

Application No: 11/4341M

Location: FORMER BEECH LAWN AND WOODRIDGE, BROOK LANE,  
ALDERLEY EDGE, CHESHIRE, SK9 7QG

Proposal: Amended Scheme for Erection of 20 Apartments in Two, Three Storey  
Buildings.

Applicant: P.E.Jones (Contractors) Limited

Expiry Date: 01-Mar-2012

**Date Report Prepared: 5 March 2012**

### **SUMMARY RECOMMENDATION**

Refuse

#### **MAIN ISSUES**

- The design and appearance of the proposal and its impact on the character and appearance of the area
- The materiality of the previously approved development
- The impact of the proposal on the amenity/ privacy of adjoining residents and future residents of the residential units proposed
- Whether access and parking arrangements are suitable
- Whether affordable housing is required as part of the scheme

#### **REASON FOR REPORT**

The proposal requires determination by the Northern Planning Committee under the terms of the Council's constitution.

#### **DESCRIPTION OF SITE AND CONTEXT**

The site lies on the northern side of Brook Lane, at the edge of the Predominantly Residential Area, beyond which lies the Green Belt. Brook Lane is generally characterised by large Victorian/Edwardian semi and detached mansions, set in large, well landscaped plots with generally extensive tree cover. More modern development plots in the vicinity are equally well landscaped, however, the scale, height and massing of the more recent dwellings is less imposing than the older mansion blocks.

The site adjoins the Alderley Edge By-Pass and has the benefit of an implemented planning permission for a total of 18 residential units within 2 blocks dating from the late 1990's. The development was commenced by virtue of the creation of the access from Brook Lane following the demolition of the 2 dwellings that formerly existed at the site, but progressed no further.

The site is a cleared site which is secured by a timber hoarding to the Brook lane frontage. The eastern boundary of the site is shared with three dwellings. A large area of demolition spoil occupies a central plateau within the site, which slopes away steeply towards the rear. The western boundary now forms the boundary with the Alderley Edge by-pass, which runs past the site in a cutting. The By-pass has been extensively landscaped and mounded. The site itself, however, cuts into the landscaping mound, particularly to the rear, where the mound falls away towards the By-pass cycle –path and footpath.

## **DETAILS OF PROPOSAL**

It is proposed to erect 2 no apartment blocks comprising basement car parking and 3 further floors of residential accommodation including roof level penthouses and associated outdoor amenity space, accessed off a shared drive via Brook Lane. Each block will contain 10 flats, with 3 per floor and one penthouse. Overall, 17 car parking spaces are proposed with the basements and 23 surface level car parking spaces are contained within the grounds, along the rear and eastern boundary. Overall there is 200% car parking proposed.

## **RELEVANT HISTORY**

98/2054P - Demolition Of Existing Buildings And Construction Of 18 Flats In 2(No) Three Storey Blocks With Associated Car Parking – Allowed On Appeal 2.07.1999

This scheme has been implemented by virtue of the implementation of the access being formed and the 2 former dwellings that occupied the site being demolished.

## **POLICY**

The Development Plan consists of the North West of England Plan Regional Spatial Strategy to 2021 (RSS), the saved policies of the Structure Plan Alteration: Cheshire 2016, and the saved policies of the Macclesfield Borough Local Plan.

### ***Regional Spatial Strategy for the North West to 2021***

DP1- Spatial Principles, promoting sustainable development

DP2- Promote Sustainable Communities

DP5- Manage Travel Demand

EM2- Remediating Contaminated Land

EM18 – Decentralised Energy Supply

MCR3 (Southern Part of the Manchester City Region)

L2 – Understand Housing Markets

L4 – Regional Housing Provision

### ***Macclesfield Borough Local Plan (2004)***

#### **Built Environment**

BE1- Design Guidance

#### **Development Control**

DC1 – New Build

DC3 –Amenity

DC5- Natural Surveillance

DC6 – Circulation and Access  
DC8 – Landscaping  
DC9 – Tree Protection  
DC35 Materials and Finishes  
DC37 Landscaping  
DC38 Space, Light and Privacy  
DC40 Children’s Play Provision and Amenity Space  
DC41 – Infill Housing Development

**Environment**

NE17- Nature Conservation in Major Developments

**Housing**

H1- Phasing policy  
H2- Environmental Quality in Housing Developments  
H5- Windfall Housing  
H8 – Provision of Affordable Housing  
H9 - Occupation of Affordable Housing  
H13- Protecting Residential Areas

**Implementation**

IMP1- Development Sites

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

**Cheshire Replacement Waste Local Plan (Adopted 2007)**

Policy 11 (Development and waste recycling)

**Other Material Considerations**

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 3: Housing  
Planning Policy Statement 13: Transport

By Design – better places to live; Safer Places – the Planning System and Crime Prevention  
– A Companion Guide to PPS1

Interim Planning Policy on the Release of Housing Land  
Interim Planning Policy Statement – Affordable Housing

Ministerial Statement March 2011 – Planning for Growth

Draft National Planning Policy Framework

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; 11/2005 Green Belt Direction and 11/95 The use of Conditions in Planning Permissions.

Relevant legislation also includes the EC Habitats Directive, the Conservation of Habitats Regulations and Species Regulations 2010, Wildlife and Countryside Act 1981

## **CONSULTATIONS (External to Planning)**

**United Utilities:** No objection subject to drainage being on a separate system

**Strategic Highways Manager:** No highway objections subject to conditions. Considers 200% car parking provided on site within the grounds and within the basements of the blocks to be adequate.

**Housing Strategy and Needs Manager:** no objections subject to a S106. In this case a financial contribution in lieu of on site provision is acceptable

**Environmental Health (Air Quality) :** No objection subject to further ground contamination given that the residential use is a sensitive end use.

**Environmental Health (Amenity) :**The impact of noise from the bypass and air quality adjacent has been considered, in terms of any potential impact on future residents of the dwellings proposed. No objections are raised subject to conditions in terms of either air quality or noise for future residents and construction conditions for existing neighbours.

**Tree Officer:** Accepts the principle of a number of tree removals from the site. Most are in terminal decline.

**Ecologist:** No objection subject to conditions. The ecological report submitted is accepted.

**Leisure Services :** The development falls within the threshold for a commuted sum for the provision of open space(POS) and recreation/outdoor sports facilities. For POS the commuted sum would be £54,000. This would be used to make additions, improvements and enhancements to public open space and play and amenity facilities in Alderley Park. The Sport and outdoor recreation commuted sum would be £9,000 and would be used to make additions, improvements and enhancements to the facilities within Alderley Park and at Chorley Hall Playing Fields

## **OTHER REPRESENTATIONS**

Alderley Edge Parish Council consider the application should be refused. They acknowledge the lawful fall back of the 1998 scheme but consider the proposal to be overly dominant , out of character, unneighbourly and obtrusive. They also consider it likely to lead to greater traffic generation.

One letter of objection from an adjoining residents raising concern re loss of privacy/overlooking

## **APPLICANT'S SUPPORTING INFORMATION**

The information that has been submitted alongside the plans and drawings include:

- i) Planning Statement;
- ii) Statement of Community Involvement
- iii) Arboricultural Survey;
- iv) Design and Access Statement
- v) Air Quality Report
- iv) Noise report
- v) PPG3 Housing Checklist
- vi) Draft Heads of terms

## **OFFICER APPRAISAL**

Section 38 of the Planning and Compensation Act 2004 requires a plan led approach to decision making in that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the development plan consists the saved policies of the North West of England Plan (Regional Spatial Strategy), the Cheshire structure Plan, the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan.

### **Principle of Development and Policy**

The Site is located in the Predominantly Residential area as defined in the Macclesfield Borough Local Plan 2004 therefore there is no objection in land use terms to the redevelopment of this site for housing purposes.

The 1998 scheme was implemented within the relevant time period and is therefore a material commencement of that development to which considerable weight must attached given that the Applicant could continue with that 18 unit development at any time.

Accordingly, the increase in units equates to the difference between the 1998 implemented scheme and the scheme as now proposed. This equates to 2 units. The 1998 scheme, itself, made no contribution to affordable housing or any other form of planning gain.

### **Affordable Housing**

Local Plan policies H8 and H9 require 25% of dwellings as affordable housing having regard to the individual circumstances including the criterion 4 of H8. The Interim Planning Policy Statement (IPS) however requires a 30% provision of affordable housing

The presumption in PPS3 and the Interim Planning Policy Statement is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing. However, where it can be robustly justified, off-site provision or a financial contribution in lieu of on site-site provision (of broadly equivalent value) may be accepted as

long as the agreed approach contributes to the creation of mixed communities in the local authority area.

The SHMA 2010 shows that for the Wilmslow & Alderley Edge sub-area this site is located in there is a need for 51 new affordable units per year between 2009/10 – 2013/14, these are made up of a requirement for 2 x 1 bed, 17 x 2 bed, 17 x 3 bed, 9 x 4/5 bed and 6 x 1/2 bed older persons accommodation.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 828 applicants who have selected either Alderley Edge or Wilmslow as their first choices, these applicants require 306 x 1 bed, 326 x 2 bed, 139 x 3 bed, 23 x 4 bed. 34 applicants haven't specified how many bedrooms they require.

The Affordable Housing Interim Planning Statement states that normally the Council would prefer to see affordable housing provided on-site. This is in line with Government guidance to encourage the development of sustainable and balanced communities. However, there may be physical or other circumstances where an on-site provision would not be practical or desirable.

The units proposed in this scheme range in size from 127m<sup>2</sup> for a 2 bed apartment to 165m<sup>2</sup> for a 3 bed apartment and have 3 bed penthouse apartments at 180m<sup>2</sup>.

These units are significantly bigger than the minimum sizes that the HCA require 2 and 3 bed units to be. The Housing Quality Indicators which form part of the current Design and Quality Standards are 45m<sup>2</sup> – 50m<sup>2</sup> for a 2 bed units and 57m<sup>2</sup> – 67m<sup>2</sup> and it has been accepted that due to the size of proposed units an affordable housing financial contribution would be appropriate rather than on site provision of affordable housing.

As there were already 2 units on the site which were demolished the net gain of units is 18, the affordable housing contribution has been calculated based on 30% of 18 units, this equates to 5 units and the commuted sum required based of 3 units as social rent and 2 as intermediate tenure is £280,047.

The Strategic Housing Manager has accepted the financial contribution and the Applicant has provided Heads Of Terms to satisfy this policy objective.

### **Highways**

The Strategic Highways Manager has advised that the internal road layout is not one which will be adopted as public highway and will remain private, especially as the road will be gated as it enters the site. There is sufficient space within the site for a refuse vehicle to turn and exit the site in forward gear.

A total of 2 car parking spaces are proposed for each unit and equates to 200% parking, this level of provision accords with the Highways Department's parking standards. The access points provide adequate visibility given that it has been implemented in accordance with the 1998 scheme.

## Design and site layout

Local Plan policies BE1, H2, H13 and DC1 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting.

It is accepted that the 1998 apartment scheme which was approved in 1999 on Appeal has been the subject of a material start. This comprised of 2 three story blocks with surface level car parking and garages. Building 1 was on the front of the site and building 2 was located to the rear. These buildings are sizeable buildings in their own right, with simple gable roof forms, brick facings and are of a simple design treatment comprising casement windows with brick cills and headers and soldier courses. Decorative dormers are used to break up the roof form. The scale and site coverage of the blocks take a design cue from the large Victorian/Edwardian semi-detached dwellings set in fairly substantial plots back from the main road frontage in the immediate vicinity. The minimum distance between the blocks was 24 m whilst the maximum was 30m. The front block was set back from the frontage and at the closest point came to approx 8m from the boundary. The orientation of the front block and its limited expanse of roof adjoining the boundary to Highfield House was deemed acceptable in design terms. The rear block was sited circa 8m from the rear boundary from, at that point which is closest to the By-pass, whilst although not built was known to be likely to run in close proximity.

A comparison between the implemented scheme and the current proposal are shown in the following table –

1998	Block 1 (front)	Block2 (rear)	current (front)	current (rear)
Height to ridge	12.5m	12.5m	16.2 (inc basement)  13.1m from ground level	16.2 (inc basement)  Ranges between 13.1 and 15m from ground level
Height to eaves	7.8m	7.8m	10.3 (inc basement)  7m from ground	10.3 (inc basement)  Ranges from 13m to 16m from ground level
Depth m	16.1m	19.5m	28.2m inc balconies	23.5m
Width m	16.1m	18.9m	24.5m inc balconies	29 m (inc balconies)
Internal area	771 sq m approx	705 sq m approx	1527 sq m	1649 sq m

As the above comparison shows, the scale, mass, depth and width of the 1998 scheme is much smaller than the scheme as now proposed. It is also important to remember that the site context has changed considerably by virtue of the now built by-pass running within approx 5 metres of the bottom corner of the site. Accordingly, the rear of the site, which was previously adjoining agricultural land to which there was no public access is now a well used route which is used by pedestrians and cyclists as well as motorists.

The key design issue relates to the appropriateness of the proposed development having regard to the context within which the development sits. The context has changed considerably since the previous scheme was considered as a design

In this regard the scale, height, mass and site coverage of the proposed development is important and whilst due regard needs to be paid to the fall-back position, guidance in PPS1 seeks to ensure that new developments take opportunities to enhance the character and the distinctiveness of places.

Para 16 of PPS3 Housing also concerns design quality and includes the extent to which the proposed development (inter alia):

- *Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.*
- *Facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.*
- *Takes a design-led approach to the provision of car-parking space that is well integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.*
- *Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.*

This proposal comprises two significant blocks of apartments and surface level car parking accessed via Brook Lane.

Whilst the Applicant has amended this scheme during the course of its determination to reduce the maximum height of the blocks to be no higher than the maximum height of the previously allowed scheme, the detailed design and bulk of the buildings, when added to the cumulative effect of the significantly larger width and depth of building mass of both buildings, particularly at roof level and continuance and sheer volume and mass of built form of each block, and particularly the scale, height, mass and juxtaposition of the built form of the rear apartment block adjoining the by pass to the rear is out of character with this area, is excessively over-dominant in the street scene.

The rear block, in particular, will be very dominant within the by-pass streetscene. Notwithstanding landscaping to the bypass which will screen the rear, the scale of the building, its height and position further back into the site will be a hard edge of some considerable height, extending significantly further to the rear than previously approved. The scale, mass and height of which would be further elaborated by the run of the buildings roof to the side and rear elevation.

Overall, it is considered the scheme fails to deliver design to a sufficient standard to comply with the design policy in the Plan or the policy as expressed in other material considerations.

The proposed development is considered to comprise an overdevelopment of the plot and would result in a cramped development, which is dominated by the two blocks of apartments, hardsurfacing and surface level car parking that is obtrusive and out-of-character with the surrounding area.

The sheer mass and scale of the apartment blocks, particularly at roof level, together with the drops in levels erodes the character of the site and this, combined with the alteration of grounds levels and the incongruous and excessive site coverage and mass design results in a building which is not considered to be sympathetic to the site, or the surroundings, including the new public realm created with the By-pass and which is contrary to policies BE1, DC1 and national guidance in PPS1.

### **Impact on residential amenity**

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

Comparison between the 1998 scheme and the current proposal confirms that the proposal is a significantly larger development and manifests a materially different on site relationship between the 2 proposed blocks. Balconies are now proposed as private amenity space for each flat. Balconies to the rear of Block 1 are directly overlooked by a number of the proposed apartments in Block 2 and are located 20m from each other. The balconies in question serve living rooms and their patio doors are some 23m from the bedroom windows in block 2. The interface distance with policy DC38 would normally seek some 28m in this kind of relationship.

It is considered that the proposed development would fail to achieve an adequate level of amenity to the prospective occupants of the apartments and therefore would be contrary to policy DC3 of the Local Plan.

With respect to neighbouring houses, particularly the proximity of Highway House and Block 1 some weight has been given to the overlooking relationship as previously approved, - a bedroom window on each floor of the east facing elevation of block 1 previously had a poor (oblique) relationship with the rear facing windows in Highfield House (this equated to 3 separate flats on 3 floors in the 1998 scheme) however now the overlooking between the proposal and those windows in Highfield House is greater.

Whilst on a similar footprint, proposed Block 1 is considerably bigger, wider and has lesser variety in the roofscape is circa 33m wide. The monotonous run of the roofscape together with its lack of variety of pitches (as were more prevalent in the approved scheme) and greater bulk of this current block results in an overbearing mass of built form that will be overbearing and excessively imposing and would create an unacceptable amount of enclosure for the neighbouring resident which is contrary to DC3.

The following matters would also need to be incorporated if permission is to be granted

### **Renewable energy**

RSS policy EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable. The applicant has not demonstrated that this is not feasible and the design and access statement has not considered the incorporation of such measures.

Whilst the RSS is soon to be abolished and will no longer form part of the Development Plan, the wider planning agenda in the former of PPS1 and the evidence base to inform the Core Strategy are all important material considerations.

No information is submitted in support of this application in respect of renewable energy. This could be dealt with by condition.

### **HEADS OF TERMS**

The applicant has submitted a draft head of terms for a s106 legal agreement. This covers the following of relevance

- The payment of £280,047 in lieu of on site provision of affordable housing
- £54000 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities (amenity and children's play) at open space facilities at Alderley Park; and
- £9000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) within Alderley Park and Chorley hall Playing Fields.

Payment of the commuted sum would be requested prior to first occupation of the proposed development and the legal agreement would need to be signed prior to determination

### **Community Infrastructure Levy (CIL) Regulations**

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

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

The provision of a commuted sum payment in lieu 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 of Public Open Space is necessary, fair and reasonable, as the proposed development will provide 20 flats, the occupiers of which will use local facilities as there is no open space on site, as such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

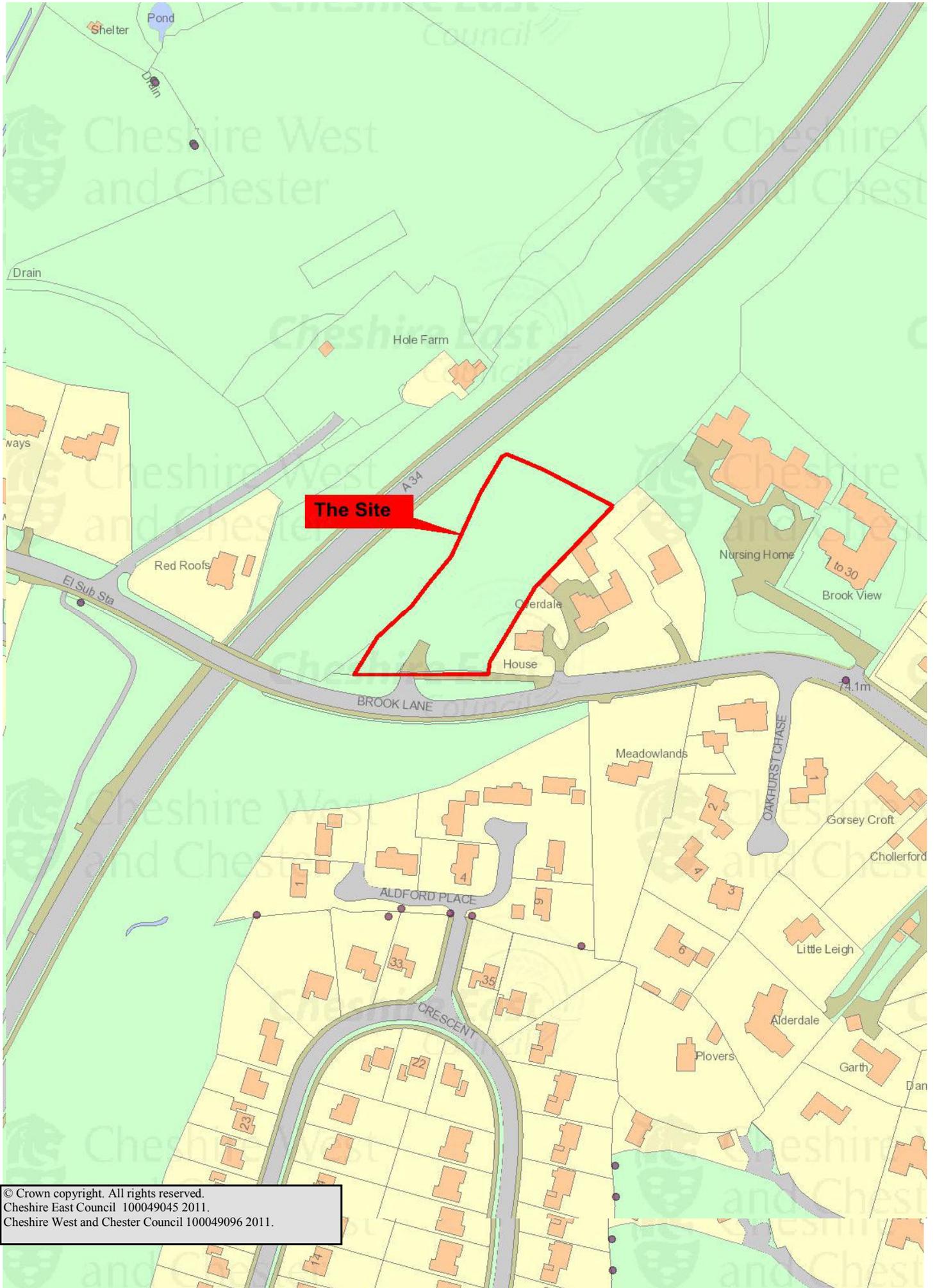
### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

There is an approved scheme for 18 No. apartments which could be built on this site; this is a material consideration that carries weight in the determination of this proposal. However, it is considered that the proposal put forward would be an overly dominant development which would have a harmful impact on the character and appearance of the area, would result in a poor and cramped form of development which would be detrimental to the amenities of neighbours and future residents alike.

Whilst the LPA does not currently have a five year supply of housing, and this scheme would deliver 2 additional dwellings (above the approved scheme), it is considered that the proposed housing development would be out of character and have a detrimental effect on the amenity of prospective occupiers and neighbours and not fit with the spatial vision for the area.

The proposed development would be contrary to policies BE1 H13, DC3, DC38 of the Macclesfield Borough Local Plan. Whilst, the approved scheme could still be built out, as a fall back it does not justify this proposal which is not in accordance with adopted planning policy and would result in a poor development which would be detrimental to the amenity of future residents and neighbours alike. As such the application is recommended for refusal.

1. R03RD - Cramped development
2. R07RD - Development unneighbourly
3. R10MS - Design of substandard quality



**The Site**

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Cheshire East Council 100049045 2011.  
Cheshire West and Chester Council 100049096 2011.