

Application No: 21/0349M

Location: BROOK LANE CHAPEL, BROOK LANE,
ALDERLEY EDGE, SK9 7RU

Proposal: Sub-division of existing single dwelling to create four dwellings

Applicant: Tipler and Davies

Expiry Date: 07-Jun-21

SUMMARY

The application lies within Alderley Edge, which is identified as a Local Service Centre where the principle of residential development on the site is acceptable. The developments accords with Policies PG 2 and SE 2 of the CELPS and Policies AE1 and AE2 of the Alderley Edge Neighbourhood Plan (AENP).

The design of the scheme would be sensitive to the existing appearance of the building. It is not considered that this proposal will significantly negatively impact the character of the area or the amenity of users and neighbours.

There would be no significant impacts in terms of flood risk drainage, landscaping, trees, or ecology.

The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan, the policies within the Alderley Edge Neighbourhood Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

SUMMARY RECOMMENDATION

APPROVE with conditions

REASON FOR REFERRAL

The application has been called in to Committee by local ward member, Councillor Craig Browne, for the following reasons:

“This application is called in to Northern Planning Committee at the request of the Parish Council and local residents who have expressed concerns in relation to:

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- *over intensification of use of the site*
- *privacy and overlooking, impacting on residential amenity*
- *highways safety (visibility splays/swept path analysis)*
- *availability of external amenity space, impacting on living conditions of future occupants*

In the event that the committee is minded to support a recommendation of approval, members are asked to consider adding planning conditions in relation to:

- *boundary treatment (adjacent to No.102 Brook Lane)*
- *details of drainage scheme*
- *obscure glazing*
- *bin store”*

DESCRIPTION OF SITE AND SURROUNDINGS

The application site is in a predominantly residential area on the southern side of Brook Lane (B50585). It relates to a former 19th Century Church that was converted to a single dwellinghouse. While the site is within the neighbourhood plan area of Alderley Edge, it is within the built-up area of Wilmslow, separated from Alderley Edge by the Green Belt.

DETAILS OF PROPOSAL

The applicant proposes to convert a single dwelling to create four residential units. Unit 1 would have three bedrooms and units 2, 3 and 4 would have two bedrooms.

RELEVANT PLANNING HISTORY

05/2217P – Alignment of domestic curtilage and retention of decking with boundary fence and gate to paddock – Approved – 7 November 2005

05/1586P – Alterations to rear elevation to include insertion of 3no. French windows – Approved – 4 August 2005

97/1590P – Conversion of chapel to dwelling – Approved – 18 September 1997

80835P – Change of use and extension of chapel to form dwelling – Approved – 26 April 1995

43696PB – Altered elevations – Approved – 02 January 1986

POLICIES/LEGISLATION

Cheshire East Local Plan Strategy 2017 (CELPS):

MP1 Presumption in Favour of Sustainable Development

PG2 Settlement hierarchy
SD1 Sustainable development in Cheshire East
SD2 Sustainable development principles
PG3 Green Belt
SC4 Residential mix
SE1 Design
SE2 Efficient use of land
SE4 Landscape
SE5 Trees, hedgerows and woodland
SE7 Historic environment
SE13 Flood risk and water management
CO1 Sustainable travel and transport
Appendix B: Saved policies
Appendix C: Parking standards

Macclesfield Borough Local Plan (MBLP) – saved policies:

DC2 Design quality for extensions and alterations
DC3 Protection of the amenities of nearby residential properties
DC6 Circulation and access
DC38 Guidelines for space, light and privacy for housing development
DC42 Subdivision of property for residential purposes

Alderley Edge Neighbourhood Plan (AENP) (referendum held):

AE1 Alderley Edge Development Strategy
AE2 Design, scale and type of new housing
AE3 Sustainable housing design
AE9 Landscape character and access
AE12 Local and historic character

Other Material Considerations:

National Planning Policy Framework (2021)
National Planning Practice Guidance
National Design Guide
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Environmental Protection Unit (EPU) - No objection. Informative recommended to make the developer aware of their responsibilities in respect of construction hours.

Head of Strategic Infrastructure (Highways) – No objection. Informative recommended advising the developer that they will need to a Section 184 Agreement under the highways Act 1980 to provide new vehicular crossings over the adopted footway/verge.

National Grid / Cadent Gas – No objection. Informative recommended to make the developer aware of their responsibilities in respect of apparatus.

Alderley Edge Parish Council – Object on the following grounds:

- significant over development;
- parking proposal impractical;
- highways safety ingress/egress;
- eastern boundary implies no enclosure leading to potential encroachment into neighbouring land;
- if a boundary were applied it would compound issues of vehicle access/movement within the plot;
- recommend conditions: drainage, boundary treatment, obscure glazing

OTHER REPRESENTATIONS

Representations have been received from 4 addresses objecting to the proposal on the grounds summarised below:

- Neighbours generally welcome the upkeep and redevelopment of the site, however they also have concerns about the specifics of the proposal
- Overdevelopment
- Lack of amenity space
- Car parking and access
- Limited on-street parking availability as Brook Lane is busy/narrow with on-street parking restrictions
- Loss of garage
- Visibility will be restricted due to the bend and on-street parking
- No room for turning to enter/exit in a forward gear
- Highways safety when competing for space on the road, e.g. future users reversing into the street, existing street traffic, golf club vehicular access opposite, pedestrians
- Parked cars would be squeezed into the site so that they would not be able to open doors without encroaching on neighbouring sites
- Predominantly single dwellings in the area
- Pollution: traffic/living noise and traffic fumes
- Replacement of trees with a car park
- Loss of privacy for residents
- Detrimental impact on beauty of the area
- Detrimental impact on local wildlife
- A neighbour has included details of a community Speedwatch conducted on 30th May (2020?)
- The application form states that no trees or hedges will be removed, but boundary vegetation will be removed
- Individuals' loss of a view
- Although the traffic assessment advised that existing railings and low wall will be retained, this has not been shown on the plans
- Number of units on application form incorrect

- Impact on future utilities/amenities such as air conditioning should be considered
- Loss of stained-glass windows and character of building
- Previous application included obscure-glazing of windows which are now shown on the current application as being clear-glazed and opening
- Loss of privacy from window in flat-roofed access to Unit 2
- Flood risk/drainage concerns;

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Principle of Development

The application site lies within a predominately residential area in Alderley Edge. Alderley Edge is identified as being a Local Service Centre under Policy PG 2 of the Cheshire East Local Plan Strategy (CELPS). This policy confirms that within Alderley Edge, small scale development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities.

Chapter 11 of the NPPF states that planning policies and decisions should make effective use of land. Planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Planning decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and the availability of land suitable for accommodating it, local market conditions and viability, the availability and capacity of infrastructure and services, the desirability of maintaining an area's prevailing character and setting or of promoting regeneration and change, and the importance of securing well-designed attractive and healthy places.

Policy SE 2 of the CELPS also encourages the re-use of previously developed buildings.

Saved policy DC42 of the MBLP states that applications for the subdivision of property for residential purposes will be subject to the following criteria:

1. The proposal should provide a satisfactory level of amenities for the prospective occupiers
2. The proposal should not materially affect the amenities of adjoining or neighbouring properties, particularly by virtue of noise transmission through the juxtaposition of living and sleeping accommodation
3. The proposal should not materially affect the character of the area, particularly through the over concentration of such uses
4. On site car parking should be provided in accordance with the standards set out in Appendix 10

Appendix 10 of the MBLP has now been replaced by Appendix C of the CELPS.

Policy AE1 of the AENP states that new residential development will be supported within Alderley Edge village where proposals re-use existing buildings. Policy AE2 of the AENP states that development within Alderley Edge must contribute towards a mix of house types, sizes and tenures.

The proposal would provide 3 no. tow bedroom units and 1 no. there bed unit. The development would make a small contribution to the Boroughs housing requirements through the provision of 3 net additional no. market dwellings. It must be noted that a development of this size, does not trigger the need for affordable housing provision or any other planning obligations.

In accordance with these policies, there is no objection in principle to new dwellings in this location through the re-use of existing buildings, subject to compliance with the other relevant development plan policies.

Design, Character and Appearance

Chapter 12 of the NPPF, Policies SD2, SE1 and SE4 of the CELPS, saved Policy DC2 of the MBLP and Policy AE2 and AE3 of the ANP seek to ensure high quality design, that proposals make a positive contribution to their surroundings and that proposals do not harm the character of an area or of the property being altered.

The proposed external physical alterations include:

- Introduction of additional rooflights, windows, doors and Juliette balconies, or alterations to these existing openings;
- Landscaping and the addition of hardstanding.

The previous conversion of the church to a dwelling was not carried out sensitively and the existing alterations to the building have already had an impact on the character and appearance of the building. The proposed alterations will not result in significant additional harm and will follow the style of the existing conversion.

The property is not in a conservation area and is not on the local or national list of heritage assets and as described above, has not been sensitively converted. Nevertheless, it is still a valuable example of a 19th century church. It is therefore recommended that if permission is granted, conditions be added to the decision notice to ensure that the date stones are retained and that the style of existing openings such as lintels, sills, framing and reveal depth are retained where replacement or infill is proposed.

Neighbouring residents have noted that the proposed development will result in a loss of vegetation to the front of the building and an increase in hardstanding. However, an examination of photographs from recent years shows that its currently overgrown nature has likely been caused due to its current lack of use rather than due to the long-term character of the site. Much of the front of the site is already covered with loose hardstanding such as gravel, and the provision of hard surfaces incidental to the enjoyment of a

dwellinghouse is permitted development under the General Permitted Development Order. The site is not in a conservation area and the vegetation is not covered by a tree preservation order. It is not considered that the hedgerow to the front boundary provides a significant contribution to the landscape character of the area. The Council's forestry team have been consulted on the application and indicated that there are no significant arboricultural implications with this application.

Details of proposed boundary treatments have been provided on the proposed block plan. It is therefore not considered necessary to condition this. The design of the scheme is found to be acceptable.

Residential Amenity

Planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. (NPPF, para 130c). Policy SEn1 of the CELPS states that development proposals should ensure liveability, including appropriate levels of privacy for new and existing residential properties.

Saved policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential properties. Saved policy DC38 provides a guideline for separation distances. Saved policy DC42 that proposals should provide a satisfactory level of amenities for the prospective occupiers and should not materially affect the amenities of adjoining or neighbouring properties.

Policy AE2 of the ANP states that proposals for new housing development within the built up area of Alderley Edge will be supported where schemes respond to adjoining residential areas and protect the amenity of neighbouring residents.

Several new rooflights are proposed in the south east elevation. These will be approximately 2 metres above first floor level and with the orientation of the property in relation to No.83 Brook Lane, these rooflights are unlikely to result in a loss of privacy.

Several new rooflights are proposed in the north west elevation. These will be approximately 1.1 metres above first floor level and are intended to provide outlook to the bedrooms which they serve. There are no windows in the side elevation of the neighbouring property no.85.

The rear elevation faces onto an area predominantly used as a carpark within Russet Way. The side elevation of the building opposite has no windows and it is not anticipated that there would be any loss of privacy resulting from the proposal.

It is not considered that the proposed extension will cause significant harm to the amenity of neighbouring residents in respect of light, privacy, overbearing and space between buildings.

Every bedroom will have a floor area of at least 11.5m² and will be served by a window for light and outlook. Each unit will be served by its own living/cooking area and bathroom. While outdoor amenity space would be limited, every unit would either be served by a garden or balcony.

Provision has been made within the curtilage of the site for the storage of bins.

The impact on neighbouring residential amenity is acceptable and the scheme would secure a satisfactory standard of amenity for future occupiers.

Highways and Parking

Parking and other transport considerations are integral to the design of schemes and contribute to making high quality places (NPPF, para 104e). However, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF, para 111).

Alderley Edge Design Code (CODE SUST.AMNT) states that developments should ensure adequate safe and secure cycle storage and also waste and recycling facilities are provided within garden areas or the curtilage of houses. External charging points should be provided on walls close to parking areas and within private garages to support the use of electric vehicles.

Brook Lane is a busy classified B road and the proposal site is located at a bend. Additionally, the increase in the number of residential units has resulted in a need for increased parking provision to meet Cheshire East parking standards.

A Highway Statement has been submitted in support of the proposal, demonstrating car parking provision, access points and visibility splays.

Objections have also been received raising parking and access concerns. Objections have indicated that there is limited on-street parking availability on Brook Lane. There is limited space for manoeuvrability of vehicles within the site and the scheme relies on tandem parking. Concerns have also been raised about the size of the bays widths with regards to the opening of doors. Objectors are also concerned about visibility.

The Council's Head of Strategic Infrastructure (Highways) has advised that although the lateral vehicle to pedestrian intervisibility and 'vehicle to vehicle' intervisibility associated with the accesses does not confirm to current design guidance, the levels of available visibility are similar to those associated with neighbouring properties on Brook Lane. As a result, the highways officer does not consider this to be a sustainable reason for refusal.

The highways officer also considers the proposed parking provision to be acceptable. The proposal would provide 2 no. parking spaces for each unit which would accord with Appendix C of the CELPS. Appendix C also includes guidelines for bays which consider the required distance for opening doors and for people to stand between parked cars. Nevertheless, each pair of car parking bays also includes an area of adjacent unobstructed space, even if this is differently paved, which should allow for some flexibility with regards to the opening of car doors.

Development proposals should identify and pursue opportunities to promote cycling. Planning decisions should provide for high quality cycling networks and supporting facilities such as cycle parking. Residential development will be expected to incorporate measures to encourage travel by sustainable modes of transport such as cycling. Therefore, a condition is recommended to ensure that at least four appropriate convenient, accessible, all-weather, secure cycle parking spaces are provided within the curtilage of the building.

Subject to the above, the scheme is found to be acceptable in terms of highways and parking.

Flooding and Drainage

The proposed development lies in Flood Zone 1. Land and property in flood zone 1 have a low probability of flooding. The area around Brook Lane Chapel is at low risk of surface water flooding. The statement submitted with the application indicates that the developer intends to use porous materials for the hardstanding to the front of the property. As the proposed area of hardstanding would be greater than 5m², a condition is recommended to ensure this.

Other Issues Raised by Representation

The council considers all representations but must make its decision based on planning grounds only. Issues such as disturbance during construction, ownership matters, an individual's loss of a view and the Party Wall Act are not material planning considerations and are matters that should be pursued separately either under other legislation or as a private matter. Similarly, party wall agreements are not covered by planning legislation. It is possible for planning permission to be granted for a development which is subject to other legislative constraints.

CONCLUSIONS

The application lies within Alderley Edge, which is identified as a Local Service Centre where the principle of residential development on the site is acceptable. The development accords with Policies PG 2 and SE 2 of the CELPS and Policies AE1 and AE2 of the Alderley Edge Neighbourhood Plan (AENP).

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The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan, the policies within the Alderley Edge Neighbourhood Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

It is recommended that the application for planning permission be approved subject to the following conditions:

1. Commencement of development – three years
2. Development in accordance with approved plans
3. Materials as application (brick/slate to match existing, timber similar to existing)
4. Details of openings/infill to be submitted
5. Rooflights to be set flush with the roof plane
6. Date stones to be retained
7. Details of foul and surface water drainage to be submitted
8. Hardstanding to be constructed using porous materials
9. Electric vehicle infrastructure to be installed
10. Details of cycle parking to be submitted
11. Parking access provided and retained prior to first occupation
12. Protection for nesting birds
13. Any soil imported into site shall be tested for use suitable for residential purposes

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 has 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.



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