

Application No: 15/2354M

Location: BOWLING GREEN, INGERSLEY VALE, BOLLINGTON, CHESHIRE

Proposal: Outline application for proposed 11 no. 2.5 storey and 2 no. 2 storey residential housing - resubmission of 15/0669M

Applicant: Tullis Russell

Expiry Date: 16-Dec-2015

SUMMARY

The site is allocated as 'Existing Open Space' in the Local Plan and is currently in use as bowling green. An improved bowling green has already been approved and will be tied to this application as part of a s106 agreement. Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The loss of the bowling green is compensated by the creation of a new bowling green elsewhere in Bollington of a higher quality. Sport England and ANSA have no objections to the proposal.

The scale of the development reflects the character and appearance of the area with matters relating to appearance and landscaping being reserved for future consideration.

The development raises no issues in respect of residential amenity, noise, ecology or trees.

Balanced against this are the adverse impacts of the development including the loss of open space, but this is mitigated to a degree by a £39,000 financial contribution in lieu of replacement on-site provision.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

SUMMARY RECOMMENDATION

Approve subject to conditions and a s106 agreement.

REASON FOR REPORT

The application is a major development and has been advertised as a departure and therefore requires a committee decision.

PROPOSAL

The application seeks outline approval for 11 no. 2.5 storey and 2 no. 2 storey residential properties.

The application is in outline with access, layout and scale for approval at this time. Appearance and landscaping have been reserved for future approval.

SITE DESCRIPTION

The application site is located on the eastern side of Ingersley Vale and consists of a bowling green, a clubhouse and a small parking area. The site has some mature vegetation along the western and northern boundaries.

To the south of the site is a row of cottages of a traditional appearance, open land is located to the west and some large three storey properties are located to the north of the site. On the opposite side of Ingersley Vale is a reservoir and a garden serving a residential property. Beyond these land uses is the River Dean.

RELEVANT HISTORY

15/0669M - Outline application for 19no 2 bed apartments & 1no 2 bed bungalow. Withdrawn 8 April 2015.

38350P – Extension to existing clubhouse to form lounge. Approved 23.08.1984

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

100. Flood risk

Development Plan

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC9 (Tree Protection)
DC17 (Water Resources)
DC35 (Materials and Finishes)
DC38 (Guidelines for space, light and privacy for housing development)
DC40 (Children's Play Provision and Amenity Space)
DC41 (Infill Housing Development or Redevelopment)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing)
RT1 (Protection of Open Spaces)

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
SC4 Residential Mix
SE1 Design
SE2 Efficient use of land

Other Material Considerations:

National Planning Practice Guidance (NPPG)

CONSULTATIONS (External to Planning)

Environment Agency – No objection.

United Utilities – No objection. Conditions have been requested requiring that the site be drained on separate systems and that a surface water drainage scheme be submitted prior to development commencing on the site.

Flood Risk Manager – No objection. Conditions have been requested with regard to a scheme for the surface water drainage from the site and that the surface water run off from the site shall not exceed current rates.

Environmental Health – No objection. Conditions have been requested relating to bin storage, contamination and submission of a construction environmental management plan.

Head of Strategic Infrastructure – No objection.

Sport England – No objection subject to the replacement bowling facility is available for use before the development on the existing bowling green is commenced.

ANSA (open space) – No objection. A financial contribution of £39,000 is required in lieu of any on-site open space being required and that the replacement bowling facilities are available and ready for use before the use of the existing bowling green is ceased.

VIEWS OF THE PARISH / TOWN COUNCIL

Comments have been received from Bollington Town Council and Rainow Parish Council.

Bollington Town Council

*The Town Council debated this matter at some length with input from members of the public and **RESOLVED** to recommend refusal on the following grounds:*

- 1) Loss of local open space because the proposed replacement bowling green was distant from the current location.*
- 2) Loss of a local bowling green*
- 3) No replacement planned, only a donation to a new green, which could be provided on land at Kerridge Cricket Club. However, this sum would fall well short of the cost of a new bowling green.*
- 4) Land ownership of the new development appeared to be in dispute in that a resident of one of the existing three-storey houses adjacent to the proposed development pointed out that some of this land was land within the red line of his deeds.*
- 5) Insufficient Neighbourhood Notification*
- 6) 61 homes had already been approved in Ingersley Vale, which would if constructed add significantly to traffic congestion on the approaching narrow streets. This development would add to that.*

Rainow Parish Council

Rainow Parish Council object to this application:

The application is contrary to Saved Policy RT1 of the Macclesfield Borough Local Plan. The site is designated in the Plan as an open space and Policy RT1 states that public and private open spaces should be protected from development. It is understood that Policy RT1 will be retained within the proposed new Cheshire East Local Plan and thus will apply for the foreseeable future. Thus the application, by applying for development on a designated open space, is in direct contravention of Policy RT1 and this will Policy continue to apply under the proposed future Local Plan.

The green is an important community feature and well used by residents.

Road access is limited to narrow roads which already suffer congestion and parking issues and together with the approved development at Ingersley Vale Mill would, if this development goes ahead, make the area congested.

The three story development is very large and would affect the amenity of the cottages nearby.”

OTHER REPRESENTATIONS

A total of 21 representations have been received as a result of the application, 13 of which are objections and 8 are in support.

The points of objection relate to;

- The proposals adjoin a conservation area and harm the character and appearance of this conservation area.
- The development is out of scale with its surroundings.
- The layout results in an overdevelopment of the site.
- The proposal will lead to an excessive amount of traffic making the road very dangerous.
- Lack of parking within the site for the new dwellings.
- Traffic restrictions are required along Ingersley Vale.
- The Application is contrary to Saved Policy RT1, Protection of Open Spaces of the Macclesfield Borough Local Plan 2004, and would result in the loss of a valuable area of recreation and amenity open space.
- The application is contrary to the National Planning Policy Framework (paragraph 128) and policies in the Macclesfield Borough Local Plan and the submitted Cheshire East Local Plan as it would adversely affect the heritage asset which is the Bollington Conservation Area which immediately adjoins the application site on two sides.
- The presumption in favour of sustainable development does not apply to this site as there are adverse impacts, namely the loss of the protected area of local open space and the adverse effect on the Bollington Conservation Area as a heritage asset which outweigh any benefits from this development.
- Loss of a community facility and a valuable greenspace.
- The proposal will cause overlooking and impact on privacy.

The points of support relate to;

- The development provides much need housing.
- The proposals will assist Tullis Russell in their growth plans to the benefit of the local economy.
- Improved bowling facilities will be built elsewhere and the current facilities are underused.
- Local businesses will benefit from additional residents moving to the area.
- The widening of Ingersley Vale will benefit new and existing residents.
- The Members of the bowling club support the proposals

APPRAISAL

The main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply, loss of existing open space, highway safety and traffic generation, contaminated land, air

quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, design / character and sustainability.

Principle of Development

The site is allocated as an area of 'Existing Open Space' as identified in the Macclesfield Borough Local Plan 2004 where policy RT1 states the following;

Areas of recreational land and open space as shown on the proposals map will be protected from development. Redevelopment of a building footprint which does not harm the integrity of the open space will normally be permitted. Open space uses will be enhanced as appropriate. Additional or replacement educational buildings may be permitted provided that the integrity of the open spaces is not harmed.

At a national level the relevant paragraph within the National Planning Policy Framework is paragraph 74, this reads as follows;

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

This is supported by national planning practice guidance.

The site is currently in use as a bowling green and is run by the membership of the bowling club and the site is leased from Tullis Russell and therefore is in private ownership. No public access is available to the site so it performs no function in terms of being a piece of public open space. Whilst this is not a requirement in itself for an area of open space to be maintained the site only performs a limited function as open space and serves only a small area.

A planning application has been submitted and subsequently approved for a replacement bowling facility, the application reference being 16/0214M. This site is located at Kerridge Cricket Club and results in an uplift in terms of the bowling facilities available in the area. The existing bowling green is not of a sufficient size and shape to meet Sport England requirements and the replacement bowling green will alleviate this issue.

In order to ensure that the replacement bowling green will be delivered and ready for use before the cessation of the use of the existing bowling green the applicant has agreed to enter a s106 agreement that will set out this approach. The agreement will also set out the terms of the management of the new bowling green going forward in the future and how it will be made available for public use.

Sport England have been consulted throughout this process and support the proposals to improve bowling provision in the Bollington area on the basis that there is no break in the availability of bowling provision in the area.

As part of the s106 agreement a financial contribution of £39,000 is required to improve areas of open space with the Bollington area. This is in lieu of any on-site provision. This approach has been fully agreed with ANSA who support the proposals.

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016. This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector.

The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14,617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing. This is an important material consideration in support of the proposal.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

SOCIAL SUSTAINABILITY

Residential Amenity

Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

The application is in outline and appearance is a matter that has been reserved for approval at a future date. The layout is orientated in a way that any overlooking or impact on privacy can be avoided with suitably designed elevations.

The layout does not afford any opportunity for any overshadowing to neighbouring properties. Plot 13 is sited next to 52 Ingersley Vale and the front and rear elevations are almost on a level with each other. Therefore no overshadowing will occur nor will the property have an

overbearing impact. Plots 1 and 2 are set at a lower height than the rest of the proposed properties and reflect the height of the properties to the south, Rainow Mill Cottages.

The proposals are for residential use in a residential area and therefore this will raise no impacts in terms of noise or other environmental impacts. The construction process may raise some issues and as a result a condition will be imposed on the decision notice.

ENVIRONMENTAL SUSTAINABILITY

Highways

The application has been supported by a Transport Statement and subsequent tracking information to demonstrate that vehicles varying in size can manoeuvre within the site.

Each property has provision for two parking spaces when taking the garages into account and this is in compliance with the relevant standards.

A key part of the proposal is the widening of Ingersley Vale which allows vehicles to pass.

The Strategic Highways Manager (SHM) has no objections and the proposal is therefore considered to be acceptable in highway safety terms and in compliance with the relevant policies in the adopted and emerging local plans.

Layout & Design

The layout of the site is essentially a row of 11 three storey properties with two smaller properties at the southernmost part of the site. The layout of these properties follows the character of the built form along Ingersley Vale both in building line and scale of the properties. The reduction in height of plots 1 and 2 reflects the reduction in scale of the dwellings to the south of the application site.

Whilst concerns have been raised in respect of the impact of the development on the Conservation Area it is considered that views into and from the conservation area to the site are limited to the west. Any relationship will be the identical to the three-storey properties to the north of the site as they are similar in character. To the south the views are more prominent, however the design of the dwellings reflects the scale of the buildings within the Conservation Area. Details of the materials and fenestration of the properties will be considered as part of any subsequent reserved matters application.

The small area of open space proposed benefits from good natural surveillance from the proposed properties and helps in providing some visual relief from built development along Ingersley Vale. Details of the landscaping is a matter that has been reserved for future consideration.

Trees / Ecology

Trees

The application is supported by an Arboricultural Implications Assessment and Arboricultural Method Statement by Mulberry.

Given the present usage the existing tree cover is associated with the periphery of the site, and in the main the northern and western boundaries. The tree survey identifies the trees as being of low to moderate (Category C – B) amenity value, with no significant specimens (Category A) present and the Council's arboriculturist has agreed with this assessment.

The site stands on the edge of the Conservation Area, with none of the trees currently formally protected. The absence of any specimens which contribute significantly to both the amenity of the immediate area and the wider landscape precludes their consideration for formal protection.

The absence of formal protection does not prevent some of the existing trees being retained and assimilated within any final development layout. The line of Cypress associated with the northern boundary and the mature Oak and Ash (T1 & T2) stand to the rear of an existing retaining wall which has acted as a root barrier in terms of root migration to the south. This feature should be retained with any final development layout accommodated to the south.

A further Arboricultural Implications Assessment will be required taking into account the landscape proposals at that time and this will be included as a condition on the decision notice.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey and Bat Report. This has been fully assessed by the Nature Conservation Officer who has accepted the findings of the reports and recommended a condition is attached to the decision notice that requires protective measures to be put in place should any bird nests be discovered.

Flooding

Both the Environment Agency and United Utilities have been consulted on the application and no objections have been raised subject to conditions for surface water and foul water drainage.

Contaminated land

A condition is recommended requiring submission of phase I contaminated land investigation to assess the contamination risks. The condition will also require more detailed site investigations depending on the findings of the phase I report.

ECONOMIC SUSTAINABILITY

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Bollington for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Delivery of the replacement bowling facilities and its management going forward.
- £39,000 in lieu of on site public open space.

Community Infrastructure Levy (CIL) Regulations

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

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

The public open space contribution and requirements to provide the replacement bowling green are fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

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

PLANNING BALANCE

The site is allocated as 'Existing Open Space' in the Local Plan and is currently in use as bowling green. An improved bowling green has already been approved and will be tied to this application as part of a s106 agreement. Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would result in an improvement in facilities for bowling in Bollington.
- A length of Ingerley Vale will be widened allowed vehicles to pass.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The loss of open space.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly the application is recommended for approval subject to conditions below and the Heads of Terms listed above

RECOMMENDATION

The application is recommended for approval subject to the completion of a s106 agreement and conditions:

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

1. Commencement of development
2. Submission of reserved matters
3. Development in accord with approved plans

4. Materials to be submitted with reserved matters
5. Ground levels to be submitted with reserved matters application
6. Submission of construction method statement
7. Submit Arboricultural Impact Assessment
8. Foul drainage / surface water drainage
9. Contaminated land, requirement for surveys
10. Submission of habitat survey if tree clearance in bird nesting season
11. site to drain on separate systems



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