

Application No: 10/1841M

Location: PEACOCK FARM, 194, WILMSLOW ROAD, HANDFORTH, WILMSLOW, SK9 3JX

Proposal: RESIDENTIAL DEVELOPMENT CONSISTING OF A TOTAL OF 24 DWELLINGS INCLUDING 9 APARTMENTS AND 15 HOUSES AND ANCILLARY CARPARKING AND LANDSCAPING

For PENSYCOR LTD

Registered 18-Jun-2010

Policy Item Yes

Grid Reference 385604 384336

Date Report Prepared: 28 October 2010

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Whether the apartment block part of the proposal constitutes inappropriate development in the Green Belt and if so, whether there are any very special circumstances
- The design and appearance of the proposal and its impact on the character and appearance of the area
- 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
- The impact of the proposal on existing trees and landscaping
- Whether affordable housing is required as part of the scheme
- Implications for protected trees on site

REASON FOR REPORT

The proposal is for the erection of 24 residential units. The Council's scheme of delegation requires the application to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

This currently vacant site is located at the junction of the A555 (MAELR) slip road / roundabout and Wilmslow Road in Handforth. The farm buildings that previously occupied the site have been demolished in recent years and the site is now secured via a hoarding/ fencing.

In visual terms the site a number of mature trees to the northern portion of the site, many of which are protected by virtue of Tree Preservation Order. The trees provide a landscape screen which defines the edge of Handforth.

The site is partially located within the green belt. The Green Belt between Handforth and Heald Green is very narrow in this area. The MAELR cuts east-west through this narrow band of Green Belt and currently terminates immediately to the north of the site at the Wilmslow Road roundabout. The semi-mature tree belt along the southern side of the MAELR corridor and the mature trees on the northern part of the application site form a continuous wooded belt along the northern edge of Handforth which wraps around the Wilmslow Road junction and forms a valuable buffer that screens the Spath Lane residential area on the edge of Handforth and separates the urban area from the Green Belt.

The site forms the boundary between the urban area and the green belt. To the east of the site, adjoining areas of housing with the Spath Lane estate are mixed with bungalows and two storey terraced dwellings adjoining the site. Along Wilmslow Road itself, to the south of the site, are a mix of housing including a relatively recently built 3 storey apartment block, detached housing of varying styles in relatively spacious plots and some commercial premises.

DETAILS OF PROPOSAL

It is proposed to erect a three storey apartment block (9 x 2 bed apartments) and associated outdoor amenity space, car parking and bin store to the northern portion of the site in an area close to the A555 slip round and roundabout within an area designated as green belt and 15 no detached and terraced dwellings (3 x 2 bed; 8 x 3 bed and 4 x 4 bed located to the remainder of the site (non green belt) accessed off a shared drive via Wilmslow Road

The houses are mainly two storey dwellings, comprising mainly brick and part rendered facades arranged in a courtyard style setting, 9 of which are located in a backland setting within that courtyard. The apartment block also utilises the same palette of materials and design principles.

RELEVANT HISTORY

None

POLICIES

Local Plan Policy

- NE11 Nature Conservation
- BE1 Design Guidance
- GC1 New Buildings in the Green Belt
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments
- H5 Windfall Housing Sites
- H8 Provision of Affordable Housing
- H9 Affordable Housing
- H13 Protecting Residential Areas
- T2 Integrated Transport Policy
- DC1 New Build
- DC3 Amenity
- 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

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

PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS3 Housing
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPG24 Planning and Noise

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

CONSULTATIONS (External to Planning)

Highways: No objection subject to conditions

United Utilities: No objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer

Leisure Services: No objection subject to commuted sum payments

Housing Strategy and Needs Manager: no objections subject to a S106 legal agreement being entered into to secure the affordable housing tenure. In accordance with current planning policy 6 units should be made available as affordable housing 50% of these should be made available for social rent and 50% intermediate tenure. The prevailing need in Handforth is for houses to be provided on an affordable basis and I would suggest a mix of 2 and 3 bed houses would meet the requirements of the policy

Environmental Health (Contamination) : 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 slip road adjacent and general traffic noise from Wilmslow Road has also been considered, in terms of any potential impact on future residents of the dwellings proposed.

It is advised that the garden spaces within the individual dwellings will be a Noise Category c (at best) and most likely category d in terms of the ratings within PPG24. Noise category 'D' should normally be refused planning permission.

Tree Officer: Accepts the principle of a number of tree removals from the site but raises formal objection and recommends the refusal of the application on grounds that the housing layout will have a detrimental effect on a number of protected trees within the site by virtue of proximity to proposed residential properties and also on grounds of impact upon health of trees during building works.

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

REPRESENTATIONS

One letter of objection from an adjoining residents raising concern re loss of privacy to main room windows.

One letter which raises general support but considers that use of 3 storey dwellings in the proposed layout is likely to be detrimental to the privacy of adjoining residents. Also considers the potential impact upon the health of protected trees.

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) Ecological Report

These documents can be viewed online as background information. The planning statement in précis concludes that:

The Pre – Consultation involved meeting with Officers, Ward Members and the individual lettering of 54 local addresses. Six replies received which are detailed as being supportive.

The site has no constraints to its development. The site is within the Macclesfield SHLAA as having a capacity of 30 dwellings. The Council's ability to provide a 5 year supply of housing is questioned and the ability to deliver housing numbers as detailed in the annual requirements of the (former) RSS is questioned. This site is put forward as being capable of delivering a small number of houses in a location which has good access to services and facilities. The small portion of the site that is green belt is an 'anomaly' left over from a time when the A555 did not exist. The detailed design of the scheme respects the character and appearance of the locality.

With respect to the issue of affordable housing, the Planning Statement considers that the threshold in the Plan for the provision of affordable housing is 25 units and that the LPA should be justifying the use of a threshold of 15 units (from PPS3) in its policy framework.

There are very special circumstances that justify the development in the green belt, whilst the proposal is a technical departure from the Plan in all other respects the prevailing policy framework is complied with.

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 Cheshire structure Plan, the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan.

Main Issues

The application site is currently split into two areas, which in terms of planning policy are quite distinct from one another. The land adjoining the slip road of the A555 is designated as Green Belt under Local Plan policy GC1; this the area where the proposed block of flats is proposed whilst the remainder of the site is unallocated urban, previously developed land.

Green Belt Issues

The proposed apartment block and parts of the rear gardens of proposed Plots 1 to 3 that are located within Green Belt. Paragraph 3.4 of PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for one of the five purposes listed within the paragraph. Local Plan policy GC1 repeats this advice and states that within the Green Belt approval will not be given for the construction of new buildings unless it is for a limited number of purposes unless very special circumstance are demonstrated.

Inappropriate development is, by definition, harmful to the Green Belt. There is a general presumption against inappropriate development in the Green Belt, and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other material considerations.

One of the five purposes of including land in the Green Belt is to prevent neighbouring towns from merging into one another. The Green Belt between Handforth and the Greater Manchester conurbation is extremely narrow in the vicinity of the application site, and there is also some existing linear development along the B6358 within the Green Belt here, which reduces the openness of the gap further.

The Green Belt part of the application site is considered to provide an important function in maintaining a degree of openness on the approach to the settlement of Handforth and the construction of an apartment block here would reduce the general openness of the narrow Green Belt gap, and extend the built urban area of Handforth further towards Heald Green. The erection of a three storey apartment block will certainly urbanise this character

The Applicant suggests that the inclusion of the site within the Green Belt is an anomaly left over as a result of the development of the A555 (MALR) and that the site should be

read against the urban backdrop as it is an isolated small wedge between the urban area of Handforth and the A555.

The site's inclusion in the Green Belt is not an anomaly. The detailed Green Belt boundaries in this area were defined in the 1998 Wilmslow Local Plan, at which time the A555 Airport Link Road was a proposed scheme. The A555 opened in 1995 and Green Belt boundaries were reviewed for the 1997 Macclesfield Borough Local Plan. The Green Belt boundary in this location has consistently not been altered.

The application also considers the Green Belt part of the site against the objectives for the use of land within the Green Belt defined in PPG2 para 1.6. It is accepted that the site plays a limited role in fulfilling these objectives. However, it is also clear from para 1.7 that *"the extent to which the use of land fulfils these objectives is however not a material factor in the inclusion of land within a Green Belt, or in its continued protection"..... "The purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives"*.

In order to justify the inappropriate development within the Green Belt it will be necessary to consider if the harm caused by reason of inappropriateness is outweighed by other considerations.

These are now considered below;

Design and site layout

Local Plan policies BE1, H2, H13, DC1 and DC35 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. Policy H2 requires new residential development to create an attractive, high quality living environment. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

Para 16 of PPS3 concerns assessing design quality include 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 a small development of 15, two and two and a half storey, detached and terraced dwellings and a three storey apartment block accessed via Wilmslow Road. The dwellings themselves are arranged in a courtyard and backland setting. Five dwellings are sited close to the Wilmslow Road frontage, behind railings, in differing orientation and some are accessed through the gardens to the frontage, whilst

present their rear elevation to the site frontage. This is considered to limit interaction in urban design terms and would exacerbate an already busy and defensive part of Wilmslow Road to pedestrians, producing a static streetscape.

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.

Tree and Landscape Character Implications

Policies DC8 and DC9 of the local plan require schemes to have appropriate landscaping and ensure the retention of trees of amenity value.

The site supports a number of trees covered by the Macclesfield Borough Council (Wilmslow – Handforth House/Peacock Farm) Tree Preservation Order 1981 (Group G1 comprising 4 Sycamore, 5 Lime and 1 Horse Chestnut) and (Area A1 the several Beech, Horse Chestnut, Sycamore, Lime, Norway Maple, Oak and Elm applies). Eight protected trees are proposed to be removed by virtue of their poor condition.

One unprotected Elm (T6) will also be required to be removed due to its poor form.

A further nine unprotected trees comprising of various Goat Willow, Cypress, Norway Spruce and Eucalyptus will require removal to accommodate the proposed development.

The development will inevitably lead to tree loss within the site, it is the view of the Council's officer for arboriculture that none of the trees shown for removal are of sufficient significance that they cannot be adequately mitigated, however, there are considered to be significant implications for the future health and well being of a group of protected trees to the rear of plots 1 to 3 and a protected lime tree sited in close proximity to the apartment block. The implications are such the Council's Arboricultural Officer recommends refusal of this application on grounds on the potential impact that the proximity of trees to the future living conditions of future residents and the threat to trees by virtue of the proposed construction practises.

For instance, the shadow that will be cast by the trees within the rear facing rooms of the proposed dwellings (plots 1-3), is considered to be significant and of a level which, any future application for removal on grounds of adverse impact on future residents would be difficult to resist. This potential issue could also effect the protected lime tree (some 19 metres high positioned 6.4 metres from the proposed building, although offset from the secondary aspect kitchen windows of the ground, first and second floor, the Arborist has concerns that this will present a dominating impact on the building and its occupants.

The Arborist also has concerns about the impact that building works will have by virtue of the provision of temporary and permanent access, the position hard standing and the position of the apartment block around Limes (T7 and T19). The submitted Arboricultural report identifies a significant area of the Root Protection Area (RPA) of T19 will be 'transgressed', although digging would be limited to a small section for the foundation corner of the apartment block ; the larger transgression would be to facilitate the access road and the arboriculturist proposes a 4 metre wide temporary access road

In this regard the Council's Arboricultural Officer has concerns with regard to the feasibility, reliability and durability of such a system where various sizes of machinery are used and the degree of on site control required in order to prevent damage to the tree.

Landscaping plans have been submitted with the proposals. The semi-mature tree belt along the southern side of the MAELR corridor and the mature trees on the application site form a continuous wooded belt along the edge of Handforth which wraps around the eastern side of the site to meet Wilmslow Road. This forms a valuable buffer that screens the Spath Lane residential area on the edge of Handforth and separates the urban area from the Green Belt.

The mature trees on the northern part of application site are a visually important part of the Green Belt landscape. They also contribute to the tree-lined character of the Wilmslow Road corridor. The area between the mature tree avenue and the site frontage is open. The vegetation around the site frontage is not particularly attractive or worthy of retention. Hampton Court, the large three-storey apartment block, located opposite the site on the western side of Wilmslow Road is not in the Green Belt but is visible from it. It is set back from the roundabout junction and is partially screened in views from the north by mature trees on the open area next to the junction.

The proposed development would introduce another large, three-storey building into the landscape of the area, particularly to the northern side of the roundabout moving towards the Borough boundary, which is considered to be detrimental to the visual amenity and landscape character of the area. It would also threaten the long-term retention of two healthy protected trees on site. On this basis the proposal is considered to be contrary to adopted planning policy DC8 and DC9.

Highways

Given the low number of units on the site, there is no traffic impact issues associated with the development on the local road infrastructure. The provision of car parking is 200% for the houses and 150% for apartments that includes visitor parking, this level of parking provision is considered acceptable.

There is a single point of vehicular access to the site that provides adequate visibility for the approach vehicle speeds.

There are a number of bus services currently operating within a reasonable walking distance from the site and provides the occupiers of the site the ability to use sustainable travel modes.

Overall, there are no highways objections to the proposal.

Planning Policy and Supply of New Housing

PPS3 states at Para 69 that in determining planning applications for housing, Local Planning Authorities should have regard to a number of criteria including achieving a good mix of housing reflecting the accommodation requirements of specific groups, using land effectively and efficiently and 'ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in , the spatial vision for, the area and does not undermine wider policy objectives..'

Para 71 goes on to state that where the Local Planning Authority can not demonstrate an up to date five years supply of housing. They should 'consider favourably' planning

applications for housing having regard to the policy in PPS3 (Para 69) and the wider planning objectives for the area.

It is accepted that at present the Council can not demonstrate a 5 year supply and thus the Council needs to give favourable consideration to this proposal having regard to the criteria listed in Para 69 of PPS3.

Whilst there is no objection, in land use terms and housing supply terms to the principle of the development of the urban part of this site for residential purposes, Para's 69 and 71 of PPS3 are directly relevant to that part of the site which lies within the green belt.

It is considered that the green belt part of the site is not 'suitable' due to the importance of the green belt in this location as a mechanism to control the Stockport Conurbation merging into Handforth which, it is considered would undermine the wider planning objectives and the spatial vision of the area. If approved such decisions would also prejudice the preparation of the Local Development Framework and affect the Council's ability to objectively determine the most appropriate strategy and sites for future housing development.

Affordable Housing Requirement

Permission is sought for 24 dwellings, and therefore should include an element of affordable housing. Although the Macclesfield Borough Local Plan (2004) policy H8 sets a site threshold of 25 dwellings before an element of affordable housing is required, this threshold has been superseded by the lower threshold of 15 dwellings as set out in PPS3 paragraph 29.

PPS3 was published after the 2004 Local Plan and in relation to the provision of affordable housing, states that *"the national indicative minimum site size threshold is 15 dwellings. However, Local Planning Authorities **can set lower minimum thresholds, where viable and practicable**"*. It does not make provision for Local Planning Authorities to set higher thresholds. The 15 dwelling national indicative minimum threshold is the highest threshold that can be applied, although authorities can set lower thresholds through their policy, where viable and practicable.

The Applicant's interpretation of the requirements of Para 29 differs significantly from Officers. It is the crux of the Applicant's argument that in order to justify a threshold of 15 units, then the Council should have a plan wide target for affordable units. In short the Applicant considers that the threshold for affordable housing provision is 25 units as contained in policy H8 of the Plan. On this basis, no affordable housing is put forward, indeed the Applicant has been unwilling to enter into any form of negotiation on this matter.

Prior to Cheshire East developing new policy for the provision of affordable housing, PPS3 paragraph 68 further supports the 15 dwelling threshold. *"When making planning decisions for housing developments after 1st April 2007, Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans"*.

The former Macclesfield Borough Council issued the "PPS3 (Housing) and Saved Policies Advice Note" in 2008. This is not policy but offers guidance for applicants on meeting the requirements of the saved Local Plan policies and PPS3 in relation to housing

applications. The note is clear that the Council will require a proportion of affordable housing on sites of 15 or more dwellings.

In accordance with current planning policy 6 units should be made available as affordable housing 50% of these should be made available for social rent and 50% intermediate tenure. The prevailing need as identified in the SHLAA is for houses to be provided on an affordable basis and a mix of the 2 and 3 bed houses would meet the requirements of the policy.

The Applicants contention that the threshold for the provision of affordable housing is 24 units is not accepted and the lack of provision is contrary to PPS 3.

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.

A number of bungalows and two storey dwelling are located adjacent to the site. There are a number of contraventions of the interface distance guidelines within the site and adjoining properties. For instance the distance between the gable elevation of plot 11 and the facing principle room window within the neighbouring bungalow is 10m which is significant shortfall. It is considered that regardless of the north facing rear elevation to this bungalow, the siting of a 2 storey end of terrace elevation will be materially detrimental to the living conditions of that resident. Likewise the three storey block of flats contravenes the interface standard with regard to the dwellings adjoining. An example of the interface contraventions within the proposed housing layout itself is highlighted by the relationship between plots 12 (a 3 storey dwelling) and 10, which have their principal elevations facing one another and are sited 11m away from one another. This is significantly lower than the 28m that is required within policy DC38.

Noise (Amenity of future residents)

PPG24 sets out guidance for noise sensitive development, outlining categories of noise which would be deemed unacceptable for the location of residential property. The acknowledged limit stated in BS8233:1999 this 55dB in residential garden areas. The advise of the EHO in respect of this proposal is that the individual gardens fronting onto Wilmslow Road, even with a 1.8m high close boarded fence on those parts of gardens which front onto the main road. The acoustic report states the following noise levels;

Plot 1 is at 66dB
Plot 2 is at 63dB
Plot 3 is at 62dB
Plot 12 is at 63dB
Plot 14 is at 63dB
Plot 15 is at 64dB

The range beyond the target 55dB is between 7 to 11dB which is considered significant in noise amenity terms. To mitigate for the elevated noise levels it is suggested that a 4 - 4.5m close boarded fence would be needed to be erected to the individually affected gardens. Without such a barrier it is likely that future residents of the affected dwellings would be

exposed to higher than reasonable noise levels . In PPG24 terms , the predicted noise levels are categorised a Noise Category 'D' , where planning permission should be refused ; which in planning terms this is considered to be detrimental to living conditions of future residents who are a sensitive end use.

The potential mitigation in the form of a 4-4.5m high close boarded fence to the Wilmslow Road frontage would reduce the noise environment in the gardens. Whilst no details are provided of such a fence, this would undoubtedly have an impact upon the visual amenity of the area and the amenity of those affected future residents.

Renewable energy

Former RSS policy EM18 required 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 this policy no longer forms 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. 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

- An undertaking to negotiate an appropriate payment in lieu of public open space/play space off site

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

- 6 units should be made available as genuinely affordable housing 50% of these should be made available for social rent and 50% intermediate tenure

CONCLUSIONS AND REASON(S) FOR THE DECISION

It considered that the proposal would be 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, and fails to adequately safeguard the future health and well being of protected trees within the site.

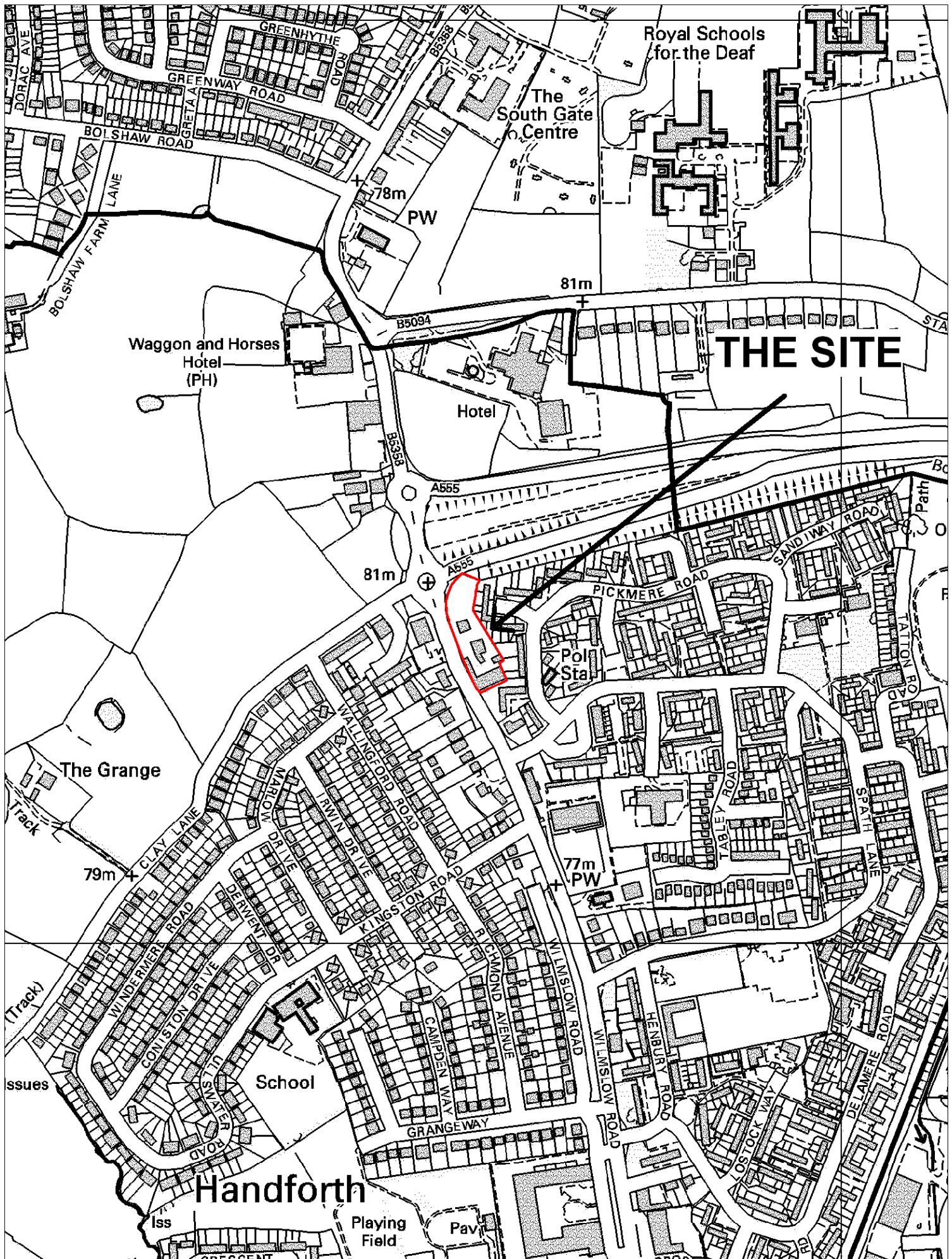
It is not considered that the harm caused to the Green Belt is outweighed by other considerations, and therefore there are no very special circumstances to justify this development.

It is acknowledged that the Council can not demonstrate a 5 year supply of housing, however, for the reasons previously identified the use of the site is not considered suitable in the proposed form and there are no interests of acknowledged importance which would outweigh the presumption against the inappropriate development in the green belt. Accordingly, a recommendation of refusal is made.

Application for **Full Planning**

RECOMMENDATION : Refuse for the following reasons

1. R01PL - Contrary to national policies concerning affordable housing
2. R02RD - Loss of privacy
3. R02TR - Threat to protected trees
4. R04LP - Contrary to Green Belt / Open Countryside policies
5. R04TR - Relationship to protected trees
6. R10MS - Design of substandard quality



10/1841M - PEACOCK FARM 194 WILMSLOW ROAD HANDFORTH

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