

Application No: 18/2244M

Location: BOWLING GREEN, INGERSLEY VALE, BOLLINGTON, CHESHIRE EAST

Proposal: Reserved matters following outline approval of landscape layout, details are also provided on materials, ground levels, floor slabs, electric vehicle charging points and arboricultural information.

Applicant: Mr Chris Bowman, Ingersley Crescent Ltd

Expiry Date: 12-Oct-2018

SUMMARY

The residential use of the site has been established through the approval of the outline application (15/2354M and subsequently amended through 17/1531M) 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 not considered to have an unacceptable impact on the character and appearance of the local area and of the adjacent Conservation Area. The material used for all elevations is Kerridge Stone with other details being resolved through the conditions to be attached to the decision notice.

The proposal is fully consistent with that of the Planning Inspector in allowing the previous reserved matters application on the site.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The application was advertised as being a committee item and given the history of the site it was considered appropriate the application be determined by Northern Planning Committee.

PROPOSAL

The application is for the approval of the reserved matters following outline approval 15/2354M 11no. 2.5 storey townhouses and 1no. 2 storey detached house and as subsequently varied by application 17/1531M.

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 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

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

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.

17/3500M - Reserved matters application following outline approval 15/2354M - Details of appearance of the proposed 11 2.5-storey townhouses and 1 two-storey detached house. Details of landscape layout and materials. Allowed on Appeal 13 July 2018.

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy

The following are considered relevant material considerations as indications

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)
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Highway Engineer – No objection.

Public Rights of Way Officer – Comments made about obstructions on the public right of way but as this is outside of the red line of the application no conditions can be imposed on this issue. The applicant has been made aware of the comments and any issues caused can be resolved using separate legislation.

Environmental Protection – The submitted information in respect of electric vehicle charging points is considered acceptable. A condition will be included on the decision notice requiring the development to be carried out in accordance with these details.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council

*The Town Council was concerned regarding the absence of a site contamination survey and management plan. Also, the plan showing the site lines from plots 11 and 12 to 3 Rainow Mill Cottage did not take into account first floor windows. Although previous correspondence had mentioned a frosted glass first floor window in Plot 12, which was not a sustainable enforceable solution, no mention was made of Plot 11 in this regard. There were also discrepancies in terms of the relative heights of plot 12 and Rainow Mill Cottages. Again, these discharges raised more questions and continued to confuse. The Town Council **RESOLVED** to recommended refusal.*

OTHER REPRESENTATIONS

A total of 18 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 combined with the lack of pedestrian access.
- Disruption caused through the construction process.

- The properties are too large for 3 bedroom properties.
- Impact on local ecology.
- Lack of green space in front of the dwellings
- Not enough of the stone wall is being retained.
- Window detailing is inappropriate in this location.
- Inappropriate materials are proposed for the dwellings and not all materials are shown on the sample provided on site.

APPRAISAL

Background

A reserved matters approval is already in place for the site after being allowed on appeal. This approval (17/3500M) related to the original outline approval on the site approved as part of application 15/2354M.

An application (17/1531M) was allowed on appeal that resulted in an increase in footprint of the previously approved permission and this current application seeks the approval of the reserved matters of the amended outline approval.

The difference between the two applications are that the current application has a slightly larger footprint and plots 1-11 being a single block of housing rather than two separate blocks. The height of the buildings is consistent with that approved as part of the outline and reserved matters applications.

Principle of Development

The residential use of the site has been established through the approval of the outline application (15/2354M and varied by 17/1531M) 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.

An issue has been raised from a resident concerning the appeal decision for the outline application allowed on appeal (17/1531M) and that the plan approving the height of the dwellings was not listed. This was a mistake at the time by the Planning Inspector who should have included the plan from the original outline permission as this application did not seek to alter the scale of the development in respect of the heights of the dwellings.

The alternative reserved matters approval was allowed on appeal and is consistent in terms of height with this current application and the previous outline permission. This is an extant planning permission capable of implementation once pre-conditions have been discharged and therefore it is considered that the scale has been established despite not being listed in the inspector's decision.

Appearance of the Dwellings

Policies SE1 and SD2 seek to ensure that new development respects the character of the area and is of an appropriate design. This is consistent with the provisions of the NPPF and is supported through the Cheshire East Design Guide.

The appearance of the properties is consistent with that allowed on appeal as part of application 17/3500M and the appearance of the properties is considered acceptable. The external elevations of the dwellings will be faced in Kerridge stone, this will be on all external elevations. The roof slate proposed is Kentdale Blue-Grey. These materials are considered appropriate for this site and a condition will be included in the decision notice ensuring these materials will be used.

Conditions relating to rainwater goods, windows and doors, garage doors and rooflights will be included on the decision notice further controlling aspects of the appearance of the dwellings.

Consequently the proposal would comply with Policies SE1 and SD2 of the Cheshire east local plan, which seek to ensure new developments respect the character of the local area in so far as it requires high quality design. It is also considered that the proposal complies with the National Planning Policy Framework in terms of the setting of the Bollington conservation area which abuts the site,

The proposal is in line with NPPF paragraph 184 which states heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The current proposal would not cause any harm to the significance of Bollington conservation area, by virtue of being in its setting, and meets the objectives set out in the Cheshire East Local Plan, SE7

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.

The window arrangement is the same as that allowed on appeal as part of application 17/3500M with exception of the window in the north eastern elevation of plot 12 which has now been removed and replaced by a rooflight on the side elevation. This raises no issues in respect of overlooking. The Inspector considered both the impact on the windows at 3 Rainow Mill Cottages and the impact on the garden of the property. The Inspector concluded;

I conclude that the proposed development would not have a harmful effect on the living conditions of the occupiers of 3 Rainow Mill Cottages, with particular regard to privacy. It would comply with the development plan and in particular there would be no conflict with

Policies DC3 or DC38 of the MBLP which seek to ensure, amongst other things, that development should not injure the amenities of adjoining or nearby residential property due to loss of privacy.

Conditions 5, 6 and 12 of the inspector's decision outlined measures to ensure the continued protection of the amenity of 3 Rainow Mill Cottages. Condition 5 is no longer required as the window in question has been removed. Condition 6 restricts the possibility of additional windows being installed on the side and rear elevations of plots 11 and 12. This condition will be replicated on the decision notice. Condition 12 relates to the retention of a boundary screen along the boundary of plot 12 and this condition will be replicated on the decision notice.

The proposal therefore complies with the requirements of Policies DC3 and DC38 and is fully consistent with the conclusions of the Planning Inspector.

Accordance with Condition 17 of the Outline approval

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 submissions to the previous reserved matters application the applicant 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.

Trees / Landscaping

The Tree Protection Plan (Dwg No BGIV/MS/01 Rev C) identifies the removal of three Cypress from within G1 and a linear section of trees (Cypress Goat Willow Ash) interspaced with Laurel which partially extend along the north western boundary of the site identified as G3, retaining the southern most section of the group.

The recent inspectors decision accepted the loss of the three Cypress associated with G1 identifying them as not making a valuable contribution to the character of the area, nor do they perform a significant screening function Removal will also benefit the adjacent protected mature Oak T1. The trees identified for removal as part of G3 are considered to be low value specimens (Cat C) who do not contribute significantly to the immediate area or the wider landscape including the sites location on the edge of the Conservation Area. The condition of the mature Ash (T2) has deteriorated further over the preceding years since the trees initial inspection, justifying the decision not to protect it as part of the 2017 Tree Preservation Order.

A limited amount of crown lifting is proposed in respect of both T1 and T2 raising their respective crowns to 3 metres; this is considered to be minor works which can be expedited by the removal and shortening of secondary and sub-lateral branches. Additional consent under the TPO legislation is not required should the detail be approved as part of this application.

Tree protection details have been provided, this accord with the requirements of current best practice BS5837:2012, and are considered acceptable.

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 (AMS) is indicative only (gravel with cell stabilization system); site specific details including a sectional drawing can be obtained by condition; the inspector also refers to this condition in the most recent decision. The affected trees are not considered worthy of formal protection under a Tree Preservation Order.

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.

The extent of the stone walls retained along the eastern boundary of the site has been accepted by the Inspector and this application is consistent with that approach. The wider landscape proposals for the site are considered acceptable.

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.

An issue was raised over the suitability of the garages as parking provision. 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.

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 dwelling 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. The proposal is consistent with the comments made in the appeal decision for 17/3500M and the impact of the development is no worse than that approved by Inspector at appeal.

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) 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. Informative
2. Plans
3. Materials - Kerridge Stone and Kentdale blue-grey
4. No-dig surface
5. Implement landscape plan
6. No windows / dormer windows in rear of plots 11 or 12
7. All rainwater goods shall be metal and painted black.
8. All windows and doors in the external elevations shall be fabricated in timber and shall be set behind a reveal of 100mm and retained in such form thereafter.
9. All garage doors shall be constructed in timber vertical boarded and shall be retained in such a form thereafter.
10. The roof lights hereby permitted shall be installed flush with the angle of the surrounding roof slope.
11. Implement tree works
12. Ensure 2 metre high boundary alongside of plot 12
13. Ensure garages remain available for parking
14. Carry out development in accordance with details submitted - electric vehicle charging points

