

Northern Planning Committee

Agenda

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

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

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

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

3. **Minutes of the Previous Meeting** (Pages 3 - 10)

To approve the Minutes of the meeting held on 14 February 2018 as a correct record.

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

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **WITHDRAWN-15/1683M-Development of 30 new houses including 9 affordable houses, landscaping, landscape buffer zone, flood mitigation and ground works, roads, associated highways and infrastructure, Land opposite Lowerhouse Mill, Albert Road, Bollington for Johnson Mulk, Prospect GB (Pages 11 - 42)**

To consider the above application.

6. **16/6225M-Demolition of existing building and erection of a new building comprising 14 no. apartments, Hillside Residential Home, 21, Adlington Road, Wilmslow for Jones Homes North West Ltd (Pages 43 - 56)**

To consider the above application.

7. **17/2061M-Demolition of existing buildings and erection of 7 new dwellings, Rosegarth, 51, Adlington Road, Wilmslow for Mr & Mrs Wilman (Pages 57 - 66)**

To consider the above application.

8. **Cheshire East Borough Council (Pickmere - The Elms, Park Lane) Tree Preservation Order 2017 (Pages 67 - 94)**

To consider the above Tree Preservation Order.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 14th February, 2018 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors C Andrew, E Brooks, T Dean, L Durham, P Findlow, H Gaddum,
S Gardiner, N Mannion and M Warren

OFFICERS IN ATTENDANCE

Ms S Dillon (Senior Lawyer), Mr K Foster (Principal Planning Officer), Mrs E Hood (Arboricultural Officer), Mr P Hooley (Planning & Enforcement Manager), Mr N Jones (Principal Development Officer) and Mr P Wakefield (Principal Planning Officer)

80 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Harewood. It was also noted that Councillor H Gaddum would arrive slightly late to the meeting.

81 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 17/4264M, Councillor S Gardiner declared that he was a personal friend of Councillor O Hunter who was speaking on the application and that he regularly met with the agent for the applicant as he was involved in the Knutsford Neighbourhood Plan,, however he had not discussed the application with him.

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

In the interest of openness in respect of application 17/3208M, Councillor C Browne declared that he was formerly a member of the Energie Fitness Club over two years ago, however it did not affect his thinking in respect of the item.

Councillor N Mannion declared a pecuniary interest in application 17/3500M and item 9-Cheshire East Borough Council (Bollington - Mill Lane path to the east of Ingersley Vale) Tree Preservation Order 2017, by virtue of the fact that he was Chairman of the Bowling Club and had a major interest in the scheme and the Tree Preservation Order. In

accordance with the Code of Conduct he left the meeting prior to consideration of both items and did not return to the meeting.

In the interest of openness in respect of application 17/3208M, Councillor E Brooks declared that she used to be a member of Energie Fitness Club and she lives near the facilities where the gym was located and she was also a regular user of Lidl. In addition she also knew Town Councillor Dodson speaking on the application.

It was noted that all Members had received correspondence in respect of applications 17/3208M, 17/3500M and 17/4264M and that they all knew Councillor O Hunter.

82 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 17 January 2018 be approved as a correct record and signed by the Chairman.

83 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

84 17/3208M-ERECTION OF REPLACEMENT CLASS A1 RETAIL STORE, ASSOCIATED CAR PARKING AND SERVICING AREAS, RELOCATION OF ELECTRICITY SUB-STATION, LANDSCAPING AND ASSOCIATED WORKS FOLLOWING DEMOLITION OF EXISTING RETAIL STORE AND NEIGHBOURING FITNESS CLUB, LIDL STORE AND ENERGIE FITNESS CLUB, SUMMERFIELD VILLAGE CENTRE, DEAN ROW ROAD, WILMSLOW FOR MISS F HEELEY, LIDL UK GMBH

Consideration was given to the above application.

(Councillor B Burkhill, the Ward Councillor, Richard Armstead, an objector, PCSO 22578 Kerry Hancock, a supporter, Diana Stenson, a supporter and Chris Smith, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred in order for further discussions to take place with the applicant regarding a reduction in the size of the building alongside appropriate conditions regarding the sales floor space and to discuss how the parking standards could be met.

(During consideration of the application, Councillor H Gaddum arrived to the meeting. In accordance with the Code of Conduct she did not take

part in the debate or vote on the application. Prior to consideration of the following item, Councillor H Gaddum declared that in the interest of openness she knew all of the Ward Councillors speaking on all of the applications on the agenda as colleagues and that she knew John Knight and Kate McHale speaking on application 17/3500M).

85 **16/2096M-TELECOMMUNICATIONS INSTALLATION AND ASSOCIATED WORKS (NTQ REPLACEMENT), ENDON QUARRY, WINDMILL LANE, KERRIDGE, BOLLINGTON FOR WHP, EE & 3G UK LTD**

Consideration was given to the above application.

RESOLVED

(Councillor J Nicholas, the Ward Councillor and Paul Mouat, an objector attended the meeting and spoke in respect of the application).

That the application be refused for the following reason:-

(1) Adverse landscape and visual impact, impact upon Conservation Area and setting of Listed Buildings (SD2, SE4 and SE7).

The Committee requested that an informative be included to state that a revised tree design would be encouraged in any resubmission.

(This decision was contrary to the Officer's recommendation of approval. Councillor S Gardiner requested that the minutes state the decision to refuse the application was unanimous).

86 **17/4264M-DEMOLITION OF FORMER PUBLIC HOUSE AND REDEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES, INCLUDING LANDSCAPING AND ASSOCIATED WORKS, THE ELMS, PARK LANE, PICKMERE FOR MR MOSS, THISTLEWOOD PROPERTIES (PICKMERE) LIMITED**

Consideration was given to the above application.

(Councillor O Hunter, the Ward Councillor and Bill Davidson, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

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

1. Time Limit
2. Plans

3. Details of materials, including windows, doors and rainwater goods
4. Details of boundary treatments
5. Breeding birds
6. Features for roosting bats and breeding birds
7. Landscaping scheme for soft and hard landscaping to include details of how the footpath will be separated from residential properties
8. Landscape implementation
9. Prior to first development, site access visibility splays should be provided in accordance with the details illustrated in SKTP drawing number SK21774-01; any foliage or other obstruction falling within the visibility splay should be cut back / re-planted behind the visibility splay or maintained at / not exceed 0.6m in height relative to the level of the site access.
10. Prior to first occupation the refuse bin storage area illustrated in Bowker Saddler Architecture drawing number 112 revision C, should be provided for the temporary storage of refuse bins on collection days.
11. The development shall be carried out in strict accordance with the Arboricultural Statement (Cheshire Woodlands Ref CW/8933-AS dated 9th January 2018) and Tree Protection Plan (Cheshire Woodlands CW/8933 – P-TP dated 9th January 2018).
12. No tree removal
13. The development hereby permitted shall not commence until a full detailed drainage strategy detailing on and off site drainage works along with flood water exceedance routes, both on and off site has been submitted to and approved in writing by the LPA. The strategy shall include a detailed maintenance regime of the proposed system. The strategy shall be implemented in accordance with the approved details before completion of the development. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.
14. No development should commence on site until such time as detailed calculations showing the effects of a 1 in 100 year rainfall event plus 30% allowance for climate change to support the chosen method of surface water drainage have been submitted to and agreed in writing by Cheshire East Council both as Planning Authority and Lead Local Flood Authority (LLFA). The development shall be carried out in strict accordance with the approved scheme.
15. Piling condition
16. Site specific dust management plan
17. Electric Vehicle charging points
18. Phase I and II Preliminary Risk Assessment to be submitted
19. Imported soils to be tested
20. If contamination is found to be present, this shall be reported to the LPA
21. Construction Management Plan
22. Broadband connection to be made available
23. Windows to be obscurely glazed as shown on the plans
24. Existing and proposed land levels to be submitted

25. Removal of permitted development rights for walls and fences
26. Removal of permitted development rights for side extensions to plots 1, 2 and 4
27. Landscaping management plan to be submitted

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

Notice.

(The meeting adjourned from 1.25pm until 2pm for lunch. During consideration of the application, Councillor E Brooks left the meeting and did not return).

87 17/3500M-RESERVED MATTERS APPLICATION FOLLOWING OUTLINE APPROVAL 15/2354M - DETAILS OF APPEARANCE OF THE PROPOSED 11NO. 2.5 STOREY TOWNHOUSES AND 1NO. 2 STOREY DETACHED HOUSE. DETAILS OF LANDSCAPE LAYOUT AND MATERIALS, BOWLING GREEN, INGERSLEY VALE, BOLLINGTON FOR CHRIS BOWMAN, INGERSLEY CRESCENT LTD

Consideration was given to the above application.

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

RESOLVED

That the application be refused for the following reasons:-

- (1) The proposal will have an unacceptable impact upon the amenity of the occupiers of 3 Rainow Mill Cottages as the rear windows in plots 11 and 12 will overlook habitable room windows of this neighbouring property as well as overlooking the external amenity space. Therefore the proposal is contrary to Policies DC3 and DC38 of the Macclesfield Borough Local Plan.
- (2) The suburban appearance of the proposed dwellings by way of the design of the fenestration and the garage doors combined with the inadequate landscape scheme which fails to retain sufficient length of the stone retaining wall, and fails to adequately replace lost trees are at odds with the rural location of the site to the detriment of the character and appearance of the area in general and the adjoining

Bollington Conservation Area. Therefore the proposal is contrary to Policies SE1, SE4, SE7 and SD2 of the Cheshire East Local Plan Strategy and Paragraphs 56, 57, 61 and 64 of the National Planning Policy Framework.

- (3)) The Head of Planning (Regulation) shall consult the Chairman of the Northern Planning Committee in conjunction with Councillor H Gaddum, the Ward Councillor regarding the precise wording of the reasons for refusal.

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

(This decision was contrary to the Officer's recommendation of approval).

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

Consideration was given to the above Order.

(Kate McHale, a support attended the meeting and spoke in respect of the application).

RESOLVED

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

89 PLANNING APPEALS

Consideration was given to the above report.

RESOLVED

That the report be noted.

The meeting commenced at 10.00 am and concluded at 4.15 pm

Councillor G M Walton (Chairman)

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Application No: 15/1683M

Location: LAND OPPOSITE, Lowerhouse Mill, ALBERT ROAD, BOLLINGTON

Proposal: Development of 30 new houses including 9 affordable houses, landscaping, landscape buffer zone, flood mitigation and ground works, roads, associated highways and infrastructure.

Applicant: Johnson Mulk, Prospect GB

Expiry Date: 10-Jul-2015

SUMMARY

At the heart of the adopted Cheshire East Local Plan Strategy (CELPS Policy MP 1 refers) and the National Planning Policy Framework is a presumption in favour of sustainable development. Policy states that decision takers should be approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise.

The principle of developing the site for residential purposes has already been accepted in a previous resolution and therefore whilst the Council can now demonstrate a 5 year housing land supply, the development of this site for housing has already been included within these calculations, albeit with a higher number of 32. The key issue for Members to consider is whether or not in light of additional flood risk information and local concerns regarding flooding as well as the recently adopted CELPS, the Council should proceed to grant planning permission subject to a s106 legal agreement.

There is an environmental impact in the locality due to the development taking place on a green field, however, the proposal falls on land which is allocated for employment uses and appeals on this site and the land opposite have been allowed and development has been found to be acceptable.

It is considered that a scheme for housing would fall in line with policies contained within the NPPF and the Development Plan. The principle of developing land, which is allocated for employment purposes, has been established. It is considered that housing on the application site will also have a more positive impact on the local area than industrial development.

The proposal would satisfy the economic and social sustainability roles by providing market and affordable housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal (as amended) would provide policy compliant levels of affordable housing, and contributions to public open space. In addition, it would also provide appropriate levels of public open space both for existing and future residents.

Local concerns of residents are noted, particularly in respect of highway matters and flood risk, but the impacts are not considered to be 'severe' under the NPPF tests. The impact from a residential scheme would be less than that of a commercial one in highways terms and the

proposal would not increase the risk of flooding elsewhere (subject to mitigation). Further, the sequential and exception test when considering proposals in Flood Risk Zone 3 have been satisfied and the built form would not occupy land falling within the functional flood plain (Flood Zone 3b).

The design is considered to be appropriate as is any impact on amenity. Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology. The scheme represents a sustainable form of development that is in accordance with the Development Plan and therefore the resolution to grant planning permission should proceed subject to updated heads of terms.

RECOMMENDATION

Approval subject to conditions and completion of a S.106 Agreement.

BACKGROUND

At the meeting of the Northern Planning Committee on 4th November 2015, Members resolved to approve this application subject to conditions and a Section 106 Agreement. The s106 agreement was to secure:

- 30% Affordable Housing (i.e. 10 units as proposed);
- A contribution of **£75,924** towards primary education;
- Provision of **£32,000.00** towards Public Open Space

Since this resolution was made, work has been progressing on the drafting of the s106 agreement. However, in addition, the Council has been made aware of local flooding issues in the area generally and on this basis, undertook to review this application and resolution in light of further flooding information.

It is also important to note that there have been a number of material changes in policy position and so in undertaking a review of this resolution, the proposal has been reconsidered in light of the newly adopted Cheshire East Local Plan Strategy.

Largely, the proposal remains unchanged from that which Members resolved to approve, save for the submission of additional Flood Risk information which has been reviewed by the Council's Flood Risk Team, the Environment Agency and United Utilities and some amendments to the layout. The following report follows a review of the application which Members considered back in November 2015.

DETAILS OF PROPOSAL

This application seeks full planning permission for the construction of 30 residential units, comprising of 17 detached dwellings and 11 semi-detached dwellings and 2 apartments. The application would also include 10 affordable dwellings. All properties would be provided with off street parking spaces. The detached and semi detached properties would all have private gardens.

It should be noted that when the scheme was first submitted, it was for 38 units. However, revised plans were subsequently received, which saw the number of dwellings reduced from 38 to 30 as well as an amendment to the location of the area of formally equipped play (which would measure 633 sq. m), so as to link in with the area secured under application 14/3844M on the land opposite and increased separation distances between the dwellings.

SITE DESCRIPTION:

The application site consists of predominantly flat agricultural grassland surrounded by mature hedgerows. The site measures approximately 3.13 hectares in size. The central section of the site is, in part, characterised by elongated and rectangular mounds of top soil, scraped from the rest of the site a number of years ago.

To the south, it is bounded by industrial buildings, which form Slater Harrison. The road to the west of the site terminates at the Council's Household Waste Recycling Centre. To the north of the site is the River Dean, with open countryside beyond it.

Access to the site is taken from Albert Road.

It should be noted that residential development has been granted on the land opposite (application 14/3844M) for 33 dwellings in January 2015. Beyond this, the closest residential properties to the application site lie on Woodlea Drive and are two storey detached properties.

The site is allocated as an existing employment area in the Macclesfield Borough Local Plan and the part of the site to the east falls within the Green Belt. Parts of the site fall within Flood Zones 2 and 3 of the Environment Agency's flood map.

RELEVANT HISTORY:

- 09/3836M Erection of 3 no detached industrial buildings divided into 16 no. small units with associated parking and landscaping (renewal of 06/2355p) – Approved 3rd February 2010
- 06/2355P Erection of 3no detached industrial buildings divided into 16no small units with associated parking and landscaping – Approved 27th November 2006
- 05/0270P Renewal of application 99/2296P for industrial development (B2 usage) – Approved 29th March 2005
- 99/2296P Industrial development (B2 usage) revised scheme – Refused 10th January 2000 – Appeal Allowed 21st July 2000
- 99/0695P Industrial development (B2 usage) – Withdrawn 16th June 1999

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs:

- 14 Presumption in favour of sustainable development
- 50 Wide choice of quality homes
- 56-68 Requiring good design
- 69-78 Promoting healthy communities
- 94 Flood risk
- 100 Flood risk
- 103 Determining planning applications and flood risk

Development Plan:

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

The relevant Macclesfield Local Plan Saved Policies are considered to be: -

Built Environment

BE2 – Historic Fabric

Development Control

DC3 – Amenity
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC35 – Materials and Finishes
DC36 – Road Layouts and Circulation
DC37 – Landscaping
DC38 – Space Light and Privacy
DC40 – Children’s Play Provision and Amenity Space
DC41 – Infill Housing Development
DC63 – Contaminated Land

Employment

E4 – General Industrial Development

Environment

NE11 – Protection and enhancement of nature conservation interests
NE17 – Nature Conservation in Major Developments

Recreation and Tourism

RT5 – Open Space

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

Cheshire East Local Plan Strategy – Adopted Version (CELP)

The following are considered relevant material considerations of the adopted Local Plan Strategy:

- PG3: Green Belt
- MP1: Presumption in favour of sustainable development;
- PG7: Spatial Distribution of Development;
- SE1: Design;
- SE2: Efficient Use of Land;
- SE3: Biodiversity and Geodiversity;
- SE4: The Landscape;
- SE5: Trees, Hedgerows and Woodland;
- SE6: Green Infrastructure;
- SE7: Heritage Assets
- SE9: Energy Efficient Development;
- SE12: Pollution, Land contamination and land instability;
- SE13: Flood risk and water management;
- EG3: Existing employment sites;
- IN1: Infrastructure
- IN2: Developer Contributions:
- SC4: Residential Mix
- SC5: Affordable Homes
- SD1: Sustainable Development in Cheshire East;
- SD2: Sustainable Development Principles; and
- CO1: Travel Plans and Transport Assessments.

Bollington Neighbourhood Plan:

The Bollington Neighbourhood Plan has been submitted for independent examination (Regulation 17 stage). The examiner's report has not yet been made and therefore the plan is not yet part of development plan. As such, the weight to be afforded to it is limited at this stage. However, the relevant policies are considered to be:

Housing Policy HO.P2 – Housing location

Housing Policy HO.P3 – Type of housing

Housing Policy HO.P4 – Design of housing

Housing Policy HO.P5 – Parking provision for new dwellings

Employment and Business Policy EB.P1 – Regeneration of existing employment land

Employment and Business Policy EB.P3 – Encourage the growth of home-based businesses

Open Space Policy EOS.P2 – Maintenance of Open Space allocations

Green Belt Policy EGB.P3 – Development in the Green Belt

Natural Environment Policy ENE.P1 – Natural Environment Policy

Natural Environment Policy ENE.P2 – Maintenance of views

Natural Environment Policy ENE.P3 – Provision of Landscape Plan

Natural Environment Policy ENE.P4 – Footpaths, Quiet Lanes and Bridlepaths

Moving Around Policy MA.P1 – Improve safety and efficiency of moving around

Moving Around Policy MA.P2 – Parking provision

Supplementary Planning Documents:

The following Supplementary Planning Documents (SPDs) have been adopted and are a material consideration in planning decisions (within the identified former Local Authority areas):-

Cheshire East Strategic Flood Risk Assessment (2013)
Strategic Housing Market Assessment (SHMA)
SPG on Section 106 Agreements (Macclesfield Borough Council)

CONSULTATIONS (External to Planning)

HIGHWAYS:

The Head of Strategic Infrastructure (Highways) raises no objections to the proposals. There is one point of access to the site. The technical designs of the access points are acceptable and adequate visibility has been provided at the junction. The parking provision for the residential units within the site meets current standards.

ENVIRONMENTAL PROTECTION:

No objection subject to conditions relating to hours of operation, dust control, floor floating, pile driving and contaminated land.

A noise impact assessment has been carried out to gauge the impact between the commercial/industrial uses. The EHO had concerns of the proximity of the houses and gardens to odour sources and recommends bunding (with a fence on top of a mound) to the southern boundary.

This site is within 250m of a known landfill site or area of ground that has the potential to create ground gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A gas risk assessment has been undertaken and the results provided. Although the report shows that there are not significant quantities of gas present on the application site, further gas risk assessment is required as currently the monitoring is insufficient. The Contaminated Land Officer recommends that a condition can be attached to ensure that a Phase II investigation is submitted for approval and any recommended remediation is carried out on site.

UNITED UTILITIES:

No objection subject to a condition relating to the submission of a scheme for the disposal of foul and surface waters for the entire site.

STRATEGIC HOUSING:

No objection.

PUBLIC RIGHTS OF WAY:

The Public Rights of Way Officer raises no objections to the proposed development. The Public Right of Way Officer advises that the site lies adjacent to public footpath No. 47 Bollington. It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations.

ENVIRONMENT AGENCY (EA):

No objection subject to conditions and informatives relating to the following:

The development shall be carried out in accordance with the approved and updated Flood Risk Assessment and the mitigation measures detailed within, which includes:

- 1. Provision of compensatory flood storage, on the adjacent land to the east of the proposed dwellings*
- 2. Finished floor levels of proposed dwellings are set no lower than 600mm above the relevant 1 in 100 year plus climate change fluvial flood level*
- 3. Finished levels of proposed access roads, parking areas, footpaths are set no lower than 300mm above the relevant 1 in 100 year plus climate change fluvial flood level*

The EA previously reviewed the Preliminary Risk Assessment with respect to potential risks to controlled waters from land contamination. The site is situated in a sensitive location with respect to controlled waters. The report provided indicates that the site has potentially been subject to significant previous contaminative land, which may be potential sources of contamination to Controlled Waters in the vicinity of the site. An off-site historic landfill has been identified adjacent to the northern site boundary in close proximity to the site and industrial use has been identified adjacent to the southern site boundary. Planning permission should only be granted with a condition which requires a scheme of foul and surface water to be submitted to prevent pollution of the water environment and controlled waters.

FLOOD RISK MANAGER:

No objection subject to conditions that the proposed development is carried out in accordance with the submitted flood risk assessment and a number of mitigation measures, the submission of a drainage strategy and the submission of details of a cut and fill exercise.

EDUCATION:

This development will generate 7 primary and 6 secondary aged pupils.

The primary schools within a 2 mile radius of the site are forecast to have a shortfall of 25 places by 2019, and therefore a contribution will be required for those pupils generated by this development. $7 \times 11919 \times 0.91 = \text{£75,924}$.

There is forecast to be 130 surplus places in the local secondary schools and therefore, no sum is required for Secondary school places.

GREENSPACES (ANSA):

The Green Spaces Officer initially raised concerns with the location of the formal equipped play area, however, revised plans showed this to be in a far more favourable location.

A commuted sum for offsite Recreation Open Space provision will be required. The amount for 30 family units would be £30,000 based on the original comments provided by ANSA.

REPRESENTATIONS

The planning application was originally advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice. Following the receipt of further flood risk information, a further consultation was carried out.

Approximately 7 letters of objection were received from local households in response to the original consultation. Only 5 further representations have been made following the re-consultations, one of which states that if the Council proceed with the grant of planning permission, then an application will be made to Judicially Review the decision.

The objections are summarised as follows: -

Access/traffic

Housing traffic demand is very different to employment demand and will contribute massively to peak traffic levels. Peak times are the biggest issue with Albert Road and must not be increased further or gridlock will occur. Not a good state of affairs when the unmanned fire station is located on the road and the firemen need to get to the fire station before the engine can leave.

The access to the site can only be described as potentially dangerous with traffic congestion at various and frequent times of the day both on Albert Road and Moss Brow. The safety of school children, parents, runners, walkers and cyclists, not to mention, the maximum possible access for the fire station in any emergency situation needs taking into account.

The parking on Albert road on the bend near the Mill adjacent no 11 Ridley Road is causing increased difficulty in safely pulling out of Ridley Road and an increased traffic flow would make this problem worse.

Flood risk

This land floods regularly. Last time the river flooded, it flooded it removed all evidence of the Sandmartins, which nested in the banks. It is crucial that the Sandmartins be allowed to return to this long established site even if the wildlife officer could find no evidence of the nests, which had been washed away in the floods. They have nested here every year since records began.

Are the properties in the flood plain, as they are clearly only metres away from the source of the flood plain, i.e. the stream? After a heavy nights rain, the stream had risen to within 6 inches of the bridge, (a rise of approximately 24 inches,) so what we wonder after three days heavy rain..... residents are sure this matter is under consideration and the implications it may have on existing flood plain levels and to unsuspecting purchasers of new houses on what neighbours earlier property searches suggests is a flood plain.

There is in several places along the stream banks evidence of flood debris well above the bridge height.

The area is a precious habitat that supports badgers, water voles, bats, barn owls, kingfishers and sand martins. Changes to the river made elsewhere in Bollington have already affected detrimentally the nesting sites for sand martins so further changes that put this and other species at risk must not be made.

The proposal does not accord with the recommendations made by the Macclesfield Borough Strategic Flood Risk Assessment. Excerpts from the Macclesfield Borough Strategic Flood Risk Assessment are included which reference the sequential test and exception rules and the duty of the authority to correctly consider flood risk in Flood Zones 2 and 3.

The proposal would result in development within the flood plain and there are sequentially preferable sites elsewhere in the borough. The sequential and exceptions tests are not met.

Loss of employment land

The applicant claims that the site has not been developed and as such should be removed from employment land. The situation is that in an economic downturn employment land will not be developed but will be saved for the future. Also, with development of several key employment sites within Bollington (Kay Metzeler and the canal side timber site) it is debatable if there is enough employment land in Bollington.

The new Cheshire East Plan makes particular reference to the importance of employment land and states that 27 hectares are needed to keep pace with growth in the economy. This beautiful green field was previously designated as employment land and should be retained as such if it is to be developed at all. At least then its new use will remain in keeping with the location's industrial heritage.

In keeping

It appears that the style and layout of the proposed development is not in keeping with that of what is a settled and harmonious area.

Other matters raised

This site should be reviewed as part of the Neighbourhood Plan.

These house are being built adjacent to the refuse/recycling tip. One resident is sure that any future residents will complain of noise, smell, and traffic at the weekend

The area under consideration is quite a unique flood plain been of some fertile grassland, wooded and natural river formation, and all the bugs, birds etc. that live there, and of course the amount of daily visits to the net work of footpaths that grace this area, used and enjoyed by numerous dog walkers, naturists, walkers and visitors alike. One proposal is to preserve this area in perpetuity for the people of Bollington, and visitors, as a park in similar fashion to the Bollin Valley.

One resident puts forward that the prevailing economic demand and conditions of the time of the original planning no longer exist.

It is generally agreed that Lowerhouse is an area of architectural and historic significance (Greg Mill, workers cottages, school and library etc.) and notwithstanding the development in question, it is only a matter of time before it is elevated to conservation status (to be included in the local plan). To put up a modern housing estate in this location will be an insult to the concept of this status. This point is especially pertinent now that the importance of Bollington's industrial Heritage has been confirmed by Cheshire East Council.

New occupants will need healthcare and the children will need schooling. Do the Bollington Health Centre, the 4 primary schools and Tytherington High School have sufficient extra capacity to accommodate new patients and pupils? If not, the proposal should be rejected.

Any conditions applied to the other side of the road should be applied including those included by the planning inspector when the appeal occurred.

Following the submission of revised plans, further neighbour consultation letters have been posted. At the time of preparing the committee report, no further comments had been received from residents.

VIEWS OF THE TOWN COUNCIL

Bollington Town Council originally recommended the application for refusal on the following grounds: -

1. Potential flooding and compounded drainage issues for surface and foul water.

The Town council's view is that this land should be left to fulfil its important purpose as a flood plain and at the very least no permission be given until the issue of effective mitigation measures have been fully resolved on the application site and the adjacent site.

2. Traffic flows.

It is simplistic to use the argument that the 38 new houses on the proposed site will generate less traffic than the employment approved in the 1970's but not implemented. Since this application was granted we have seen very large increases in car ownership. Bollington has also seen vastly increased use of cars not least on school runs.

It is the Town Council's and the local community's view that no permission should be granted for this proposed development until there has been a full analysis of traffic impact taking into account the impact of the 34 homes approved under 14/3844M.

The Council and the community are also concerned that the proposed development threatens the long term sustainability of Bollington's Recycling Centre which is a major resource for the Bollington Community and its surrounding residents. The proximity to the Household Waste Site could give rise to pressure from the new residents to close the site.

3. Loss of Employment Land

The land is currently designated for employment purposes and is a logical continuation of the employment opportunities provided by Lowerhouse Mill and the adjacent units. It has been stated many times by the Town Council to Cheshire East that employment land in Bollington is being replaced by housing. The latest supplementary work for Cheshire East's Local Plan resubmission has identified an increased need for employment land of 27 hectares and the continued loss of such land in Bollington undermines Bollington's position as a sustainable working community. It should also be noted that National Planning Policy recommends that in flood prone areas development for employment is preferred rather than housing.

In terms of the history of this site and the apparent lack of demand for employment, the Town Council's view is that such marketing has not been active enough, particularly over the last 5 years. Bollington Town Council has evidence of local companies being unable to find suitable sites in Bollington to relocate or expand into and are left with no choice but to move outside Bollington. Bollington's only business park is the Bailey Business Park. This is relatively small and fully occupied. We are currently in the process of visiting all our 360 local businesses as part of our Neighbourhood Plan process to understand their needs for growth and the above message is coming through, for example from our local Joinery business, our brewery and our tyre depot all of which have already, or may in future be forced to relocate.

4. Vital Heritage Issues

Lowerhouse is the repository of the legacy of the Greg family centred on the work of Samuel Greg between 1832 and 1847 and subsequently by his brother Robert and younger Greg family members who donated Bollington the recreation ground and the Greg Fountain, scene of the first Well Dressing Bollington in 2005. Lowerhouse Mill currently stands out in the landscape in this area.

An estate of modern houses backing up against the Mill, which is a listed building, will severely diminish the buildings stature and position in the Neighbourhood.

Many people will know that the Civic Society for a number of years has advocated a Conservation Area at Lowerhouse to protect the important Greg legacy in architecture and history.

Cheshire East have commissioned Arup to provide a report which is designed to assess issues such as the Green Belt and cultural heritage and legacy in Cheshire East. That report recognises the need to re-invigorate the importance of heritage and legacy in Cheshire East and specifically recognises the importance of Bollington's industrial heritage in that context.

The Town Council objects to this application on the grounds that it will demean and diminish the impact of that heritage in Bollington.

5. Bollington is in the midst of creating a Neighbourhood plan.

Cheshire East Council has approved Bollington's Neighbourhood Plan declaration and is supporting us with consultancy time from Cheshire Community Action and expert planning advice. Bollington Town Council has a group of 42 committed community volunteers, a steering group and five active sub groups and are well into the process of consulting everyone 16 years and over in Bollington regarding their views on how Bollington should develop over the next 15 years. This includes where development should take place and what that should be.

Bollington Town Council understand that Bollington cannot stand still but in accordance with the ethos of neighbourhood planning Bollington Town Council feel that developments such as that proposed should be part of the Neighbourhood Plan process. Bollington's plan process will be robust, professional and inclusive of the views of all parties including developers.

Bollington understands Cheshire East's housing growth needs and Bollington will continue to play its part. However, Bollington already have over 200 homes being built or in the pipeline all of which have been built on former employment sites. Bollington Town Council feels that very soon Bollington will be looking at employment growth and the best land for employment will have gone.

The Town Council recommends that Cheshire East refuses or defers this application until Bollington's Neighbourhood Plan can provide proper evidence of employment need, housing affordability and our land allocation process within the Plan can balance these needs with the needs for open space, protecting Bollington's heritage and Bollington's future as a sustainable town rather than a dormitory of Macclesfield.

Following the additional information that has since been submitted, Bollington Town Council have further commented as follows:

"The Town Council notes that the plans, as submitted, show less homes than described in the planning application i.e. 29 houses including 9 affordable. The Town Council objected in June 2015 to the outline application which was subsequently granted. However, the Council remains very concerned with the issues raised in that submission which include the potential for serious flooding of the site, the changes in our weather which renders 100 year predicted flood levels very suspect and the adjoining development which will also challenge the capacity of the flood plain on which this development will also sit. Traffic access to the development via Albert Road and Moss Brow is also a major issue. It is accepted that this application is for less homes, and that the die is already cast in terms of the extent outline permission, however, it is imperative that Cheshire East Council Flood Officer is very rigorous in ensuring that the flood defence measures provided will prevent these homes being flooded. The site on the other side of the Household Waste Access Road includes flood measures which include raising the ground on which the homes sit and tanks to retain water and slowly release it to mimic the action of the former flood plain. The Town Council asks that no less comprehensive measures are applied to this application site and the impact on the flood plain of that adjacent site is taken into account in these measures. The Town Council is also concerned regarding the reduction in affordable properties to 9 (according to the plan) from the original 11. Bollington needs affordable properties. The comment from your own Housing Strategy Manager, Vikki Jeffrey, is also noted in that they are not pepper potted within the development but are all

contained at one end of the site. Also, that they are all 2 and 3 bedroomed houses and because of local housing need should be 1,2 and 3 bedroom general needs dwellings with provision via either flats, cottage style flats or bungalows for 2 bedroom older person accommodation. Because of this, Town Council **objects to the application** as submitted.”

OFFICER APPRAISAL

The key issues to consider in the determination of this application are:

- Principle of the Development;
- Loss of land allocated for Employment purposes;
- Affordable Housing;
- Impact on open space;
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Flood risk
- Environmental Health; and
- Other Material consideration or matters raised by third parties

Principle of the Development

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

The site lies adjacent to the settlement boundary and Predominantly Residential Area of Bollington and occupies part of an existing employment area as designated in the Macclesfield Borough Local Plan. The eastern portion of the site extends into the Green Belt although this part of the site would remain undeveloped and would serve as a flood storage / compensation area. The area of the site within the Green Belt would remain in agricultural use and accordingly, the proposals would not constitute inappropriate development in the Green Belt.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted. This advice is reflected in the newly adopted Policies MP 1, PG 7 and SD 2 of the Cheshire East Local Plan Strategy (referred to hereinafter as CELPS) which seek to direct residential development to sustainable locations.

Specifically, CELPS Policy MP 1 states that the Local Planning Authority “will always work proactively with applicants to find joint solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area”.

The site is located within a sustainable location by virtue of its proximity to shops and services within Bollington as it adjoins the settlement boundary of Bollington. It is considered that the development of this site would make effective use of the land without the built form encroaching into the surrounding Green Belt and would make a contribution to the Council's 5 year housing land supply in the context of this Local Service Centre. CELPS Policy PG 7 states that 'Local Service Centres, of which Bollington is identified as, between them are expected to accommodate in the order of 7 hectares of employment land and 3,500 new homes.

The site is allocated as an existing employment area where policy E4 (which normally permits Use Classes B2, B8, B1b and B1c) applies. Furthermore, CELPS Policy EG 3 much like the legacy Policy E1 seeks to retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, there are a number of relevant material considerations when considering the proposed loss of employment land. These are:

- Replacement of a potentially unneighbourly use to nearby residents, including those on the land opposite which has already been considered acceptable for residential development.
- HGV's associated with the allocated use would be removed from the highway.
- The site is vacant and is unlikely to come forward for employment development.
- The proposed scheme provides a good mix of housing types 30% of which are to be affordable.
- Some on-site public open space would be provided.
- Provision of family-sized and smaller homes in Bollington.
- The site is in a relatively sustainable location. The site has good access to the major road network (Wellington Road) and a bus service. Shops and schools are in walking distance.
- The Council has already accepted (in already resolving to approve this application), that the site is suitable for residential development and will not contribute to the Council's employment land.

Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential development on this site is acceptable (as already accepted) in this location and that a case to retain employment land would not be sustainable. This is considered in more detail below.

Loss of Employment Land

CELPs Policy EG 3 seeks to retain employment land for employment purposes. However, EG 3 also accepts that it may not be possible to retain land for employment purposes where they are causing 'significant nuisance or environmental problems or are no longer suitable or viable for employment uses'. This aligns with Paragraph 22 of The Framework states that:

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

The land at Albert Road has been allocated for employment use since 1997 and despite obtaining consent; it has never come forward for development. The Employment Land Review considered this site in Appendix E1 (page E1-123). It noted that the site had zero prominence, had been actively marketed for rent or for sale, had access constraints and flooding constraints. Other barriers to delivery of employment development included market conditions and the size of the market.

This suggested that the site was not a prominent site in an attractive location for business as well as having some constraints to its development. The 'Market Attractiveness' section (completed by Colliers CRE) of the site pro-forma in the Employment Land Review suggested that residential use would seem a logical use for the site.

The employment land lost at Tytherington Business Park was intended for a completely different market sector (serviced offices) and it is not considered that the loss of that employment land increases the likelihood of the land at Albert Road being developed.

The following is a list of large employment sites in the former Macclesfield Borough where employment land is available:

- Tytherington Business Park
- Lyme Green Retail and Business Park
- Hurdsfield Industrial Estate
- Adlington Park
- Poynton Industrial Estate
- South Macclesfield Development Area
- Stanley Green Industrial Estate, Handforth

Whilst the recent adoption of the Cheshire East Local Plan Strategy has identified that more employment land is required in Cheshire East as a whole, this needs to be of the right type, and in good accessible locations. In the context of NPPF paragraph 22 and CELPS Policy EG 3, on the evidence to date, it would be difficult to argue that there is a reasonable prospect of the site being used for employment purposes and therefore be protected for such use. It is also important to note that the Cheshire East Local Plan Strategy has been adopted in the knowledge that this site would be released for housing and not retained for employment use.

Housing Land Supply

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

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

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

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

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

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

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

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

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

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

Whilst the Council can now demonstrate a 5 year supply of land for housing, it is important to note that the resolution to approve this site for the construction of 32 dwellings has already been included as a commitment within the Council's housing land supply calculations and therefore already forms part of the Council's identified 5 year supply. As amended, this proposal will reduce this number by 3. It is important to keep the supply rolling and given that Bollington is one of thirteen Local Service Centres identified in the adopted CELPS, the proposal is assisting in relieving pressure on other edge of settlement sites and the Green Belt.

SOCIAL SUSTAINABILITY

Affordable Housing

Policy SC 5 of the CELPS states that in Local Service Centres, developments of 11 units or more will be required to provide 30% affordable housing provision. The preferred tenure split for affordable housing identified in the SHMA 2013 was 65% social rented and 35% intermediate tenure and remains the case for this site.

The site falls within the Adlington, Prestbury and Bollington sub-area for the purposes of the SHMA update 2013. This showed a net requirement for 15 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 1x 1bed, 11x 2bed and 1x 4+bed general needs units and 2x 1bed older persons accommodation. In addition to this, information taken from Cheshire Homechoice shows there are currently 98 applicants who have selected the Bollington lettings area as their first choice. These applicants require 57x 1 bed, 25x 2 bed, 13x 3 bed and 3x 4 bed units.

This application includes 9 affordable units, which would equate to 6 to be provided as social / affordable rent and 3 to be provided as intermediate tenure. Following concerns expressed by the Council's Strategic Housing Officer, the size of the affordable units has been amended to show 1 bedroom housing via cottage style flats. Also the 2 bedroom affordable units are designed to accommodate older persons as its has been confirmed that they will be Lifetime Homes Standard compliant. As such, the Council's Strategic Housing Officer has confirmed that the affordable housing provision of this site is acceptable, as is the type, tenure and location.

Open Space

Public Open Space (POS)

The POS requirement at a rate of 40sqm per dwelling will be 1,200 sqm of play and amenity open space.

It is noted from the application that it is proposed to provide this on site as part of the development. Although formal comments were awaited from the Greenspaces Officer, it is understood that the applicant had liaised with the Greenspaces Officer and the proposals were generally acceptable and remain so. A detailed design scheme for the POS will be required as will a S106 agreement.

If insufficient POS is provided on site, a commuted sum for offsite provision will be required.

Clarification has been sought from the applicant as to how the applicant proposes the onsite open space to be managed. It is a requirement that the open spaces be provided in perpetuity and measures taken to ensure this. The Council may consider accepting transfer of the open spaces with the required 15 year commuted sum for maintenance. This matter will need to be agreed prior to the completion of the S106 agreement. If the applicant intends to retain the POS provision then a landscape management plan will need submitting prior to consent.

Recreation & Outdoor Sport (ROS)

A commuted sum for offsite ROS provision will be required. The amount for 30 family units would be £30,000. In the absence of any further comments from the Green Spaces Officer (ANSA), this figure is deemed to remain sufficient. The commuted sum will be used to make additions, improvements and enhancements to existing Recreation and Outdoor Sport (pitches, courts and greens) provision in Bollington. The commuted sum will be used at Bollington Recreation Ground and/or Bollington Cross. The spend period will be 15 years.

ENVIRONMENTAL SUSTAINABILITY

Design, Character and Appearance

The main public view would be from Albert Road from car borne residents who would be visiting the Council's Household Waste Recycling Centre, or residents/visitors to the recently approved site opposite and on foot by people accessing the local footpath network. Glimpses of the site would be visible at long range view from residents on Woodlea Drive, however, views will be largely screened by the adjacent residential development to the west.

With respect to the proposed layout, the development would be served by one point of access taken off Albert Road located roughly 22 metres from the boundary with Slater Harrison to the south. The internal road would travel west to east into the site then would bend in a northerly direction and curve round back on it self terminating in a cul-de-sac. The northern end of the site would host a play area and open space which would be well overlooked by Plot 11 and to a lesser extent Plots 6 and 7.

Where possible, most views would terminate on active frontages. There would be instances where some flanking elevation would address the street, however, this would be offset by properties on the opposite sites directly facing the street. There would be a general mix in the size and type of units. The dwellings are proposed to be constructed in reconstituted stone with grey roof tiles and white upvc windows. It would be preferable for high quality materials to be used such as natural stone and slates, or possible man made slates on the roof. The materials can be conditioned, should planning permission be granted. The dwellings would be two-storey. The design of dwellings is considered to be appropriate to the local area.

The plans do indicate a proposed 1.8m close boarded boundary fencing to the north of the site. However, to secure a more appropriate boundary to better respect the transition with the rural area, a condition should be imposed to secure alternative boundary details. Subject to conditions, the design and layout is found to be acceptable.

Highways access, parking, servicing and highway safety:

There is one point of access to the site which would serve the 30 dwellings. The technical designs of the access points are acceptable and visibility has been provided to a satisfactory standard. The parking provision for the residential units within the site is deemed to be acceptable.

Albert Road joins the B5090 Wellington Road and is a straight road of reasonable standard. It also serves two primary schools, which causes considerable on-street parking at school times in both the morning and afternoon. There are other existing industrial premises served from Albert Road. It is also noted that consent has been granted for the 34 dwellings at Lowerhouses close to the proposal site without highway objection. The Head of Strategic Infrastructure (Highways) noted the comments on highway/traffic matters from local residents referring to traffic delays on Albert Road. There is also complaint regarding the nature of the road and its ability to carry two-way traffic and also a lack of footways.

In regard to the traffic implications of the development, a development of 30 units is not considered a major development in highway terms and is likely to generate less than 22 two way trips in the peak hours along Albert Road and Moss Brow. It has to be borne in mind that the previous industrial consent for the site would have produced a similar level of traffic on the road network but would have also included an element of HGV's. All of the development trips to and from the site would not use Albert Road, a proportion of trips will be via Moss Brow.

The access road, which concludes at the Council's Household Waste Recycling Centre measures 5.5m for the short section which would be accessed by traffic generated by the proposed development. This is suitable to cater for two-way traffic, as identified by "Manual for streets". The private drive in the NE corner will need a bin collection between the last property and the "adoptable" road to minimise walk distances for residents and refuse operatives.

It should be noted that the appeal decisions for industrial development on the application site have not found the access arrangements for industrial vehicles to the site to be inadequate.

There has been an acceptance that the land in this proposal can be developed for industrial use and this is material factor in the assessment of this application. From a highway point of view, it would be preferable if this site was residential as it would not have the HGV element of vehicle trips on the local road network. It is accepted that at peak school times there is considerable on-street parking associated with the two primary schools, although this problem is confined to relatively short times in the morning and afternoon. Considering this particular application, the quantum of development does not produce a 'severe' impact on the road network even if all trips were routed along Albert Road. The traffic associated with the site will be distributed on two routes and also only a percentage of development traffic will travel during the peak school time.

Accordingly, the Head of Strategic Infrastructure cannot recommend that there is a highway reason to refuse this application especially when industrial development has previously been approved on the site. There have been no material changes in the local highway network which would change these conclusions.

Residential Amenity

Saved Policy DC3 of the MBLP seeks to prevent development which would cause a significant injury to amenity through issues such as overbearing impact, loss of light and loss of privacy. MBLP saved Policy DC41 seeks to prevent the overlooking of existing private gardens in a housing redevelopment. MBLP saved Policy DC38 sets out the standards for space, light and privacy in new housing development.

The site is located adjacent to the River Dean and fields. The main relationship with existing buildings is that at Slater Harrison and the properties to the west. The most vulnerable properties (plots 26 and 25) would be sited at right angles to this boundary so that the side gable faces the industrial buildings. Plots 27, 29 and 30 would achieve a better separation with the adjoining buildings and the nearest plots to those adjoining the site to the west on the Rowlinson's site would broadly comply with standards. These relationships are found to be acceptable and would ensure satisfactory impacts in terms of loss of light, direct overlooking and visual intrusion.

With regard to the inward levels of amenity provided to the occupiers of the proposed new dwellings, it is considered that this broadly satisfies the amenity standards set out in the saved policies of the MBLP. However, the distance between plots 27 / 28 and 19 are less than would usually be expected. However, the windows in the front elevation of Plots 27 / 28 would serve kitchens (secondary) and bathrooms (non-habitable) and accordingly, would not raise concern's regarding direct overlooking. Taking this into account, the scheme is found to be acceptable in terms of residential amenity.

Arboricultural Implications

The application was initially supported by an Arboricultural Method Statement but not an Arboricultural Impact Assessment. The Arboricultural Method Statement indicates which trees are proposed to be retained and removed. The loss of both T1 and T5 has been accepted as part of previous revisions, with the moderate category B trees T2, 3, and 4 retained as part of the development site. The previous revision established an area of POS immediately adjacent to the previously identified trees; this has now been replaced by plot 28 & 29, with the rear elevation of plot 29 facing directly into the linear group, with plot 28 of set to the east.

The development footprint associated with plot 29 respects the root protection areas (RPA's) of the retained trees, but modified tree protection details will be required to include ground protection in order to establish adequate space for construction. Whilst construction can be facilitated post development issues in terms of an absence of a reasonable amount of utilizable garden space and reduced light attenuation are anticipated; an amount of judicious pruning will enable a greater degree of openness and improved spatial proximity to be established. Taking into consideration the moderate value of the retained trees, the Council's Arboricultural Officer has confirmed that the revised layout is considered acceptable in relation to trees.

Ecology

The Council's Nature Conservation Officer has assessed the ecological issues associated with the proposed development in respect of the following:

Grassland habitats

The majority of grassland habitats on site are of limited nature conservation value. There are however two areas of grassland located near to the River Dean which are more diverse and worthy of retention as part of the proposed development. The submitted landscape plan refers to river margins being planted up. In order to safeguard the existing nature conservation value of the river corridor, the Nature Conservation Officer has advised that the landscape proposals should state that the river margins would be safeguarded and managed appropriately. An area of 2758 square metres has been defined for amenity and species rich grassland to be maintained and managed adjacent to the River Dean.

If planning consent is granted, the Nature Conservation Officer recommends that conditions be attached to ensure no development takes place within 8m of the top of the bank of the River Dean, and that a method statement be submitted for safeguarding of the river corridor during the construction process. In addition, a condition requiring the submission of a habitat management plan would be required.

Roosting bats and trees

A single tree has been identified on site that has significant potential to support roosting bats. It appears that this tree would be retained as part of the proposed development. Consequently the proposed development is unlikely to affect roosting bats.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the proposed site entrance. Replacement compensatory hedgerow planting should be provided as part of the proposed development. This could potentially be provided around the flood alleviation area. It is considered that this replacement planting can be secured under a landscape condition.

Badgers

As with other previous surveys undertaken on this site, evidence of badger activity was present on site, but there was no evidence of a sett being present. As the status of badgers on a site can change within a short timescale, if planning consent is granted a condition should be attached requiring a further badger survey to be undertaken and submitted to the LPA prior to the commencement of the development.

River Bollin Corridor

The submitted plans include an 8m buffer adjacent to the River Bollin to allow the Environment Agency to undertake maintenance works. In order to safeguard the nature conservation of the river it must be ensured that this area is retained as semi-natural habitat free from any development.

If planning consent is granted the Nature Conservation Officer advises that two conditions would be required to safeguard the river corridor, firstly that the 8m buffer is retained as semi natural habitat and secondly that proposals are submitted for the safeguarding of this corridor during the construction phase.

Barn owls and Common Toad

The habitats associated with the river corridor have been identified as offering high quality foraging habitat for barn owls. Common Toad, a priority species, has also been recorded on site. The Nature Conservation Officer advises that the retention of the river corridor habitats described above, and the proposals within the submitted ecological report for the provision of two amphibian hibernacula, would assist in mitigating the potential impact of the development upon both barn owls and common toad.

Himalayan Balsam

This non-native invasive species has been recorded on the application site. If planning consent is granted, the Nature Conservation Officer advises that a condition should be attached requiring the submission of proposals for the eradication of this species.

Breeding birds

If planning consent is granted, standard conditions will be required to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds as part of the proposed development:

Subject to conditions, the scheme is found to be acceptable and would not materially harm species protected by law.

Environmental Health

Whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Given the nature of works involved (including the cut and fill exercise), a condition is suggested to control hours of construction works in the interest of residential amenity. A condition is also suggested in the event that piled foundations are used. A condition to control dust during construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

Due to the proximity of the proposed residential development to industrial buildings at Slater Harrison on the southern aspect of the site, a noise impact assessment was requested in order to assess any impact from the commercial/industrial uses. This recommends that a fence on top of a bund will sufficiently address any issues.

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. The transport statement submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however, it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new

vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

Land Contamination

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Report submitted in support of the application recommends that further investigation is required to address the potential for ground gas risks. The Council's Contaminated Land officer has raised no objection to the application subject to the imposition of a condition to require an additional site investigation survey and any subsequent remediation to be carried out.

Drainage Matters

A water supply can be provided and a separate metered supply to each unit will be required. United Utilities suggest that conditions are attached to ensure that no development is commenced until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.

Flood Risk

The site is located partly within Flood Zones 2 and 3 according to the Environment Agency's flood map. Flood Zone 2 is considered to have a medium probability of flooding (between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%)) whilst Flood Zone 3 has a high probability of flooding (land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%). Flood Zone 3 can be split into either Flood Zone 3a or 3b. Flood Zone 3b is classified as 'functional flood plain', which is land where water has to flow or be stored in times of flood.

The NPPF Technical Guidance includes a table / matrix (Table 3 refers) which advises on the 'flood risk vulnerability and flood compatibility' of uses dependent on the flood zone it finds itself in. Residential uses are classified as 'more vulnerable' uses. It states that more vulnerable development (including residential) are appropriate within Flood Zones 1 and 2 and is also appropriate in Flood Zone 3a subject to an exception test. It states that development for more vulnerable uses should not be permitted within Flood Zone 3b (functional floodplain).

The Local Planning Authority is responsible (in consultation with the Environment Agency) for designating Flood Zones 3a and 3b. As stated earlier in this report, the site is located partly within Flood Zones 2 and 3. Parts of the site that fall within Flood Zone 3 are within 3b, the functional flood plain according to the Council's Strategic Flood Risk Assessment (SFRA). However, the exact proportion was not quantified in the SFRA as it included a wider area and did not include the eastern extremities of this site. Accordingly, in the absence of an SFRA which covered the whole site, the advice of the Technical Guidance to the NPPF is that 'the Sequential Test will be based on the Environment Agency flood zones'.

Notwithstanding this, to better understand the likely flood risks posed by this development, the applicant has liaised with the Council's Flood Risk Team and the Environment Agency to

model and determine the exact areas of the site that serve as functional flood plain (i.e. that which would lie within Flood Zone 3b). Following this exercise and the submission of an updated FRA, it has been confirmed and agreed that the proposed areas occupied by the proposed dwellings would not occupy any part of the functional flood plain. Consequently, no part of the more vulnerable parts of the proposed development (i.e. the residential uses) would be sited within Flood Zone 3b the functional flood plain. However, there are more vulnerable parts of the development that fall within Flood Zone 3a and this will need further consideration.

Para 103 of the NPPF states that:

“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”*

In light of concerns raised regarding flood risk and drainage in the wider area of Bollington and having regard to the advice of the Framework and emerging (at that time) Local Plan Policy, the Council requested an updated Flood Risk Assessment from the applicant which identified the specific Flood Zones (as confirmed above) and went through the Sequential Test and subsequently the Exception Test if found to be necessary. These were subsequently received and have been the subject of a consultation exercise and have also been assessed by both the Council’s Flood Risk Manager and the Environment Agency.

Sequential Test

The applicant has undertaken a sequential test to site selection and has focused the search for more preferable alternative sites with a lower risk of flooding (i.e. not located within Flood Zone 3) in the Macclesfield housing market area. This approach and catchment area is deemed reasonable having regard to the size of the administrative area of Cheshire East’s borough and ensures that the sites looked at are comparable to the site subject of this application. This accords with the Environment Agency’s (EA) advice when assessing the sequential test.

In carrying out the sequential test, 6 alternative development sites of a comparable size have been identified using the Council’s Strategic Housing Land Availability Assessment (SHLAA). Four of the six alternative sites have already obtained planning approval and therefore are not available to accommodate this proposed development. The EA advice when applying the sequential test is that sites that already benefit from planning permission should be discounted. The 2 remaining sites are not available from development owing to the active uses already ongoing at both sites, one being an employment use and the second being a

care home. Consequently, they are not available nor are they achievable and therefore cannot be considered sequentially preferable to the application site.

In addition to this, the applicant has undertaken a search of sites available for sale that are presently being marketed. However, there are no such sites currently being marketed. As such, the Local Planning Authority is satisfied that the sequential test has been passed and there are no comparable sites available in the catchment area that are sequential more preferable than the site subject of this application.

An objector to the proposed development has cited 5 alternative sites that they consider are sequentially preferable to the application site. However, 4 of these sites are no longer available and are therefore discounted (Broadheath Farm, Over Alderley, Land off Middlewood Road, Poynton and Coppice Farm, Disley). The remaining 2 relate to 'Lot 2 of Land off Cow Lane, Rainow', 'Land at Smithy Green, Lower Peover (sold Subject to Contract)'. The remaining site relates to 'Lot 2 of "Land off Cow Lane, Rainow'. However, this is sited within the Green Belt and is not therefore free from policy constraints. These sites therefore are not able to be considered as sequentially preferable.

The objector has also referenced the resolution to approve planning ref; 17/1874M (The South Macclesfield Development Area) to provide an estimated 950 new homes. However, this is not of a comparable size to the application site and is not therefore relevant.

In accordance with para 102 of the Framework and CELPS Policy SE 13, 'if it is not possible or consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate'.

"For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

Exception Test

With reference to sustainability, this is dealt with later in this report. However, owing to the flood mitigation measures and given that the submitted FRAs have confirmed that subject to mitigation, the proposals will not increase the risk of flooding elsewhere the benefits of the scheme could outweigh the harm relating to flood risk.

Whilst the former Macclesfield Strategic Flood Risk Assessment and the more recent Cheshire East Strategic Flood Risk Assessment (the latter of which has informed the policy development of the CELPS) have assessed the land at Albert Road, (Site ID reference 4036 refers), the eastern portion of the site, which would serve as a flood storage area is not included and as such, this is assessed in the 'site-specific flood risk assessments' for this application.

Similar to the original consultation exercise, the Environment Agency has assessed the submitted updated Flood Risk Assessments and remain satisfied that the proposed development would be acceptable in principle. This is subject to their earlier comments that if the suggested measures included within the FRA are undertaken, that the proposed development will meet the requirements of the NPPF. This recommendation is further supported by the Council's Flood Risk Manager, who is satisfied that subject to conditions and the proposed mitigation measures, that the risk of flooding can be appropriately mitigated and managed.

The submitted Flood Risk Assessments (FRA) demonstrate that compensatory flood storage will be provided, to mitigate for the impact of the proposed development and that the built form will not be within the functional flood plain. As such, river flooding will not be increased elsewhere. The proposed buildings are to be set with finished floor levels to be at a minimum height of 0.6m above the agreed 100 year climate change flood level. Added to this, a cut and fill exercise will be undertaken effectively lifting the land that the proposed development would occupy out of Flood Zone 3a as well as lowering the land to the east to serve as compensatory flood storage area.

While the outline design of a compensatory flood storage scheme has been sufficiently explained within the FRA and the principle established, it is considered necessary for additional detailed design information to be provided for approval. Because of the fundamental nature of the compensatory works to the development scheme as a whole it is considered necessary for this information to be submitted and approved prior to development commencing. Failure to do so may lead to unacceptable increases to flood risk elsewhere. Subject to adherence with this, it is considered that the proposal would meet with the requirements of the Framework and the recently adopted Policy SE 13 of the Cheshire East Local Plan Strategy.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Bollington, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Responses to issues raised by third parties:

The comments provided by consultees, the Town Council and residents in relation to infrastructure issues, highways issues, flood risk and wildlife issues, housing need and affordable housing, design and built environment issues and loss of employment land are noted and covered under the headings above.

It should be noted that application 06/2021P was refused on the grounds of insufficient information being provided in order to assess the impact of the proposed development (at that time 12 no. industrial and storage units) having regard to the risk of flooding from the development. It is considered that the updated FRA submitted complies with the NPPF and the statutory body responsible for flood risk, the Environment Agency, has raised no objections. It is therefore considered that a refusal on the grounds of flooding could not be

justified. In addition, it should be noted that the flood mitigation for the residential development on the opposite side of the road has been agreed with the EA and Cheshire East's Flood Risk Team. The site has been considered for Conservation Area status previously and it was not considered appropriate for designation.

Bollington is in the early stages of the Neighbourhood Planning process. Whilst draft Policy HO.P2 of the Draft Bollington Neighbourhood Plan (NP) states that residential development will not be permitted on the flood plain, the NP also recognises that there is already a resolution to grant planning permission on the site. Further, the Neighbourhood Plan is at draft stage (Regulation 17 stage) and therefore is not yet part of development plan and has not yet been the subject of examination. As such, the weight to be afforded to it is limited at this stage.

The impact of the traffic, which would be generated by the proposed development is considered to be less than that which would be associated with employment use of the land and it is considered that the removal of commercial vehicles from the local area would actually provide a benefit to the local residents. The Head of Strategic Infrastructure (Highways) raises no objections to the scheme and considers the access arrangement to be acceptable.

The request for the area around Lowerhouse to become a Conservation Area has been previously considered and rejected because the land was at that time designated employment land. This factor has not changed. Under the Macclesfield Borough Local Plan, the site is allocated for Employment purposes and this remains the case in the newly adopted Cheshire East Local Plan. However, the loss of the site for employment use has already been accepted and acknowledged by the original resolution to approve residential development on this site.

Heads of Terms for a Legal Agreement:

- **30%** Affordable Housing (i.e. 9 units as proposed);
- A contribution of **£75,924** is required towards primary education;
- Provision of **£30,000** towards Public Open Space.

Community Infrastructure Levy (CIL) Regulations

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) Fair and reasonably related in scale and kind to the development.

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

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 30 dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The development would result in increased demand for primary school places in and around Bollington, where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

On this basis the S106 contributions associated with the scheme are compliant with the CIL Regulations 2010.

PLANNING BALANCE AND CONCLUSIONS

At the heart of the newly adopted Cheshire East Local Plan Strategy (CELPS Policy MP 1 refers) and the National Planning Policy Framework is a presumption in favour of sustainable development. Policy states that decision takers should be approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise.

The principle of developing the site for residential purposes has already been accepted in a previous resolution. However, the key issue for Members to consider is whether or not in light of additional flood risk information and local concerns regarding flooding as well as the recently adopted CELPS, the Council should proceed to grant planning permission subject to a s106 legal agreement.

During the application process, negotiations have taken place between officers and the developer, which has resulted in the submission of a revised layout plan, which has improved space separation distances and the amount of public open space on site. Further, following concerns raised regarding flood risk and drainage in the wider area of Bollington and having regard to the advice of the Framework and emerging (now adopted) Local Plan Policy, the Council requested an updated Flood Risk Assessment from the applicant which went through the Sequential Test and subsequently the Exception Test. Further flood risk modelling work has also been undertaken. This has demonstrated that there are no sequential preferable sites with a lower risk of flooding than this site. Also, the Council is satisfied that the exception test has been met as the site specific flood risk assessments have demonstrated that the proposal will not increase flooding elsewhere and the benefits of the proposals would outweigh this harm. The benefits can be summarised as follows:

- The benefit to the local economy during the construction period and also future spending of residents in the local shops etc
- The social benefit of providing market housing in a sustainable location as well as 10 affordable houses in an area where there is an identified need

- The environmental and social benefits from extinguishing the vehicle movements that would likely be associated with an employment use and their potential impact on adjoining residents and the local highway network

It is acknowledged that local residents have objected to the development of this site. Appeals on this site and the land opposite have been allowed for employment development. It is considered that a scheme for housing would fall in line with policies contained within the NPPF and Development Plan. The principle of developing land (which is allocated for employment purposes) has been established elsewhere and on the land opposite (for 33 dwellings) and will help to contribute to both local housing needs and employment land without the need to safeguard this land. This site has already been accounted for in the Council's five year housing supply. It is also considered that housing on the application site will also have a more positive impact on the local area than industrial development. Accordingly, the recommendation is that the resolution to approve the development should be carried out.

RECOMMENDATION:

APPROVE subject to conditions and a S106 Agreement making provision for:

- **30%** Affordable Housing (i.e. 9 units as proposed);
- A contribution of **£75,924** is required towards primary education;
- Provision of **£30,000** towards Public Open Space.

Approve subject to the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved and amended plans
3. Removal of permitted development rights for Classes A-E
4. Construction of access prior to first occupation
5. Landscaping - submission of details and to include retention of west boundary hedge where possible
6. Landscaping (implementation)
7. Protection for breeding birds during bird nesting season
8. Submission of landscape management plan
9. Details of ground levels to be submitted
10. Nesting bird mitigation measures
11. Notwithstanding submitted detail, details of boundary treatments to be submitted and approved
12. Details of proposed noise mound / fence to be submitted and approved
13. Should any contamination be found, a remediation strategy shall be submitted to the EA
14. Features for roosting bats to be incorporated into housing
15. Method statement for the safeguarding of the river corridor and associated habitats during the construction process.
16. Submission of 10 year habitat management plan including proposals for the eradication of Himalayan Balsam
17. Submission of updated badger survey prior to commencement of development.

18. Details of pile foundations to be submitted and approved
19. Electric Vehicle Infrastructure to be provide at each property with private driveway
20. Scheme of dust control to be submitted and approved
21. Contaminated Land Survey to be submitted and approved
22. Development to be carried out in accordance with revised Flood Risk Assessment
23. Finished floor levels of habitable dwellings shall be set 300 mm above the modelled 1 in 100 annual probability (plus a 30% allowance for climate change) flood level.
24. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted
25. A scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events to be submitted and approved
26. Detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods to be submitted to be submitted and approved
27. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing public sewerage systems
28. Details of facing and roofing materials to be submitted and approved
29. Scheme of Tree Protection to be submitted and approved
30. Tree Pruning/Felling Specification to be submitted and approved
31. Hours of construction limited

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 (Regulation) 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.

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Application No: 16/6225M

Location: HILLSIDE RESIDENTIAL HOME, 21, ADLINGTON ROAD, WILMSLOW, CHESHIRE, SK9 2BJ

Proposal: Demolition of existing building and erection of a new building comprising 14 no. apartments

Applicant: ., Jones Homes North West Ltd

Expiry Date: 30-Oct-2017

SUMMARY

The principle of the development can be accepted subject to there being no significant adverse impacts arising from it. It would add to the stock of housing and its construction and occupation would result in social and economic benefits, albeit relatively minor. However these economic benefits are somewhat counterbalanced by the loss of the existing employment associated with the care home.

The proposal represents an overdevelopment of the site and is out of scale with the surrounding built environment. Whilst the quality of design has improved, it does not reflect the local character and detailing that is found in the neighbouring properties.

The loss of the protected Beech tree and the potential future pressures on the remaining protected trees due to the proximity of the proposed building is contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.

The relationship of the proposed building to the adjoining property at Lindfield would lead to an unacceptable impact in terms of loss of light and a loss of privacy due to the increase in mass and overlooking windows overlooking this property.

With this in mind the application is recommended for refusal.

RECOMMENDATION: Refuse

DESCRIPTION OF SITE AND CONTEXT

The application site lies in a predominantly residential area to the west of Wilmslow Town Centre. It is currently occupied by a two storey detached building used as a care home known

as Hillside, along with an outbuilding to the rear. There is mature landscaping to the boundaries and trees subject to a blanket TPO across the whole site.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing buildings on site and the erection of a replacement building comprising 14no. apartments.

RELEVANT HISTORY

07/1809P SINGLE STOREY REAR EXTENSION
Approved with conditions 05 September 2007

07/0532P SINGLE STOREY REAR EXTENSION
Refused 11 May 2007

99/2076P TWO-STOREY REAR EXTENSION AND SIDE CONSERVATORY
Approved with conditions 08 December 1999

99/2075P EXTENSION FOR SIXTEEN BED SPACES AND STAFF FACILITIES
Approved with conditions 08 December 1999

52972P EXTENSION FOR SIXTEEN BED SPACES AND STAFF FACILITIES
Approved 22 June 1988

48321P EXTENSION TO REST HOME TO IMPROVE STAFF FACILITIES AND TO
PROVIDE A TOTAL OF 17 BED SPACES
Refused 23 March 1987

34092P PROPOSED USE OF EXISTING HOUSE AS REST HOME FOR UP TO 12
RESIDENTS
Approved 05 August 1983

POLICIES

Cheshire East Local Plan Strategy – adopted 27th July 2017

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE12 Pollution, Land Contamination and Land Instability

Appendix C – Parking Standards

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

Saved Macclesfield Borough Local Plan Policies

NE11 (Nature conservation interests)
DC3 (Amenities of residential property)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree protection)
DC35 (Materials and Finishes)
DC36 (Road layouts and circulation)
DC37 (Landscaping in housing developments)
DC38 (Space, light and Privacy)
DC41 (Infilling housing or redevelopment)

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

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
Wilmslow Neighbourhood Plan

The Wilmslow Neighbourhood Plan has not reached Regulation 14 (the pre-submission consultation) stage to date. An emerging policies report went out to consultation in July – September 2017.

The Three Wilmslow Parks SPG (2004)
The Cheshire East Borough Design Guide (2017)

National Policy:

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

Of particular relevance are Chapters 1, 4, 5, 6, 7 and 10.

CONSULTATIONS (External to Planning)

Highways: no objections

Environmental Health: no objections subject to conditions

United Utilities: no objections, subject to conditions relating to drainage

Housing: no requirement for affordable housing on this site

Education: a contribution of £32,685 would be required.

Flood risk: no objections subject to condition

ANSA: Comments awaited

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council: *“recommend refusal of this application on the grounds of traffic safety with increased traffic on the dangerous bend. The proposed building is overbearing on neighbouring properties and out-of-character being overdevelopment in an otherwise low density residential area. The Town Council believe that the proposals contravene the Supplementary Planning Guidance for Wilmslow Park within which they consider this property to be located.”*

OTHER REPRESENTATIONS

Amended plans were received during the application period. 42no. objections were received prior to the amendments with a further 13no. objections received following, with 12no. of these comments having already commented earlier. The repeated comments mainly reiterated their earlier comments. Below is a summary of the main issues:

- Out of character with the road – overdevelopment.
- Highway safety issues due to location on a bend. Also increase in traffic.
- Insufficient parking spaces
- Insufficient space for delivery vehicles
- Loss of care home would lead to bed blocking in hospitals
- The three stories will be overbearing to neighbouring properties.
- External finishes not in keeping with surrounding properties
- Too many apartments
- Protected trees would have to be removed
- Loss of employment from the care home closure
- Loss of separation from neighbouring properties would result
- Loss of privacy and daylight to surrounding properties
- This would lead to a lack of facilities for elderly people
- It is not clear where the access would be.
- Local infrastructure would not be able to cope
- Insufficient bat surveys

A boundary dispute between the applicants and the owners of the adjoining property at 23 Adlington Road is mentioned in one of the comments. This is not a planning matter and is a civil issue between the two parties.

OFFICER APPRAISAL

Key Issues

- Impact on the character of the area,
- Impact on trees,

- Impact on the amenity of neighbouring properties,
- Highway safety implications

Principle of Development

The site is located within a predominantly residential area, as allocated within the Macclesfield Borough Local Plan. The principle of the development can therefore be accepted subject to there being no significant adverse impacts arising from it.

ENVIRONMENTAL SUSTAINABILITY

Design and Impact on Character of the Area

The site is predominantly shielded by a mature green boundary which buffers the existing care home from the road.

Following discussions during the application process amended plans were received which reduced the appearance of the height by dropping the eaves level and incorporating dormer windows to the upper storey. This is a welcome adjustment and echoes the arts and crafts style that can be found in the local area. However it is still a dominant structure which is exaggerated by the location of the footprint which sits far closer to Adlington Road than the existing building. Although the upper storey is mainly incorporated within the roofspace the appearance of the building is still three storey with the large flat roof evidence of the increased bulk of the building.

The mix of render and brick breaks up the massing, adding to the diversity of form. The eaves suggest the creation of deep overhangs that echo traditional quality detailing, common to the surrounding area but the detailing needs to be of a high enough standard to pull this off to achieve high quality design. Upvc windows are generally discouraged and a more traditional style and material sought.

Saved Macclesfield Local Plan policy DC41, relating to infill housing states:

'The garden space should reflect the typical ratio of garden space within curtilages in the area and the location, size and shapes should be suitable for the intended purpose'.

The building to plot ratio appears to be much greater than the surrounding properties and there is no provision of public or private amenity space within the proposal. This is supported by the figures provided by the applicant which states that the average plot coverage of the surrounding properties is 22% with the proposed at 27%. The results of the surrounding properties are slightly skewed by the inclusion of properties along Wilmslow Park North, which while they are surrounding the development are not necessarily seen in association with the application site, particularly when viewed from Adlington Road which contains spacious properties within large curtilages. Also to be considered is that the areas of curtilage without any building in the proposed site do mainly contain hardstanding for parking.

Advice within the Three Wilmslow parks SPG states:

"Though the standard parking provision is required on site for each property, the area of the driveway and parking spaces have in the past been kept to a minimum in terms of impact.

This has ensured that the hard landscaping does not dominate each site. This general rule should be applied to future development, especially where an increase in density is proposed.

The hard landscaping should follow the existing character of being subordinate to the planting provision.”

The majority of the remainder of the site is covered with car parking provision for the scheme and does dominate the site. With the widening of the existing access involving the removal of some of the trees that currently screen the site the lack of landscaping and increased bulk of the proposed building will be clearly evident from outside the site.

The proposal is clearly overdevelopment of the site and out of scale with the surrounding built environment. Whilst the quality of design has improved, it does not reflect the local character and detailing that is found in the neighbouring properties. The proposal is therefore considered to be contrary to policies SE1 and SD2 of the Cheshire East Local Plan Strategy.

Amenity

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

The objections have been carefully considered. Cherry Lawns is located due east of the proposed development and contains a bedroom window at first floor and a kitchen diner window at ground floor looking onto the site. The existing building contains a separation between the buildings of approx. 20m and at an angle which would be reduced to approx. 14m at its closest point; however it would be approx. 20m at the point directly opposite. Saved policy DC38 states that a distance of 21m should be retained between habitable windows and 14m if the elevation is blank. The Cheshire East Design Guide (2017) includes guidance for distances between buildings which is slightly lower than the guidance in policy DC38 with a distance of 12m between a habitable window and blank elevation and 18m between two habitable windows. The proposal is well in excess of these distances.

To the north-east of the application site lies Lindfield which sits to the rear of the plot. This means that the majority of the garden area of this property is to the front of the dwelling.

There is currently good screening between the two boundaries, however it is expected that there will be future pressure to remove or reduce the size of this screen due to the proximity of the trees to the proposed building. Without this screen the relationship between the proposed building and Lindfield would be unacceptable. It is acknowledged that there is an existing relationship with some of the windows currently overlooking the boundary. However the proposal includes an increased number of windows due to the increased scale of development and a reduction in space to the boundary resulting from the proposed building becoming much closer to the boundary between the properties. The proposal would therefore lead to a loss of privacy to this property and a loss of evening light to the garden of Lindfield, contrary to saved policies DC3 and DC38 of the Macclesfield Borough Local Plan and

guidance within the Cheshire East Design Guide. A distance of 23m would remain between the two buildings.

The proposal would create a larger gap between the proposed building and number 13 Overhill Lane, the adjoining property to the north-west, than existing. While there would be more windows proposed in the north and west elevations the increased space means that the relationship between the two properties would be no worse than the existing situation.

Highways

The site extends to approximately 0.2 hectares in area and is located approximately 1.5 kilometres to the east of the centre of Wilmslow. Access to the site is taken from Adlington Road.

This is a full planning application for the development of 13 two bedroom apartments and one three bedroom apartment. Proposed off-street parking provision of 28 spaces is in accordance with Cheshire East Council parking standards.

All dwellings will be served from the existing point of access to Adlington Road, which will be widened to allow two-way traffic movement and designed to allow a refuse vehicle to enter and exit the site in a forward gear.

The Strategic Infrastructure Manager has reviewed the highways report submitted by the applicant in support of the development proposals and is satisfied that the replacement of the Care Home with 14 dwellings would be unlikely to have a material impact on highway safety or the operation of the adjacent highway network.

The Strategic Infrastructure Manager is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, no highways objections are raised.

Arboriculture and Forestry

The submitted Arboricultural Statement identifies a direct loss of TPO trees to accommodate the proposed development which include a total of 9 low (C) category trees and 9 Moderate (B) category trees :-

- a mature moderate (B) category Beech (T1) forming part of G38 of the Wilmslow Park No.2 TPO 1974
- a low (C) category Holly (T3) forming part of Area A1 of the Hillside – 21 Adlington Road TPO 1996,
- 3 trees comprising of Cypress, Yew and Holly within a low (C) category group (G1) forming part of G38 of the 1974 TPO. One tree, a Western White Cedar is showing signs of reduced vitality and past failure of the top of the tree.
- a Spruce, Cypress and Silver Birch within a moderate (B) category group (part of G2) showing identified arboricultural defects and forming part of G38 of the 1974 TPO
- a Maple ,Holly and Cypress plus two other unidentified trees within a low (C) category group (part of G3) some showing identified arboricultural defects and forming part of G38 of the 1974 TPO and Area A1 of the 1996 Order

- 5 trees ,comprising a mix of Cypress, Western Red Cedar and Larch within a moderate (B) category group (part of G9) and forming part of G38 of the 1974 TPO and Area A1 of the 1996 TPO

Following discussions on site between the applicant and the Council's Forestry Officer on 3rd May it was acknowledged that individually, the low (C) category specimens and the moderate category specimens (within part of G2 and G9) have identified arboricultural defects which are likely to reduce their future growth potential/life expectancy or do not present a significant contribution to the wider public amenity of the area. It is recognised however, that the collective value of the groups contributes to the screening of neighbouring properties.

The protected Beech (T1 – part of G38 TPO) is recognised as a prominent tree in the landscape. The applicant had indicated that there could be a persuasive argument to remove the tree due to a crack in the trunk, however the Arboricultural Statement states (comments section) that the tree has an acute included bark union and makes no reference to the tree's removal on the basis that the tree presents an imminent risk to neighbouring properties and that the tree has a reasonable safe useful life expectancy. It was noted that an existing young Beech tree located close to Beech T1 could provide the basis for a long term replacement for the mature Beech, however it would take a significant period of time for the young tree to offset the loss of the mature Beech and therefore in that time any amenity benefit would be lost.

Impact on below ground tree constraints are considered in the Statement where the edge of the new driveway and car parking spaces encroach into the root protection area (RPA) of retained trees and where existing hard standing is proposed to be removed and replaced. This is addressed by the provision of an engineer designed hard surface which ensures viability of the rooting volume and structure of the soil. It is agreed that the best practice guidance outlined in BS5837:2012 could be carried out in this instance without any significant harm to below ground constraints of retained trees.

Design considerations for above ground constraints are referred to in para 5.2.2. and 5.3.4 of BS5837:2012 which considers the relationship to buildings to trees and unreasonable inconvenience to future occupiers. The proposed development footprint is shown extending closer to the site boundaries and retained protected trees including protected Beech G5 forming part of G38 of the 1974 TPO, Beech T5 forming part of Area A1 of the 1996 TPO, Group G2 part G38 of the 1974 TPO and a Monkey Puzzle (Chile Pine) part of G9 and forming part of G38 of the 1974 TPO and Area A1 of the 1996 TPO. The Council's Forestry Officer considered that the presence of these trees in relation to the proposed new build and their future growth potential in terms of height and spread will have an adverse impact upon the living conditions of future residents, presenting significant shading of both the southern and south eastern elevations and creating a perception of fear and apprehension associated with the trees existing and future dominance, resulting in a high likelihood of irresistible post development pressure for regular heavy pruning or felling of the trees.

For these reasons the proposal is considered to be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.

Ecology

Bats

The submitted report recommends a further bat survey be undertaken to inform an application to Natural England for a protected species licence, however the Council's Nature Conservation Officer advises that there is sufficient survey information available to inform the determination of the application.

Evidence of what is likely to be a maternity colony of a widespread bat species was recorded during the survey. The Council's Nature Conservation Officer advises that this roost is of substantial nature conservation value in the local context.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of overriding public interest" then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The alternative would be for the existing buildings to fall into disrepair to the detriment of the character of the area. It is likely that some intervention will be required in the future. The alternative of the future refurbishment of the building is likely to have a similar impact upon the protected species as the demolition.

Overriding public Interest

The proposals would bring about additional dwellings to the area.

Mitigation

To compensate for the loss of the existing roost the submitted report recommends the provision of a bat loft within the proposed apartment block and the timing and supervision of the works is also proposed as a means of minimising the risk that bats are disturbed or

harmful during the demolition of the existing building. A condition will be included in any approval for the recommended mitigation.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

Hedgehog and nesting birds

If planning consent is granted conditions will be required to safeguard nesting birds and hedgehogs.

SOCIAL SUSTAINABILITY

Education

A proposal of a total of 14no. dwellings will put pressure on local school services, therefore the proposal is required to provide a financial contribution towards secondary educational needs. This has been calculated as being £32,685 (2 x £17,959 x 0.91). If the financial mitigation measure is agreed the proposals are policy compliant in terms of education.

Public Open Space and Recreation

The proposal does not provide for public open space or recreation space on site. Comments are yet to be received from ANSA, and will be reported as an update in terms of any required contributions in lieu of on site provision.

CIL Regulations

Once comments are received from ANSA regarding any necessary contributions, an assessment against the CIL regulations will also be provided as an update.

Housing Land Supply

The Council can currently demonstrate a 5 year supply of housing sites.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses. However, it is only for 14no. dwellings and therefore the impact is limited. The loss of the existing employment relating to the care home is weighed against the proposal.

CONCLUSION

The principle of the development can be accepted subject to there being no significant adverse impacts arising from it. It would add to the stock of housing and its construction and occupation would result in social and economic benefits, albeit relatively minor. However

these economic benefits are somewhat counterbalanced by the loss of the existing employment associated with the care home.

The proposal represents an overdevelopment of the site and is out of scale with the surrounding built environment. Whilst the quality of design has improved, it does not reflect the local character and detailing that is found in the neighbouring properties.

The loss of the protected Beech and the potential future pressures on the remaining protected trees due to the proximity of the proposed building is contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.

The relationship of the proposed building to the adjoining property at Lindfield would lead to an unacceptable impact in terms of loss of light and a loss of privacy due to the increase in mass and overlooking windows overlooking this property.

With this in mind the application is recommended for refusal for the following reasons:

- 1. The proposed development by virtue of its size and siting would result in the direct loss of an existing tree which is the subject of the Macclesfield Borough Council (Wilmslow – Hillside 21 Adlington Road) Tree Preservation Order 1996. The loss of this tree is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located and would be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.**
- 2. The proposed development by virtue of its size and siting would result in a threat to the continued well being of existing trees which are the subject of the Macclesfield Borough Council (Wilmslow – Hillside 21 Adlington Road) Tree Preservation Order 1996. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located and would be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.**
- 3. The proposal represents an overdevelopment of the site and is out of scale with the surrounding built environment. Whilst the quality of design has improved, it does not reflect the local character and detailing that is found in the neighbouring properties and would be contrary to policies SE1 and SD2 of the Cheshire East Local Plan.**
- 4. The relationship of the proposed building to the adjoining property at Lindfield would lead to an unacceptable impact in terms of loss of light and a loss of privacy due to the increase in mass and overlooking windows overlooking this property contrary to saved policies DC3 and DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.**

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 (Regulation) 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

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Application No: 17/2061M

Location: ROSEGARTH, 51, ADLINGTON ROAD, WILMSLOW, CHESHIRE, SK9 2BJ

Proposal: Demolition of existing buildings and erection of 7 new dwellings.

Applicant: Mr & Mrs Wilman

Expiry Date: 13-Jun-2017

SUMMARY

The principle of the development can be accepted subject to there being no significant adverse impacts arising from it.

It would make a small contribution to the stock of housing and its construction and occupation would result in social and economic benefits.

The proposal ensures an appropriate level of development which is located within a sustainable urban location. The proposal would also not significantly or detrimentally impact the amenities of neighbouring occupiers.

However the loss of the protected Oak tree which is required in order to provide a safe access to the site would be unacceptable and contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan. Significant weight is attached to this loss and would override any benefits of the proposal.

With this in mind the application is recommended for refusal.

RECOMMENDATION: Refuse

REASON FOR REPORT

1. The application is to be presented at Northern Planning Committee because it has been 'called-in' to committee at the request of Cllr Toni Fox on the 28th April due to the following concerns:
2. *"Overdevelopment of the site. Inconsistent with the current street scene and approved street scene of planning application 14/0007M. Insufficient parking and car turning space within dwelling curtilages, particularly plots 2, 3 and 4. Insufficient information on TPO tree removal and site access visibility splays. Bat survey to be submitted that has been*

undertaken in mid bat survey season. Inaccurate information submitted in relation to the history of the site.”

3.

DESCRIPTION OF SITE AND CONTEXT

4. The site is in an area of 0.428ha which lies on the north side of Adlington Road (A5102) to the west of Wilmslow Town Centre, in unallocated land in policy terms. It is currently occupied by a single large detached dwellinghouse, Rosegarth, and its residential curtilage. There is mature landscaping to the boundaries and trees subject to a blanket TPO across the whole site.

The site lies in an Area of Special County Value for Landscape (ASCVL) in the MBLP.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing dwelling and outbuilding and the erection of 7no. new dwellings.

RELEVANT HISTORY

16/5382M Demolition of the existing property and the erection of 9 new residential dwellings.

Withdrawn 22 December 2016

11/0419M New Garden Store/Plant Room and Amendments to Design of Entrance Gate Walls

Approved with conditions 15 June 2011

10/4938M Non-Material Amendment - Change in the design of the rear bay window to from curved to rectangular

Approved, 13 January 2011

10/4717M Application for a Non-Material Amendment – 08/2190P

29 December 2010

10/3767M Non-Material Amendment to Applications 10/0324M – Amendment to existing consent 08/2190P – Additional dormer window to south elevation

Approved 01 November 2010

10/3105M Non-Material Amendment Ref: 10/0324M – New conservatory – change in external appearance

Approved 07 September 2010

08/0750P Two storey side extension and erection of front wall and gates, Approved with conditions, 21 May 2008

08/2190P Two storey side & single storey rear extensions, front porch & balcony, Approved with conditions, 19 January 2009

POLICIES

Cheshire East Local Plan Strategy – adopted 27th July 2017

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE12 Pollution, Land Contamination and Land Instability

Appendix C – Parking Standards

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

Saved Macclesfield Borough Local Plan Policies

NE11 (Nature conservation interests)

DC3 (Amenities of residential property)

DC6 (Circulation and Access)

DC8 (Landscaping)

DC9 (Tree protection)

DC35 (Materials and Finishes)

DC36 (Road layouts and circulation)

DC37 (Landscaping in housing developments)

DC38 (Space, light and Privacy)

DC41 (Infilling housing or redevelopment)

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

Other Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Framework (NPPG)

Wilmslow Neighbourhood Plan

The Wilmslow Neighbourhood Plan has not reached Regulation 14 (the pre-submission consultation) stage to date. An emerging policies report went out to consultation in July – September 2017.

National Policy:

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

Of particular relevance are Chapters 1, 4, 5, 6, 7, and 10.

CONSULTATIONS (External to Planning)

Highways: no objections, subject to conditions

Environmental Health: no objections subject to conditions

United Utilities: no objections

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council:

“Recommend refusal on the grounds of this being overdevelopment of the site and out-of-character with the area and streetscene. The Planning Committee also expressed concerns regarding traffic movements to and from the site on this dangerous corner...”

OTHER REPRESENTATIONS

Representations from 11no. different properties and Jones Homes have been received. A summary of the relevant points can be viewed below:

- Out of character with the road – overdevelopment.
- Highway safety issues due to location on a bend. Also increase in traffic.
- Design of houses not in keeping with the area
- Additional pressure on schools, medical and other local services from the development.
- Too dense.
- Impact on the residential amenity of the surrounding properties.
- Not a sustainable location

OFFICER APPRAISAL

Key Issues

- Impact on the character of the area,
- Impact on trees,
- Impact on the amenity of neighbouring properties,
- Highway safety implications

Principle of Development

The Cheshire East Local Plan has now been adopted and so forms the Development Plan for the Borough. In the new Local Plan the site has been removed from the safeguarded land and Green Belt allocations and so the proposed use would be suitable in principle.

The principle of the development can therefore be accepted subject to there being no significant adverse impacts arising from it.

Design and Impact on Character of the Area

The comments from the previous application and pre-application have been taken on board by the applicant.

As viewed within the streetscene it is considered that the pre-existing area is characterised by individual dwellings of varying sizes set amongst mature plots where it is evident that there is no prevailing architectural style. This will be diluted somehow by the recently approved development currently under construction adjacent to the site. While this development is fairly dense it was agreed that the houses that were to front onto Adlington Road would be less dense and individually designed in order to complement the pre-existing character along Adlington Road.

The development would consist of a small cul-de-sac accessed from Adlington Road. The proposed properties facing onto Adlington Road contain a dual aspect so that a frontage is also provided onto Adlington Road.

The street scene provided shows the large amount of space between the two dwellings facing onto Adlington Road with the mature retained trees further reducing the prominence of the houses. These properties are individually designed and help to complement the character of the surrounding area.

Whilst there would be dwellings visible from Adlington Road to the rear of the site within the proposed cul-de-sac they would be significantly set back and would not be prominent. When considering this alongside the adjacent development under construction the density of this rear section would be similar to the density of the whole of the adjacent site. Whilst it is noted that the density of the dwellings fronting onto Adlington Road are less in the adjacent development it would be impossible to disguise the fact that there is a dense development to the rear of these dwellings and it is considered that the proposed development would not detract from the character of the area.

The proposed building line facing onto Adlington Road is in line with the approved development and the overall design is in keeping with the design of the new development under construction.

Overall, the proposal is considered to comply with policies SE1 and SD2 of the CELPS and the requirements of chapter 7 of the NPPF.

Amenity

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. In respect to the spacing standards, these are set out in the guidance contained within policy DC38 and the Cheshire East Design Guide.

The objections have been carefully considered. Although a lot of the adjacent properties have yet to be built the impact on them must be fully considered. To the west, plots 1 and 2 have been designed so that the amount of habitable windows facing onto plot 188 is minimised. Between the rear elevation of plot 2 and the side elevation of plot 188 on the adjacent land there is a distance of approx. 22m. When considering the surrounding development this distance is considered to be acceptable.

Plot 3 would be offset from the rear elevation of plot 182 on the adjoining site. The distance between the two properties would be approx. 19m, which is considered to be sufficient with the off-set relationship of the two properties.

There is a distance of approximately 23m between the rear elevations of plots 4 and 5 with the rear elevation of plot 181 on the adjacent site. When considering that the rear elevation of plot 181 is not parallel to the rear elevations of plots 4 and 5 this distance is considered to be acceptable.

The distance between the rear elevations of plots 6 and 7 to the side elevation of plot 189 on the adjacent site is approximately 27m which is sufficient.

It has been noted that due to the proposed buildings consisting of two and a half storeys a higher distance should be maintained between dwellings. While there is a further storey within the loft space the properties have been designed so that none of the windows to the loft storeys overlook adjacent properties.

In addition to the above, the site has existing mature trees and vegetation which would help retain privacy between the proposed dwelling and neighbouring properties and help filter visibility of the development as viewed from these occupiers.

The proposal is therefore considered to meet the stipulations of policies DC3, DC38, DC41 of the MBLP, and the Cheshire East Design Guide.

Highways

The original application included the proposed visibility splay to the east of the site obstructed by a protected mature Oak tree. Objections were raised to the impact of this on the safety of the new access from the Council's Strategic Infrastructure Manager. It is noted that the access is an existing access serving the existing dwellinghouse. However the intensification of this access caused by the increase from 1no. to 7no. dwelling raises concerns in terms of the safety of the access.

Following discussions amended plans were received at the beginning of this year with the removal of the protected Oak with mitigation planting further into the site, away from the visibility splay. Subject to the condition that all vegetation within the visibility splay in this direction is removed and this is maintained the objection from the Council's Strategic Infrastructure Manager is overcome.

Arboriculture and Forestry

For the proposed access and visibility splay to be considered acceptable by the Council's Strategic Infrastructure Manager the proposal would require the loss of a protected Oak tree, which the applicant has graded as a Low (C) category tree. The Council's Forestry Officer disputes this categorisation. The loss of the tree would be in direct conflict with policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.

A landscape layout (Barnes Walker Drawing M2708.02i) and Tree Removal and Mitigation Strategy has been submitted in support of the proposal. The mitigation proposed for the loss of the TPO Oak comprises of 6 No advanced Nursery Stock size Oak (*Quercus robur*) and 3 No Broadleaved Cockspur Thorn (*Crataegus prunifolia*). The proposed trees at advanced Nursery Stock will be 25-30cm girth (5-6 metres in height). The applicant states that the trees will provide an overall enhancement in landscape terms and whilst the proposed trees are of advanced Nursery Stock size, the trees would take some considerable time to reach the size and age of the protected Oak tree and therefore any overall enhancement would not be met in the short to medium term

For the reasons stated, The Council's Forestry Officer is unable to support the application as proposed.

Nature Conservation

No objections are raised regarding the impact of the proposed development on the nature conservation of the site.

Housing Land Supply

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

Economic Sustainability

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses. However, it is only for seven dwellings and therefore the impact is limited.

CONCLUSION

The principle of the development can be accepted subject to there being no significant adverse impacts arising from it.

It would make a small contribution to the stock of housing and its construction and occupation would result in social and economic benefits.

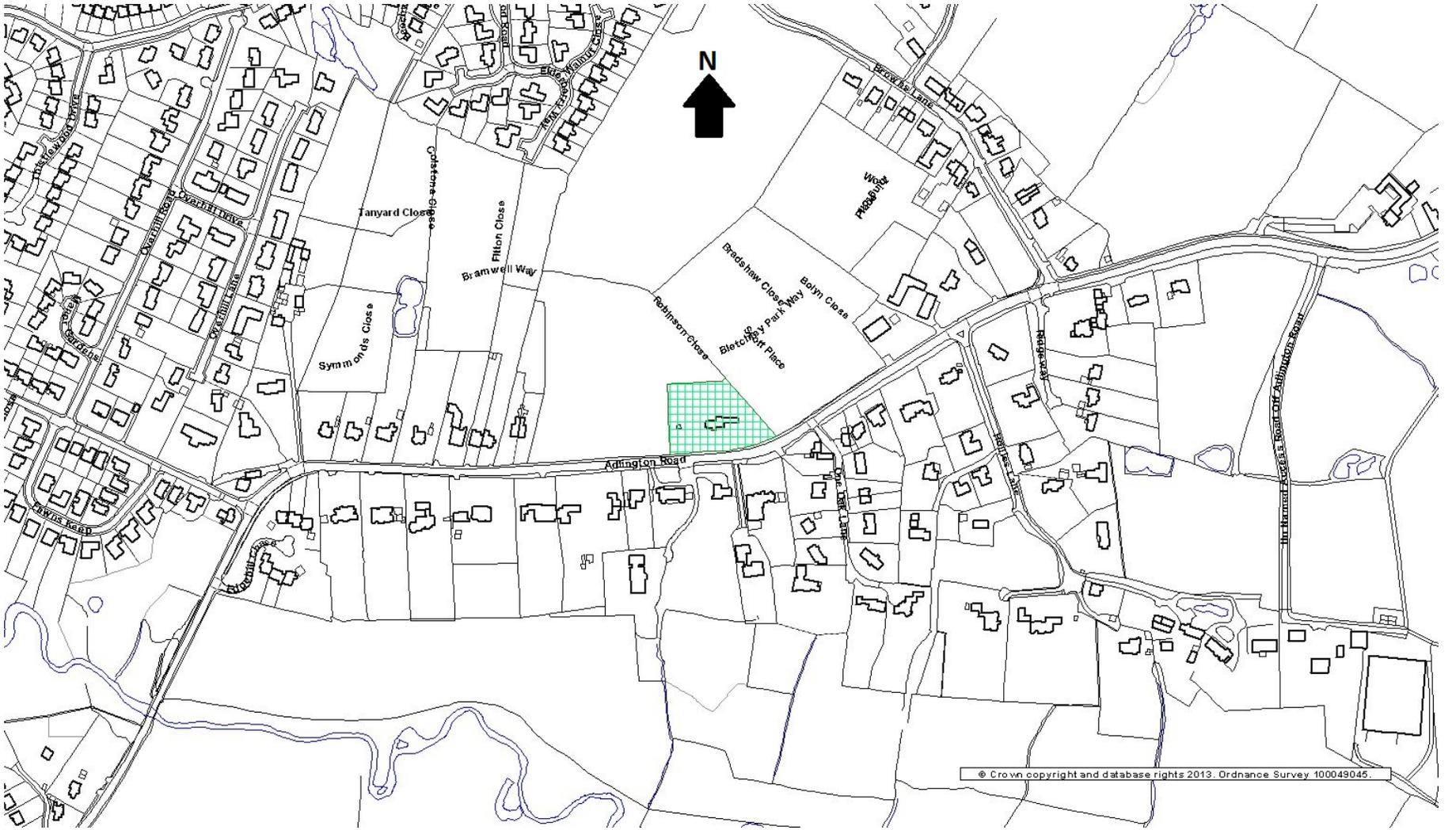
The proposal ensures an appropriate level of development which is located within a sustainable urban location. The proposal would also not significantly or detrimentally impact the amenities of neighbouring occupiers.

However the loss of the protected Oak tree which is required in order to provide a safe access to the site would be unacceptable and contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan. Significant weight is attached to this loss and would override any benefits of the proposal.

With this in mind the application is recommended for refusal for the following reason:

- 1. The proposed access would result in the direct loss of an existing tree which is the subject of the Macclesfield Borough Council (Wilmslow Park No. 2 Wilmslow) Tree Preservation Order 1974. The loss of this tree is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located and would be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.**

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 (Regulation) 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



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Cheshire East Council

Northern Planning Committee

Date of meeting: 14th March 2018

Report of Emma Hood, Arboricultural Officer, Environmental Planning

Title: Cheshire East Borough Council (Pickmere – The Elms, Park Lane) Tree Preservation Order 2017

PURPOSE OF THE REPORT:

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 13th November 2017 at land at The Elms, Park Lane at Pickmere; to consider representations made to the Council with regard to the contents of the TPO and to determine whether to confirm or not to confirm the Order.

SUMMARY RECOMMENDATION:

The Head of Planning (Regeneration) recommend that the Northern Area Planning Committee confirm the Tree Preservation Order at land at The Elms, Pickmere with no modifications.

WARD AFFECTED

High Legh

POLICIES

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

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

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

RISK MANAGEMENT

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

CIRCUMSTANCES

The circumstances are that planning application 17/4264M has been submitted seeking planning permission for the demolition of a former public house and redevelopment of the site for residential purposes (4 dwellings), including landscaping and associated works. The site comprises of .15 hectares and includes the former public house and a large hard surfaced parking area which abuts the road frontage of Park Lane. A linear group of trees are located along the eastern boundary of the rectangular shaped plot and adjacent to the parking area. The site is bounded by an access road to the east and other residential properties to the south and west with views over open countryside to the north.

One Oak tree located adjacent to the south east boundary of the site and located on land owned by The Oaks, and one other oak within the site boundary were removed in late June/early July of 2017 prior to the submission of the planning application. The manner in which the works were undertaken generated some public interest including requests for the remaining trees on the site to be considered for formal protection. The supporting Arboricultural Report by Mulberry Tree Management Consultants identified trees within the site and categorised them in terms of their condition and contribution to the amenity of the area. The Report submitted with the application was carried out on 27th March 2017 prior to the removal of the trees and no reference was made to the presence of the mature oak trees in the report.

The proposed development layout had also been found to present an indirect threat to one mature Sycamore (T1) identified to be retained on Proposed Site Plan in respect of social proximity to the plots and associated post development concerns. The tree represents the only moderate quality remaining tree on the site, and as part of the remaining treescape contributes to the surrounding area, and was considered of sufficient amenity value and a long term feature to justify a Tree Preservation Order being made.

Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 13th November 2017.

CONSULTATIONS

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

The Order was served on the owner/occupiers of the land and their Agents on 13th November 2017. Copies of the Order were also sent to adjoining landowners who are immediately affected by the Order, Pickmere Parish Council and Ward Members.

VIEWS OF THE PARISH/TOWN COUNCIL

Comments were received from the Parish Clerk supporting the service of the Order

OBJECTIONS/REPRESENTATIONS

The Council has received one objection to the Tree Preservation Order from Thistlewood Properties (Pickmere) Ltd. A letter outlines a formal objection to the Order for the following reasons:

- *In February 2017 we approached Cheshire East planning authority for pre-application advice in respect of our proposal to redevelop the above site for residential purposes. In the written response received, we were advised that the tree in question was not subject to a TPO and there was no reference to a desire to protect the tree.*
- *Through the submission of our subsequent planning application (reference number 17/4264M) it was made clear that this tree was to be retained and incorporated within the landscaping plan. There is no threat to the loss of the tree and therefore the TPO is not necessary.*
- *We fail to see how this tree can be considered to bring significant amenity value to the area given the number of existing trees in the area or that its removal would have significant negative impact on the local environment. We do not believe protecting the tree will bring a reasonable degree of public benefit in the presence or future as required by the Department for Community and Local Government. In our opinion the Order has been made to frustrate the current planning application referred to above.*

- *Given that the site is at present a derelict public house that has a significant negative impact on the surrounding amenity, that there is no immediate threat to the tree given the sites current use nor a threat from the proposed development as the tree will be retained, we request that the TPO application is reconsidered.*

APPRAISAL AND CONSIDERATION OF THE OBJECTION

Objection by Thistlewood Properties (Pickmere) Ltd.

The response to the pre application enquiry which was sent to Charlotte Fowler dated 22nd February 2017 confirmed that none of the trees associated with the eastern and western boundary were formally protected. However notwithstanding this, the trees were identified as a material consideration and constraint to the site requiring the submission of an Arboricultural Impact Assessment to consider the impacts of established tree cover within influencing distance of the proposal.

The decision to afford long term protection of the trees on the site was one made further to consideration of information submitted with application 17/4264M, namely the proposed layout and the impact of this on the only remaining moderate quality tree identified to be retained. While the tree was shown to be retained on the layout plan, the Principal Arboricultural Officer had expressed concerns as to the social proximity of the tree identified for protection in relation to plots 1 and 2. With regard to the matter of expediency and the suggestion that there is '*no threat*' to the tree; the change of use of land in close proximity to development can present a situation where trees can come under threat, or at risk from requests to prune or even remove in the longer term where daylight or seasonal nuisance becomes a factor. Advice from Government is that; '*it may be expedient to make a TPO if the authority believes that there is a risk of the trees being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be imminent*'. *The Law of Trees, Forests and Hedgerows Second Edition s22.2.8 p573 by Charles Mynors* further clarifies Government advice stating that ; '*it is also perfectly appropriate to impose an order where a development proposal, if implemented, might lead to future pressures from the occupiers of the finished buildings to remove trees*'.

Taking in to account the circumstances which had already lead to the removal of three other trees on and adjacent to this application site prior to submission of the application, there was a justifiable and understandable perception within the local community that there was a risk of the remaining amenity being destroyed, therefore the expediency of making a TPO could be demonstrated.

The assessment as to whether the Sycamore was appropriate for a TPO found that the tree was a moderate quality tree concurring with the comments and 'B' quality category rating within the tree survey schedule of the supporting AIS. While it has been subjected to past pruning and is ivy clad, it is not deemed to contain any serious defects that will compromise its longer term retention. The tree has been found to have amenity value in an area which does not benefit from high percentage tree coverage, the value of which has undoubtedly increased further to the recent tree removals in the same area. It is the Council's view that it is not unreasonable for moderate 'B' category trees to be afforded protection where it can be demonstrated that their physiological condition is such that their life expectancy will exceed 20 years and that they provide a proven contribution to the amenity of the area.

A TPO is not a barrier to development and will not prevent development from taking place, the Order has not frustrated the planning process and has served only to ensure the protection of one tree around which the nature of the existing landscape is proposed to change. Further to discussions between the Councils Principal Forestry and Arboricultural Officer and the Arboricultural Consultant acting on behalf of Thistlewood Properties, an amicable solution to the retention of this tree within the development layout was found and the planning application was granted consent on 20th February 2018.

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

RECOMMENDATION

That the Cheshire East Borough Council (Pickmere – The Elms, Park Lane) Tree Preservation Order 2017 is confirmed without modification.

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Town and Country Planning Act 1990

CHESHIRE EAST BOROUGH COUNCIL
(PICKMERE – THE ELMS, PARK LANE)
TREE PRESERVATION ORDER 2017

The Cheshire East Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

This Order may be cited as **CHESHIRE EAST BOROUGH COUNCIL (PICKMERE – THE ELMS, PARK LANE) TREE PRESERVATION ORDER 2017**

1. Interpretation

2.— (1) In this Order “the authority” means the Cheshire East Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 13th day of November 2017

The Common Seal of Cheshire East Borough Council

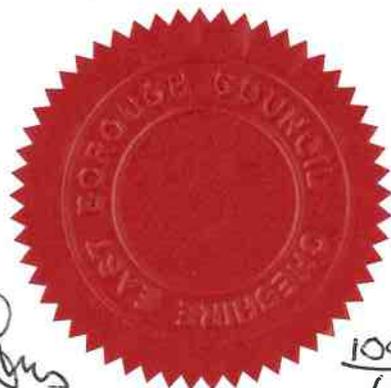
was affixed to this Order in the presence of—

.....

Signed on behalf of the Cheshire East Borough Council

.....

Authorised by the Council to sign in that behalf



[Handwritten signature]

10034
(1)

CONFIRMATION OF ORDER

This Order was confirmed by **Cheshire East Borough Council** without modification on the day of

OR

This Order was confirmed by the **Cheshire East Borough Council** subject to the modifications indicated by on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by **Cheshire East Borough Council** on day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the **Cheshire East Borough Council** on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the **Cheshire East Borough Council** on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore	Standing in a boundary hedgerow 18 metres to the south of Park Lane Grid Ref: 368,939 – 377,161

Trees specified by reference to an area

(within a dotted black line on the map)

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

Groups of trees

(within a broken black line on the map)

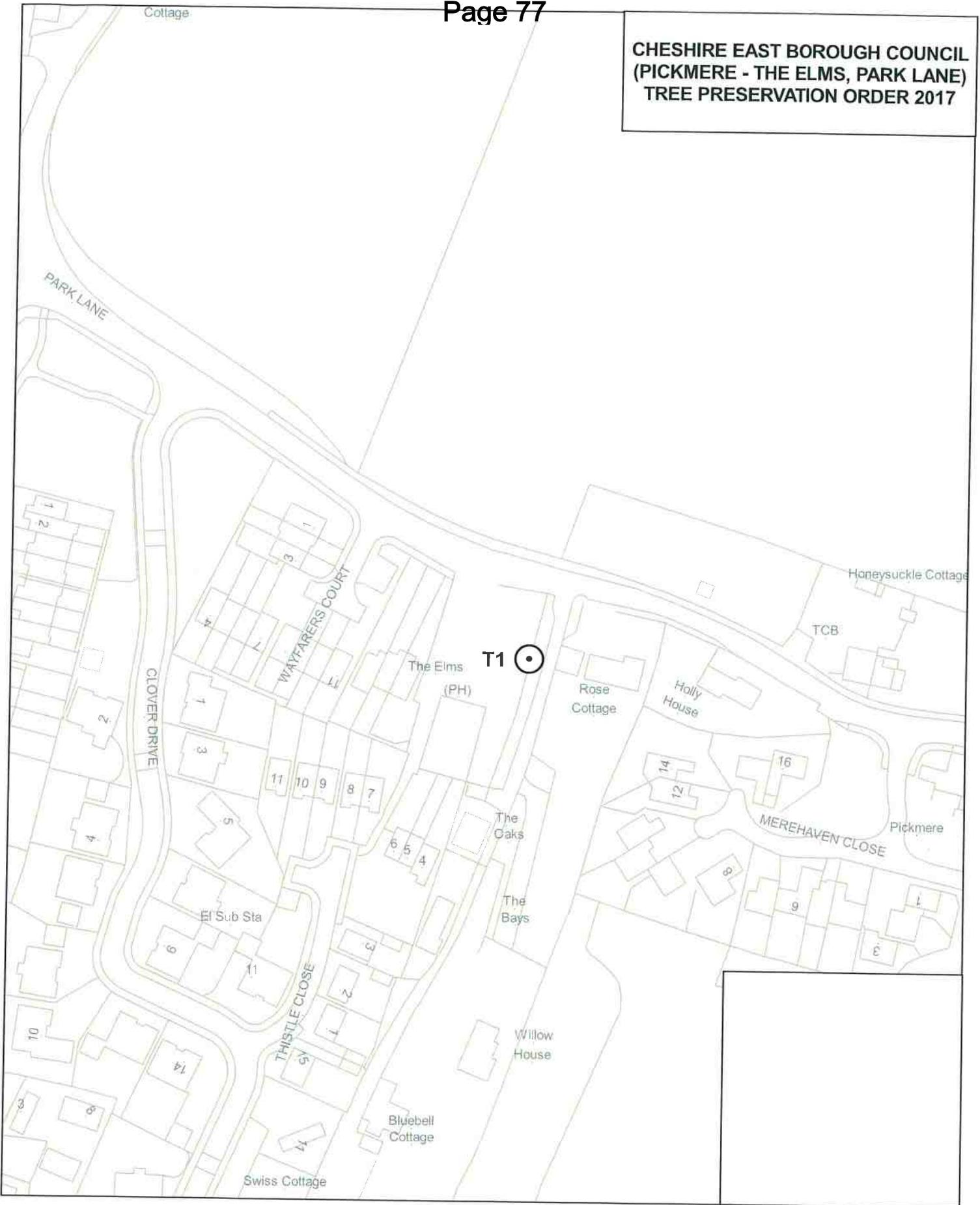
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

Woodlands

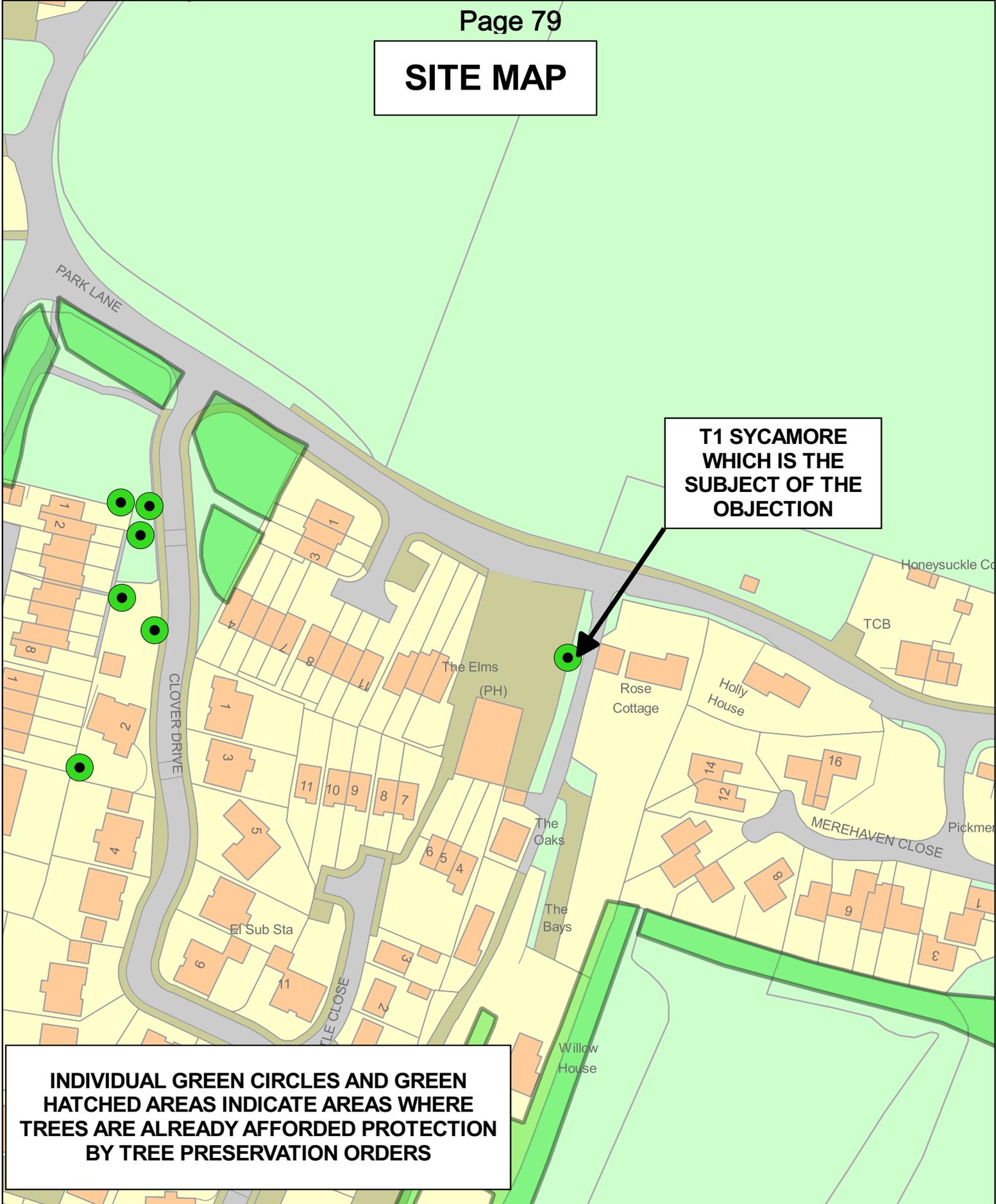
(within a continuous black line on the map)

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

CHESHIRE EAST BOROUGH COUNCIL
(PICKMERE - THE ELMS, PARK LANE)
TREE PRESERVATION ORDER 2017



SITE MAP



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

**INDIVIDUAL GREEN CIRCLES AND GREEN
HATCHED AREAS INDICATE AREAS WHERE
TREES ARE ALREADY AFFORDED PROTECTION
BY TREE PRESERVATION ORDERS**

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AEC – LANDSCAPE APPRAISAL

PHOTOGRAPHS OF TREES, THE SITE AND SURROUNDINGS

REFERENCE:	35-004
SITE NAME:	The Elms, Park Lane, Pickmere
DATE OF VISIT:	1 st November 2017
COMPLETED BY:	Emma Hood

PICTURE DESCRIPTION	PICTURE
Looking east from the footpath which runs along the western boundary between Thistle Close and park Lane	
Looking north towards trees located on eastern boundary from the access road to properties off Park Lane	
Looking south west across Park Lane towards trees	

Looking south east from Park Lane towards trees



Looking south east along Park Lane



Looking east from verge on Park Lane opposite junction with Clover Drive



Looking east from the front of properties on Wayfarers Court



Looking east from the front of properties on Lynswood Court



Looking north east from Thistle Close



Sycamore T1 of the Order from inside the site boundary



Ordnance Survey 1st Edition 25" to 1 mile 1877



© Crown copyright and database rights 2015. Ordnance Survey 100049045.

Plan provided by Cheshire Records Centre on 3rd November 2017 showing the 1877 OS map overlaid on to the up to date Ordnance Survey Map of the area



Amenity Evaluation Checklist

Completed by:

Date form completed:

Form status:

Reference

Attachments [AEC - LANDSCAPE APPRAISAL - The Elms.pdf](#)

Address

Town

Postcode

Ward:

1. BACKGROUND FILE CHECK:

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

Is the site within a conservation area?

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

Is the site adjacent to a Conservation Area?

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

Local Plan land-use designation

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

Relevant site planning history (incl. current applications)

STATUTORY CONSULTEES

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

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

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

Grant scheme

Forestry Dedication Covenant	<input type="checkbox"/>
Extant Felling Licence	<input type="checkbox"/>
Are any of the trees situated on Crown Land?	<input type="text" value="No"/>
Are any of the trees situated on NHS land?	<input type="text" value="No"/>
Is the land owned by this Local Authority	<input type="text" value="No"/>
Is the land owned by another Local Authority	<input type="text" value="No"/>
2. MOTIVATION	
Development Control	<input checked="" type="checkbox"/>
• Application Ref	<input type="text" value="17/4264M"/>
• Committee deadline	<input type="text" value="08/11/2017"/>
• Development Control Office comments	<p>It should be noted that an Oak tree, located adjacent to the south east boundary of the site and located on land owned by The Oaks and two Oaks within the site were removed in late June/early July of this year, prior to the submission of the planning application.</p> <p>It is noted that the Arboricultural Assessment at para 1.3 states that the Tree Survey was carried out on 27th March 2017, prior to the removal of the Oak trees stated above but are not shown on the submitted AIS plan. This is misleading and therefore not a factual assessment of the site constraints at that time.</p> <p>The Sycamore tree is a prominent specimen, contributing to the sylvan character and visual amenity of the locale and with reference to the arboriculturist's assessment of tree quality, it is considered that the design and layout of the proposed development will be detrimental to the trees long term retention. (Chris Hudson Principal Forestry and Arboricultural Officer 30.10.17)</p>
Conservation Area Notification	<input type="checkbox"/>
Application ref	<input type="text"/>
Date of registration	<input type="text"/>
Expiry date	<input type="text"/>
Emergency action (immediate threat to the trees)	<input type="checkbox"/>
Strategic inspection	<input type="checkbox"/>
Change to Local Plan land-use	<input type="checkbox"/>
Change in TPO legislation	<input type="checkbox"/>
Sale of Council owned land	<input type="checkbox"/>
Reviewing existing TPO	<input type="checkbox"/>
Hedgerow Regulations 1997	<input type="checkbox"/>
3. SOURCE	

Source	Tree officer
4. LANDSCAPE APPRAISAL	
Site visit date	01/11/2017
Inspecting Officer	Emma Hood
Site description	The site comprises of a former public house; 'The Elms', with a large hard surfaced parking area that extends to the road frontage. One early mature Sycamore and a linear group of 3 semi mature sycamore define the eastern boundary of the site and a footpath runs along the western boundary providing a link between Park Lane and Thistle Close.
Description of surrounding landscape character	The site is situated within a semi rural area with Park Lane to the north with views across open fields. Residential properties are located to the west of the site with a wide verge and access road to the east providing access to several residential properties. A fairly recent development of residential dwellings on Thistle Close abutts the rear southern boundary of the site.
Statement of where the trees are visible from	The trees can be viewed from various vantage points along Park Lane, Wayfarers Court and Thistle Close annotate map
Photograph the trees, the site and surroundings	 No picture inserted annotate map
Landscape function	<input checked="" type="checkbox"/> Skyline <input checked="" type="checkbox"/> Backdrop <input checked="" type="checkbox"/> Glimpses between properties or through gateways <input checked="" type="checkbox"/> Filtered views <input checked="" type="checkbox"/> Screening/buffering
Visual prominence	<input checked="" type="checkbox"/> Conurbation <input checked="" type="checkbox"/> Neighbourhood, estate, locale <input checked="" type="checkbox"/> Site and immediate surroundings
Species suitability for the site	Particularly suitable
Condition	Good
Past work consistent with prudent arboricultural management?	Yes
Are past works likely to have compromised long term retention?	No

Will past work necessitate any particular future management requirements?

Tree size (at maturity)

Presence of other trees

Define visual area/reference points

BENEFITS

Are the benefits current?

Assessment of future benefits (future growth potential; continuity/sustainability of tree cover; development)

Assessment of importance as a wildlife habitat

Additional factors Screening/buffering (visual/noise)
 Historical associations

5. EXEMPTIONS (TCPA 1990)

Are any of the trees obviously dead, dying or dangerous

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

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

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

Is there any Forestry Commission interest in the land?

6. EXEMPTIONS (MODEL ORDER):

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

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

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

No

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

No

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

No

7. COMPENSATION:

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

If Yes provide details

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

If yes provide details

Are there any reasonable steps that could be taken to avert the possibility of future damage or to mitigate its extent?

N/A

If yes provide details

8. HEDGEROW TREES:

Individual standard trees within a hedge

Yes

An old hedge which has become a line of trees of reasonable height

No

Are the "trees" subject to hedgerow management?

No

Assessment of past hedgerow management

Assessment of future management requirements

9. MANAGEMENT:

Are the trees currently under good arboricultural or silvicultural management

Yes

Is an order justified?

Yes

Justification (if required)

To ensure that a tree of amenity value is retained further to the recent removals of mature trees of significant arboricultural value located on and within influencing distance of the proposed development site

10. DESIGNATIONS:

a. Individual

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

b. Group

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

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

c. Area

Area

d. Woodland

Woodland

11. MAP INFORMATION:

Identify the parcel of land on which the trees are situated.
(Outline in **red** on the attached location plan)

Identify all parcels of land which have a common boundary with the parcel concerned
(Outline in **green** on the attached plan)

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

12. LAND OWNERSHIP:

Land ownership details (if known) Please list of persons served with the Order for details

Land Registry search required?

13. SUPPLEMENTARY INFORMATION:

Has a detailed on-site inspection been carried out?

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

Provide details of trees to be excluded Three semi-mature sycamores located along the eastern boundary - The trees have been graded as C category trees in

the supporting arboricultural assessment but are considered to be low B category trees as they are of good to moderate vitality with collective value as a group and can be viewed from several vantage points. The trees do contain some co dominant branch attachments and have been pruned to clear the parking area and BT cable to the east but all pruning wounds show signs of good adaptive growth. The trees have current and future growth potential and while not of significant quality to merit formal protection, their retention is important to maintaining the landscape character of the site in any development proposal.

Additional publicity required?

Relevant Local Plan policies

Cheshire East Council

SE5:- Trees, hedgerows and woodlands

Statement of reasons for promoting this Order

In the interests of maintaining the area in which the trees stand, in that they are considered to be a long term amenity feature

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

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

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

The tree is located on a former tree lined field boundary recorded on the 1877 Ordnance Survey Map of the Parish of Pickmere. The protection of a tree of amenity value further to the recent removal of a mature oak in the same area will ensure that the remaining landscape character and sylvan setting is maintained

14. SUMMARY:

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

Yes

Will a reasonable degree of public benefit accrue?

Yes

Is an Order in the interests of amenity?

Yes

Is an Order expedient in the circumstances?

Yes

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Thistlewood Properties (Pickmere) Ltd,

Mayfield, Wilmslow Road, Alderley Edge SK9 7QW

Emma Hood
Arboricultural Officer
Cheshire East Borough Council
PO BOX 606
Municipal Buildings
Crewe Road
Crewe
CW1 9HP

20th December 2017

Dear Mrs Hood

Objection to Tree Preservation Order – The Elms Public House

With reference to your notice dated 13 November 2017 referring to the application of a Tree Preservation Order (TPO) to a sycamore tree on the Eastern Boundary of The Elms Public House. We wish to object to this TPO for the following reasons.

1. In February 2017 we approached Cheshire East planning authority for pre-application advice in respect of our proposal to redevelop the above site for residential purposes. In the written response received, we were advised that the tree in question was not subject to a TPO and there was no reference to a desire to protect the tree.
2. Through the submission of our subsequent planning application (reference number 17/4264M) it was made clear that this tree was to be retained and incorporated within the landscaping plan. There is no threat to the loss of tree and therefore the TPO is not necessary.
3. We fail to see how this tree can be considered to bring significant amenity value to the area given the number of existing trees in the area or that its removal would have significant negative impact on the local environment. We do not believe protecting the tree will bring a reasonable degree of public benefit in the present or future as required by the Department for Community and local government. In our opinion the order has been made to frustrate the current planning application referred to above.

Given that the site is at present a derelict public house that has a significant negative impact on the surrounding amenity, that there is no immediate threat to the tree given the sites current use nor a threat from the proposed development as the tree will be retained, we request that the TPO application is reconsidered.

Yours Sincerely



Thistlewood Properties (Pickmere) Ltd



811 8079 8267 3GB

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