Highways and access**

10.11. Policy CO1 of the CELPS considers matters of highway safety. Appendix C of the Cheshire East Local Plan identifies minimum Parking Standards for residential development in Principal Towns and Key Service Centres and for the remainder of the borough. Policy INF3 of the SADPD refers to highway safety and access, stating development should provide safe access to and from the site for all highway users.

- 10.12. CEC highways standing advice minimum internal measurements for a garage is 2.75 metres x 5.5m. The proposal would be around more than adequate in width allowing for storage to one side, and slightly below the minimum internal width at around 5.2 metres internally in length as measured on plan. However it is open fronted and there is sufficient space on the existing hard standing for several other vehicles, as such it is acceptable in terms of parking provision under CELPS Appendix C.

### **Other Matters**

- 10.13. The site is within a groundwater source protection zone. Given the relatively minor scale of the application and its type as part of an existing residential site it is not considered to conflict under policy ENV 17. The site is within Flood Zone 1 where there is a low risk of flooding. The relevant part of the site lies with an ecological network restoration area, however again the relatively minor scale of the proposals does not raise significant ecological implications. The proposals include provision for electric vehicle infrastructure which a positive feature in terms of reducing emissions and improving air quality. There are no other material considerations that would give rise to conflict with policy.

## **11. PLANNING BALANCE/CONCLUSION**

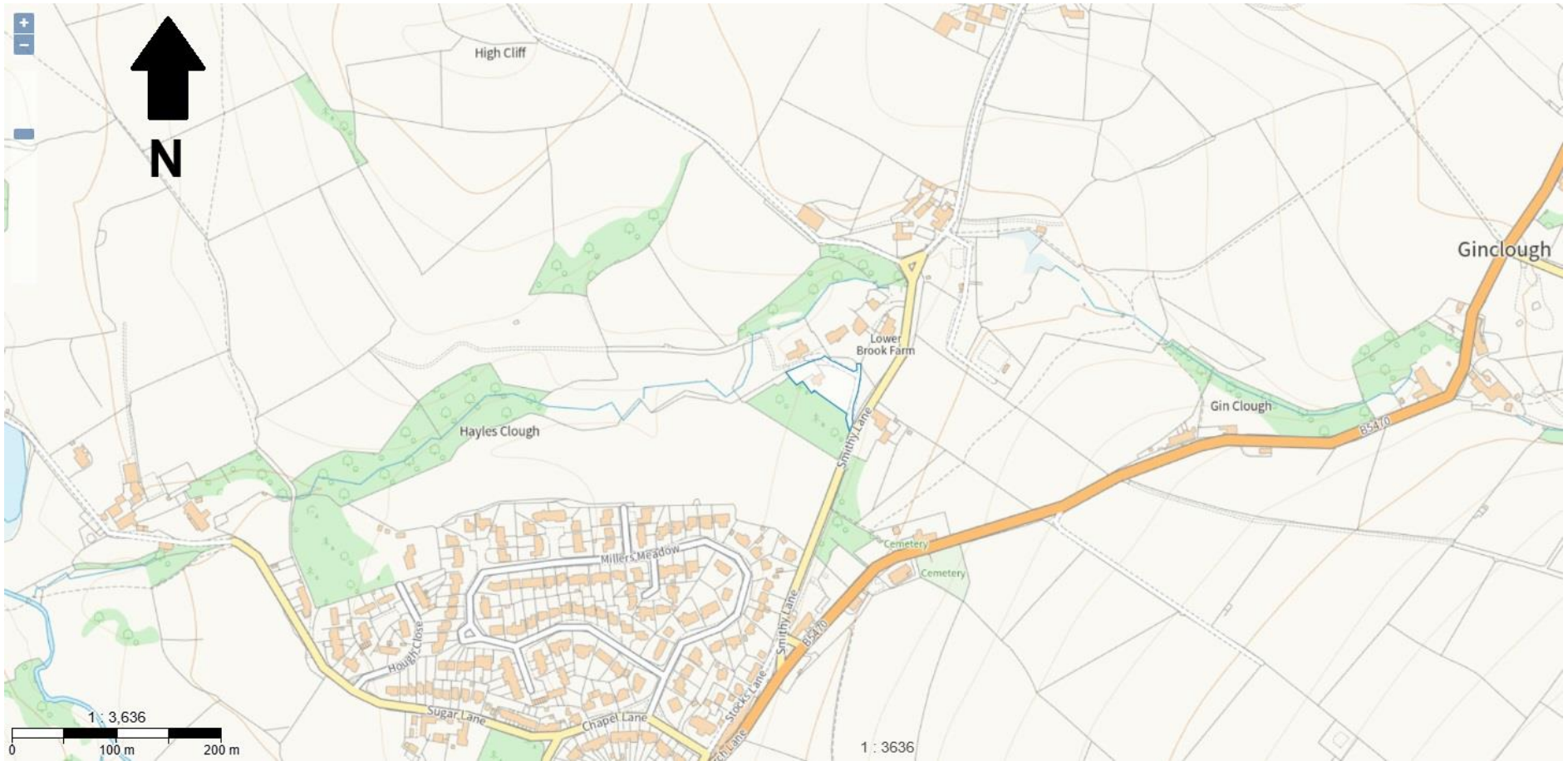
- 11.1. The proposal as amended to a single garage would be acceptable as an exception as a small domestic outbuilding under relevant Green Belt policy. The proposal is considered acceptable in impact on the rural character of the area and in the setting of two listed buildings within the wider former agricultural complex. The proposed development as amended is deemed to be in accordance with relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application. Therefore a recommendation of approval is made, subject to conditions.

## **12. RECOMMENDATION**

### **Approve subject to following conditions:**

- 1. Time period for implementation – three years**
- 2. Development to be in accordance with approved plans**
- 3. Materials as application (roof material to be natural slate)**
- 4. Removal of existing container**

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

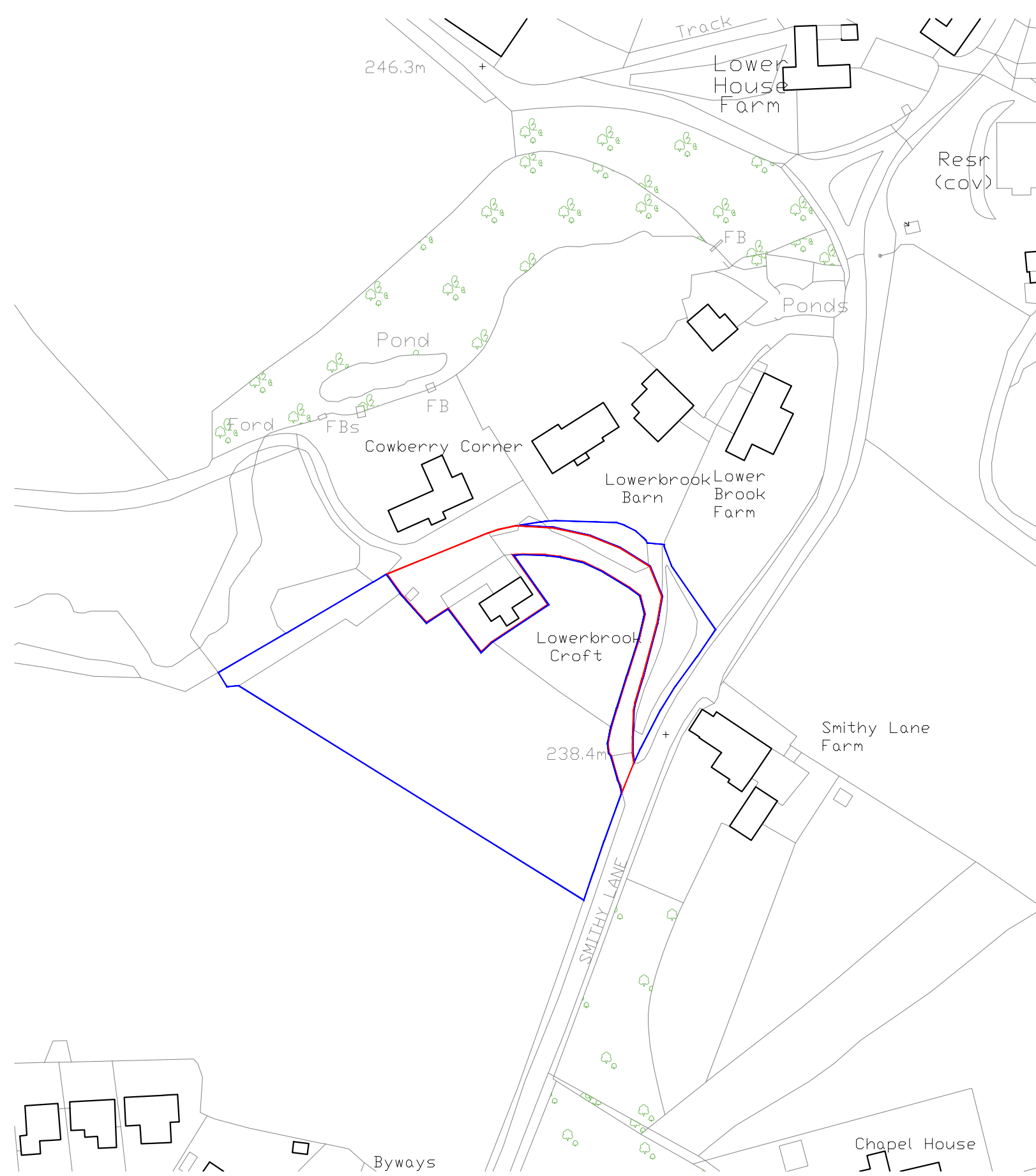


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24/4319/HOUS

Lower Brook Croft Smithy Lane,  
Rainow, Macclesfield, Cheshire  
East, SK10 5UP

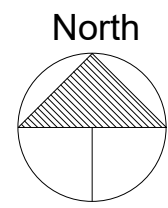
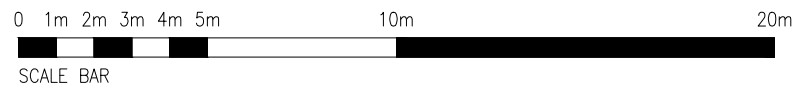
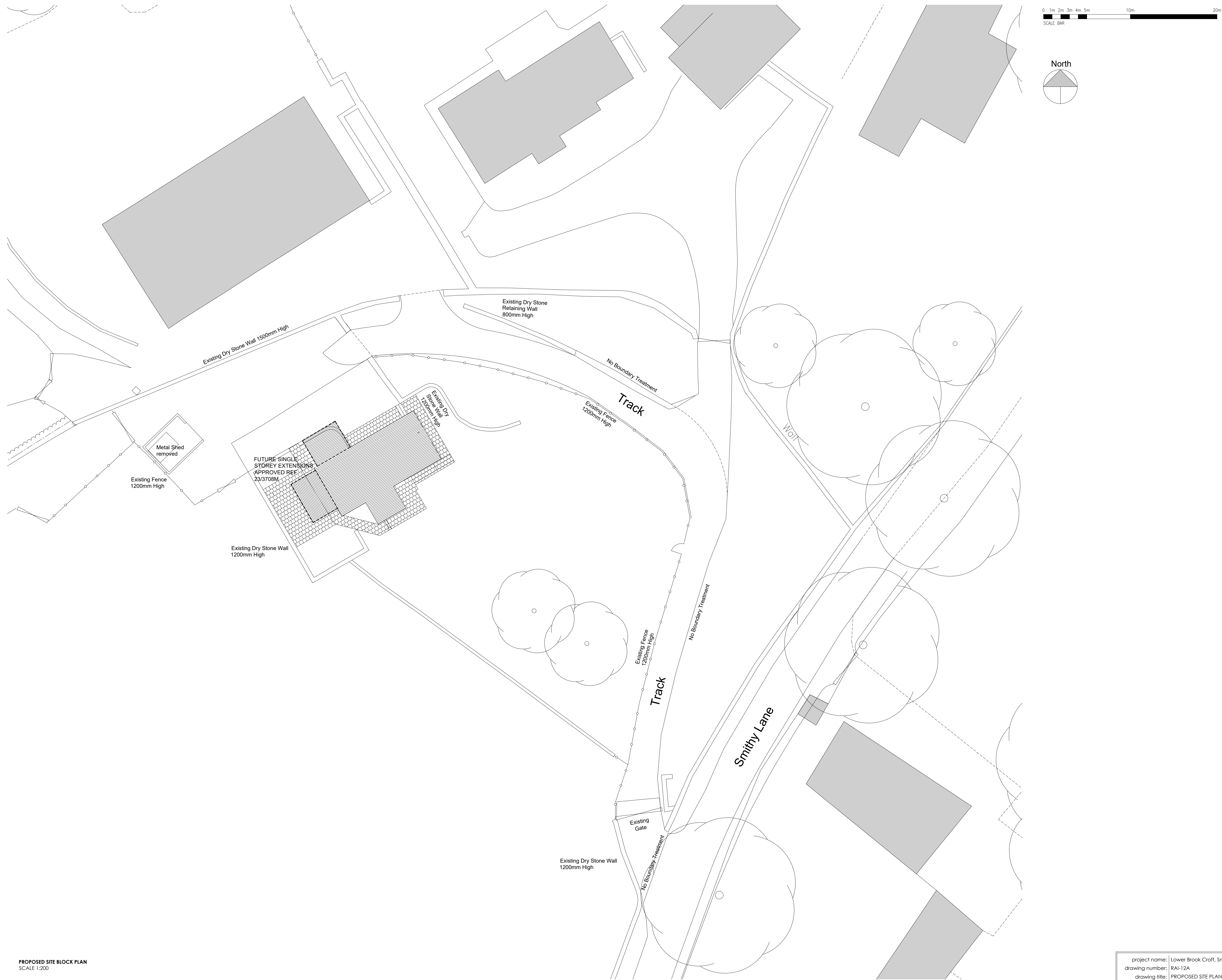




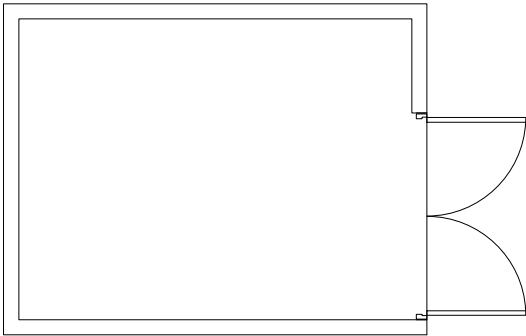
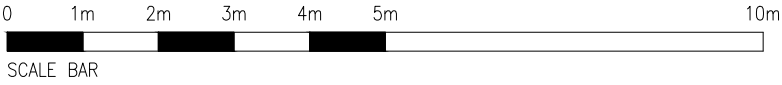
SITE LOCATION PLAN  
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EXISTING SITE BLOCK PLAN  
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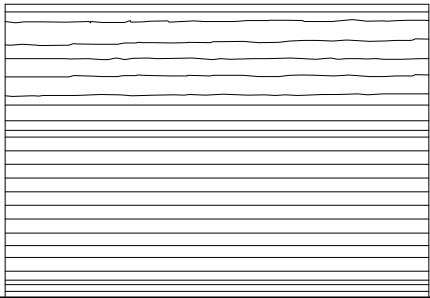




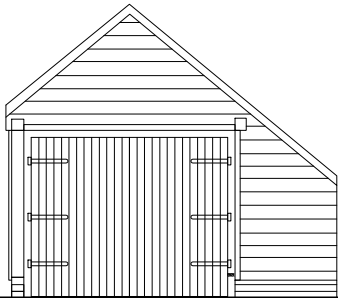
PROPOSED SITE BLOCK PLAN  
SCALE 1:200



PROPOSED FLOOR PLAN  
SCALE 1:100

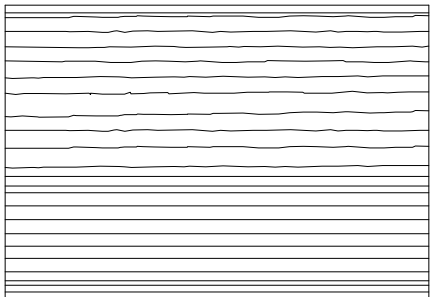


PROPOSED SOUTH ELEVATION  
SCALE 1:100

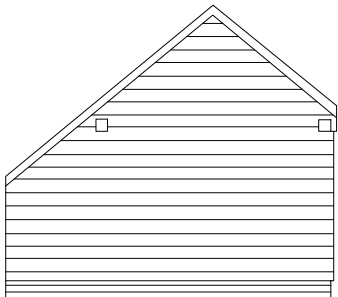


PROPOSED EAST ELEVATION  
SCALE 1:100

- PROPOSE MATERIALS
- STONE PLINTH TO MATCH DWELLING
  - STONE ROOFING TO MATCH DWELLING
  - OAK POSTS, EAVES AND TIE BEAMS
  - 200mm WIDE TREATED SOFTWOOD FEATHEREDGE WEATHERBOARD



PROPOSED SOUTH ELEVATION  
SCALE 1:100



PROPOSED EAST ELEVATION  
SCALE 1:100

project name:	Lower Brook Croft, Smithy Lane, Rainow
drawing number:	RAI-13A
drawing title:	PROPOSED GARAGE PLAN & ELEVATIONS
drawing scale:	1:100 @ A3

Application No: 25/0233/HOUS  
Application Type: Householder Development  
Location: 2 Delamere Drive, Macclesfield, Cheshire East, SK10 2PW  
Proposal: Part two-storey / Part single-storey rear extension. Amendment to 23/3010M.  
Applicant: Mr Julian Broadhurst  
Expiry Date: 23 April 2025

**Summary:**

- Application previously approved in early 2024.
- This scheme proposes alterations to the design of the roof to the rear extension.
- The rear two element of the extension propose gable and flat roof, now it proposed a full gable.
- This scheme proposes changes to the ground floor fenestration.
- A window and door swap positions.
- These design changes are considered to be acceptable, as they will have no greater impact on both, the Conservation Area nor residential properties than that the scheme already approved.

**Summary Recommendation:**

Approve subject to conditions.

**1. REASON FOR REFERRAL**

- 1.1. The application has been submitted by a member of staff employed within the Development Management Service of the Council and is therefore referred to planning committee as required by the scheme of delegation.

**2. DESCRIPTION OF SITE AND CONTEXT**

- 2.1. This application relates to a brick built semi-detached property situated within the settlement boundary of Macclesfield.
- 2.2. To the north-east of the site is the Macclesfield Canal, which also forms part of the Macclesfield Canal Conservation area, and to the south is the Hurdsfield Road Conservation area.
- 2.3. The site is surrounded by residential development with a private access track to the side (south) of the dwelling.
- 2.4. At the rear of the dwelling is a recently constructed detached garage (as approved under 23/3010M), and at the far end of the site on the opposite side of the access track, beyond the rear boundary is a further garage, car port and concrete base also within the ownership of the applicant.

### **3. DESCRIPTION OF PROPOSAL**

- 3.1. The application seeks planning permission for a part two-storey / part single-storey rear extension. The proposal is an amended extension scheme to that approved in 2024.
- 3.2. This submission amends the details of the roof over the first-floor element of the house extension
- 3.3. It also includes the retention of the existing back door coupled with removal of the proposed back door from the extension.

### **4. RELEVANT PLANNING HISTORY**

- 4.1. This application is a resubmission of Planning Permission 23/3010M.
- 4.2. This permission was for the removal of the existing garages and outhouse, with their replacement with a garage and a two-storey rear extension.
- 4.3. This application was approved by the Northern Planning Committee on 16 February 2024.

### **5. DEVELOPMENT PLAN POLICIES**

- 5.1. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of considering the current proposals, the development plan consists of: -

#### Cheshire East Local Plan Strategy (CELPS) 2017:

- 5.2. CELPS was adopted in July 2017 and sets out policies to guide development across the borough over the plan period to 2030. The relevant policies of the CELPS are summarised below:
  - MP1 Presumption in Favour of Sustainable Development
  - PG1 Overall Development Strategy
  - PG2 Settlement Hierarchy
  - SD1 Sustainable Development in Cheshire East
  - SD2 Sustainable Development Principles
  - SE1 Design
  - SE2 Efficient Use of Land
  - SE3 Biodiversity and Geodiversity
  - SE7 The Historic Environment
  - SE13 Flood Risk and Water Management

Site Allocations and Development Policies Document (SADPD) 2022:

5.3. The Site Allocations and Development Policies Document (SADPD) is the second part of the Cheshire East Local Plan and provides detailed planning policies and land allocations in line with the overall approach set out in the Local Plan Strategy. The SADPD was adopted on 14 December 2022. The relevant policies of the SADPD are summarised below: -

- PG9 Settlement Boundaries
- HER1 Heritage assets
- HER 3 Conservation areas
- GEN1 Design principles
- ENV6 Trees, hedgerows and woodland implementation
- ENV16 Surface water management and flood risk
- HOU11 Extensions and Alterations
- HOU12 Amenity
- HOU13 Residential standards

Neighbourhood Plan:

5.4. The application site is not within a neighbourhood plan boundary.

**6. Relevant supplementary planning documents or guidance**

6.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

- Cheshire East Design Guide SPD

**7. CONSULTATIONS (External to Planning):**

7.1. Canals and Rivers Trust – No objection. The submitted details indicate that the retrospective detached garage is set back from the canal edge, as indicated in the previous planning application submission (23/3010M). On that basis, the Trust has no further comment to make on the application

7.2. Macclesfield Town Council – Macclesfield Town Council Planning Committee feel the drawings are of poor quality and so unable to comment on the scale, quality and type of materials used.

7.3. Ward Councillor (Cllr Bennett-Wake) – Made the following comments.

- Neighbours may face loss of light and amenity due to changes to the plans.
- Damage may occur to flora and fauna as out buildings are so close to the canal.
- Documents are not clear and do not appear to be accurate to scale.
- It is therefore difficult to make an informed comment.

## **8. REPRESENTATIONS:**

8.1. No letters of representations have been received.

## **9. OFFICER APPRAISAL:**

### The Principle of the Development

9.1. The site is located within the Green Belt.

### Heritage, Character and Design

9.2. CELPS Policy SE1 states that development proposals should make a positive contribution to their surroundings. It seeks to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. It should also respect the pattern, character and form of the surroundings.

9.3. Policy SD2 further details the design matters that should be considered including; height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene.

9.4. SADPD policy GEN1 seeks to secure high quality design.

9.5. Policy SE7 and HER1 requires that all new development should seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment.

9.6. Policy HER3 relates to Conservation Areas and seeks to preserve or enhance the character or appearance of the area.

9.7. The property lies adjacent to the Macclesfield and Hurdsfield Road Conservation areas.

9.8. The original scheme proposed a mix of pitched and flat roofing. However, it is understood that the flat roof element cannot be constructed as approved. This is because the existing eaves height does not allow a working ceiling height internally.

9.9. As with the previously approved extension, it is considered that the proposed extensions to the dwelling will be appropriately designed, set down from the main ridge line at two storey level and a lean to single-storey extension. It is accepted that a full width gable is an acceptable design solution and would not have any greater impact upon the character of the area than the original proposal.

9.10. Proposed materials will match those on the main dwelling.



- 9.11. The Council's Conservation Officer remains satisfied that the extensions to the dwelling would not result in any harm to the character or appearance of the Conservation Area as the view from the canal tow path would be limited.
- 9.12. Overall, for the reasons set out above, it is considered that the proposals comprise an appropriate form of development for this area in accordance with policies SE1, SE7 and SD2 of the CELPS, Policies GEN 1, HER 1 and HER 3 of the SADPD and section 12 of the NPPF.

Amenity

- 9.13. Policy SE1 of the CELPS states, among other requirements, that development should ensure an appropriate level of privacy for new and existing residential properties.
- 9.14. SADPD Policy HOU 11 requires that proposals not cause unacceptable harm to the amenity of nearby occupiers or the future occupiers of the dwelling.
- 9.15. SADPD Policies HOU12 and HOU13 between them require that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to
1. loss of privacy;
  2. loss of sunlight and daylight;
  3. the overbearing and dominating effect of new buildings;
  4. environmental disturbance or pollution; or
  5. traffic generation, access and parking.
- 9.16. Policy HOU13 provides standards for housing allow light and privacy between buildings, with reference to Table 8.2 in the SADPD.
- 9.17. The proposed design changes relate to the rear second floor roof profile. The scheme proposes not alterations to the approved first floor fenestration. The existing side door is now to be retained, and an additional ground-floor window is in place of the approved side door in the extension.
- 9.18. The proposed extension at two-storey with a projection of 2.5m is still not considered to result in a loss of light or be overbearing to the neighbour to the north due to its relatively modest projection.
- 9.19. The single-storey element (which has a more significant projection of 6.5m) remains unchanged. It remains the view of Officers that, as this will be adjacent to the neighbouring extension and outbuilding, remains acceptable. The design retains its approved lean-to roof design, that will decrease in height from 3.1m at abutment point to 2.1m at eaves level thus reducing its impact on light and shadowing effects.
- 9.20. There remain no openings proposed on the northern side elevation which may otherwise harm privacy.

- 9.21. To the south, the extensions will remain some 12m from the rear of the neighbouring development with the access track and boundary treatment of the neighbouring properties intervening.
- 9.22. As such the proposals are not considered to affect the amenity of neighbouring properties by virtue of overshadowing, overbearing or a loss of light. Similarly, there are no side facing openings at two-storey level, with only roof lights proposed.
- 9.23. The proposed changes to the side facing windows and doors at ground floor level would remain to be screened by boundary treatment of the neighbouring property and conditions can secure the details of the replacement boundary treatment required as result of the demolition of the existing outbuilding. As such there are no overlooking concerns.
- 9.24. Overall and on balance, the revised proposals are not considered to result in a loss of amenity to neighbouring properties by virtue of overlooking and a loss of privacy, overbearing or shadowing such that would warrant a refusal. The proposals are therefore in accordance with the provisions of CELPS policy SE1 and SADPD policies HOU11, HOU12 and HOU13 in this regard.

#### Highways/Accessibility

- 9.25. CELPS Policy CO1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations.
- 9.26. SADPD policy INF3 requires that amongst other things, proposals provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles.
- 9.27. The revised proposals will not result in a loss of parking and seeks to replace garaging space on a like for like basis. The proposals will not harm the safety of highway users and therefore comply with the requirements of CELPS policy CO1 and SADPD policy INF3 in this regard.

## **10.CONCLUSIONS**

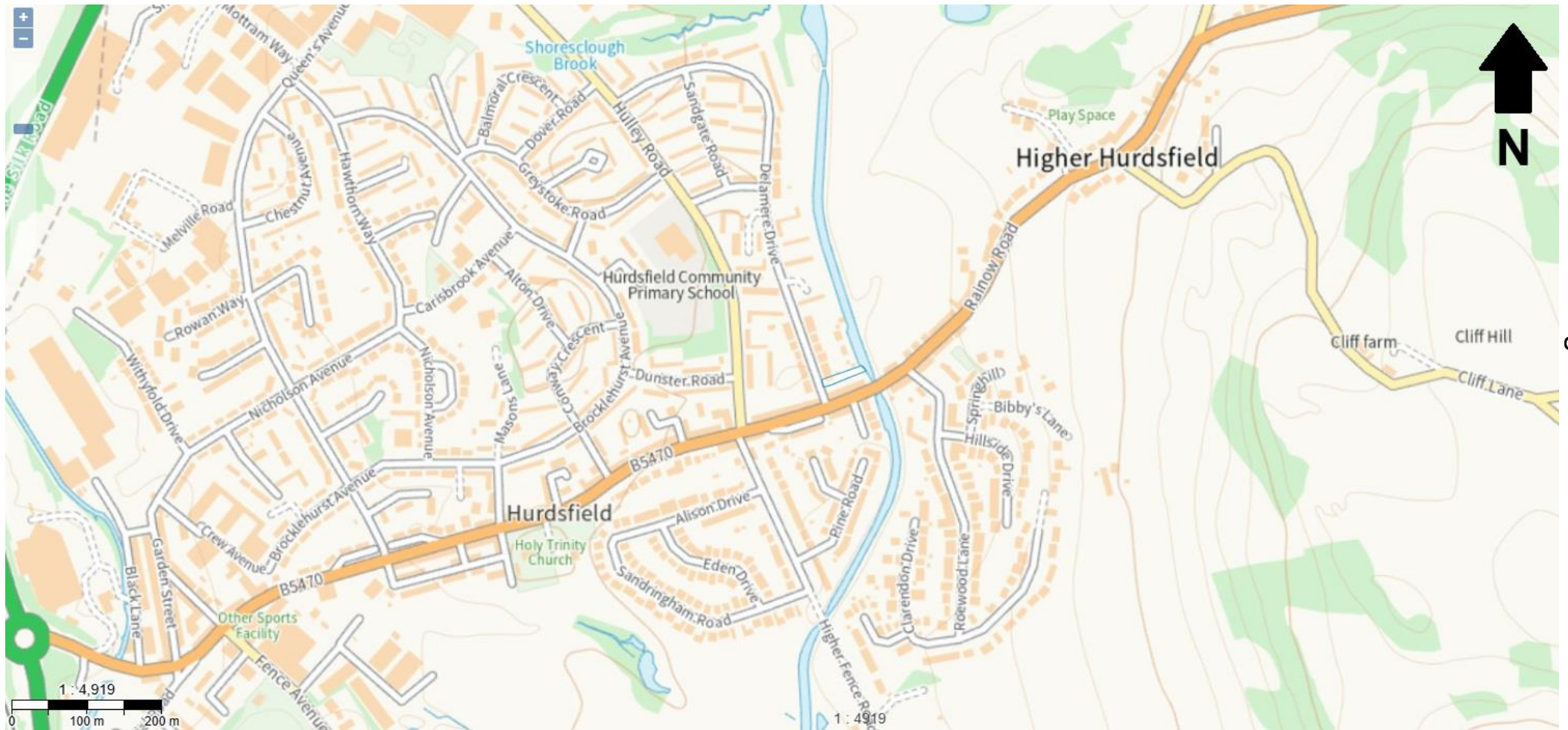
- 10.1. The proposal is a sustainable development that complies with development plan policy and the NPPF. No objections have been raised by consultees in relation to technical matters, for the reasons mentioned the application is recommended for approval subject to conditions.

## **11.RECOMMENDATION**

- 11.1. The application is recommended for approval subject to the following conditions:
  - 1. Time Limit (3 years)**

- 2. Development in accord with approved plans**
- 3. Materials to be as per the application, to match the main dwelling.**
- 4. Boundary treatment details to be submitted**

*In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.*



25/0233/HOUS

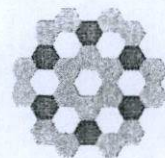
2 Delamere Drive, Macclesfield,  
Cheshire East, SK10 2PW



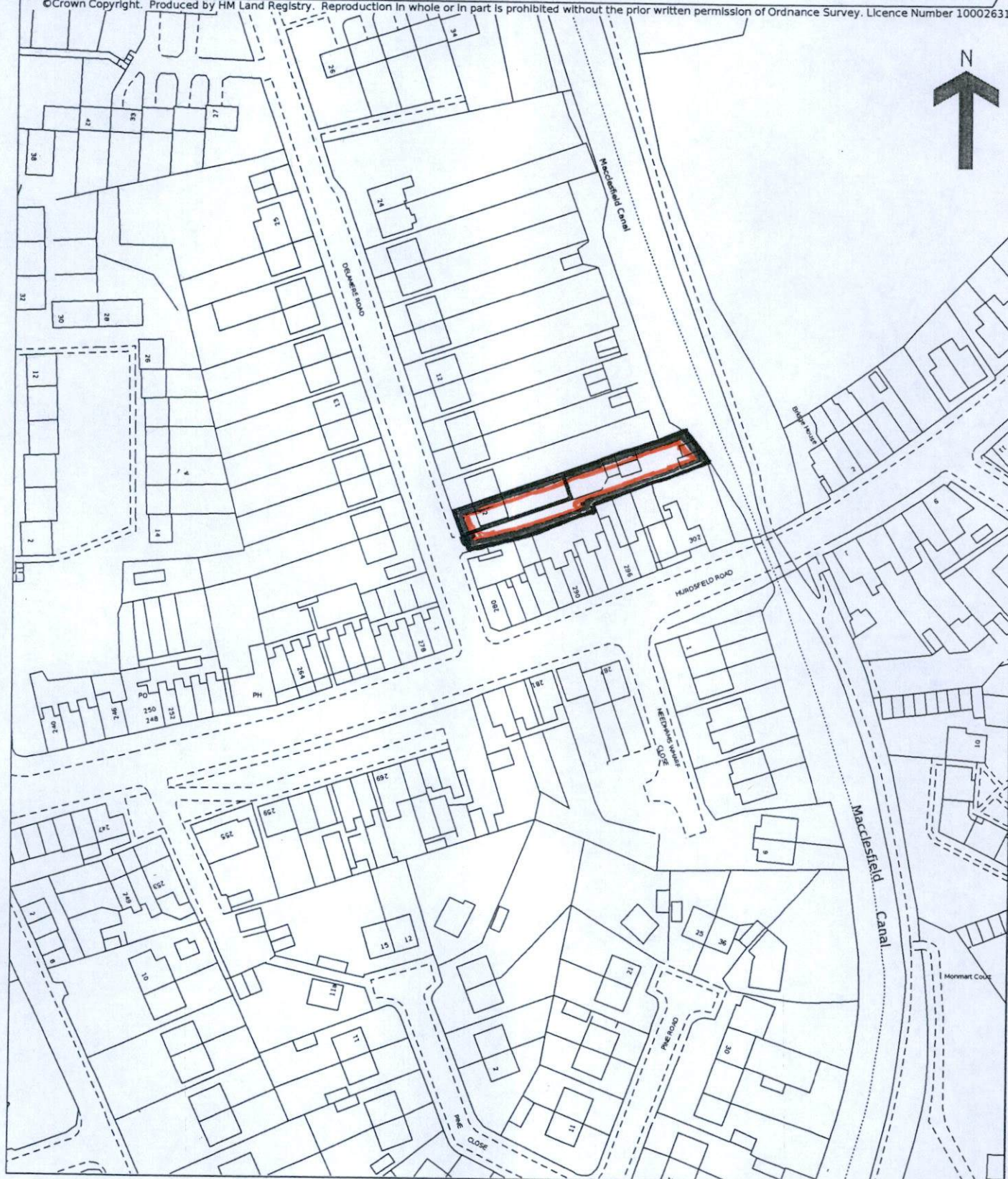
HM Land Registry  
Official copy of  
title plan

Page 72

Title number **CH590218**  
Ordnance Survey map reference **SJ9274SE**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Cheshire East**



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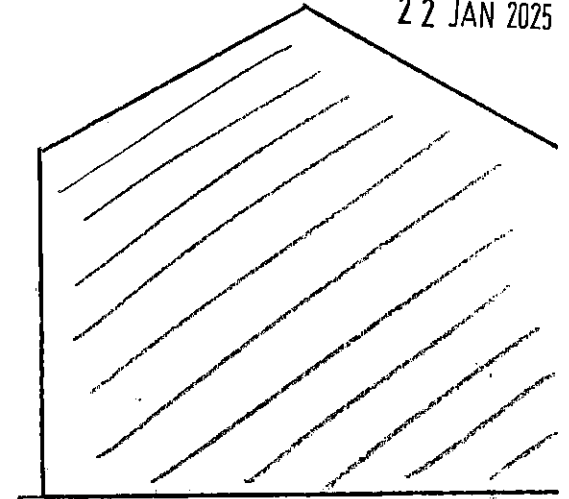
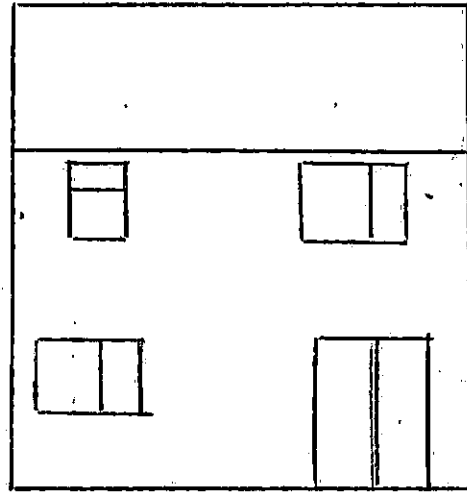
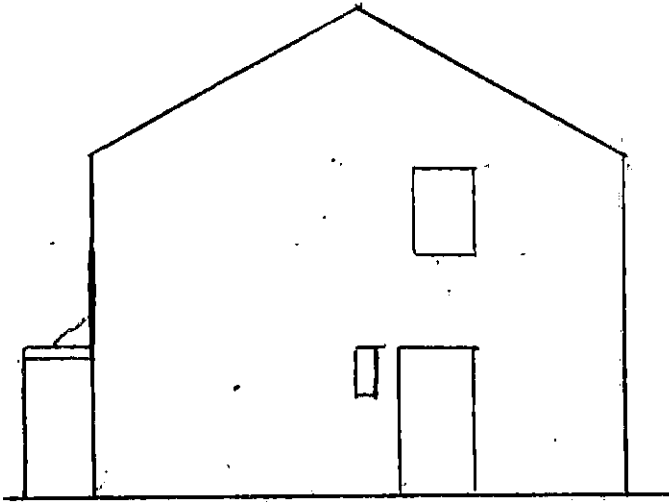


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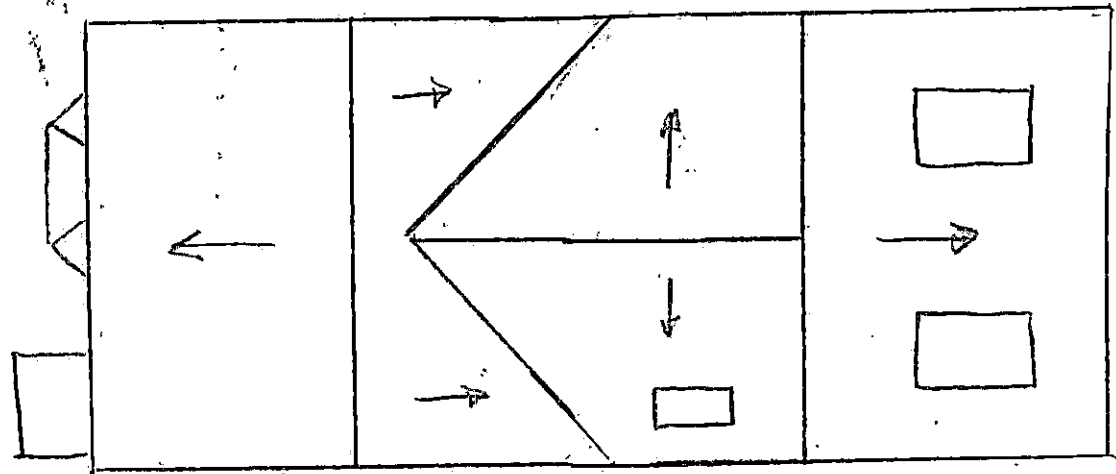
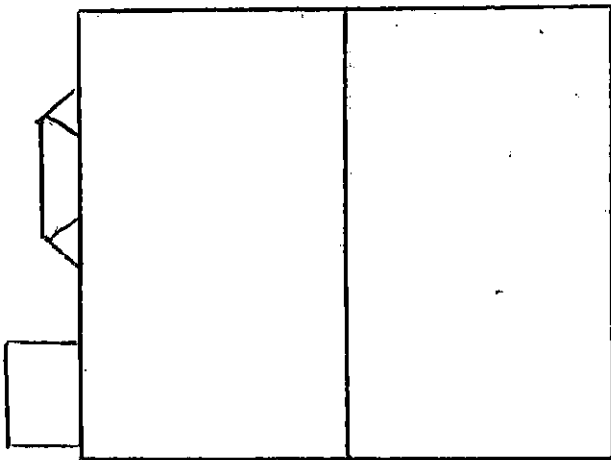
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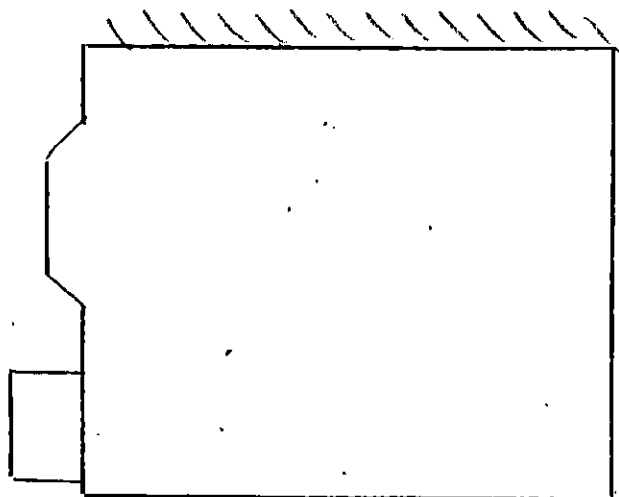
EXISTING ELEVATIONS. 1:100



PROPOSED ROOF PLAN. 1:100

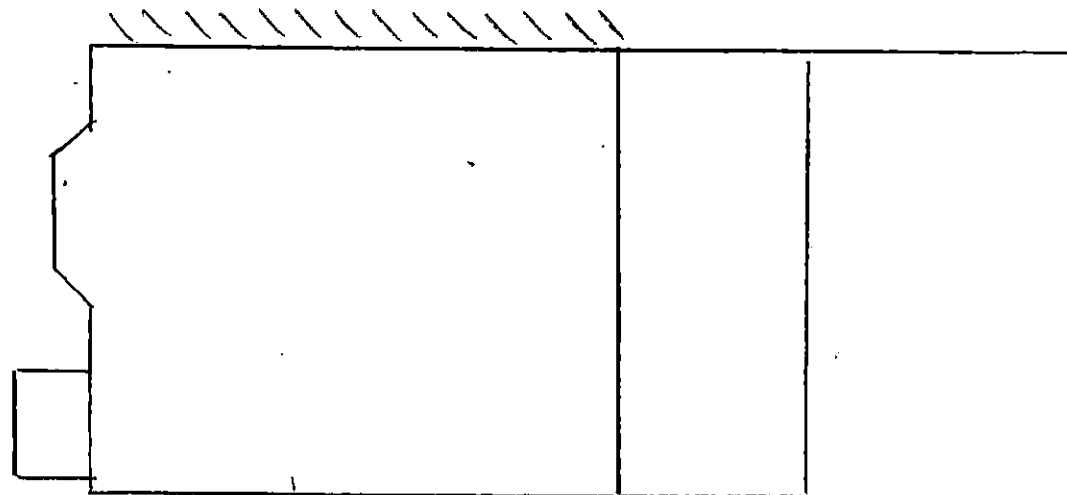
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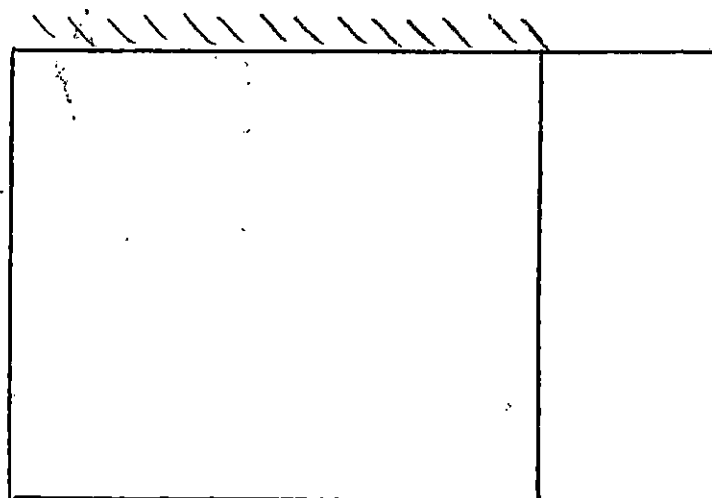
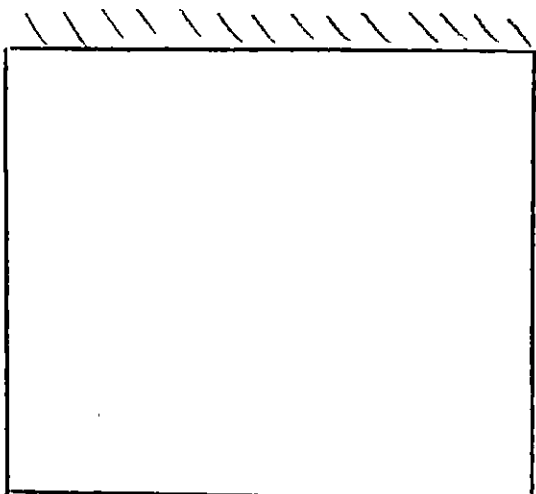


EXISTING PLANS

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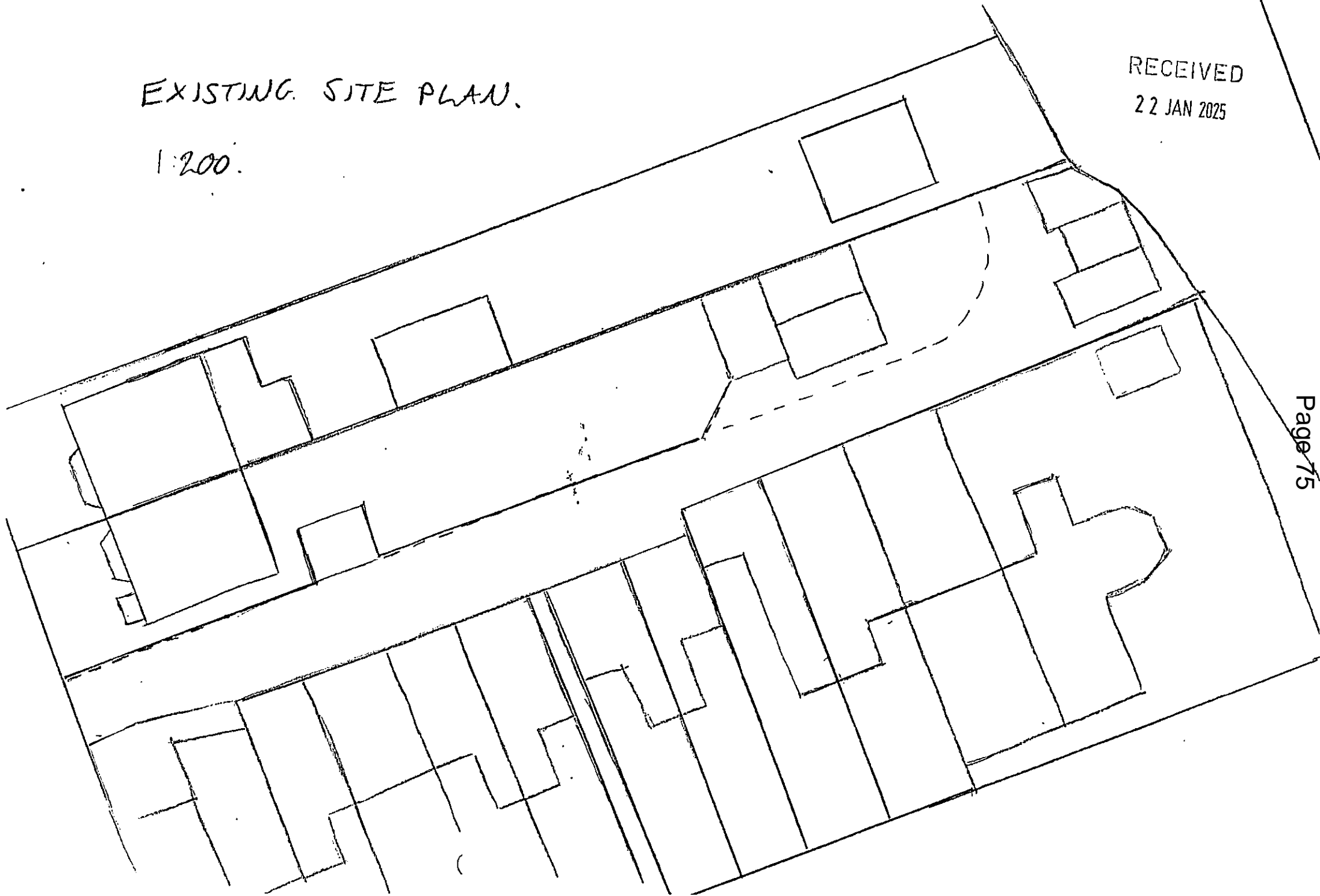
PROPOSED PLANS.



# EXISTING SITE PLAN.

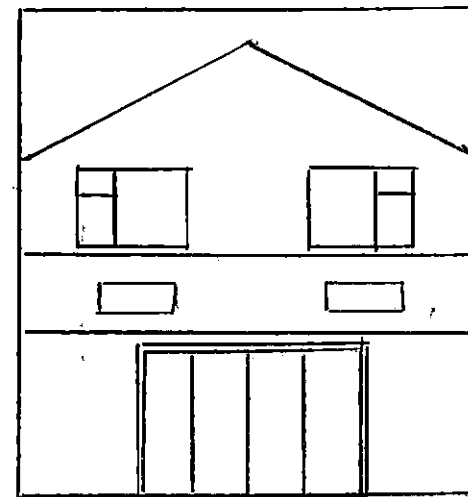
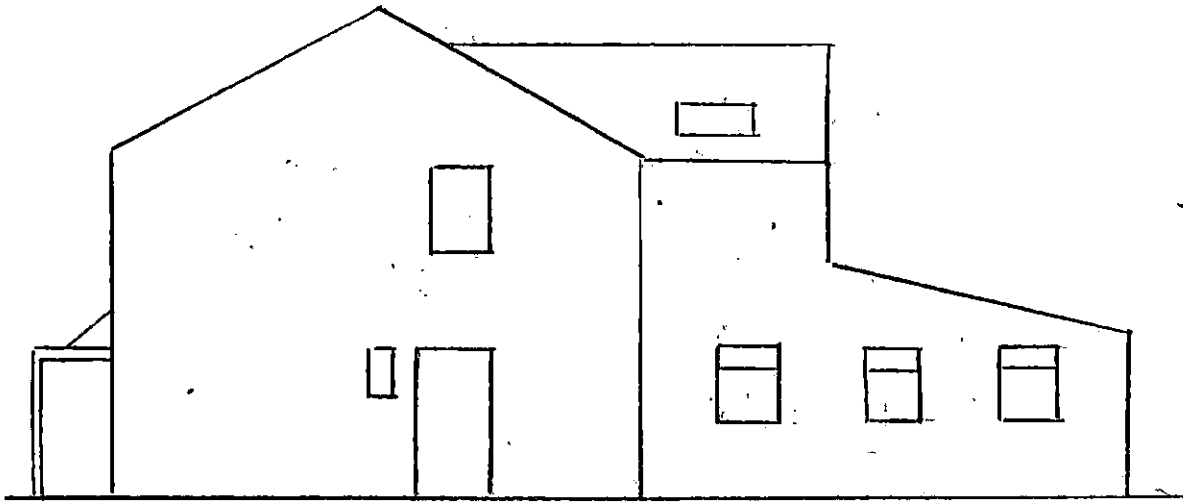
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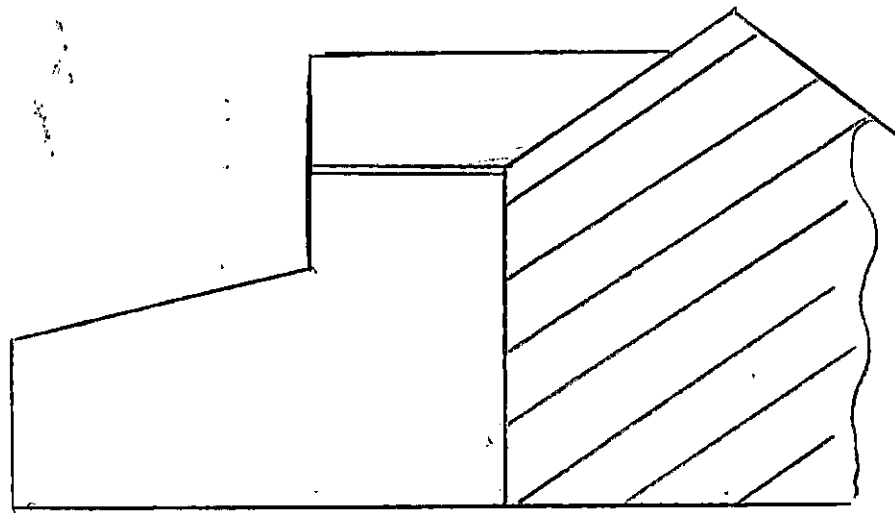
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PROPOSED ELEVATIONS.

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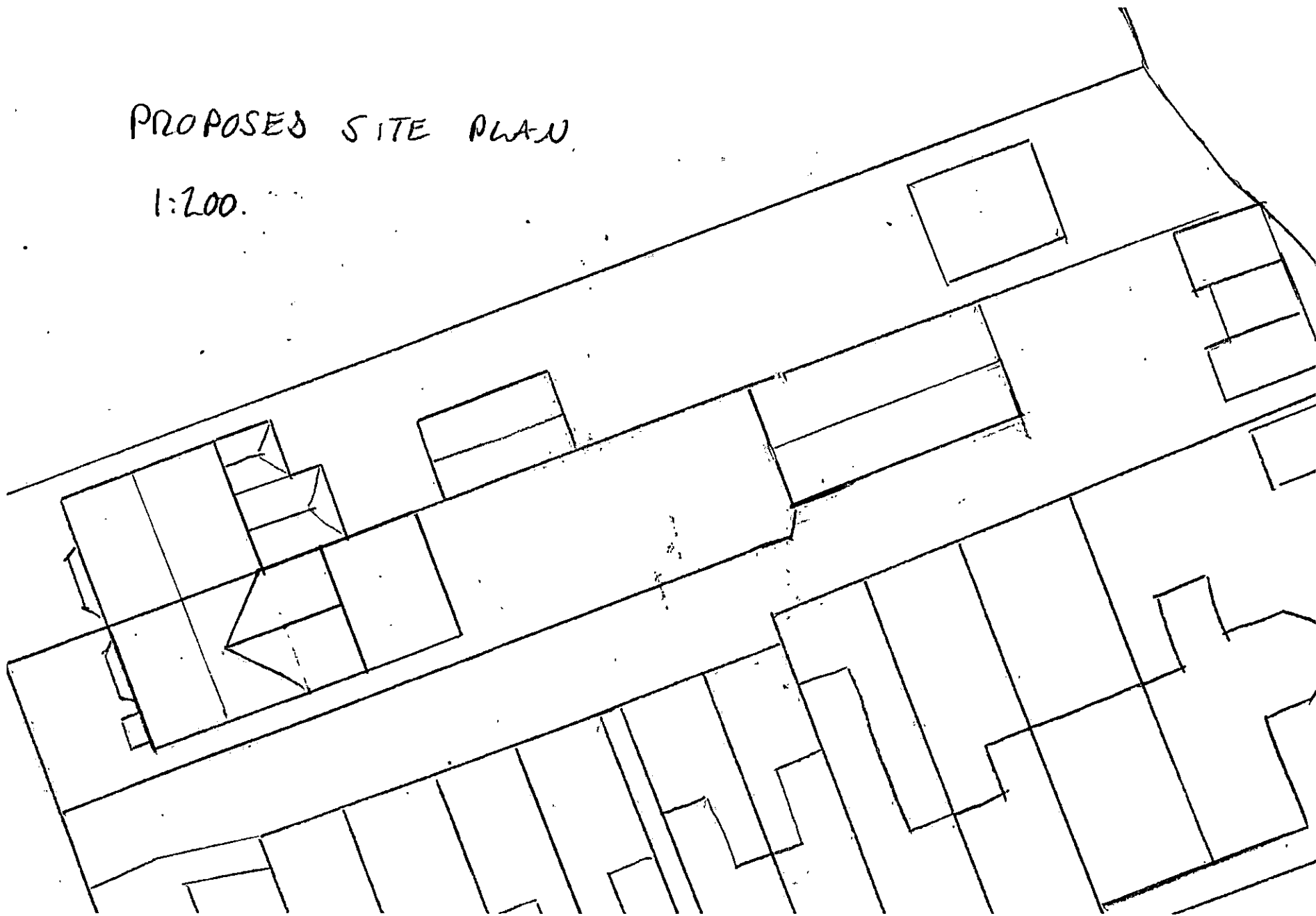


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22 JAN 2025

PROPOSES SITE PLAN

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**OPEN**

**Northern Planning Committee**

**23 April 2025**

**Cheshire East Borough Council (Knutsford – 82 King Street)**

**Tree Preservation Order 2024**

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**Report of: David Malcolm - Head of Planning**

**Report Reference No: NP/01/24-25**

**Ward(s) Affected: Knutsford**

**Purpose of Report**

- 1 To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 5th December 2024 at 82 King Street, Knutsford; 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.

<p style="text-align: center;"><b>RECOMMENDATIONS</b></p> <p>The Head of Planning (Regeneration) recommend that the Northern Area Planning Committee confirm the Tree Preservation Order at 82 King Street with no modifications.</p>
---

**Background**

**Introduction**

- 2 The circumstances are that a Section 211 notice was received (24/4411/TCA) to remove a mature Lime within the boundary of Knutsford (Town Centre) Conservation Area.
- 3 The tree is located approximately 15 metres from the rear (south western) corner of 82 King Street, the former Nat West Bank, a Grade II Listed Building. The mature tree is clearly visible from Slaters Court, Red Cow Yard, Leaks Terrace with filtered views from both commercial and residential premises in this town centre location. A connecting footpath between King Street and Princess Street PROW (Knutsford FP23) runs to the south of the tree.

- 4 The tree is considered to be of high amenity value, and to make a contribution to the character and appearance of the Knutsford Conservation Area.
- 5 A row of Listed buildings stands to the east of the tree on King Street and to the south on Regent Street. A view of the 1875 Ordnance Survey suggests that the tree stands on the boundary of a former garden area associated with 82 King Street which benefited from trees, and which extended from the rear of the property up to the Princess Street boundary.
- 6 The Council's Principal Heritage and Conservation Officer has expressed the view that irrespective of the tree's age, that its removal would arise in harm to the character and appearance of the CA and have a negative impact on the setting of the listed building.
- 7 An assessment of the tree has been carried out in accordance with the Council's adopted amenity evaluation checklist which establishes that the tree contributes significantly to the amenity and landscape character of the surrounding area and is therefore considered to be of sufficient amenity value to justify protection by a Tree Preservation Order.
- 8 Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 5<sup>th</sup> December 2024.

### **Objections/representations**

- 9 The Council has received three objections to the Tree Preservation Order and the protection.
  - 9.1 **Objection 1 & 2** – Received from local businesses occupying part of the area affected by the TPO
    - 9.1.1 *Height and size now cause great concern from a health and safety perspective.*
    - 9.1.2 *The tree causes frequent damage to surrounding properties due to extent of root expanse and overhanging canopy of large and small branches.*
    - 9.1.3 *Overhanging branches are also a constant threat of falling onto members of the public, local company staff members, people who park cars in area daily*
    - 9.1.4 *Fallen leaves in autumn pose a slip hazard on pathways, alley stairwells used by staff, school children and members of public*
    - 9.1.5 *Removing the tree would open up area for development*
  - 9.2 **Objection 3** – Submitted by Cheshire Woodlands Ltd on behalf of their client

- 9.2.1 *The 'background check' (section 1) confirms that the Conservation Area is not designated partly because of the importance of trees, which infers that tree cover is of secondary importance to the built form, particularly in this part of the Conservation Area.*
- 9.2.2 *It would appear that the Arboricultural Officer has made judgements on historical associations, and the tree's contribution both to the setting of the Listed Building and to the character and appearance of the Conservation Area without the benefit of advice from a suitably qualified conservation/ heritage expert. Whether or not the Arboricultural Officer has the qualifications, knowledge and experience to make such judgements is questionable.*
- 9.2.3 *In the assessment of the tree's contribution to the setting of the Listed Building, there is no suggestion that the tree is contemporary with the Listed Building. The tree may well be a later planting, which would substantially affect its significance. The mere presence of a tree within the curtilage of a Listed Building does not necessarily confer significance in terms of contribution to setting. This would require input from a conservation/ heritage expert.*
- 9.2.4 *The assessment of 'visual prominence' lists 'site and immediate surroundings', which suggests that public views of the tree are limited and localised. The Landscape Appraisal suggests that the tree is only visible from Slaters Court, Red Cow Yard and Leaks terrace, but does not distinguish between public and private views. Whilst the Slaters Court photographs appear to be public views from a public footpath (Knutsford FP23), it is unclear whether the Red Cow Yard, Stables and Leaks Terrace photographs are from public or private viewpoints. Either way, the Landscape Appraisal demonstrates that public and private views of the tree are very localised and are limited to a very small part of the Conservation Area. The suggestions that the tree makes 'a valuable contribution to the Conservation Area', and that its loss would 'have a significant impact on the local environment' and would compromise 'the landscape character and historic character of the 'Conservation Area' are questionable. That these judgements have been made without the benefit of suitably qualified landscape and heritage advice is problematic.*

**9.3 Additional letter dated 11/2/2025.**

*A letter was emailed to the objector and their agent on 27<sup>th</sup> January responding to the points in their objection, advising the matter would be determined at Northern Planning Committee. This letter had included an additional assessment carried out after the TPO was served and this is attached at Appendix 5 of this report. A further letter was then received on 11<sup>th</sup> February 2025. A full response to the additional objections and points*

*made is not provided within this report as it was received after the cut-off date for making objections (28/1/2025). The letter has been attached at Appendix 4.4 of this report on request from the agent.*

## **Appraisal and consideration of Objection 1 & 2**

- 10 The mature height and size of a tree does not render it a health and safety risk subject to appropriate management and the expected level or routine assessment being implemented.
- 11 The proximity of the tree to the building is accepted as close although the relationship of the tree with parking and the Offices is not in isolation considered sufficient justification to exclude the tree from formal protection. Having regard to root expanse, at present, no evidence has been provided to demonstrate any issues arising.
- 12 Overhanging branches should not cause a threat to people or property unless defective. Regular inspection and removal of dead wood are expected routine operations, in addition to crown raising to maintain appropriate clearances, and/or reduction of occasional selected branches to clear structures, or to reduce loading. The removal of dead wood from protected trees is an operation which is exempt from the requirement to obtain formal consent from the Council, and the duty of care to ensure that the tree does not pose a risk of failure is the responsibility of the tree owner, irrespective of the TPO.
- 13 Leaf loss of mature trees cannot be avoided, and tree owners do not have any legal obligation to cut or maintain trees for any other reason than safety. The maintenance of guttering and the roofing of individual properties is the responsibility of the owner. Leaf loss from trees is a seasonal issue rarely, if ever, deemed a nuisance in the legal sense. Ownership and maintenance responsibilities aside, the TPO would not prevent the reduction of branch tips to clear achieve necessary clearance from property and structures if an application were submitted to the Council.
- 14 Removing the tree to enable development has not been a consideration with the service of this TPO. A planning application to develop land on which the tree stands had not been received at the time of making the Order. The tree's removal was considered in relation to Section 211 notification (24/4411/TCA) of the Town & Country Planning Act 1990. Government Guidance states that the Local Authority must deal with a Section 211 notification in one of three ways in that 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. (Paragraph 118)

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#Protecting-trees-in-conservation-areas>

### **Appraisal and consideration of objection 3**

- 15 Trees within a Conservation Area (CA) that are not protected by an Order are protected by the provisions of section 211 of the Town and Country Planning Act 1990 (T&CPA 1990). Government 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. (Paragraph 119).*

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#Protecting-trees-in-conservation-areas>

The matter of whether a CA is designated partly because of trees is not a primary consideration in the making of any TPO when a Sec 211 is submitted, as many CA's do not specifically refer to trees, notwithstanding this, the Principal Heritage and Conservation Officer had expressed the view prior to service of the TPO that the tree contributes to the character and appearance of the CA.

- 16 The Arboricultural Officers and Heritage Conservation Officers both operate within the same team (Environmental Planning) at Cheshire East Council. The proposed TPO, its location and relationship with Listed Buildings and the historic landscape character was discussed with the Principal Heritage & Conservation Officer prior to making the TPO. Further to receipt of this objection, a request was made for this view to be expressed in writing, see below.

*Conservation Areas are designated based on the significance of built form, however, as is the case with many historic buildings and areas the way trees and landscape interact with built heritage whether by design or incremental changes to their setting, all can contribute to the overall character and appearance of a conservation area. This is set out in more detail in Historic England Guidance Note 1. One such paragraph is 56; Trees, hedges, boundaries and street greenery are important elements of many conservation areas, not only in public places, but on private land as well. Identification of important single trees and groups and a description of their location and species, age and assessment of condition and potential lifespan can recognise their importance to the conservation area. Developing a strategy for protection, maintenance and replanting may also be beneficial.*

*The presence of trees enhances the understanding of place and how it was used. The first 0s map shows a planted rear garden, this is not present on the*

*later maps, but this doesn't mean they were removed or not present but simply not plotted. The building is early 19th century, likely always had a joint commercial and domestic use, requiring recreation space to the rear.*

*Development has eroded the presence of trees to the rear of the properties along King Street, but this alone should not justify its removal and further harm to the CA as a result. Harm doesn't then justify more harm or in this case total loss of character or ability to read the rear space of the building as its historic intended use as recreational /garden space.*

*I discussed the heritage value of the site and the contribution by the tree to the setting of the LB and the CA, there is regularly cross over between built heritage and Trees. Removal of the tree would cause harm to the character and appearance of the CA/have a negative impact on the setting of the listed building, the tree does not need to be contemporary to the date of the listed building or CA to be of value, contributions change over time, and in this case the tree is a positive feature and one to be retained. It does seem likely that the size of the tree and the age of the building at 19th century it is a likely a contemporary feature to the latter.*

- 17 The tree is accepted to be sited within an area that cannot be viewed from the main adjacent roads due to the presence of tall buildings and for this reason, 'site and immediate surroundings', was a fair assessment of visual prominence.
- 18 The tree can be seen from PROW (FP23) which passes directly to the south side of the main stem, demonstrating that the tree is clearly visible by members of the public to such a degree that there would be an impact on public amenity if it were removed, irrespective of all other referenced viewpoints, and whether they be private or public views.
- 19 It is considered that the visibility recommendations of Government Guidance have been accorded with;

*Visibility - The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. (Paragraph 008)*

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#amenity-means>

- 20 The decision to make the TPO has been made in accordance with Government Guidance and with the benefit of advice from the Councils Principal Heritage and Conservation Officer.

The tree stands within a CA and was proposed for removal in a Sec 211 notification which triggered an assessment of the quality of the tree and impact its loss would have on the amenity of the area.



- 21 This Tree Preservation Order was made under Section 198(1) and 199(3) of the Town and Country Planning Act 1990 following the procedures set out in the Town & Country Planning (Tree Preservation) (England) Regulations 2012

### **Consultation and Engagement**

- 22 A TPO must be served upon anyone who has an interest in land affected by the TPO including owners and adjacent 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 objections or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.
- 23 The Order was served on the owner of the property and any property whose title deeds extended up to the boundary of the assessed area on 5<sup>th</sup> December 2024. Copies of the Order were also sent to Ward Members and Knutsford Town Council.

### **Reasons for Recommendations**

- 24 The tree is the last remaining mature Lime within the town centre of Knutsford and in a Conservation Area; The tree is visible by the public locally and stands within the curtilage of a listed building and contributes to the landscape character of the area, and the combination of these factors justifies its protection.
- 25 The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over trees of high amenity value.

### **Implications and Comments**

- 26 The service of the TPO is considered necessary as without the protection the Order affords the present amenity of the tree will be destroyed as indicated in the Section 211 application.

### *Monitoring Officer/Legal*

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

*Section 151 Officer/Finance*

28 The Decision to confirm the Order could be challenged by applying to the High Court under Sections 284 and 288 of the Town & Country Planning Act 1990 if it can be demonstrated that;

(1) The order is not within the powers of the Town and Country Planning Act 1990

(2) The requirements of the Town & Country Planning (Tree Preservation) (England) Regulations 2012 have not been met

The costs associated with defending a challenge would be borne by the Council

*Policy*

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

*Equality, Diversity and Inclusion*

30 No direct implication.

*Human Resources*

31 No direct implication.

*Risk Management*

32 No direct implication.

*Rural Communities*

33 No direct implication.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

34 No direct implication.

*Public Health*

35 No direct implication.

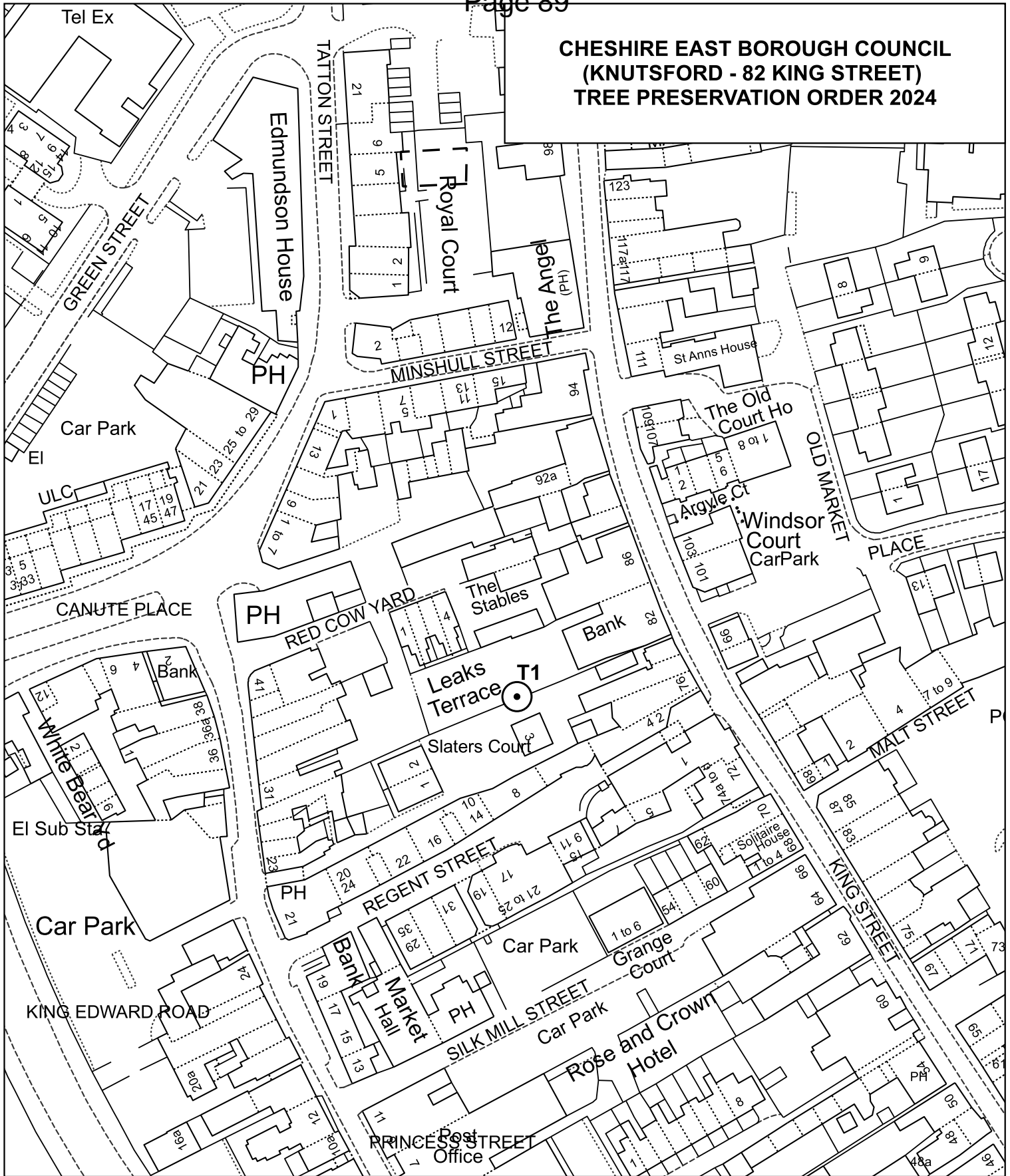
*Climate Change*

36 The Order contributes to the Council's Climate Change Action Plan and commitment to reduce the impact on our environment and become carbon neutral by 2025.

Access to Information	
Contact Officer:	Emma Hood  emma.hood@cheshireeast.gov.uk
Appendices:	Appendix 1 – Provisional TPO document  Appendix 2 – Landscape Appraisal and AEC  Appendix 3 – TPO location Plan  Appendix 4 – Objections  Appendix 5 – TEMPO Assessment
Background Papers:	Contact the report author.

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**CHESHIRE EAST BOROUGH COUNCIL  
(KNUTSFORD - 82 KING STREET)  
TREE PRESERVATION ORDER 2024**



Seal ID: 29635

*E. C. G.*

Julie Gregory 05 Dec 2024 13:40:35 GMT (UTC +0)



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**Town and Country Planning Act 1990****CHESHIRE EAST BOROUGH COUNCIL  
(KNUTSFORD – 82 KING STREET)  
TREE PRESERVATION ORDER 2024**

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 (KNUTSFORD – 82 KING STREET) TREE PRESERVATION ORDER 2024**

**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        05        day of    December 2024

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

was affixed to this Order in the presence of—



Julie Gregory 05 Dec 2024 13:40:35 GMT (UTC +0)

.....



Seal ID: 29634





Page 93  
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	Lime	Standing approximately 15 metres to the south west of the rear elevation of 82 King Street Grid Ref: 375,152 – 378,715

**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	

1

## AMENITY EVALUATION CHECKLIST

COMPLETED BY E HOOD

DATE FORM COMPLETED 4/12/2024

### Reference

TPO/002/24

### Address

82 KING STREET

### Town

KNUTSFORD

### Postcode

WA16 6ED

## 1. BACKGROUND CHECK

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

No

**Is the site within a conservation area?**

Yes

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

No

**Is the site adjacent to a Conservation Area?**

Within

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

Yes – tree within land attached to 82 King Street a Grade II Listed Building

**Local Plan land-use designation**

HER 1/HER 3 - Knutsford Conservation Area

RET 1RET 7 - Town Centre Boundary & Primary Shopping Area

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

No

**Relevant site planning history (incl. current applications)**

2

23/1649M Removal of ATM, existing signage and reinstate materials where required – Approved with conditions 15/6/2024

23/2765M - Prior Approval: Change of use - All Other - Prior approval for change of use of an existing 2 storey office building with off road parking into 2no. self contained class C3 apartments. – Approved with conditions – 24/11/2023

24/2839M – Full Planning - Proposed new pitched roof covering, repainting of existing windows and splitting the property into two demises excluding any change of use – Approved with conditions - 3/10/2024

24/2840M - Listed building consent for proposed new pitched roof covering, repainting of existing windows and splitting the property into two demises excluding any change of use – Approved with conditions 3/10/2024

24/3266M – Full Planning - Listed building consent for the development at 82 King Street will convert the listed building into a restaurant and bar, preserving its historic features while adding a rooftop terrace and modern facilities – Withdrawn 16/9/2024

24/3267M - Listed Building Consent for the development at 82 King Street will convert the listed building into a restaurant and bar, preserving its historic features while adding a rooftop terrace and modern facilities – Withdrawn 26/9/2024

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

No

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

Yes

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

No

**Grant scheme**

N/A

**Forestry Dedication Covenant**

N/A

**Extant Felling Licence**

N/A

**Are any of the trees situated on Crown Land?**

No

**Are any of the trees situated on NHS land?**

3

No

**Is the land owned by this Local Authority**

No

**Is the land owned by another Local Authority**

No

## **2. Motivation**

**Development Control**

No

**2a(1) Application Ref**

N/A

**2a(2). Committee deadline**

N/A

**Development Control Office comments**

N/A

**Conservation Area Notification**

Yes

**Application ref**

24/4411/TCA

**Date of registration**

31/10/2024

**Expiry date**

12/12/2024

**Emergency action**

N/A

**Strategic inspection**

N/A

**Change to Local Plan land-use**

N/A

**Change in TPO legislation**



4

N/A

**Sale of Council owned land**

N/A

**Reviewing existing TPO**

N/A

**Hedgerow Regulations 1997**

N/A

**3. Source**

**Source**

Tree officer

**Site visit date**

28/11/2024

**Inspecting Officer**

E Hood

**Site description**

The tree is located on the south western boundary of a rectangular plot of land to the west of the former Bank on King Street which is a Grade II Listed building.

**Description of surrounding landscape character**

The tree is likely the last remaining high canopy tree in the area of land between Princess Street and King Street. A linear row of Listed buildings stand to the east of the tree on King Street and to the south on Regent Street. A view of the 1875 Ordnance Survey suggests that the tree likely stood on the boundary of a former garden area associated with 82 King Street which benefited from trees, and which extended from the rear of the property up to the Princess Street boundary. The same area on the Cheshire Tithe Maps shows it listed as Plot 111 and suggests that it did not comprise of any built structures.

**Statement of where the trees are visible from**

The tree is visible from Slaters Court, Red Cow Yard, Leaks Terrace, with filtered views from commercial and residential properties elsewhere in the town centre

**Photograph the trees, the site and surroundings**

See Landscape Appraisal

**Landscape function**

Filtered views, Backdrop, Glimpses between properties or through gateways

5

**Visual prominence**

Site and immediate surroundings

**Species suitability for the site**

Fairly 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**

N/A

**Tree size (at maturity)**

Large (more than 15m)

**Presence of other trees**

Low percentage tree cover

**Define visual area/reference points**

Nearby roads, adjacent properties and footpaths

**Are the benefits current?**

Yes

**4. BENEFITS**

**Assessment of future benefits**

The tree appears to represent good future growth potential, and the TPO will ensure the retention of a mature Lime assessed as making a valuable contribution to the Conservation Area. The trees loss would arise in a detrimental impact on the existing landscape character and amenity of the area.

**Assessment of importance as a wildlife habitat**

Potential to provide nesting opportunities for birds

**Additional factors**

Conservation area (within or adjacent), Contribution to the setting of a Listed Building, Historical associations

## **5. EXCEPTIONS (TCPA 1990)**

**Are any of the trees obviously dead, dying or dangerous**

No

**Are there any statutory obligations which might apply?**

No

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

No

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

No

**Is there any Forestry Commission interest in the land?**

No

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

No

## **6. EXCEPTIONS (MODEL ORDER)**

**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?**

No

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

7

No

**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 (reasonable steps)**

N/A

## 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**

N/A

**Assessment of future management requirements**

N/A

## 9. MANAGEMENT

**Are the trees currently under good arboricultural or silvicultural management**

Little evidence of recent pruning works and no applications to carry out works to tree on file, but tree could be managed to maintain a sustainable relationship with the setting and adjacent buildings

**Is an order justified?**

Yes

**Justification (if required)**

The Sec 211 notification received provides the opportunity for the Council to consider whether a tree is suitable for a TPO and whether there would be a loss in amenity if the works were implemented as proposed. The Site visit confirms the tree is a high amenity landscape feature worthy of formal protection. The TPO will ensure the long term retention, protection and appropriate management of the tree in accordance with best practice recommendations.

## 10. DESIGNATIONS

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

Yes

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

No

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

No

**Area**

N/A

**Woodland**

No

**Does the 'woodland' form an area greater than 0.1 hectare?**

N/A

## 11. MAP INFORMATION

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

As indicated on TPO Plan

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

Confirmed on map

## 12. LAND OWNERSHIP

**Land ownership details (if known)**

Please see list of persons to be served with the TPO

**Land Registry search required?**

Yes

## 13. SUPPLEMENTARY INFORMATION

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

Yes

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

Yes

**Provide details of trees to be excluded**

9

No other trees in vicinity

**Additional publicity required?**

No

**Relevant Local Plan policies**

SE7 The Historic Environment

SE5 Trees, Hedgerows and Woodlands

Knutsford Neighbourhood Plan

**Statement of reasons for promoting this Order (free text)**

- a) It is 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.
- b) The Council has been served a Section 211 notice under the Town and Country Planning Act of the intention to remove a mature tree to the rear of 82 King Street
- c) To maintain the landscape character and historic character of Knutsford (Town Centre) Conservation Area.
- d) 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.
- e) It is considered expedient in the interests of amenity to make provision for the trees long-term retention.
- f) In the interests of securing the retention and enhancement of established tree cover in accordance with the strategic goals and priorities of the Cheshire East Council Environmental Strategy and Green Infrastructure Plan.

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

No

**Will a reasonable degree of public benefit accrue?**

No

**Is an Order in the interests of amenity?**

Yes

**Is an Order expedient in the circumstances?**

Yes

**Date form completed**

04/12/2024



10

**Form status**

Completed

**Completed by**

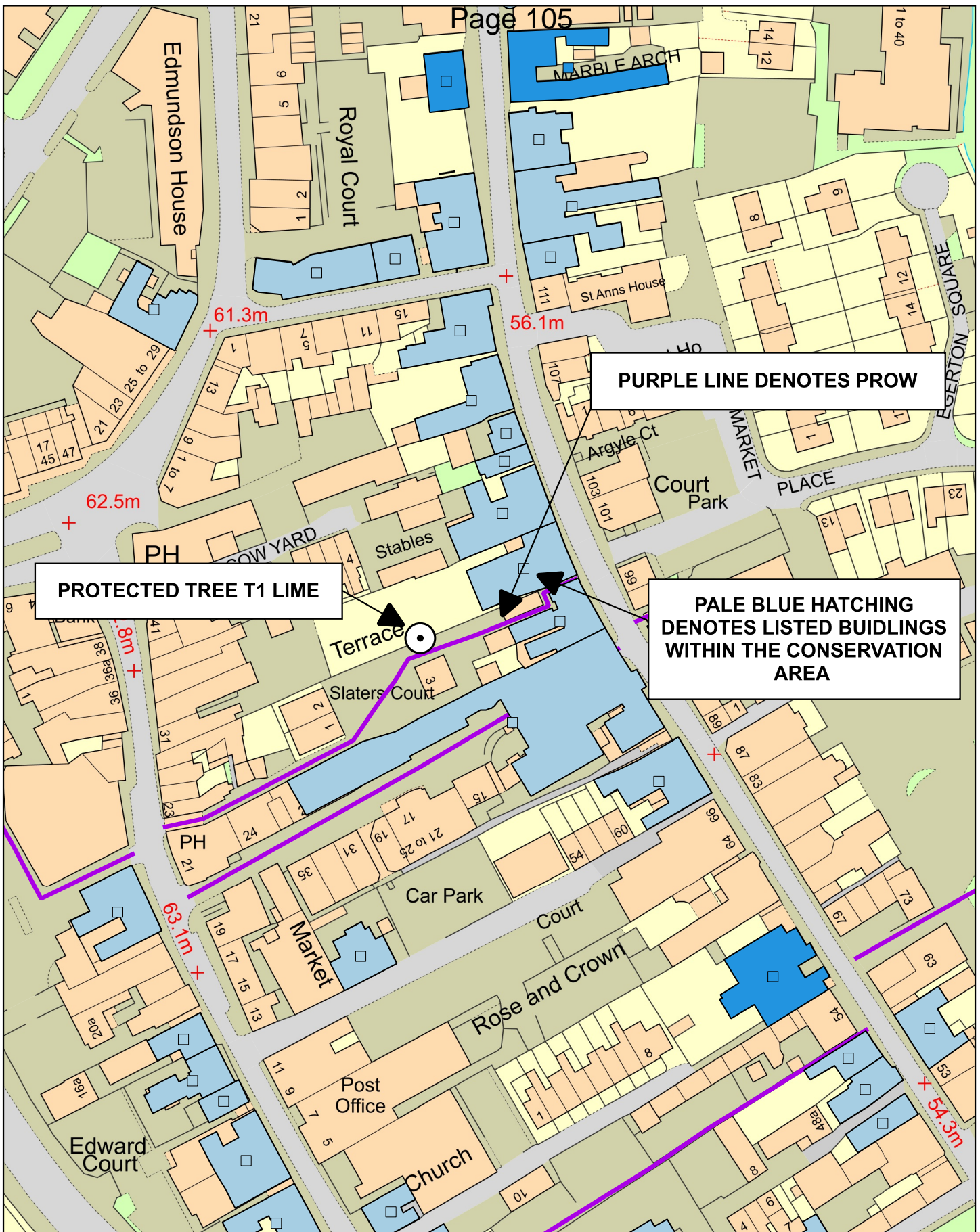
E Hood

**Parish**

Knutsford Town Council

**Ward**

Knutsford



**LOCATION OF PROTECTED TREE T1 LIME IN  
RELATION TO SURROUNDING ROADS, THE  
PROW (PUBLIC RIGHTS OF WAY) AND LISTED  
BUILDINGS IN THE KNUTSFORD CA**



1,250 at A4

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13<sup>th</sup> December 2024

**Re; Cheshire East Borough Council (Knutsford – 82 King Street) Tree Preservation Order**

We are writing to you as a local business occupying part the area affected by the Preservation Order placed on the Lime Tree at Leaks Terrace, 82 Kings Street Knutsford on 5<sup>th</sup> December 2024.

Whilst we welcome the commitment of the local government in recognising the importance of trees in the area, it is in the spirit of concern for all the immediate surroundings and public that we are contacting you to raise several significant Health and Safety issues this tree is now causing.

The height and size now cause great concern from a health and safety perspective for many reasons.

The Tree causes frequent damage to the surrounding properties due to the extent of the root expanse and the overhanging canopy of both the large and small branches.

The overhanging branches are also a constant threat of falling on to members of the public.

The latter is also a constant concern for local company staff members, who park their cars in the area on a daily basis.

The blanket of fallen leaves in the autumn poses a huge slip hazard on pathways and alley stairwells used regularly by our staff, local school children and other members of the public.

By removing the tree, it would open up a piece of land within the town centre for development purposes, which is eminently more sensible.

We would appreciate all the above being taken into consideration and are hoping that the council will now considering putting health and safety before the preservation of the tree.

We therefore would support the removal of the tree and would like to express our objection to the preservation notice placed on it.

We will be more than happy to attend a more formal meeting with yourselves or your representatives to express our concerns if necessary.

We look forward to your response.

Yours faithfully,



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RECEIVED

19 DEC 2024



13<sup>th</sup> December 2024

**Re: Cheshire East Borough Council (Knutsford – 82 King Street) Tree Preservation Order**

We are writing to you as a local business occupying part the area affected by the Preservation Order placed on the Lime Tree at Leaks Terrace, 82 Kings Street Knutsford on 5<sup>th</sup> December 2024.

Whilst we welcome the commitment of the local government in recognising the importance of trees in the area, we are contacting you to raise several significant Health and Safety issues we believe this tree is now causing.

We would appreciate our comments being taken into consideration and are hoping that the council will consider putting health and safety before the preservation of the tree in light of our comments.

The height and size now cause great concern from a health and safety perspective for many reasons.

We are very close to the base of the tree and fear that it will cause damage to both ours and surrounding properties due to the extent of the root expanse and the overhanging canopy of both the large and small branches.

The overhanging branches are also a constant threat of falling on to members of the public.

The latter is also a constant concern for local company staff members, who park their cars in the area on a daily basis.

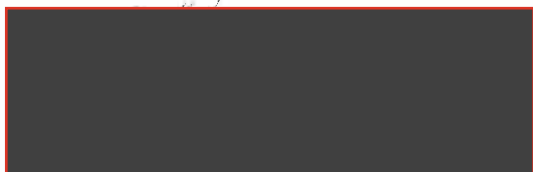
We have several sets of steps adjacent to our property that are used regularly by us and members of the public and leaves falling from this cause a serious slip hazard, particularly in the winter months.

Surely removing the tree will also allow the current occupiers of the land connected to 82 king street to fully develop the plot.

We would like to express our formal objection to the preservation notice placed on the tree and therefore, would support the removal of the tree.

We look forward to hearing your response.

Yours faithfully,





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**TREE PRESERVATION ORDER OBJECTION**

**TO**

**THE CHESHIRE EAST BOROUGH COUNCIL**

**(KNUTSFORD – 82 KING STREET)**

**TREE PRESERVATION ORDER 2024**

ON BEHALF OF

ADAM WAHEED

STRATEGIC PROPERTY CORPORATION LTD

**Author:** Glyn Thomas  
**Our Ref:** CW/11624-OBJ  
**LPA Ref:** TPO 002/24  
**Date:** 9 January 2025

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## **CONTENTS**

- 1.** Terms of Reference
- 2.** Introduction
- 3.** Chronology of Events
- 4.** The Order
- 5.** Government Guidance
- 6.** The Council's Assessment of the Tree
- 7.** Conclusions and Reasons for Objection
- 8.** Recommendations

## **1. TERMS OF REFERENCE**

- 1.1.** Cheshire Woodlands is instructed by Adam Waheed (the Client) to review the Cheshire East Borough Council (Knutsford – 82 King Street) Tree Preservation Order (TPO) 2024, (the Order), and produce a written objection.

## **2. INTRODUCTION**

- 2.1.** This written representation has been prepared by Glyn Thomas, Senior Consultant with Cheshire Woodlands Limited, on behalf of Adam Waheed.
- 2.2.** The representation is submitted under Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.3.** I rely on paperwork supplied to me by the Client and by Emma Hood the Council's Principal Arboricultural Officer.
- 2.4.** I make reference to current Government guidance<sup>1</sup>, which explains the legislation governing TPOs.
- 2.5.** I have not visited the site or assessed the tree the subject of the Order.

## **3. CHRONOLOGY OF EVENTS**

- 3.1.** The Client's agent submitted a Section 211 Notification of Proposed Works to Trees in a Conservation Area (the Notification) on 31 October 2024.
- 3.2.** The Notification was registered by Cheshire East Borough Council (the Council) on the same day under planning reference 24/4411/TCA.

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<sup>1</sup> [Tree Preservation Orders and trees in conservation areas](#)

- 3.3.** The Notification related to a proposal to remove a Lime tree at the rear of 82 King Street in the Knutsford (Town Centre) Conservation Area.
- 3.4.** The Order was made on 5 December 2024 and served on 9 December 2024. For the purpose of this representation, I have assumed it was properly served.
- 3.5.** The Order was made pursuant to a request from Knutsford Town Council.
- 3.6.** On 13 December 2024 the Client emailed to Emma Hood another objection to the Order from Morton Baxter Associates of 3 Slaters Court, Knutsford. This has been acknowledged by the Council and will be considered separately when they decide whether or not to confirm the Order.
- 3.7.** On 18 December 2024, Emma Hood emailed me copies of an Amenity Evaluation Checklist dated 4 December 2024 and a Landscape Appraisal dated 28 November 2024.

#### **4. THE ORDER**

- 4.1.** The Schedule in the Order identifies a single Lime tree, referenced T1, encircled in black on the TPO map, standing approximately 15 metres to the south west of the rear elevation of 82 King Street (grid reference 375,152 – 378,715).
- 4.2.** The Regulation 5 Notice served with the Order states *'The Council have made the 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.*
  - *The Council has been served a Section 211 notice under the Town and Country Planning Act of the intention to remove a mature tree to the rear of 82 King Street.*
  - *To maintain the landscape character and historic character of Knutsford (Town Centre) Conservation Area.*
  - *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*

- *It is considered expedient in the interests of amenity to make provision for the trees long-term retention*
- *In the interests of securing the retention and enhancement of established tree cover in accordance with the strategic goals and priorities of the Cheshire East Council Environmental Strategy and Green Infrastructure Plan.'*

## 5. GOVERNMENT GUIDANCE

**5.1.** Current advice on the legislation governing TPOs is set out in Department for Levelling Up, Housing and Communities, and Ministry of Housing, Communities and Local Government guidance 'Tree Preservation Orders and tree protection in conservation areas'.

**5.2.** The following guidance is relevant to this objection:

- *'Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. (Paragraph 005)*
- *'When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what trees can be protected and how they can be identified'. (Paragraph 005)*
- *'Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.'* (Paragraph 007)
- *'When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way.....' (Paragraph 008)*



## **6. THE COUNCIL'S ASSESSMENT OF THE TREE**

**6.1.** The Council's assessment of amenity and expediency, and by inference their justification for making the Order is informed by the Amenity Evaluation Checklist and Landscape Appraisal.

**6.2.** The following are of relevance to this objection:

- The 'background check' (section 1) confirms that the Conservation Area is not designated partly because of the importance of trees, which infers that tree cover is of secondary importance to the built form, particularly in this part of the Conservation Area.
- It would appear that the Arboricultural Officer has made judgements on historical associations, and the tree's contribution both to the setting of the Listed Building and to the character and appearance of the Conservation Area without the benefit of advice from a suitably qualified conservation/ heritage expert. Whether or not the Arboricultural Officer has the qualifications, knowledge and experience to make such judgements is questionable.
- In the assessment of the tree's contribution to the setting of the Listed Building, there is no suggestion that the tree is contemporary with the Listed Building. The tree may well be a later planting, which would substantially affect its significance. The mere presence of a tree within the curtilage of a Listed Building does not necessarily confer significance in terms of contribution to setting. This would require input from a conservation/ heritage expert.
- The assessment of 'visual prominence' lists 'site and immediate surroundings', which suggests that public views of the tree are limited and localised. The Landscape Appraisal suggests that the tree is only visible from Slaters Court, Red Cow Yard and Leaks terrace, but does not distinguish between public and private views. Whilst the Slaters Court photographs appear to be public views from a public footpath (Knutsford FP23), it is unclear whether the Red Cow Yard, Stables and Leaks Terrace photographs are from public or private viewpoints. Either way, the Landscape Appraisal

demonstrates that public and private views of the tree are very localised and are limited to a very small part of the Conservation Area. The suggestions that the tree makes 'a valuable contribution to the Conservation Area', and that its loss would 'have a significant impact on the local environment' and would compromise 'the landscape character and historic character of the.....Conservation Area' are questionable. That these judgements have been made without the benefit of suitably qualified landscape and heritage advice is problematic.

## **7. CONCLUSION AND REASON FOR OBJECTION**

- 7.1.** The Council's decision to make the Order is based on questionable landscape, conservation and heritage judgements made by an arboriculturist and apparently without the benefit of suitably qualified expert opinion.

## **8. RECOMMENDATIONS**

- 8.1.** The Client requests that the Order is not confirmed.
- 8.2.** The Client requests that the Council takes into account the objections contained herein when deciding whether or not to confirm the Order and when giving weight to the Order in relation to any future planning applications, appeals or negotiations.
- 8.3.** The representations, objections and opinions, actual or implied, contained herein are given without prejudice to any future interest, of any party, in the land affected by the Order.

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Emma Hood - Principal Arboricultural Officer  
 Environmental Planning Team  
 Development Management  
 C/O Delamere House  
 Delamere Street  
 Crewe CW11 2LL

Our Ref: CW/11624-OBJ-1

Your Ref: TPO/002/24/TPO/OBJ

11 February 2025

Dear Emma

## **THE CHESHIRE EAST BOROUGH COUNCIL (KNUTSFORD – 82 KING STREET) TREE PRESERVATION ORDER 2024**

Thank you for your letter of 27 January in response to my client's objection to the tree preservation order (TPO). Please see below our follow-up comments:

1. **'.....the Principal Heritage and Conservation Officer had expressed the view prior to service of the TPO that the tree contributes to the character and appearance of the CA [conservation area]'**
2. **'Further to receipt of this objection, a request was made for this view to be expressed in writing.'**

Had the Tree Officer considered the Heritage and Conservation Officer's opinions material to the decision to make the TPO, it should have been included in the Amenity Evaluation Checklist (AEC). That the Tree Officer now considers that the AEC requires additional retrospective information to justify making the TPO shows that the original justification is questionable and the AEC is insufficient.

3. **'An assessment has been carried out which considers the tree's suitability for a TPO which includes an assessment that takes into consideration the proximity of the tree to properties (TEMPO Assessment Part 1 b).'**

The TEMPO assessment post-dates and is not included as part of the AEC, so should not be relied upon retrospectively to justify the decision to make the TPO. Had the Tree Officer considered a TEMPO assessment to be material in respect of justifying the decision to make the TPO, it should have been included with the AEC. This shows that both the AEC and the Tree Officer's Landscape Appraisal are insufficient and the original justification is questionable.

4. **'The Council's decision to make the Order is based on questionable landscape.....judgements made by an arboriculturist and apparently without the benefit of suitably qualified expert opinion.'**

Comments around the Landscape Appraisal that the Tree Officer has relied on in justifying the TPO and the absence of qualified landscape advice in the AEC assessment and the Landscape Appraisal have not been addressed and are still valid.

### **5. The TEMPO assessment.**

Part 1 Section d) (other factors) of the Tree Officer's TEMPO assessment lists the tree as having 'none of the above additional redeeming factors', which suggests it has no 'significant historical.....importance'. This directly contradicts the Principal Heritage and Conservation Officer's advice, and the Tree Officer's AEC conclusions that the tree makes 'a valuable contribution to the Conservation Area', that it contributes 'to the setting of a Listed Building, and that it has 'Historical Associations'. On this basis, reason c) in the Regulation 5 Notice, which states '*To maintain the.....historic character of Knutsford (Town Centre) Conservation Area*', cannot be justified.

On the basis of the above, the Tree Officer's AEC assessment is insufficient, its findings and conclusions are questionable, and it cannot therefore be relied upon to justify the Council's decision to make the TPO.

The Council's decision to make the TPO is based on insufficient, contradictory and questionable information.

- My client requests that the Order is not confirmed.
- My client requests that the Council takes into account the objections contained herein when deciding whether or not to confirm the Order and when giving weight to the Order in relation to any future planning applications, appeals or negotiations.
- The representations, objections and opinions, actual or implied, contained herein are given without prejudice to any future interest, of any party, in the land affected by the Order.

Yours sincerely



Glyn Thomas

**Cheshire Woodlands Limited**

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):****SURVEY DATA SHEET & DECISION GUIDE (See Guidance Notes)**Date: **28/11/2024** Surveyor: **E Hood****Tree details**

TPO Ref: TPO/002/24

Tree/Group No: **T1**Species: **Lime**

Owner (if known):

Location: **Land to rear of 82 King Street****Part 1: Amenity assessment****a) Condition & suitability for TPO:**

Refer to Guidance Note for definitions

- |           |                         |
|-----------|-------------------------|
| 5) Good   | Highly suitable         |
| 3) Fair   | Suitable                |
| 1) Poor   | Unlikely to be suitable |
| 0) Unsafe | Unsuitable              |
| 0) Dead   | Unsuitable              |

**Score & Notes - 3**

Moderate quality, high canopy tree which expresses good vitality

**b) Remaining longevity (in years) & suitability for TPO:**

Refer to 'Species Guide' section in Guidance Note

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10    | Unsuitable      |

**Score & Notes - 2**

The tree has accepted existing future growth potential considered likely to be in excess of 40 years. As the tree is sited approximately 6-7 from the closest property the rating for longevity and suitability has been reduced from a score of 4 (40-100 - Very suitable) to a score of 2 (10-20 - Suitable) to address the nuisance element of supporting guidance notes.

**c) Relative public visibility & suitability for TPO:**

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- |  |                         |
|--|-------------------------|
| 5) Very large trees, or large trees that are prominent landscape features  | Highly suitable         |
| 4) Large trees, or medium trees clearly visible to the public              | Suitable                |
| 3) Medium trees, or larger trees with limited view only                    | Just suitable           |
| 2) Small trees, or larger trees visible only with difficulty               | Unlikely to be suitable |
| 1) Young, v. small, or trees not visible to the public, regardless of size | Probably unsuitable     |

**Score & Notes - 3,**

The tree is clearly visible from nearby dwellings, businesses and walkways, although not visible from the closest roads.

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |
|--|
| 5) Principal components of arboricultural features, or veteran trees |
| 4) Members of groups of trees that are important for their cohesion  |
| 3) Trees with significant historical or commemorative importance     |
| 2) Trees of particularly good form, especially if rare or unusual    |
| 1) Trees with none of the above additional redeeming features        |

**Score & Notes - 1****Sub - total Part 1 - 9****Part 2: Expediency assessment**

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- |  |
|--|
| 5) Known threat to tree                    |
| 3) Foreseeable threat to tree              |
| 2) Perceived threat to tree                |
| 1) Precautionary only                      |
| 0) Tree known to be an actionable nuisance |

**Sub-total 2 = 5 + 9 = 14****Score & Notes** – the 5 is awarded due to the submission of Sec 211 notification 24/4411/TCA which expresses the intention to fell the tree**Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-10  | Does not merit TPO    |
| 11-13 | Possibly merits TPO   |
| 14+   | Definitely merits TPO |

**Add Scores for  
Total: 14****Decision:** Tree definitely merits a TPO having met the requirement for a score of 14 +.



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