

Application No: 17/3500M

Location: BOWLING GREEN, INGERSLEY VALE, BOLLINGTON, CHESHIRE

Proposal: 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.

Applicant: Chris Bowman, Ingersley Crescent Ltd

Expiry Date: 19-Jan-2018

SUMMARY

The residential use of the site has been established through the approval of the outline application (15/2354M) which also gave approval for the access arrangements into the site, the scale of the proposed dwellings and the layout of the site. Therefore the only matters for consideration at this time are the appearance of the properties and how the site is landscaped.

The landscaping scheme is considered to be acceptable and appropriate for the scale of development proposed.

The design of the dwellings is considered not to have an unacceptable impact on the character and appearance of the local area and of the adjacent Conservation Area. The materials used for the front elevations are Kerridge Stone with other details being resolved through the conditions to be attached to the decision notice.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASONS FOR DEFERRAL

The application was deferred by Northern Planning Committee at the meeting on the 17 January 2018 for the following reasons;

1. Accordance of the scheme with condition no 17 of the outline approval to be re-assessed.
2. Full Conservation Officer comments to be reported.
3. Investigate the opportunity to amend the layout / landscaping to include 4 parking spaces at the front of the site

4. Confirmation as to whether the parking in garages can be enforced under the outline condition.
5. Re-assessment of overshadowing to neighbouring cottages to include the 45-degree test and to account for the difference in levels.

These matters are considered accordingly.

Accordance with Condition 17

Condition 17 was imposed following the discussions that took place about the outline application at Northern Planning Committee on 6 July 2016. The condition states;

Notwithstanding the description of the development, the number of 2.5 storey dwellings within the development shall be up to 11 units and dependent on the detailed design of the scheme to be submitted as part of any reserved matters application.

With the reason for the condition being;

To ensure the height of the dwellings is in line with the information submitted as part of this outline application and takes account of any proposed alterations to ground levels.

The proposal as it stands is in compliance with this condition. The condition was proposed to ensure the height of the dwellings would be in compliance with those in the outline permission. Plots 1 – 11 are considered to be 2.5 storey properties as they utilise the roof space for living accommodation. The upper floor of the properties could not accommodate these bedrooms if it wasn't taking advantage of using the roofspace. The height of the approved dwellings could accommodate three-storey properties like those to the north of the site by utilising a different design to that proposed. Therefore the condition has achieved what it was intended to achieve in restricting the reserved matters application to the 2.5 storey scale in the outline permission.

The height of plots 1-11 is set at 167 above ordnance datum (aod) and details of site levels have been submitted as part of the application. The ground level of the site will be reduced and the properties will be set at a lower ground level than adjacent properties.

As part of their additional submissions the applicant has submitted a formal legal opinion in respect of the heights of the dwellings. As the plans approved as part of the outline specified the height, the reserved matters application must comply with this. If the plans had stated a maximum height rather than a specific height, flexibility would have existed to reduce the height of the building. However, this is not the case. Therefore as the reserved matters application must be consistent with the outline planning approval they cannot be amended as part of this application.

To conclude the proposal complies with condition 17 of the outline permission. 11no. 2.5 storey properties are proposed and the scale of these buildings is in full compliance with that approved in the outline permission and as this set the exact height of the dwellings, a reduction in height would be at a variance with the outline permission.

Conservation Officer Comments

Comments from Officer's within the department are not normally reported separately and are incorporated within the main wording of the report. The response was worded as follows;

As previously stated the principle of development and height has been established through the outline permission, setting the ridge height with no flexibility. The impacts of this I'm not going to comment, as all that can be done at the reserved matters application stage is to mitigate the impact of the agreed outline parameters and ensure the design is in keeping with the adjacent conservation area, and the rural character of Bollington generally.

I have requested a number of changes to the elevations and the materials, which appear to have been addressed as far as they can be within the parameters of the building parameters set at outline. The proposed elevation plan, revised, 019K is annotated with materials proposed. The clarity needed is on two points

- 1. The materials are not specified for the 2 storey dwelling, I assume the materials are to match as the rest of the development- please can this be confirmed*
- 2. Spanish slate is the specified roof material. Aesthetically this material is not positive next to a conservation area, and in terms of longevity this material is not good either. On both counts I feel natural local slate is both more sustainable as its locally sourced and also will be much higher quality product in keeping with the area.*

I also suggest to ensure that the development has regard to other buildings in and the general character and appearance of the immediate locality of the site in accordance with policy SE1 and SE7 of the Cheshire East Local Plan, I recommend the following conditions.

- 1. The materials to be used shall be in strict accordance with those specified in the application unless different materials are first agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.*
- 2. The material and colour of all rainwater goods shall be metal and painted black*
- 3. All fenestration shall be set behind a reveal of 100mm*
- 4. All windows and doors in the external elevations of the proposed development shall be fabricated in timber and shall be retained in such a form thereafter. which shall be painted or opaque stained and they shall be retained in such a form thereafter*
- 5. All garage doors shall be constructed in timber vertically boarded and shall be retained in such a form thereafter. Which shall be painted or opaque stained and they shall be retained in such a form thereafter*
- 6. The roof lights in the development hereby approved shall be set flush with the angle of the surrounding roof slope. If this cannot be achieved, the degree of projection from the plane of the roof pitch shall be first agreed in writing by the Local Planning Authority.*
- 7. I recommend a landscape condition to allow further consideration of these matters, the materials proposed are not suitable for a rural area on the edge of settlement, they appear to be a mix of tarmac, concrete and gravel which will likely end up all over and not be a long lasting product. The landscape details ought to be simple and high quality*

Points 1 and 2 above have both been addressed in the original report to members, confirmation of the materials has been received and the roof materials will be agreed through a condition. The other matters listed are dealt with in the conditions listed at the end of the report.

Despite the details shown on the latest plans the applicant has agreed that the side and rear elevations of all the properties will be faced in Kerridge Stone and this will be delivered through a condition on the decision notice.

Amendment the layout / landscaping to include parking spaces at the front of the site

Following on from discussion at the previous committee meeting the landscaping scheme has been amended to allow for 4 visitor parking spaces on the area of open space to the front of plots 1 – 6. This will take the form of a 'grasscrete' type of construction that allows this area to be used for informal recreation when the spaces are not in use. This provision ensures this change to the development can be dealt with through the reserved matters.

A condition will be included in the decision notice requiring precise details of this area to be agreed and available for use before any house on site can be first occupied.

Confirmation as to whether the parking in garages can be enforced under the outline condition.

The Local Planning Authority cannot compel a resident to use the garage as a parking space, in the same way it cannot compel a resident to use designated parking bays. What the LPA can do is to ensure that the garage remains available for parking at all times.

The garages provided within the development all exceed the minimum size requirement that allows garage space to be considered a suitable parking space. An additional condition is therefore recommended that ensures the garages are available for parking at all times. This will ensure none of the properties can carry out works to the properties that would result in the loss of this parking space by converting the garages to rooms.

Re-assessment of overshadowing to neighbouring cottages to include the 45 degree test and to account for the difference in levels.

Policy DC38 sets out the guidelines for distances between new and existing properties to ensure a commensurate degree of light and privacy between buildings,

The applicant has issued amended plans that relocate the window from the side of plot 12 to the opposite side of the property and therefore facing within the site. Additionally the rear of plot 11 has been amended to move the dormer type window to the opposite side of the house to remove any overlooking of 3 Rainow Mill Cottages. A plan has been submitted that demonstrates the difference in levels between the properties and the boundary structures and other buildings between the properties remove any possibility of overlooking from the ground floor windows of plot 12.

A plan has also been submitted that show the separation distances between the habitable room windows on the new properties and those at Rainow Mill Cottages. All of the separation distances set out in Policy DC38 are met and therefore the proposal will not result in any unacceptable overlooking.

With regards to overshadowing the distances set out in DC38 also relate to light as well as privacy. This development meets these distances as previously stated. In any event the positioning and height of the dwellings was approved as part of the outline application and for the reasons outlined previously in this report cannot be altered as part of this reserved matters application.

The '45 degree' test is an informal way of assessing the impact of a development on habitable room windows. This is normally applied to proposals to extend detached or semi-detached properties and is not a test one would apply in a situation such as this application. In any event the height and location of the proposed dwellings have been approved as part of the outline permission.

The proposal is fully compliant with Policy DC38 and the proposal will not result in any unacceptable overlooking, loss of light / overshadowing or visual intrusion.

CONCLUSIONS ON REASONS FOR DEFERRAL

It is considered all the points of deferral have been addressed and subject to an additional condition relating to the availability of the garages and the amendment of the condition relating to materials to ensure the use of Kerridge Stone on all elevations.

*****ORIGINAL REPORT PREPARED FOR NORTHERN PLANNING COMMITTEE MEETING
WEDNESDAY 17TH JANUARY 2018*****

REASON FOR REPORT

Councillor Gaddum has requested the application be determined by Planning Committee for the following reason;

This has been a controversial issue and is the sixth application in a two year period. Therefore in the interests of consistency and fairness to local residents, it should be debated in public.

Following the adoption of the new Local Plan on 27th July, this application should be appraised under the provisions of the new Local Plan, rather than the former Macclesfield Local Plan.

It is not clear which reserved matters are being applied for. Whilst the applicant states 'refer to the application supporting letter' there is no such letter on the website.

The application site forms the boundary with Bollington Conservation area on three sides. There is no assessment in the Design and Access Statement (for the application) describing the significance of the Conservation Area as a Heritage asset affected by its contribution of the application site and indeed showing how it would enhance the Conservation Area.

As Rainow is a predominantly rural parish lying mainly in the Green Belt or Peak District National Park, any scheme for more than 10 new homes is a large scheme.

Under condition 17, outline permission was granted for the number of 2.5 storey dwellings which shall be up to 11 units. Many of the units now shown are full three storey buildings, which is a change from the outline permission.

PROPOSAL

The application is for the approval of the reserved matters following outline approval 15/2354M for 11no. 2.5 storey townhouses and 1no. 2 storey detached house. This application is for the approval of the landscaping and appearance of the dwellings.

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 are 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

15/2354M - Outline application for proposed 11 no. 2.5 storey and 1 no. 2 storey residential housing. Approved 2 December 2016.

The site has also been subject to the applications listed below. These applications however have no relevance in the determination of this application;

17/1531M - Variation of condition 3 (approved plans) of 15/2354M - Outline application for proposed 11 2.5 storey and 1 two-storey residential housing. Allowed on appeal.

17/1533M - Reserved matters application following outline approval 15/2354M - Details of Appearance of the proposed 11no. 2.5 storey townhouses and 1no. detached house. Details of Landscape layout and materials. Application made invalid.

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy

The following are considered relevant material considerations:

SD2 Sustainable Development Principles
SE1 Design
SE7 The Historic Environment
SE15 Peak District National Park Fringe

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.

Macclesfield Borough Local Plan

DC3 - Protection of the amenities of nearby residential properties

DC8 - Landscaping

DC9 - Tree Protection

DC38 – Space Light and Privacy

Other Material Considerations:

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

CONSULTATIONS (External to Planning)

Environmental Health – No objection. Conditions have been requested relating to method statements relating to dust control and piling if required. These matters will be addressed through condition 6 of the outline planning permission.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council – Object on the following grounds;

- Overbearing and overshadowing caused to neighbouring properties
- Relationship to the Conservation Area
- Insufficient Parking Provision – properties could be altered to provide additional bedrooms
- Safe Traffic Access
- Trees and Screening
- Inappropriate development that harms the character of the conservation area
- Site is potentially contaminated

Rainow Parish Council – Object on the following grounds;

- Lack of car parking
- Inappropriate materials proposed
- Impact on residential amenity

OTHER REPRESENTATIONS

A total of 61 objections have been received in respect of the application over the two periods of consultation that have been carried out and the points of objection relate to;

- Overlooking / Impact on privacy
- Overshadowing and overbearing impact of the dwellings
- Inappropriate materials and its impact on the adjacent conservation area
- Tree reports are not up to date and the impact of the development on trees

- Insufficient parking and increase in traffic
- Disruption caused through the construction process
- The properties are too large for 3 bedroom properties
- Impact on local ecology

OFFICER APPRAISAL:

Principle of Development

The residential use of the site has been established through the approval of the outline application (15/2354M) which also gave approval for the access arrangements into the site, the scale of the proposed dwellings and the layout of the site. Therefore the only matters for consideration at this time are the appearance of the properties and how the site is landscaped.

Appearance of the Dwellings

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy SD2 of the Cheshire East Local Plan requires new development to achieve the following;

ii. Contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;*
- b. Choice of materials;*
- c. External design features;*
- d. Massing of development - the balance between built form and green/public spaces;*
- e. Green infrastructure; and*
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood;*

During the course of the application, extensive discussions took place in respect of the detailed design of the properties and the plans were formally amended following these discussions. As a result of these amendments the appearance of the properties has been changed to result in a more simple design that better respects the character of the more traditional housing in the area. In doing this the front gable features have been removed, all elements of render have been removed to reduce the massing of the properties and the window sizes have been reduced to better reflect the characteristics of the area.

As a result of these changes to the plans, the Councils Conservation and Design Officer has raised no objections to the proposals and considers they will not have a detrimental impact on the amenity of the area.

The front elevation of the properties will be constructed out of Kerridge Stone which is a local material that many of the older nearby properties have been built from. The plans indicate the roof will be built from Spanish Slate. This is not considered an appropriate roof material and it

has been agreed with the applicant that a roofing material could be agreed through a condition on the decision notice.

Further conditions will be included on the decision notice imposing certain requirements on the design relating to garage doors being in timber, the window detailing and rainwater goods being metal and painted black.

As a result of the amendments the proposals are considered compliant with the requirements of Policies SE1 and SD2 of the Cheshire East Local Plan.

Impact on Amenity

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.

Plots 1-11 do not have any habitable room windows that face other properties so all the distances set out in DC38 are comfortably met.

The proposals initially proposed windows to the rear of Plot 12 that caused issues of overlooking between this property and 3 Rainow Mill Cottages. The plans were subsequently amended moving this window to the side elevation of the property, and whilst the relocated window is only 19 metres away from the nearest window the relationship is considered acceptable.

The reasoning behind this is firstly that the distances set out are only for guidance and Policy DC38 allows these distances to be varied. In this instance the windows in question are at an oblique angle with each other meaning that any views between the windows are severely limited and therefore no overlooking will occur that is significant and therefore no justification exists to refuse the application on this basis.

A small window is retained in the previous position of the bedroom window and this is shown to be obscurely glazed. As this is the case no overlooking will occur and to ensure this remains the case a condition will be included that requires details of the obscure glazing to be agreed and maintained at all times in the future.

The proposal therefore complies with the requirements of Policies DC3 and DC38.

Trees / Landscaping

The application is supported by an updated Arboricultural Implications Assessment (AIA), Arboricultural Method Statement, and Tree Survey by Mulberry dated 24th August 2017. The Arboricultural Impact Assessment and Tree Protection Plan identifies the removal of the north west corner aspect of G3, the loss of these trees which have been categorised as low value category C specimens was accepted as part of the outline approval. None of the trees individually and collectively are considered worthy of formal protection.

There is a hard standing incursion within the RPA of the retained trees associated with G3; special construction measures are proposed for this area which accord with the requirements of current best practice BS5837:2012, but this will dependent on highways accepting non-adoptable implementation. The construction detail provided is indicative only; site specific details can be obtained by condition. A condition will also be included on the decision notice requiring the development being carried out with the recommendations of the AIA.

During the course of the application the Oak Tree located along the eastern boundary of the site has been formally protected through a Tree Preservation Order. This tree is not impacted upon by the development and therefore the information submitted with the application is considered sufficient to determine the application.

The landscaping plan submitted with the application allows for additional planting along the boundary with 52 Ingersley Vale to mitigate for the loss of trees along this boundary. Additional planting is also proposed along the site frontage behind the re-located stone wall.

COMMENT ON OBJECTIONS

A number of the points of objection have been addressed in the main body of the report. The remaining issues raised relating to highway matters, contamination the scale of the dwellings, and the principle of developing the site are not relevant to the consideration of this application and were all addressed as part of the outline application.

CONCLUSIONS

The application is to consider the appearance of the dwellings and the landscaping of the site. The level of accommodation, highway impact, scale of the dwellings, layout and the principle of development have all been previously established and are not for consideration at this point. The landscaping scheme submitted has been deemed to be acceptable. The appearance of the dwellings is considered acceptable and does not have an unacceptable impact on the character and appearance of the area in general or the adjacent Conservation Area.

RECOMMENDATION

The application is recommended for approval subject to the conditions listed below:

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.

Application for Reserved Matters

RECOMMENDATION:

1. Development in accord with approved plans
2. Landscaping (implementation)
3. No windows to be inserted
4. Rainwater goods
5. Fenestration to be set behind reveals
6. Specification of window design / style
7. Garage doors
8. Roof lights set flush
9. NPPF
10. Obscure glazing to rear of plot 12
11. No dig hard surface construction
12. Implement in accordance with the AIA
13. Samples of materials and use of Kerridge Stone on side/rear elevations.
14. Ensure garages remain available for parking vehicles

