

Northern Planning Committee

Agenda

Date:	Wednesday, 13th June, 2012
Time:	2.00 pm
Venue:	The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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 foot of each report.

Please note that members of the public are requested to check the Council's website the week the Planning/Board 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.

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 personal and/or prejudicial interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Meeting (Pages 1 - 4)

To approve the Minutes of the meeting held on 23rd May 2012 as a correct record.

Please Contact: Gaynor Hawthornthwaite on 01270 686467
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

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
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **12/1401M - 16 Springfield Road, Mobberley, Knutsford, Cheshire WA16 7EW: Proposed loft conversion incorporating hip to gable extension and rear flat roof dormer (Pages 5 - 10)**

To consider the above planning application.

6. **12/1593M - Oaklands Community Infant School, Tudor Road, Wilmslow, Cheshire SK9 2HB: Variation of Conditions 2 and 24 Attached to Permission 12/0027M to Enable Development to Commence Prior to the Installation of the Toucan Crossing to Dean Row Road and to Provide Additional Velux Windows within the Proposed Dwellings (Pages 11 - 18)**

To consider the above planning application.

7. **12/1394M - Massie Dyeworks, Loney Street, Macclesfield, Cheshire SK11 8ER: Demolition of the existing buildings and the erection of 5 town houses and 6 apartments (resubmission of application number 08/2405P approved on 02 March 2009) (Pages 19 - 32)**

To consider the above planning application.

8. **Tree Preservation Order - Hall Hill, Moss Brow, Bollington (Pages 33 - 40)**

To consider a report regarding the Tree Preservation Order at Hall Hill, Moss Brow, Bollington, which was made on 8th December 2011.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 23rd May, 2012 at Macclesfield Heritage Centre, Roe
Street, Macclesfield SK11 6UT

PRESENT

Councillor R West (Chairman)
Councillor W Livesley (Vice-Chairman)

Councillors C Andrew, L Brown, B Burkhill, K Edwards, H Gaddum,
A Harewood, L Jeuda, P Raynes, D Stockton and D Mahon

OFFICERS

Mrs N Folan (Planning Solicitor)
Mr P Hooley (Northern Area Manager – Development Management)
Ms L Thompson (Planning Officer)
Mrs G Hawthornthwaite (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE

Councillors O Hunter, J Macrae and D Neilson.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

No declarations of interest were made.

3 MINUTES OF THE MEETING**RESOLVED**

That the minutes of the meeting held on 25th April 2012 be approved as a correct record and signed by the Chairman.

4 PUBLIC SPEAKING**RESOLVED**

That the public speaking procedure be noted.

5 12/0894M - HEYWOOD, CRABTREE LANE, HIGH LEGH, CHESHIRE WA16 6PE: PROPOSED CHANGE OF USE OF PART OF WOODLAND TO BATTLEFIELD LIVE WAR GAMES EXPERIENCE

(Clare Gascoigne (agent) attended the meeting and addressed the committee on this matter).

(A representation from Councillor S Wilkinson, the Ward Councillor, who was unable to attend the meeting, was read out by Peter Hooley).

The Committee considered a report regarding the above planning application, a site layout plan and an oral report by the Planning Officer.

RESOLVED

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

1. Temporary Consent for Two Years.
2. List of Approved Plans.
3. Landscape Details for Bunding.
4. Implementation of Landscape Details for Bunding.
5. Number of Games Restricted to Two per Day and 10 Per week.
6. Hours of Operation Restricted to Mon – Sun 10.00 – 19.00 April to September inclusive and Mon – Fri 09.00- 16.00 Sat- Sun 10.00 – 16.00 October to March inclusive and no Bank Holidays.
7. No additional structures beyond those permitted.
8. No external lighting.
9. No advertisements.
10. Noise levels not to exceed background noise levels.
11. Woodland Management Plan.
12. Breeding Bird Mitigation.
13. Submit Details of Restricted Use of Areas.
14. Operation no more than 100 days in a year.
15. Car parking in accordance with approved plans/layout.

6 12/0721M - MANOR FARM, SEVEN SISTERS LANE, OLLERTON, KNUTSFORD, CHESHIRE WA16 8RL: DEMOLITION OF 3 EQUESTRIAN AND AGRICULTURAL BUILDINGS AND CONSTRUCTION OF A NEW BUILDING PROVIDING EQUESTRIAN FACILITIES AND AN AGRICULTURAL BUILDING

The Committee considered a report regarding the above planning application, a site layout plan and an oral report by the Planning Officer.

RESOLVED

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

1. Submission of details of materials.
 2. Submission of landscaping scheme to ensure no net loss of hedgerow.
 3. Landscaping implementation.
 4. Removal of existing buildings and storage containers.
 5. Ground level details.
 6. Uses as specified in application.
 7. Further surveys if works to take place during bird breeding season.
 8. Removal within three months of use ceasing.
- 7 **12/1267C - LAND ADJACENT UNIT 7 AND LAND WEST OF UNIT 1 VERITY COURT, MIDDLEWICH, CHESHIRE CW10 0GW: PROPOSED CAR PARK EXTENSION TO CONSIST OF THE CONSTRUCTION OF 26 NEW CAR PARKING SPACES (INCLUDING 1 ACCESSIBLE) WITH THE LOSS OF 3 EXISTING SPACES**

The Committee considered a report regarding the above planning application, a site layout plan and an oral report by the Planning Officer.

RESOLVED

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

1. Commencement of development (3 years).
 2. Development in accord with approved plans.
 3. Details of materials to be submitted.
- 8 **12/1151M - SWIZZELS MATLOW DISTRIBUTION CENTRE, LONDON ROAD, ADLINGTON SK10 4LZ: 48.00M X 30.00M WAREHOUSE EXTENSION (RESUBMISSION OF 11/2865M)**

The Committee considered a report regarding the above planning application, a site layout plan and an oral report by the Planning Officer.

RESOLVED

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

1. Commencement of development.
2. Development in accordance with approved plans.
3. Submission of reserved matters.
4. Time limit for submission of reserved matters.
5. Submission of samples of building materials.
6. Limitation on use (B8 Warehousing).

The meeting commenced at 2.00 pm and concluded at 3.15 pm

Councillor R West (Chairman)

Application No: 12/1401M

Location: 16, SPRINGFIELD ROAD, MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7EW

Proposal: Proposed loft conversion incorporating hip to gable extension and rear flat roof dormer.

Applicant: Vince Pagent

Expiry Date: 29-May-2012

Date Report Prepared: 29th May 2011

SUMMARY RECOMMENDATION Refuse

MAIN ISSUES

- Scale, design and impact upon the character and appearance of the existing dwelling, street scene and locality
- Impact upon the residential amenity of neighbouring properties

REASON FOR REPORT

The application has been requested to go to Northern Planning Committee by Cllr. Macrae (Mobberley Ward) for the following reasons:

-By virtue of its size, siting and design the development could be intrusive, overbearing and create a harmful visual impact that could result in a precedent for future development to these modest bungalows

-The proposal may result in un-neighbourly development and loss of privacy to these properties.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a detached bungalow located within a predominantly residential area of Mobberley. It is noted that this street and Ryecroft Lane to the rear is characterised almost exclusively by bungalows with hipped roofs, some of which have had front and rear dormer extensions and other alterations. There is currently only one property on this street which has a partly gabled as opposed to solely hipped roof. The site lies adjacent to a public footpath that links Springfield Road to Ryecroft Lane.

DETAILS OF PROPOSAL

The proposals are for a roof extension to alter the existing hipped roof into a gabled roof, on both sides of the dwelling. The right hand side elevation would have to be built up from the existing 'kink' in the footprint of the property in terms of a wall, in order to fully support the proposed gable roof on this side. It is also proposed to erect a rear dormer. These developments would allow the creation of 3no. bedrooms within the roofspace of this property. Amended plans have been received following initial concerns regarding the size of the rear dormer.

RELEVANT HISTORY

None.

POLICIES

Local Plan Policy

H2- Environmental Quality in Housing Developments

H13 – Protecting Residential Areas

BE1- Design Guidance

DC1- New Build

DC2- Extensions and Alterations

DC3- Amenity

DC6- Circulation and Access

DC38- Space, Light and Privacy

Regional Spatial Strategy

DP1- Spatial Principles

DP7- Promote Environmental Quality

Other Material Considerations

National Planning Policy Framework. The Framework seeks to ensure that planning applications for sustainable development are approved without delay. However, it is advised that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

CONSULTATIONS (External to Planning)

None.

VIEWS OF THE PARISH COUNCIL

Mobberley Parish Council- no objections.

OTHER REPRESENTATIONS

There have been objections from residents of 8no nearby properties, in Springfield Road and Town Lane to the rear; the planning-related points of objection relevant to this application are summarised below:

- Development in terms of the gable extensions would be out of keeping with the design and scale of the other 1950s Bungalows on this street and Town Lane
- Approval of the proposals could set a precedent which could further harm the character and appearance of the street in the future
- Should a precedent be set this could have an adverse impact on traffic generation and parking on this narrow road in the future
- The gable extensions and dormer would not constitute permitted development
- Adverse overlooking, overbearing impact and loss of light to properties to the side and rear of the application site would result

APPLICANT'S SUPPORTING INFORMATION

None.

OFFICER APPRAISAL

Principle of Development

The principle of development in this location is established, subject to design, amenity, highways issues as examined below.

Design / Character

Policies BE1, DC1, DC2 seek to promote high standards of design, with the overall vernacular, scale, density, height, mass, spacing and materials of new development being sympathetic to the character of the locality, surrounding buildings and site itself. Policy H13 states that development which would adversely affect the character of a housing area will not normally be permitted.

The revised dormer is considered to be of a design and scale that would be in keeping with the character and appearance of the existing dwelling and surrounding properties and street scene. It is noted that one side of the proposed gable roof extensions could potentially be built under permitted development rights, however both gables and the dormer would bring the extensions to over the 50m³ allowance under these regulations. In any case this is an application for planning permission and so has to be assessed as such.

After careful assessment, it is considered that on balance the proposed gable extensions would result in a dwelling that would be out of keeping with the character and appearance of the other bungalows in this street. Most of these bungalows, whilst some have been altered to an extent, have retained their general uniform and modest form, with a hipped roof design. The proposed gable extensions are considered to create an unsympathetic and discordant addition to this bungalow, which would result in a dwelling that would be of a larger scale and of a substantially different design to the other properties in the immediate locality; hence the development is deemed to adversely impact on the character and appearance of the locality. Approval of this development would also likely set a precedent which could lead to the further

material change to the character and appearance of this and the neighbouring street and local environment.

Overall therefore it is considered that by virtue of its size, siting and design in relation to the existing dwelling and surrounding dwellings and street scene, the proposed development would not comply with Local Plan policies BE1, DC1, DC2, H13 nor the relevant design related paragraphs of the National Planning Policy Framework.

Amenity

The objections have been carefully considered. In terms of the impact on the neighbouring property no 18 Springfield Road, a side facing ground floor window to the kitchen/diner of this property is not the primary window to a habitable room as there are other rear facing windows. Furthermore this window would not directly face the gabled extension on no 16. The door and garage window on no 18 facing the development are obscurely glazed and not to habitable rooms. There is not considered to be any adverse impact on the amenity on neighbouring no 14 as a result of the development.

Objections have been received from the occupiers 17 and 18 Springfield Road to the rear. However, the windows to these properties would be over 38m from the dormer window. This would comply with the guidance set out in policy DC38 and overall it is considered that there would be a commensurate degree of space, light and privacy between these properties.

Overall there is not considered to be any resultant harm to neighbouring amenity material enough to warrant refusal of this application on these grounds, therefore the development is considered to comply with policies DC3 & DC38 of the Local Plan.

Highways

The comments regarding parking and traffic generation are noted. However parking for at least 2no vehicles on hardstanding to the front of the property would remain, which is considered sufficient bearing in mind the site location and proximity to local services. Overall the development would comply with policy DC6 of the Local Plan.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Overall on balance, the proposals, by virtue of their size, siting and design, are considered to adversely and materially impact on the character and appearance of the existing dwelling and street scene. They would therefore be contrary to policies BE1, DC1, DC2, H13 of the Local Plan and paragraph 64 of the National Planning Policy Framework; as such a recommendation of refusal is made.

Application for Householder

RECOMMENDATION: Refuse for the following reasons

1. Design of substandard quality

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Application No: 12/1593M

Location: OAKLANDS COMMUNITY INFANT SCHOOL, TUDOR ROAD,
WILMSLOW, CHESHIRE, SK9 2HB

Proposal: Variation of Conditions 2 and 24 Attached to Permission 12/0027M to
Enable Development to Commence Prior to the Installation of the Toucan
Crossing to Dean Row Road and to Provide Additional Velux Windows
within the Proposed Dwellings.

Applicant: Mr Daniel Kershaw, Russell Homes (UK) Limited

Expiry Date: 26-Jul-2012

Date Report Prepared:

30th May 2012

REASON FOR REPORT

The application has been referred to Northern Planning Committee, because it seeks to amend a development scheme that was originally granted planning permission subject to S106 Agreement by the Committee.

SUMMARY RECOMMENDATION Approve subject to conditions and the satisfactory completion of a S106 Agreement

MAIN ISSUES

Are the design changes in the form of additional velux window appropriate?

Do the additional windows have any greater implications for the privacy or amenity of neighbouring residents?

Is the proposed access acceptable to be used prior to the relocation of the toucan crossing on Dean Row Road?

DESCRIPTION OF SITE AND CONTEXT

Oaklands Community Infant School is a 0.85ha site located to the north east of Wilmslow town centre / south east of Handforth town centre. The School has closed following the merger with Dean Row Primary School, the combined school is known as Dean Oaks Community Primary School.

Dean Row Road forms the southern boundary of the site. The eastern boundary is formed by a landscaping belt adjoining a Public Footpath that has been recently updated and forms an access point to Dean Row Community School.

The site lies within a predominantly residential area, the Green Belt lies on the other side of Dean Row Road. The general character of the wider residential area varies in nature from imposing detached houses set within large plots to the east of the Public Footpath on Dean Row Road to a more densely developed area of smaller detached houses of 1970's vernacular along the main road frontage to the west of the site, to a greater mix of terraced and semi detached properties within the Tudor Green area to the rear of the site. Dean Row Community Primary school is located to the northeast and a private Children's Day Nursery is located directly to the rear of the site, which is unconnected to this proposal. The rear access presently serves the Nursery.

DETAILS OF PROPOSAL

At the Northern Planning Committee meeting of 14th March 2012, Members resolved to grant planning permission, subject to S106, for the following:

Demolition of Existing Buildings, Remodelling and Remediation of the Site and Development of Mixed Use Scheme Comprising 21 Dwellings and Car Parking Including Access. Following the Completion of the S106 Agreement, the Planning Permission was formally granted on 23 February 2012.

Condition 2 attached to permission 12/0027M requires the development to be undertaken in accordance with the approved plans. The approved plans detail some velux roof lights on rear roof slopes of the majority of the houses. This application seeks to vary condition 2 of this approval under Section 73 of the Town and Country Planning Act 1990. The applicant wishes to install 2 extra velux rooflights to the rear roofs of the approved house types A, C and D.

It is also proposed to vary condition 24 attached to permission 12/0027m.

Condition 24 states;

'Prior to any works including demolition commencing on site the Toucan crossing as shown on drawing number 1244 – 01/ Sk-03 shall be completed.'

Reason: In the interests of highway safety.

A variation of this condition is sought to allow the development to commence including the demolition of the existing school premises prior to the formal relocation of the toucan crossing on Dean Row Road. This will enable the development to commence whilst the Applicant also enters into Agreement with the Highway Authority to obtain the necessary consent under the Highways Act to relocate the toucan crossing circa 30m from its present location.

It is also intended to allow initial access for construction vehicles to be via the Tudor Road site access for a temporary (2/3 day) period to allow the temporary site access to be formed on Dean Row Road. This is supported by a construction traffic management strategy which

sets out the strategy for the initial interim construction period prior to relocation of the Toucan Crossing.

RELEVANT HISTORY

Demolition of Existing Buildings, Remodelling and Remediation of the Site and Development of Mixed Use Scheme Comprising 21 Dwellings and Car Parking Including Access – Approved subject to S106 Agreement 23 February 2012.

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Make the Best Use of Existing Resources and Infrastructure
DP7 Promote Environmental Quality
L2 – Understand Housing Markets
L4 – Regional Housing Provision
L5 Affordable Housing
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM18 – Decentralised Energy Supply

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
H1 Phasing Policy
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H8 Affordable Housing
H13 Protecting Residential Areas
RT1 Protected Open Space
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC35 Materials and Finishes
DC37 Landscaping
DC38 Space, Light and Privacy

Of the remaining saved Cheshire Structure Plan policies, only policy T7: Parking is of relevance.

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Strategic Manager (Highways): No objection to the commencement of development prior to the relocation of the Toucan Crossing on Dean Row Road. The Construction Management Plan and Strategy is accepted and should be adhered to for the period whilst the relevant Approval under the Highways Act is obtained. The works of development can commence before the toucan crossing is relocated on Dean Row Road subject to the Operation Method Statement submitted being fully adhered to.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council : No objection

OTHER REPRESENTATIONS

One email of objection on the basis that the toucan crossing should be provided before the development commences on highway safety grounds and that the additional velux windows will be detrimental to the privacy of neighbouring houses.

APPLICANT'S SUPPORTING INFORMATION

Details of a construction traffic management strategy proposed to support the initial interim construction period prior to relocation of the Toucan Crossing. A Construction Method Statement is also provided.

It is put forward that the site can operate safely in conjunction with the siting of the existing toucan crossing for the period before the relevant Highways Consent is achieved.

The relocated toucan crossing could take 3-4 months to deliver as a consequence of design and legal order procedures. Given likely construction lead in times and likely timescales for the discharge of necessary outstanding planning conditions, it is not expected that in practice, the initial interim construction period would be more than a 2-3 month period.

Initial site construction activities during this initial interim 2-3 month period would involve demolition, site clearance and preparation. It is anticipated that such activities could result in up to a maximum of 10-16 construction vehicle movements per day (5-8 in / 5-8 out) associated with the removal of demolition materials, delivery of plant and initial delivery of building

A Construction Management Plan is put forward which details the Operational Strategy. This includes a restricted site exit regime applying to all vehicles, such that all traffic exiting the site would be required to turn left out of the site. Exit traffic seeking to access the A34 to the west would be required to U-turn at the nearby Dean Row Road / Handforth Road roundabout.

OFFICER APPRAISAL

Principle of Development

The principle of the development has already been accepted by virtue of the granting of planning permission under reference 12/0027M. It is not the purpose of this report to revisit the merits of the proposal. The main issues in the consideration are the impact of the changes to the external appearance of the dwellings by virtue of the increased numbers of

velux roof lights proposed within the larger houses; whether the additional roof lights have any greater impact upon the amenity or privacy of neighbouring residential occupiers and whether the Applicants proposed traffic management regime and construction method statement are sufficient to allow for the variation of condition 24 to allow works of development on site to commence before the existing toucan crossing is relocated.

Design Implications of the 2 additional velux roof lights

The applicant wishes to install 2 extra velux roof lights to the rear roofs of the approved house types A, C and D. These are considered to be a minor amendment to the detailed design of the dwellings which will have a neutral impact upon the appearance of the dwellings in design terms.

Privacy/ Amenity Issues Arising from the additional velux windows

Plots 1, 6 and 7 adjoin existing residential occupiers. The previously approved scheme permitted 2 roof lights. The additional roof lights are not considered to raise any greater privacy or amenity implications for neighbouring residents.

Highways

The Strategic Manager (Highways) has considered the information submitted in support of this application which includes a detailed construction method statement and raises no concerns with regard to the operation of the temporary site access on Dean Row Road whilst the formal process of the relocation of the existing toucan crossing.

It is an inevitable consequence of any development occurring on the site that the initial delivery of any access point to be formed on Dean Row Road, whether temporary or permanent, will require an initial access to the site to be via Tudor Road, to allow for the construction access to be constructed safely inside the site to connect to Dean Row Road.

Residents within Tudor Road previously raised concerns about access being via Tudor Road for construction and this issue was considered very carefully by Committee during the previous application.

Within the context of this application, the Applicant advises that the initial use of Tudor Road would be required for no more than 2-3 days to allow site set-up and the delivery of the new access connection. Large vehicle access movements during this initial period will be strictly controlled by the site developer, with access to / from the site controlled by a suitable banksman to ensure site safety. This can be controlled by condition.

Heads of Terms

Should Members be minded to approve the application, another S106 legal agreement will be necessary. However, the changes to the scheme do not impact upon the detailed requirements of the existing S106 which can stand alongside the original planning permission.

The existing S106 includes the following matters which will need to be updated within a new S106 Agreement, specifically related to this proposal

- Provision of affordable housing provision on site in the form of 6 x 2 bed units, which are made up of 4 units for social rent and 2 units for intermediate tenure
- Provision of commuted sum in lieu of on site provision of Play and amenity - £63,000
- Provision of commuted sum in lieu of on site provision of Recreation / Sport - £15,000

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing is necessary, fair and reasonably related to this development to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of children's play space, public open space and recreation provision is necessary, fair and reasonable, as the proposed development will provide 21 family sized dwellings of different sizes, the occupiers of which will use local facilities as there is no recreational or public open space on site, as such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The principle of the development has already been accepted. The proposed additional velux roof lights are a minor alteration in design terms and would not deviate significantly from the approved scheme and would not materially harm neighbouring residents amenity or privacy.

The requested variation to condition 24, pertaining to the toucan crossing, allows for the development including demolition to commence prior to the toucan crossing being relocated is adequately supported by a construction traffic management assessment and statement. The Applicant has satisfied the Highways Manager that the site access on Dean Row Road can operate safely prior to the relocation of the toucan crossing to enable this development to commence. It is also accepted that it will be necessary to form the initial Dean Row Road access from within the site itself and that limited movements of construction traffic will be necessary via the public highway in Tudor road in order to safely form that access.

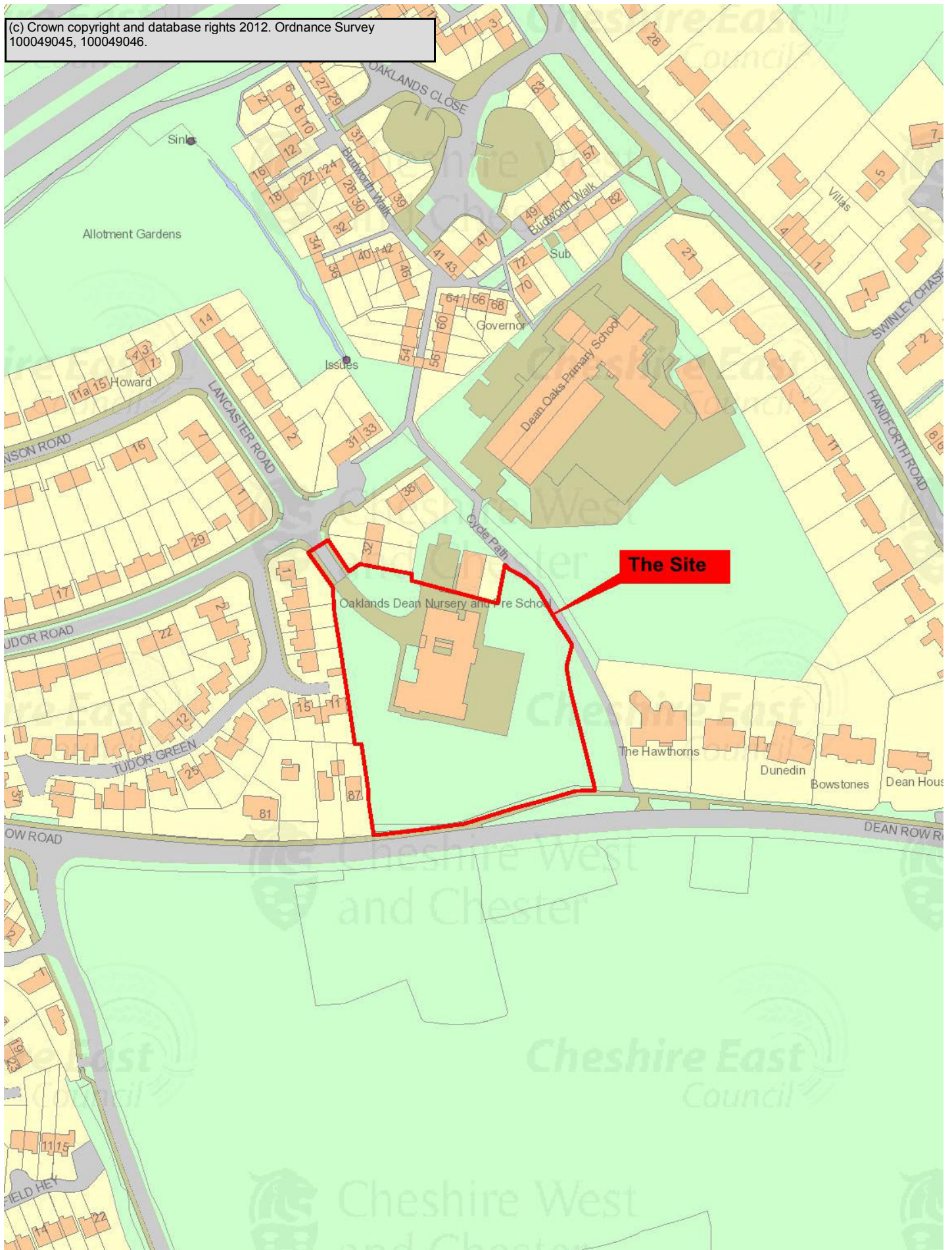
The condition can be varied to allow for this in the light of the supporting technical note submitted in support of this application. This would continue to meet the tests outlined within Circular 11/95 and would allow the delivery of sustainable development without delay, as envisaged by the NPPF.

Application for Variation of Condition

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Landscaping - submission of details
2. Tree retention
3. Tree protection
4. Commencement of development (3 years)
5. Vehicular visibility at access (dimensions)
6. Construction specification/method statement
7. Development in accord with revised plans (numbered)
8. Landscaping (implementation)
9. Details of materials to be submitted
10. Protection for breeding birds
11. Submission of construction method statement
12. no dormers other than authorised
13. levels details to be submitted
14. open plan estate layout only
15. removal of permitted development rights plots 1,3,6
16. Toucan crossing to be Operational by 1 Feb 2013 and construction access method statement to be submitted approved and implemented
17. 10% renewable energy provision
18. contaminated land assessment

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Application No: 12/1394M

Location: MASSIE DYEWORKS, LONEY STREET, MACCLESFIELD, CHESHIRE, SK11 8ER

Proposal: Demolition of the existing buildings and the erection of 5 town houses and 6 apartments (resubmission of application number 08/2405P approved on 02 March 2009).

Applicant: J. Massie

Expiry Date: 04-Jul-2012

SUMMARY RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**MAIN ISSUES**

- The principle of the proposed demolition of a Locally Important Building
- Impact of the proposed development upon the character and appearance of the existing street scene.
- Implications of the proposed development upon highway safety
- Impact upon the residential amenity of local residents.
- Implications on an existing water course which runs through the site.

Date Report**Prepared:** 25th May 2012**REASON FOR REPORT**

This application seeks outline planning permission for 11 residential units. As such the Councils scheme of delegation requires that application for 10 residential units or more are determined by the Northern Planning Committee.

EXECUTIVE SUMMARY

The principle of this development has already been accepted under planning application 08/2405p which was approved on the 2nd March 2009 by the former Macclesfield Borough Council Committee. This scheme however is no longer extant. The scheme proposed now is identical to the approved 08/2405P application and the site circumstances remain the same. The key consideration therefore is as to whether the proposed development accords with both Local Plan Policies and the newly published National Planning Policy Framework and whether there are any other material considerations which would suggest otherwise.

The report presented considers the same key issues as the Committee Report for application 08/2405P however it has been updated to take into account policies set out within the

National Planning Policy Framework (NPPF) as well consultee and representations received. It is concluded that key policies against which the previous 2008 application was assessed conform with the policies set out within the NPPF. The presumption in favour of sustainable development is considered to add more weight in favour of this proposal. This application is therefore recommended for approval subject to conditions.

DESCRIPTION OF SITE AND CONTEXT

The application site is located within a predominantly residential area of Macclesfield Town. The site sits adjacent to two residential care homes located along Loney Street and the corner of Loney Street and Peter Street. The style and character of this area is made up of a mix of two storey detached and terraced properties.

Massey Dye Works is listed within the Council's Supplementary Planning Guidance (SPG) as a Locally Important Building.

There is also an underground stream, which runs from east to west under the site and rises up to ground level in two points within the site via a well and a spring. Both of which are thought to have been utilised when the Dye Works were in working operation.

DETAILS OF PROPOSAL

The proposed seeks outline planning permission for the demolition of the existing redundant Massey Dye works and a large existing chimneystack in order to create a residential development for 11 residential units comprising;

- 4 x two bed roomed town houses,
- 1 x three bed roomed town house; and
- 6 x one bed roomed apartments.

The application seeks consent for the detailed matters relating to access and layout only. It does not seek approval for the development's scale, appearance nor for the landscaping of the site. The Elevation plans submitted with this application are indicative only.

RELEVANT HISTORY

09/2810M Change of use From B1 office to C3 dwelling House
Refused
4.12.2009

08/2405P Demolition of existing building and the erection of 5 Town houses and 6
apartments (outline consent)- Approved subject to conditions
2.03.2009

POLICIES

The National Planning Policy Framework (NPPF)

Paragraph 215 of the Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with the NPPF.

Regional Spatial Strategy

- DP1 Spatial Principles
- DP2 Promote Sustainable Communities
- DP4 Make the Best Use of Existing Resources and Infrastructure
- DP5 Manage Travel Demand; Reduce the need to Travel, and Increase Accessibility)
- DP7 Promote Environmental Quality
- DP9 Objective to reduce emissions and adapt to climate change
- W3 Supply of Employment Land
- L2 Understand Housing Markets
- L4 Regional Housing Provision
- L5 Affordable Housing
- RT2 Manage Travel Demand
- RT9 Provision of High Quality Pedestrian and Cycle Facilities
- EM2 Remediating Contaminated Land

Local Plan Policy

Local Plan policy BE20 is of relevance when assessing the principle of the demolition of the existing buildings given their 'local listing'.

- BE1 Design Guidance
- BE2 Historic Fabric
- BE20 Locally Important Buildings
- H1 Phasing Policy
- H2 Environmental Quality of Housing Developments
- H13 Protecting Residential Area
- DC1 Design
- DC3 Amenity
- DC6 Circulation and Access
- DC8 & DC37 Landscape
- DC38 Space, Light and Privacy
- DC41 Infill housing and redevelopment sites
- DC63 Contaminated Land

Other Material Considerations

Cheshire East Locally Listed Buildings SPD
Ministerial Statement- Planning for Growth (March 2011)

CONSULTATIONS (External to Planning)

Manchester Airport:

No safeguarding objections.

Strategic Highways & Transportation Manager:

Raises no objections to the proposal subject to conditions relating to the layout of parking, details of surfacing, construction method statement and cycle storage.

Archaeology:

Considers that the history of the Dye works plays an important part of Macclesfield's Silk Industry and the existing buildings have been well preserved. It is therefore advised that the existing structures should be subject to a programme of developer-funded building recording prior to demolition followed, if appropriate, by a targeted watching brief. It is also advised that the building recording should be carried out to Level II, as defined in current English Heritage Guidance.

ESU Nature Conservation:

It is not anticipated that the proposed development will impact on a designated wildlife site nor cause reasonable risk to a protected species therefore no objections are raised. It is however advised that, in the unlikely event that protected species, such as bats or breeding birds, are encountered during demolition works then works should terminate immediately and advice sought from a suitably qualified person and the Council advised.

ESU Landscaping:

No objections raised subject to a condition relating to full landscaping details and boundary treatment to ensure residential amenity.

Environmental Health:

Raise no objections subject to a condition regulating hours of construction, pile driving and floor floating in order to ensure a minimal impact upon residential amenity of local residents. Comments are also raised concerning incompatible room arrangements between adjoining properties with bedrooms of certain apartments sharing a party wall with the living room of certain townhouses. Such incompatibility of room uses can result in noise, loss of residential amenity, sleep disturbance and noise nuisance. It is therefore advised that a condition requesting sound insulation be incorporated into the scheme during the development.

Environmental Health (Contaminated Land)

Given the history of the site and the proposed residential use a phase II contamination survey in accordance with Policy DC36 is required.

Environment Agency:

Raise no objection subject to the a Phase II contaminated land survey being submitted and a condition requesting prior to the occupation of the development a verification report which will show that site remediation criteria have been met and the proposal will not cause a potential risks posed to controlled waters

OTHER REPRESENTATIONS

This application has been advertised by means of a site notice, neighbour notification and a press advert the last date for comments is the 8th June 2012. At the time of writing this report no comments had been received.

APPLICANT'S SUPPORTING INFORMATION

A Planning, Design and Access Statement has been submitted with this application which explains the history of the site and context of the proposed development. Documents also submitted are as follows:-

- Environmental Study by Hydrock Limited
- Structural Survey of existing chimney stack by Shepherd Gilmour
- PPS3 Housing self assessment checklist

OFFICER APPRAISAL

Principle of the development

The principle of this development has already been accepted under planning application 08/2405p. The scheme now subject of this application is identical to the approved scheme. Application and the site circumstances remain the same.

Members will be aware that The National Planning Policy Framework published in March 2012 supersedes a number of National Planning Policy Statements and consolidates the objectives set within them.

The Framework sets out a presumption in favour of sustainable development. Located within close proximity of public transport and local amenities the site is considered to be in a sustainable location.

Paragraph 49 advises that;

“Housing application should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”

Member will be aware that the Council do not currently have a 5 year supply of housing for the Borough and therefore attention should be had to the requirements of paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

“Approve development proposal that accord with the development plan without delay, and

Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;

- ***any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or***
- *Specific policies in this framework indicate development should be restricted”*

The site is designated within the Local Plan as a Predominantly Residential area and lies within close proximity to Macclesfield Town Centre. The existing Industrial use is not considered to conform with the residential uses which surround the site. The proposal will introduce a more appropriate and sustainable development to the area that will dramatically improve both the environment and residential amenities of the occupants of neighbouring properties.

The key issue with this application therefore are as follows:-

- Are there any changes in circumstances since the previous approval to warrant a different conclusion?
- The principle of the proposed demolition of a Locally Important Building
- Impact of the proposed development upon the character and appearance of the existing street scene.
- Implications of the proposed development upon highway safety
- Impact upon the residential amenity of local residents.
- Implications on an existing water course which runs through the site.
- **Given the presumption in favour of sustainable development, are there any significant adverse impacts which would prevent planning permission being granted? (having regard to the advice set out within the para 14 of NPPF stated above).**

Principle of Demolition

The site is identified within the Council's SPG as a Locally Important Building which describes the building as an;

“Increasingly rare building type, once common in the textile town dominated by tall industrial chimney”

Policy BE20 of the Local Plan seeks to preserve Locally Important Buildings which are valuable due to their contribution of the local scene or their historical associations. The policy states that developments which would adversely affect architectural or historic character will only be allowed if the Borough Council is satisfied that the buildings are beyond reasonable repair.

The Locally Listed Buildings SPD makes it clear that Cheshire East Council is committed to protecting local heritage and as such will always favour the retention of a locally listed building where practicable. It states that proposals for the demolition of locally listed buildings must normally demonstrate clear and convincing evidence that the building is no longer of local importance. And that where redevelopment is in accordance with Local Plan policies, there will be an expectation that the building is replaced with one of equal or greater architectural merit.

Within the NPPF glossary Local Listed buildings are considered to be Heritage Assets. Chapter 12, Paragraphs 128 and 129 advises that the significance of any heritage asset affected by the development including its contribution to the setting should be identified and assessed.

Para 135 and 136 states that

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

And

“Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

The main existing buildings run parallel, around the corner of Loney Street and Peter Street and can in part, relate back to as early as the 19 Century. However, there is evidence that over the years the buildings have been repaired, altered and rebuilt in part, which have, in turn, alluded to a mixed style of piecemeal additions to the internal and external features of the built form.

A large high chimney stack constructed in around 1945, positioned in the centre, creates a prominent feature in the skyline of the surrounding area and provides a historical monument and link to Macclesfield's industrial past in the silk trade. Cheshire County Council's Archaeology Unit note that due to the good preservation of the buildings they are also recorded on the Cheshire Historic Environments Record.

In brief the grounds put forward by the applicant for the demolition of the existing building on site are as follows:-

- The site has remained unused and in its current state is unsuitable for modern industrial/employment use due to the inadequate layout and lack of parking facilities at the site.
- The existing industrial/employment use on site is non-conforming with the sensitive residential uses which surround the site and, as a result, impact upon the residential amenity for the occupants of neighbouring dwellings.
- A structural report has been submitted which relates to the chimney stack and identifies a series of substantial cracks which run the length of the chimney stack. The report concludes that the cracks would result in a major repair job involving complete or partial rebuilding. Therefore controlled demolition is recommended
- The position of the chimney within the site would remain as an obstruction, and give its current run down state would serve as a danger if not maintained at great expense

The above grounds for demolition are acknowledged. It is considered that the awkward layout and form of the existing building would make the building difficult to convert. The chimney stack is of a relatively new construction and would, not only be problematic and expensive to maintain, but would also be difficult to incorporate into any new redevelopment scheme. It is therefore considered that, given the current state of the existing building, any redevelopment of the site would involve a substantial level of reconstruction.

Whilst the applicant has not carried out an assessment on the “significance” of the buildings the Council Conservation Officer has in the previous application acknowledged that the existing building is structurally flawed and therefore accepted the loss of this building. The design of the building although, at this stage indicative, is considered to give reference to the industrial past of the site and is therefore encouraged. The demolition of the building is further endorsed by the Cheshire County Council's Archaeology Unit who have raised no objections

subject to a detailed historic photographic record and historical study to be submitted prior to any demolition-taking place.

In view of the above, the proposal is considered to comply with Local Plan policy BE20, NPPF and Cheshire East Locally Listed Buildings SPD.

Layout and the impact of the proposed development upon the character and appearance of the existing street scene.

The proposed dwellings are to be sited fronting Loney Street and Peter Street and propose to replicate the position of the existing façade therefore preserving the character and position of built form within the streets. The illustrative elevational plans show that the applicant seeks to create a visually striking feature directly on the corner of Loney Street and Peter Street. This 'rotunda' would accommodate the proposed six apartments.

Indicative plans illustrate the scale of the proposed development. Along both Loney Street and Peter Street the proposed development would be two storeys in nature with ridge heights measuring from approx 7.5m to 9.5m in height. The 'rotunda' element on the north eastern corner of the site to accommodate the proposed apartments is proposed to measure approx 10m in height and would be three storeys. Taking into consideration the sloping land levels it is considered that the indicative proposal will be of an appropriate scale the area.

Vehicular access to the site will be via the existing access from Loney Street where vehicles will pass under the first floor of the three bed roomed town house. This has been created to represent a similar appearance to that of the existing main access to the site, which is facilitated via roller shutters. Twelve parking spaces are to be located within the site and are to provide parking provision for the 11 proposed dwellings and the occupants of 9 Loney Street.

Each of the town houses would have an area of private amenity space located directly behind each dwelling. The occupants of the apartments would have a small-shared amenity space directly to the rear of the proposed 'rotunda' building. The amount of amenity space which is afforded to the proposed town houses is considered to be commensurate with that of existing properties within this particular area of Macclesfield. It is not normal for apartments to be provided with dedicated private space.

It is considered that, by virtue of the layout, the proposed parking facilities located within the confines of the site will be overlooked by the proposed dwellings which will provide a good level of natural surveillance and, in turn, a secure and safe environment for future occupants of the proposed dwellings.

Whilst much of the details are reserved for later consideration, the applicant states that the proposed development is to be constructed using sourced local stone and reclaimed materials. Features such as steel lintels and the proposed standing seam metal roof are to be incorporated into the scheme in order to maintain the semi industrial aesthetic character of the existing site and blending in with the local surroundings.

Design is a detailed matter 'reserved' for later consideration. However, it is worth noting that the illustrative plans show elevation treatment which is quite contemporary and striking. The

character of the area is fairly traditional and remains unchanged since the 2008 application. The NPPF places a strong emphasis on the good design and advises that Local Planning Authorities should reinforce local distinctiveness but not impose architectural styles or particular tastes nor stifle innovation. The design of the proposed development (albeit indicative) is considered to be acceptable in this case.

The Conservation Officer has raised no objections to the indicative design features and it is considered that the proposal will compliment the character of the area while preserving a hint of the site's historical past.

Implication of the proposed development upon Highways Safety

As with the previous permission the proposal seeks to incorporate 12 off street parking spaces within the site which will serve;

6 x 1 bed apartments
4 x 2 bed Town houses; and
1 x 3 bed Town house

Paragraph 39 of the NPPF advises that;

In setting local planning standards for residential development and non residential development local planning authorities should take into account:

- *The accessibility of the development*
- *The type, mix and use of the development*
- *The availability of and opportunities for public transport;*
- *Local car ownership levels; and*
- *An overall need to reduce the use of high emission vehicles*

This particular area of Macclesfield is largely characterised by terraced properties which rely mainly on street parking provision. The proposed development is for a mix of small scale residential units and unlike surrounding properties will be afforded one designated parking space per unit.

The site is located in a sustainable location in close proximity to the Town Centre and Local public transport. It is considered that the proposed residential use of the site will dramatically improve not only the intensification of vehicles to and from the site, should the lawful Industrial use of the site be resumed but, would also reduce the potential for more significant highway issues.

As with the previous permission, in order to encourage sustainable forms of transport a condition requesting the incorporation of cycle storage is also proposed. The existing parking levels for this area have remained unchanged since the 2008 consent and therefore the proposal is considered to be consistent with the advice set out within the NPPF.

The vehicular access to the site is to take advantage of the existing access from Loney Street. The visibility spays at this access are restricted due to the position of the building.

However, visibility in this area can be improved with changes to a boundary wall which is within the applicant's control.

In addition to the above, Members' attention is also drawn to a former access on Peter Street and the requirement for the pavement to be reinstated. As with the previous permission the Highways Engineer is satisfied that this can be dealt with under a condition and therefore raises no objections.

Impact upon the residential amenity of local residents.

The proposed dwellings are to be positioned approx 15m from the front elevation of existing dwellings located along both Peter Street and Loney Street. Although this does fall short of the guidelines in Policy DC38 it is considered that this relationship will be commensurate with existing properties within the surrounding area. It is also reflective of the existing pattern of development.

In this regard it is worth noting that large windows within the 'rotunda' may give rise to overlooking of nearby development. However, this element of the proposal is illustrative. Particular would have to be had at the detailed stage to ensure an appropriate relationship with neighbours.

One detailed matter involves the side elevation of 156 Compton Road where there is a side window for what appears to be a bathroom. The window directly overlooks the proposed car parking area and is considered to be sufficient distance from the rear windows of the proposed development as not to have an adverse impact upon residential amenity.

Impact on the water course.

The Environment Agency raises no objections to the proposed development subject to a Phase II investigation prior to the commencement of development. The Phase II investigation will require the submission of a risk assessment of contamination on the land. If the assessment details mitigation is required, a further remediation statement should be submitted and approved in writing.

Given that the above condition is similar to the Contaminated Land condition the Environment Agency has agreed that no additional condition is required.

OTHER CONSIDERATIONS

Members are advised that a Section 106 agreement did not form part of the previous planning permission. Having regard to the Council's SPG on Section 106 (planning) Agreements developments of 6 residential units or more are required to provide contributions to Public Open Space and Outdoor Sports and Recreation which are normally secured through a section 106 agreement. A commuted sum is considered to be necessary in this case and therefore members will be provided with an update on this prior to the Committee meeting.

RECOMMENDATION

In light of the above, it is considered that there has been no significant change in circumstances since the previous 2008 permission was granted. As with the previous

permission the justification for the demolition of the existing building is accepted. The proposed development provides a sufficient mix of properties and has been well designed (albeit illustratively).

Located within a predominantly residential area of Macclesfield it is considered that the proposal will introduce a more compatible use to this residential area. Located within a reasonable distance of local amenities and is served by public transport the site is therefore considered to be sustainable and meet the objectives set out within the NPPF.

The details relating to layout and access of the proposed development are considered to be acceptable and comply with policies set out within the Development Plan.

Paragraph 14 of the NPPF emphasis that when making decisions Local Planning Authorities should approve development that accord with the development plan without delay and where planning policies are out of date grant planning permission unless any adverse impact would significantly outweigh the benefit of doing so. In this particular instance it is considered that the proposed development will not have a significant adverse impact. The proposed development is considered to comply with policies within the Development Plan and NPPF therefore a recommendation for approval is made subject to the following:

- Section 106 agreement for a commuted sum for open space and outdoor sport and recreation;
- Subject to further representations from local residents and the occupants of No 168 Peter Street; and
- Recommended conditions

RECOMMENDATION: Approve subject to following conditions

1. Full details approved as part of outline consent
2. Time limit for submission of reserved matters
3. Submission of reserved matters
4. Provision of car parking
5. Demolition as precursor of redevelopment
6. Submission of samples of building materials
7. Provision of cycle parking
8. Pedestrian visibility at access (dimensions)
9. No gates - new access
10. Drainage and surfacing of hardstanding areas
11. Decontamination of land/ Environment Agency
12. Refuse storage facilities to be approved
13. Prevention of surface water flowing onto highways
14. Door and window openings - highways / footways
15. Protection of highway from mud and debris

16. Submission of construction method statement
17. Driveway surfacing - single access drive
18. Landscaping to include details of boundary treatment
19. Commencement of development
20. Ground levels to be submitted with reserved matters application
21. floor floating
22. Noise Insulation to be addedd
23. Turning facility
24. Hours of Construction
25. Archeology
26. Re instatment of kerb along Peter Street
27. No Pile Driving
28. External Appearance



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Northern Area Planning Committee 13th June 2012**COMMITTEE REPORT****PURPOSE OF THE REPORT:**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 8th December 2011 at Hall Hill, Moss Brow, Bollington

SUMMARY RECOMMENDATION:

The Development Management and Building Control Manager recommend's that the Northern Area Planning Committee instruct the Borough Solicitor to confirm the Tree Preservation Order at Hall Hill, Bollington without modification.

WARD AFFECTED

Bollington

POLICIES

Saved Former Macclesfield Borough Council Policy DC9

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the authority.

RISK MANAGEMENT

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

CIRCUMSTANCES

On the 2nd December 2011 reports were received from local residents living adjacent to Hall Hill, Bollington, that tree felling was taking place on the site, and this gave cause for concern that the remaining trees may have been under threat.

In the light of these factors, an amenity evaluation of the trees was undertaken and a recommendation made to the Development Management and Building Control Manager that it would be expedient to make a Tree Preservation Order to protect those trees which remained on site. Under powers delegated to the Development Management and Building Control Manager a Tree Preservation Order was made on 1st February 2012.

CONSULTATIONS

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objections or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owner/occupiers of the land and their Agents on 8th December 2012. Copies of the Order were also sent to adjoining landowners who are immediately affected by the Order, Bollington Parish Council and Ward Members Bollington.

VIEWS OF THE PARISH/TOWN COUNCIL

Bollington Parish Council has sent comments by e-mail dated 18th January 2012 supporting the Order and requesting that they would like to see it take effect formally.

OBJECTIONS/REPRESENTATIONS

Four objections have been received to the serving of the Order, the first from Property Planning & Regeneration Ltd on behalf of the Land Owners Mr S Sinclair, and Mr H Cumberbirch. A second representation has also been received on behalf of Mr H Cumberbirch from Cheshire Woodlands Arboricultural Consultancy. The final two objections have been received from individual residents living adjacent to the Hall Hill site; Dr E Clayton of 17 Hall Hill, Bollington, and Mr R Egerton 19 Hall Hill Bollington

The detail outlined within the letter submitted by Planning Property & Regeneration Ltd on behalf of the two Land Owners strongly objects to the Order for the following reasons:

- Many of the trees are not of a quality to warrant formal preservation by virtue of their quality, condition, species, and form.
- Trees within the site are causing damage to third party property, particular in respect of properties 17 & 19 Hall Hill.

- Trees within the site are causing a negative impact upon the amenity value of the properties situated on the boundary of Hall Hill property.
- The site has historically benefitted from the previous Tree Preservation Order, which has rightly sort to protect two mature trees on the site. Placing an Order across the whole site is an unrealistic aspiration. The site is open and due to lack of maintenance by the previous owner has become overgrown. The site requires management in the interests of public safety and security.
- The site is considered to be a positive community asset, which is used by all sections of the community for access to local schools. Currently access to the site is unrestricted. Legal advice taken by the landowners has strongly advised that access to the site should be stopped in order to reduce the risk of future prosecution. Placing a Tree Preservation Order across the whole site is likely to result in the loss of community access to this site.
- The site is currently being promoted for development, the placing of a Tree Preservation Order may sterilise the future development of the site, thus having a negative impact on the local communities ability their local needs in the future.
- The respective landowners have commissioned Enzygo Environmental Consultants to prepare a tabulated Tree Survey Schedule (TSS) in accordance with BS5837:2005. We believe that this work should be completed before any new Tree Preservation Orders are considered.

The letter of objection submitted by Cheshire Woodland Arboricultural Consultancy on behalf of Mr H Cumberbirch only objects to the Order on the following grounds.

- H Cumberbirch and Son Builders have no intention and never had any intention of removing trees on land in their ownership without prior agreement of the Council, which is evidenced by the fact that there has been no felling on of trees on the southern part of the site throughout the ongoing planning negotiations
- In the absence of any tree felling on the southern part of the site, on land currently in the ownership of H Cumberbirch and Son Builders Ltd, there is no justification for the Councils suggestion that the trees are under immediate threat or not currently under good arboricultural or silvercultural management
- In the absence of any threat to the trees currently in the ownership of H Cumberbirch and Son Builders Ltd, there is no risk of the amenity afforded being destroyed and a TPO is not therefore required to maintain the amenity of the area.

- The Council's reasons for making the Order in respect of the land currently owned by H Cumberbirch and Son Builders Ltd are not justified and therefore it was not expedient to make the Order.
- The Order prejudices the ongoing planning negotiations with the Council, and constraints the future management of the trees on the affected land.

The private residents Dr Clayton and Mr Egerton who live at 17 and 19 Hall Hill respectively have both raised objections to the individual trees located on the southern boundary of the site immediately adjacent to their respective garden boundaries, and not the remaining trees covered by the Area Order.

Dr Clayton's specific objections are on the following grounds.

- The Tree Preservation Order prevents any remedial action being taken as and when required.
- The two trees, Ash rear of number 15 Hall Hill and the Sycamore rear of number 19 Hall Hill present a clear possibility of danger to the property.

Mr Egerton's detailed objections have been made on the following grounds.

- The tree is a Sycamore, but not a good specimen particularly when viewed from Albert road or the garden of 19 Hall Hill
- The location of the tree has encouraged moss growth on the roof of number 19 Hall Hill previously. The removal of the moss was by the way of manual scraping of the roof tiles, a time consuming, dirty, and precarious task but necessary to prevent further damage. The tree has been professionally pruned but this has not proved to be entirely successful as the moss has begun to return.
- The position of the tree, so close to the properties of number 19 & 17 is inappropriate due to its size and type. Further pruning is not practical and does not appear to offer a permanent solution.

The Council have received a further 17 letters in support of the Order from residents on Hall Hill, Oliver Close, Moss Brow, Moss Lane, Gregg Avenue, Bollington Cross, Springbank and Ashbrook Road. An overview identifies the trees on the Hall Hill site contributing significantly to the character of the area providing great benefit in terms of visual prominence and a wildlife haven.

APPRAISAL AND CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS

Prior to the serving of the Tree Preservation Order subject of this report two separate Orders already existed on the Hall Hill site, this included a single mature Sycamore protected by a 2003 Tree Preservation Order and three groups of trees and two individual specimens protected by a 1988 Tree Preservation Order.

The Area Tree Preservation Order classification is an alternative way of specifying trees which are scattered throughout a site. Initially this designation was used as an emergency measure, until the trees could be reclassified following a subsequent and more detailed site inspection. It was concluded that the initial Area designation was considered appropriate in order to reflect the diversification of categories throughout the whole site. The use of individual group or woodland classifications was considered impractical.

The trees have been assessed in accordance with the Councils Amenity Evaluation Checklist and it was considered expedient in the interests of amenity to make provision for the trees long term retention. The trees were assessed as a collective presence rather than individual specimens.

It is accepted that the Ash and Sycamore located to the rear of the properties 15 and 19 Hall Hill present a moderately poor social proximity to the adjacent private dwellings. The Ash presents an open and exposed canopy with evidence of historic branch failure and un-authorised pruning noted on the ground. The serving of Tree Preservation Order does not preclude or prevent any remedial action being taken providing any proposed works are subject of an application, with a detailed specification of works included in accordance with BS3998:2010 Tree Work - Recommendations. It is envisaged that a suitable pruning specification can be provided to address both the safety concerns and maintenance issues raised by the adjacent residents.

The issue of un-authorised casual access onto the site by local residents has not been altered by the serving of the Tree Preservation Order. Any landowner has a duty of care to ensure trees within their ownership are maintained in a safe condition. Should an application be received to remove or prune a tree or trees because they are structurally un-sound, if the evidence provided is proven correct upon inspection, pruning or removal could be expedited under exempted works. The northern aspect of the site remains open with a number of desire line footpaths established across the undulating sloping aspect of the site.

No details have been provided in respect of the Tree Survey commissioned by the respective landowners at the time of writing this report.

The Strategic Planning and Housing Manager has identified the land at Hall Hill designated as Green Belt outside the settlement of Bollington within the Macclesfield Local Plan 2004. It is also designated as an area of proposed area of open space under Policy RT6 - although this proposal has never come to fruition.

The new Cheshire East Local Plan will replace the current development plan and provides an opportunity to review current policies. In terms of Settlement Hierarchy, Bollington is counted as being a Local Service Centre - and so is in the third tier of settlement beneath the 'sustainable towns'. Unlike its larger neighbours, no town Strategy will be prepared at this stage and it is most unlikely that any area in or around Bollington will feature as a 'strategic site' within the Core Strategy.

Consequently it will be in the later detailed stages of the Local plan that any changes (if at all) will be made to the policy framework that applies in the area. The current assumption, confirmed in the new Framework, is that Green belt land should remain permanently open. It is only in exceptional circumstances and via the Local plan that any alteration should be made. As a result the presumption should be that this land will remain as green belt. It is possible that future consideration of policy in Bollington necessitates an exceptional alteration to the green belt - but that is a position that cannot be properly judged at this time - and there are of course other sites that could be considered on the edge of the town if a need arose. Therefore for the purposes of the Tree Preservation order the assumption should be made that the land will remain green belt.

Should this position alter an objective Arboricultural Assessment could be provided, as part of a detailed Development Brief.

It is accepted that none of the trees felled prior to the serving of the Tree Preservation Order were located on land within the ownership of Mr H Cumberbirch and Son Builders Ltd, this information was not available at the time of the site inspection, and the initial compilation of the Amenity Evaluation Checklist with landownership details obtained at a later date following a Land Registry search and compilation of the Tree Preservation Order.

The two parcels of land in separate ownership are intrinsically linked by a common 100 metre boundary, with a distinctive heavily wooded wildlife corridor extending from the southern aspect of the site under the ownership of Mr Cumberbirch following a small stream and valley extending north to the boundary with Dean Valley County Primary School. There is no discernible alteration in the characteristic of the tree cover where the two areas of land ownership meet. Whilst there appears to be no immediate threat, it would appear prudent to include the parcel of land registered to Mr H Cumberbirch and Son Builders Ltd

CONCLUSION

Under the Town and Country Planning Act 1990, a local planning authority may make a TPO 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 (Section 198 (1)).

Following consideration of the representations and a further inspection of the site and taking into account the circumstances which generated the formal protection, it

is considered it was expedient for Cheshire East Council to make the Tree Preservation Order.

RECOMMENDATION

That the Cheshire East Borough Council (Bollington – Hall Hill, Moss Brow) Tree Preservation Order 2011 is confirmed without modification

