

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 5th October, 2016  
**Time:** 10.00 am  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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Please note that members of the public are requested to check the Council's website the week the Northern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

**1. Apologies for Absence**

To receive any apologies for absence.

**2. Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

**3. Minutes of the Meeting (Pages 1 - 4)**

To approve the Minutes of the meeting held on 7<sup>th</sup> September 2016 as a correct record.

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**Please Contact:** Gaynor Hawthornthwaite 01270 686467  
**E-Mail:** [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **16/4087M - Coppers, 10 Congleton Road, Alderley Edge, SK9 7AA: Proposed 4 no. apartments to replace former single detached dwelling. Formation of new linked detached garages and new vehicular and pedestrian access to Lydiat Lane, and associated landscaping for Andrew Hall, HC Development CO 2 Ltd (Pages 5 - 14)**

To consider the above application.

6. **16/3569M - Coppers, 10, CONGLETON ROAD, ALDERLEY EDGE, CHESHIRE, SK9 7AA: Proposed 3no. apartments to replace former single detached dwelling. Formation of new linked detached garages and new vehicular and pedestrian access to Lydiat Lane, and associated landscaping for Mr Andrew Hall, HC Development CO 2 Ltd (Pages 15 - 26)**

To consider the above application.

7. **16/3610M - LAND TO THE REAR OF 14-18, LONDON ROAD, ALDERLEY EDGE, CHESHIRE: Proposed demolition of existing building to the rear of No's 14-18 London Road, Alderley Edge and erection of a two and half storeys residential block comprising three apartments for Mr Anwar Kanj, Atco Export (Pages 27 - 34)**

To consider the above application.

8. **16/2121M - GUY SALMON KNUTSFORD, MANCHESTER ROAD, KNUTSFORD, WA16 0ST: To update the appearance of the existing Land Rover and Rolls Royce Dealership to the current Land Rover corporate identity. - New 'Sunshine Grey' rain-screen cladding is to be applied to the front and side elevations. - The existing cladding to back of house areas is to be painted Silver RAL 9006. - Customer entrance door to be moved to front of building facing Manchester Road. - Existing Curtain walling to be replaced with structural glazing. - External surfacing to be amended for Mr John Buchan, Sytner Group (Pages 35 - 42)**

To consider the above application.

9. **16/3725M - 2-6 , HOLLY ROAD NORTH, WILMSLOW, SK9 1LX: Variation of condition No 1 of existing permission 15/4854M; Erection of retirement living housing (category type II accommodation), communal facilities, landscaping and car parking for McCarthy & Stone Retirement Lifestyles** (Pages 43 - 50)

To consider the above application.

10. **Demolition of Existing Dwelling and erection of 2 new houses - Resubmission of 15/2163M: 1 Butley Lane, Prestbury, Cheshire SK10 4HU** (Pages 51 - 58)

To consider the additional information in relation to reason 2 to refuse planning application 16/0834M in advance of formally issuing a decision notice.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 7th September, 2016 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

**PRESENT**

Councillor G M Walton (Chairman)  
Councillor C Browne (Vice-Chairman)

Councillors C Andrew, E Brooks, T Dean, T Fox, H Gaddum, S Gardiner,  
A Harewood and N Mannion

**OFFICERS**

Patricia Evans (Senior Planning and Highways Lawyer)  
Neil Jones (Principal Development Officer)  
Matthew Keen (Senior Planning Officer)  
Paul Wakefield (Principal Planning Officer)  
Gaynor Hawthornthwaite (Democratic Services Officer)

**33 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors L Durham and  
P Findlow.

**34 DECLARATIONS OF INTEREST/PRE DETERMINATION**

Councillor G Walton declared that he had called in application 16/3798M  
and in accordance with the Code of Conduct he would exercise his right to  
speak as the Ward Councillor and then leave the table and sit in the public  
gallery until he had heard all of the speakers. He would then leave the  
room and return once a decision had been made.

In the interest of openness in respect of applications 16/3798M and  
16/0914M, Councillor S Gardiner declared that he knew the agents who  
had registered to speak, as they were former work colleagues. It was  
noted that some Members of the Committee also knew the agents.

**35 MINUTES OF THE PREVIOUS MEETING**

That the minutes of the meeting held on 10<sup>th</sup> August 2016 be approved as  
a correct record and signed by the Chairman, subject to the recording of  
Councillor Dean's apologies for absence.

(Councillor S Gardiner requested it be recorded that he abstained from  
approval of the minutes of the previous meeting as he was not present at  
that meeting)

36 **PUBLIC SPEAKING**

That the public speaking procedure be noted.

37 **16/3798M - LAND ADJACENT TO HIGHLANDS, CONGLETON ROAD, ALDERLEY EDGE, CHESHIRE SK9 7AD: CONSTRUCTION OF ONE PART TWO-STOREY, PART THREE-STOREY DETACHED INFILL DWELLING WITH DETACHED GARAGE, NEW ACCESS AND LANDSCAPING (RESUBMISSION OF 15/4117M) FOR MR & MRS N MCGUINESS**

*Having made a declaration, Councillor G Walton vacated the chair in favour of the Vice-Chairman and did not take part in the debate or vote.*

(Councillor G Walton (Ward Councillor), Mr M Toulmin (objector) and Mr R Gascoigne (the agent) attended the meeting and spoke in respect of the application).

*Councillor Walton left the meeting and returned following consideration of this application.*

The Committee considered a report and written and verbal updates regarding the above application.

**RESOLVED**

That, contrary to the Planning Officer's recommendation for approval, the application be REFUSED for the following reason:

The proposal is an inappropriate form of development within the Green Belt, which reduces openness, due to the development not complying with the definition of limited infilling in a village under paragraph 89 of the National Planning Policy Framework. The development is therefore contrary to guidance within the National Planning Policy Framework and policy GC1 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies.

*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 Planning and Enforcement Manager 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.*

**38 16/0834M - 1 BUTLEY LANES, PRESTBURY, CHESHIRE SK10 4HU:  
DEMOLITION OF EXISTING DWELLING AND ERECTION OF 2 NEW  
HOUSES (RESUBMISSION OF 15/2163M) FOR BCL HOMES LTD**

(Mr N Griffiths (Objector) attended the meeting and spoke in respect of the application). In addition a statement was read out on behalf of the Ward Councillor P Findlow, who was unable to attend the meeting)

The Committee considered a report regarding the above application.

**RESOLVED**

That, contrary to the Planning Officer's recommendation for approval, the application be REFUSED for the following reasons:

- Overdevelopment of the site – the proposed development would have insufficient space to provide outdoor amenity space consistent with that of the established character of the area.
- Impact on trees
- Impact upon amenity of neighbouring properties

**39 16/0914M - CHERRY BARROW FARM, CONGLETON ROAD, MARTON,  
CHESHIRE SK11 9HF: OUTLINE APPLICATION FOR  
CONSTRUCTION OF TWO DETACHED, 3-BEDROOM HOUSES ON  
LAND TO THE WEST OF CHERRY BARROW FARM FOR MRS W  
BASNETT**

(Mr A Ellis (Agent) attended the meeting and spoke in respect of the application).

The Committee considered a report regarding the above application.

**RESOLVED**

That for the reasons set out in the report, the application be APPROVED subject to:

Referral of intention to grant permission to University of Manchester Jodrell Bank, in accordance with the Jodrell Bank Directive

and the following conditions:

1. Submission of Reserved Matters (Appearance, Landscaping, Layout and Scale)
2. Time Limit for submission of reserved matters
3. Time limit for outline permission
4. Development informed by approved plans

5. Details of materials to be submitted for approval
6. Existing and Proposed Site Levels
7. Foul and surface water shall be drained on separate systems
8. Surface water drainage scheme to be submitted
9. Sustainable drainage management and maintenance plan to be submitted
10. Reserved matters application for scale to include section and streetscene to show relationship with Cherry Barrow Farm and Church Farm
11. Connections to broadband services
12. Electromagnetic Protection (Jodrell Bank)

(Councillor S Gardiner requested it be minuted that he voted against the motion to approve the application).

The meeting commenced at 10.00 am and concluded at 12.30 pm

Councillor G M Walton (Chairman)



Application No: 16/4087M

Location: Coppers, 10 Congleton Road, Alderley Edge, SK9 7AA

Proposal: Proposed 4 no. apartments to replace former single detached dwelling. Formation of new linked detached garages and new vehicular and pedestrian access to Lydiat Lane, and associated landscaping.

Applicant: Andrew Hall, HC Development CO 2 Ltd

Expiry Date: 17-Oct-2016

**Date Report Prepared: 22 September 2016**

### **SUMMARY**

This application seeks full planning consent for the construction of a new apartment building for 4no. apartments, replacing a former dwelling on the site which has now been demolished. The application follows several previous applications and there is a current extant permission for the erection of 2no. apartments which displays a similar design to the proposal.

The key issue is whether the amendment to the approval granted causes additional harm to the character of the conservation area and the amenities of the neighbouring properties.

The Council cannot currently demonstrate a 5 year housing land supply. The development would provide 3no. additional houses, which would make a small but beneficial contribution to meeting an acknowledged shortfall within the Borough.

It is considered that the amendment causes no significant adverse impacts relating to design, impact on the conservation area, residential amenity, highways safety, ecology or protected trees. The proposal accords with the Development Plan and is deemed to be a sustainable form of development.

**RECOMMENDATION: Approve, subject to conditions**

### **REASON FOR REPORT**

The application is to be presented at Northern Planning Committee because it has been 'called-in' to committee at the request of Cllr Craig Browne on the 5<sup>th</sup> August for the following reason:

- *'...the Parish Council have expressed concerns and a number of neighbouring residents have registered objections relating to the increase in footprint, massing and*

*proposed residency of the plot, plus the potential impact on a nearby residents' parking scheme on Lydiat Lane; also, the potential to set a precedent for other developments within along Congleton Road, the absence of a geological impact assessment and the potential impact on the Conservation Area.'*

### DESCRIPTION OF SITE AND CONTEXT

The application site fronts onto Congleton Road and is located between Congleton Road and Lydiat Lane. Vehicular access to the site is from Congleton Road. The site currently contains a dwelling, which due to changes of levels across the site is single storey at the front and is two storey at the rear. It is constructed from brick and timber.

The site is located within a predominantly residential area, within Alderley Edge Conservation Area. Residential properties are located to either side of the site, with a residential nursing home located on the opposite side of Lydiat Lane to the rear. The site contains a number of trees that are covered by Tree Preservation Orders (TPO's).

### DETAILS OF PROPOSAL

Full planning permission is sought for the construction of an apartment building with 4no. apartments along with detached garage and underground link. A dwelling was formerly situated on the site which was demolished in line with the latest approval, 14/3909M.

The application follows several previous approvals with the most recent in 2015.

There is also a concurrent application on the site for an identical building externally with 3no. apartments proposed.

### RELEVANT HISTORY

- |          |   |
|----------|---|
| 14/3909M | Demolition of single detached dwelling and integral single garage and proposed replacement with 2no. apartments with link detached garages with new access and associated landscaping.<br>Approved 08 July 2015   |
| 13/2398M | Alterations and extensions to a recently approved scheme for a replacement dwelling fronting Congleton Road. The application proposes to construct: a) a new swimming pool with plant rooms under the proposed house, b) an extension to the proposed garage with underground access corridor link to the house, and c) modifications to soft landscaping.<br>Approved 09 August 2013 |
| 12/4744M | Demolition of a single detached dwelling and integral garage and proposed replacement with a single detached dwelling, with a detached double garage and associated landscaping<br>Approved 16 April 2013   |

- 12/0519M Demolition of a Single Detached Dwelling and Integral Single Garage and Proposed Replacement with a Single Detached Dwelling, with Integral Double Garage and Associated Landscaping. Resubmission of 11/4535M.  
Withdrawn 13.03.12
- 11/4535M Demolition of a single detached dwelling and integral garage and proposed replacement with a single detached dwelling, with a detached double garage and associated landscaping at No. 10 Congleton Road.  
Refused 01.02.12
- 11/4536M Demolition of a single detached dwelling and integral garage and proposed replacement with a single detached dwelling, with a detached double garage and associated landscaping at No. 10 Congleton Road.  
Approved with conditions 01.02.12
- 11/2926M DEMOLITION OF SINGLE DETACHED DWELLING AND INTEGRAL SINGLE GARAGE AND PROPOSED REPLACEMENT WITH A SINGLE DETACHED DWELLING WITH INTEGRAL DOUBLE GARAGE AND ASSOCIATED LANDSCAPING.  
Approved with conditions 10.11.11
- 11/2925M DEMOLITION OF SINGLE DETACHED DWELLING AND INTEGRAL SINGLE GARAGE AND PROPOSED REPLACEMENT WITH A SINGLE DETACHED DWELLING WITH INTEGRAL DOUBLE GARAGE AND ASSOCIATED LANDSCAPING.  
Approved with conditions 10.11.11
- 11/0512M Demolition of a single detached dwelling and integral single garage and proposed replacement with 20 no. luxury residential apartments; courtyard, integral garages and associated landscaping.  
Withdrawn, 10.05.2011
- 06/2797P Replacement dwelling  
Approved with conditions, 15.01.2007

### **POLICIES**

Macclesfield Borough Local Plan – saved policies

- BE1 (Design principles for new developments)
- BE2 (Historic Fabric)
- BE3 (Conservation Areas)
- BE12 (The Edge, Alderley Edge)
- DC1 (High quality design for new build)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
- DC8 (Landscaping)
- DC9 (Tree Protection)

DC38 (Guidelines for space, light and privacy for housing development)  
DC41 (Infill Housing Development or Redevelopment)  
H1 (Phasing Policy)  
H2 (Environmental Quality in Housing Development)  
H13 (Protecting residential areas)  
NE11 (Nature conservation)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Alderley Edge Conservation Area Appraisal

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 1, 2, 4, 5, 6, 7, and 12.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 (Presumption in Favour of Sustainable Development)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)

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

**Forestry:** no objections subject to conditions

**Environmental Protection:** no objections subject to conditions

**Highways:** no objections

**Nature Conservation:** no objections

### **VIEWS OF THE PARISH / TOWN COUNCIL**

**Alderley Edge Parish Council:** *‘recommends refusal on the grounds that it is inappropriate development of the site. That was historically a single dwelling. Also the enlarged access to Lydiat lane is being progressed with no consideration or consultation to the residents parking provided across the western boundary where the property previously had no access. This will result in loss of amenity.’*

### **OTHER REPRESENTATIONS**

Representations from 3no. different properties have been received. A summary of the relevant points can be viewed below:

- Too big for the site.
- The changes now being proposed seek to amend the development project from the currently approved 4 level 2 duplex apartments to a 5 level 4 apartments.
- Intensification of use, the increase in noise etc. would impact on the neighbours.
- Lack of parking
- The proposals have increased incrementally over time.
- The boundary fence proposed should be a hedge the same as was previously present.
- The proposed footpath adjacent to the drive of number 12 Congleton Rd. would lead to a loss of privacy.
- Would lead to congestion and highway safety issues.
- Out of character.
- Loss of privacy to number 12 – the side facing window at ground floor should be obscurely glazed in order to protect the amenity of this property.
- The amended landscape plan shows a hedge between numbers 10 and 12 – there would not be sufficient room for a hedge.
- The screening between the two properties would not be sufficient without a hedge.

There have been a few comments regarding alleged breaches of conditions regarding the existing approval and concerns that some of the works are retrospective. This is not relevant to the current planning application and can not be taken into consideration. It is completely at the applicant's risk when applications are submitted retrospectively; however there is no legislation that would prevent this from occurring.

### **OFFICER APPRAISAL**

#### **Key Issues**

- Whether the proposed amendments to the replacement building approved under 14/3909M are acceptable,
- Impact on the character of the conservation area,
- Impact on trees,
- Impact on the amenity of neighbouring properties,
- Highway safety implications

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Design and Impact on the Conservation Area**

The site lies in a prominent position within the Alderley Edge Conservation Area. Local Plan policy BE3 states that development will only be permitted in a Conservation Area which preserves or enhances the character or appearance of the Conservation Area. Policy BE12 deals specifically with The Edge, Alderley Edge Conservation Area and identifies particular features of the Conservation Area that are to be preserved and enhanced.

A replacement dwelling of a similar siting and scale was approved under planning reference 11/2926M. Planning approval was subsequently granted under planning reference 12/4744M to amend the approved scheme in order to allow the removal of the integral garage resulting in minor external alterations to the dwelling; and the creation of new access arrangements

and a detached garage to the rear of the site fronting Lydiat Lane. This was again amended under planning approval 13/2398M to create a subterranean basement that sat directly below the footprint of the previously approved dwelling, alterations to the footprint of the approved garage and an underground tunnel to link the detached garage to the dwellinghouse.

The latest approval, 14/3909M, included a further subterranean level and some slight increases in scale along with the introduction of two apartments rather than the single dwelling.

The main design amendments with the current application over the extant permission include an additional element above ground adjacent to the boundary with number 12 Congleton Road. This would be positioned above an approved terrace and basement area with an additional 8m<sup>2</sup> of footprint. The approved garage would be reduced in size and repositioned and the landscaping to the rear elevation would be slightly amended. The rear boundary treatment initially proposed a 2.3m high wall with hedge to the inside, rather than the 0.7m high wall approved. There would be an additional four car parking spaces over the approved scheme, four to the front accessed from Congleton Road and four to the rear from Lydiat Lane.

The building would remain four storey as approved with a fifth basement level for the garaging and underground link to the lift, as approved. The height of the building would not alter over the approval and the general scale and design is in line with the approval, with the addition of the above ground element adjacent to number 12.

While this element would extend the width of the building over what was approved there would be a setback of almost 4m from the front elevation with a lower ridge height than the main ridge. This enables the additional section to appear subservient and not overly prominent when viewed from both Congleton Road and Lydiat Lane. This amendment is not considered to have a significant impact on the character of the property and wider conservation area over the previous approval.

Following concerns from the Planning Officer regarding the rear boundary wall onto Lydiat Lane amended plans were received reducing the wall height from over 2m to a height of approx. 600mm which is similar to the approved, extant permission. This is more in keeping with the surrounding area and is considered to be acceptable. It has been suggested by our Landscape Officer that a landscaping condition should be included with any approval for the boundary treatments to be submitted for approval. Additional trees should be included along the rear boundary to filter/soften views of the proposed apartment building. A boundary hedge between the application site and number 12 should also be included rather than the original proposal of a 2m high close boarded fence which, while not highly visible, would not be the ideal solution. An amended landscaping plan has been received showing a hedge; however there have been concerns raised over whether there is sufficient space for this to be implemented. There should be sufficient space between the properties; however an appropriate low level fence would also be acceptable in this location, set back from the highway and not highly visible from public vantage points. Boundary treatments will be conditioned in any approval.

It is considered that the replacement building would be sympathetic to the character of the local environment and wider locality, in accordance to policies BE1, BE2, BE3, BE12 and

DC1 of the Macclesfield Local Plan guidance within the Alderley edge Conservation Area Appraisal and chapter 12 of the NPPF. It is felt that the amendments do not raise any additional significant concerns and no objections have been raised to the proposal by either the Conservation Officer or the Landscape Officer, subject to the imposition of appropriate conditions.

### **Amenity**

It is not considered that the changes proposed to the replacement building would raise any new amenity issues over and above those previously considered in relation to the previous approvals. The increase in apartments from two to four would not have a significant additional impact.

There are fewer new windows proposed to the side elevation facing number 12 Congleton Road and a similar impact from the windows facing onto 8 Congleton Road.

The additional section would bring the proposed building closer to the boundary with number 12; however there would still be a gap of almost 10m between the two buildings at the closest point. At ground floor and first floor on the side elevation of number 12 overlooking the site there are obscurely glazed windows with two secondary windows at first floor that serve a study. It is therefore not considered to be necessary to obscurely glaze the proposed windows on the southern elevation of the new building. The amendments over the previous approval are not considered to cause any additional amenity issues to the neighbouring properties.

### **Highways**

The principle of the proposed access arrangements was considered and deemed to be acceptable under planning references 12/4744M, 13/2398M and 14/3909M. No significant alterations are proposed to the approved arrangements and it is not considered that the alterations proposed would have any greater impact on highway safety than that approved.

No objection has been raised by the Strategic Highways Authority subject to provision of 8no. spaces within the site which will be subject to a condition. Along with the 2no. spaces provided within the garage with 2no in front of the garages and a further 4no. spaces would be required to the front of the property which should be comfortably accommodated.

Whilst comments regarding parking made in representation are noted, it is not considered that there are any sustainable highways reasons to object to the application.

### **Trees**

The application is supported by an Arboricultural Statement by Cheshire Woodlands Arboricultural Consultancy. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The former property has been demolished in pursuant to the extant planning permission 14/3909m; the planning consent also allowed the minor crown lifting of the large mature Copper Beech located on the Congleton Road frontage which is protected as part of the Alderley Edge Conservation Area. Five mature Corsican Pines have also recently been removed under two notifications of intent (15/4266T & 16/1477T), the social proximity of the trees to both the former property and the dwelling approved under application 14/3909m precluded their consideration for formal protection under a Tree Preservation Order.

The removal of the stumps associated with the recently felled Pines located on the southern boundary of the site in pursuant of application 14/3909m has undermined sections of the existing hedge identified as H2. Sections of the hedge are clearly exhibiting signs of reduced vigour and vitality; inevitably parts of if not all of the hedge length H2 will die

The development proposals identified within this application in terms of impacts on higher value retained trees is the same as the extant planning permission. The only alteration to the building footprint establishes a small section of development within the south east corner of the build footprint; this has no implications for trees, but has brought the build line close to the hedge identified as H2 which was identified for retention as part of the original scheme. Hedges are not a protectable feature within the Conservation Area; they also fall outside the legislation in terms of the 1997 hedgerow regulation which is not applicable to a domestic dwelling. The proposal also identifies the removal of a small group of low value trees and shrubs at the rear of the site identified as G1: removal establishes negligible impact on the Conservation Area and wider landscape. The height of the building using the submitted elevation plans is consistent with the previously approved original scheme 14/3909m.

The area associated with the large mature copper beech which is served off Congleton road has been designated for parking. This area was utilised as part of the original property for parking and contains suitable hard standing to support such activity.

### **SOCIAL SUSTAINABILITY**

The development would make a small contribution to delivering housing supply. However, it is only for four apartments and therefore the benefit is admittedly limited.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses.



## PLANNING BALANCE

Whilst the objections are noted, the proposed amendments to the previously approved replacement buildings are considered to be acceptable. The proposal would have an acceptable impact on the Conservation Area and does not raise significant concerns with regard to amenity, highway safety, ecology or trees/landscaping.

Bearing all the above points in mind, it is considered that the proposal accords with all other relevant Development Plan policies and as such it is recommended the application be approved, subject to relevant conditions.

*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 Planning and Enforcement Manager 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.*

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of materials to be submitted
4. Rainwater goods
5. Specification of window design / styleGarage doors
6. Roof lights set flush
7. Submission of construction method statement
8. Landscaping - submission of details
9. Landscaping (implementation)
10. Protection from noise during construction (hours of construction)
11. Removal of permitted development rights
12. Pile Driving
13. Obscure glazing requirement to northern elevation
14. Landscaping to include details of boundary treatment
15. Use of garage / carport
16. Provision of car parking to be retained
17. Tree Protection



Application No: 16/3569M

Location: Coppers, 10, CONGLETON ROAD, ALDERLEY EDGE, CHESHIRE, SK9 7AA

Proposal: Proposed 3no. apartments to replace former single detached dwelling. Formation of new linked detached garages and new vehicular and pedestrian access to Lydiat Lane, and associated landscaping.

Applicant: Mr Andrew Hall, HC Development CO 2 Ltd

Expiry Date: 16-Sep-2016

**Date Report Prepared: 26 September 2016**

### **SUMMARY**

This application seeks full planning consent for the construction of a new apartment building for 3no. apartments, replacing a former dwelling on the site which has now been demolished. The application follows several previous applications and there is a current extant permission for the erection of 2no. apartments which displays a similar design to the proposal.

The key issue is whether the amendment to the approval granted causes additional harm to the character of the conservation area and the amenities of the neighbouring properties.

The Council cannot currently demonstrate a 5 year housing land supply. The development would provide 2no. additional houses, which would make a small but beneficial contribution to meeting an acknowledged shortfall within the Borough.

It is considered that the amendment causes no significant adverse impacts relating to design, impact on the conservation area, residential amenity, highways safety, ecology or protected trees. The proposal accords with the Development Plan and is deemed to be a sustainable form of development.

**RECOMMENDATION: Approve, subject to conditions**

### **REASON FOR REPORT**

The application is to be presented at Northern Planning Committee because it has been 'called-in' to committee at the request of Cllr Craig Browne on the 5<sup>th</sup> August due to the following concerns:

- *'The application is for 3 No. apartments, however the applicant's website is already promoting 4 No. apartments at this site (the submitted plans also make provision for 8 No. vehicles and 4 No. refuse bins to be stored.*
- *There are suggestions that planning conditions relating to the existent approval for the site have been breached several times, relating to (a) the removal of an existing fence (H2), (b) removal of trees from a neighbour's property (without approval) and (c) working time conditions.*
- *The proposed increase in footprint, massing and residency of the plot, plus the knock-on impact on the residents' parking scheme already in force in Lydiat Lane.*
- *The potential to establish a precedent for future development on Congleton Road.*
- *The absence of a geological impact assessment.*
- *The impact on the Conservation Area.'*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site fronts onto Congleton Road and is located between Congleton Road and Lydiat Lane. Vehicular access to the site is from Congleton Road. The site currently contains a dwelling, which due to changes of levels across the site is single storey at the front and is two storey at the rear. It is constructed from brick and timber.

The site is located within a predominantly residential area, within Alderley Edge Conservation Area. Residential properties are located to either side of the site, with a residential nursing home located on the opposite side of Lydiat Lane to the rear. The site contains a number of trees that are covered by Tree Preservation Orders (TPO's).

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the construction of an apartment building with 3no. apartments along with detached garage and underground link. A dwelling was formerly situated on the site which was demolished in line with the latest approval, 14/3909M.

The application follows several previous approvals with the most recent in 2015.

There is also a concurrent application on the site for a similar building with 4no. apartments.

## **RELEVANT HISTORY**

- |          |   |
|----------|---|
| 14/3909M | Demolition of single detached dwelling and integral single garage and proposed replacement with 2no. apartments with link detached garages with new access and associated landscaping.<br>Approved 08 July 2015   |
| 13/2398M | Alterations and extensions to a recently approved scheme for a replacement dwelling fronting Congleton Road. The application proposes to construct: a) a new swimming pool with plant rooms under the proposed house, b) an extension to the proposed garage with underground access corridor link to the house, and c) modifications to soft landscaping.<br>Approved 09 August 2013 |

- 12/4744M Demolition of a single detached dwelling and integral garage and proposed replacement with a single detached dwelling, with a detached double garage and associated landscaping  
Approved 16 April 2013
- 12/0519M Demolition of a Single Detached Dwelling and Integral Single Garage and Proposed Replacement with a Single Detached Dwelling, with Integral Double Garage and Associated Landscaping. Resubmission of 11/4535M.  
Withdrawn 13.03.12
- 11/4535M Demolition of a single detached dwelling and integral garage and proposed replacement with a single detached dwelling, with a detached double garage and associated landscaping at No. 10 Congleton Road.  
Refused 01.02.12
- 11/4536M Demolition of a single detached dwelling and integral garage and proposed replacement with a single detached dwelling, with a detached double garage and associated landscaping at No. 10 Congleton Road.  
Approved with conditions 01.02.12
- 11/2926M DEMOLITION OF SINGLE DETACHED DWELLING AND INTEGRAL SINGLE GARAGE AND PROPOSED REPLACEMENT WITH A SINGLE DETACHED DWELLING WITH INTEGRAL DOUBLE GARAGE AND ASSOCIATED LANDSCAPING.  
Approved with conditions 10.11.11
- 11/2925M DEMOLITION OF SINGLE DETACHED DWELLING AND INTEGRAL SINGLE GARAGE AND PROPOSED REPLACEMENT WITH A SINGLE DETACHED DWELLING WITH INTEGRAL DOUBLE GARAGE AND ASSOCIATED LANDSCAPING.  
Approved with conditions 10.11.11
- 11/0512M Demolition of a single detached dwelling and integral single garage and proposed replacement with 20 no. luxury residential apartments; courtyard, integral garages and associated landscaping.  
Withdrawn, 10.05.2011
- 06/2797P Replacement dwelling  
Approved with conditions, 15.01.2007

### **POLICIES**

Macclesfield Borough Local Plan – saved policies

- BE1 (Design principles for new developments)
- BE2 (Historic Fabric)
- BE3 (Conservation Areas)
- BE12 (The Edge, Alderley Edge)

DC1 (High quality design for new build)  
DC3 (Protection of the amenities of nearby residential properties)  
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC38 (Guidelines for space, light and privacy for housing development)  
DC41 (Infill Housing Development or Redevelopment)  
H1 (Phasing Policy)  
H2 (Environmental Quality in Housing Development)  
H13 (Protecting residential areas)  
NE11 (Nature conservation)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Alderley Edge Conservation Area Appraisal 2004

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 1, 2, 4, 5, 6, 7, and 12.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 (Presumption in Favour of Sustainable Development)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)

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

**Forestry:** no objections subject to conditions

**Environmental Protection:** no objections subject to conditions

**Highways:** no objections

**Nature Conservation:** no objections

### **VIEWS OF THE PARISH / TOWN COUNCIL**

**Alderley Edge Parish Council:** *'recommends refusal on the grounds that it is inappropriate development of the site. That was historically a single dwelling. Also the enlarged access to Lydiat lane is being progressed with no consideration or consultation to the residents parking provided across the western boundary where the property previously had no access. This will result in loss of amenity.'*

## OTHER REPRESENTATIONS

Representations from 4no. different properties have been received. A summary of the relevant points can be viewed below:

- Too big for the site.
- Intensification of use, the increase in noise etc. would impact on the neighbours.
- Lack of parking
- The proposals have increased incrementally over time.
- The boundary fence proposed should be a hedge the same as was previously present.
- The proposed footpath adjacent to the drive of number 12 Congleton Rd. would lead to a loss of privacy.
- Would lead to congestion and highway safety issues.
- Out of character.
- Loss of privacy to number 12 – the side facing window at ground floor should be obscurely glazed in order to protect the amenity of this property.
- The amended landscape plan shows a hedge between numbers 10 and 12 – there would not be sufficient room for a hedge.
- The screening between the two properties would not be sufficient without a hedge.

There have been a few comments regarding alleged breaches of conditions regarding the existing approval and concerns that some of the works are retrospective. This is not relevant to the current planning application and can not be taken into consideration. It is completely at the applicant's risk when applications are submitted retrospectively; however there is no legislation that would prevent this from occurring.

## OFFICER APPRAISAL

### Key Issues

- Whether the proposed amendments to the replacement building approved under 14/3909M are acceptable,
- Impact on the character of the conservation area,
- Impact on trees,
- Impact on the amenity of neighbouring properties,
- Highway safety implications

## ENVIRONMENTAL SUSTAINABILITY

### Design and Impact on the Conservation Area

The site lies in a prominent position within the Alderley Edge Conservation Area. Local Plan policy BE3 states that development will only be permitted in a Conservation Area which preserves or enhances the character or appearance of the Conservation Area. Policy BE12 deals specifically with The Edge, Alderley Edge Conservation Area and identifies particular features of the Conservation Area that are to be preserved and enhanced.

A replacement dwelling of a similar siting and scale was approved under planning reference 11/2926M. Planning approval was subsequently granted under planning reference 12/4744M to amend the approved scheme in order to allow the removal of the integral garage resulting in minor external alterations to the dwelling; and the creation of new access arrangements and a detached garage to the rear of the site fronting Lydiat Lane. This was again amended under planning approval 13/2398M to create a subterranean basement that sat directly below the footprint of the previously approved dwelling, alterations to the footprint of the approved garage and an underground tunnel to link the detached garage to the dwellinghouse.

The latest approval, 14/3909M, included a further subterranean level and some slight increases in scale along with the introduction of two apartments rather than the single dwelling.

The main amendments with the current application over the extant permission include an additional element above ground adjacent to the boundary with number 12 Congleton Road. This would be positioned above an approved terrace and basement area with an additional 8m<sup>2</sup> of footprint. The approved garage would be reduced in size and repositioned and the landscaping to the rear elevation would be slightly amended. The rear boundary treatment initially proposed a 2.3m high wall with hedge to the inside, rather than the 0.7m high wall approved. There would be an additional four car parking spaces over the approved scheme, four to the front accessed from Congleton Road and four to the rear from Lydiat Lane.

The building would remain four storey as approved with a fifth basement level for the garaging and underground link to the lift, as approved. The height of the building would not alter over the approval and the general scale and design is in line with the approval, with the addition of the above ground element adjacent to number 12.

While this element would extend the width of the building over what was approved there would be a setback of almost 4m from the front elevation with a lower ridge height than the main ridge. This enables the additional section to appear subservient and not overly prominent when viewed from both Congleton Road and Lydiat Lane. This amendment is not considered to have a significant impact on the character of the property and wider conservation area over the previous approval.

Following concerns from the Planning Officer regarding the rear boundary wall onto Lydiat Lane amended plans were received reducing the wall height from over 2m to a height of approx. 600mm which is similar to the approved, extant permission. This is more in keeping with the surrounding area and is considered to be acceptable. It has been suggested by our Landscape Officer that a landscaping condition should be included with any approval for the boundary treatments to be submitted for approval. Additional trees should be included along the rear boundary to filter/soften views of the proposed apartment building. A boundary hedge between the application site and number 12 should also be included rather than the original proposal of a 2m high close boarded fence which, while not highly visible, would not be the ideal solution. An amended landscaping plan has been received showing a hedge; however there have been concerns raised over whether there is sufficient space for this to be implemented. There should be sufficient space between the properties; however an appropriate low level fence would be also be acceptable in this location, set back from the highway and not highly visible from public vantage points. Boundary treatments will be conditioned in any approval.



It is considered that the replacement building would be sympathetic to the character of the local environment and wider locality, in accordance to policies BE1, BE2, BE3, BE12 and DC1 of the Macclesfield Local Plan and guidance within the Alderley edge Conservation Area Appraisal and chapter 12 of the NPPF. It is felt that the amendments do not raise any additional significant concerns and no objections have been raised to the proposal by either the Conservation Officer or the Landscape Officer, subject to the imposition of appropriate conditions.

### **Amenity**

It is not considered that the changes proposed to the replacement building would raise any new amenity issues over and above those previously considered in relation to the previous approvals. The increase in apartments from two to three would not have a significant additional impact.

There are fewer new windows proposed to the side elevation facing number 12 Congleton Road and a similar impact from the windows facing onto 8 Congleton Road.

The additional section would bring the proposed building closer to the boundary with number 12; however there would still be a gap of almost 10m between the two buildings at the closest point. At ground floor and first floor on the side elevation of number 12 overlooking the site there are obscurely glazed windows with two secondary windows at first floor that serve a study. The amendments over the previous approval are not considered to cause any additional amenity issues to the neighbouring properties, and do accord with policy DC3 of the Local Plan.

### **Highways**

The principle of the proposed access arrangements was considered and deemed to be acceptable under planning references 12/4744M, 13/2398M and 14/3909M. No significant alterations are proposed to the approved arrangements and it is not considered that the alterations proposed would have any greater impact on highway safety than that approved.

No objection has been raised by the Strategic Highways Authority subject to provision of 8no. spaces within the site which will be subject to a condition. Along with the 2no. spaces provided within the garage with 2no in front of the garages and a further 4no. spaces would be required to the front of the property which should be comfortably accommodated.

Whilst comments regarding parking made in representation are noted, it is not considered that there are any sustainable highways reasons to object to the application.

### **Trees**

The application is supported by an Arboricultural Statement by Cheshire Woodlands Arboricultural Consultancy. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental

and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The former property has been demolished in pursuant to the extant planning permission 14/3909m; the planning consent also allowed the minor crown lifting of the large mature Copper Beech located on the Congleton Road frontage which is protected as part of the Alderley Edge Conservation Area. Five mature Corsican Pines have also recently been removed under two notifications of intent (15/4266T & 16/1477T), the social proximity of the trees to both the former property and the dwelling approved under application 14/3909m precluded their consideration for formal protection under a Tree Preservation Order.

The removal of the stumps associated with the recently felled Pines located on the southern boundary of the site in pursuant of application 14/3909m has undermined sections of the existing hedge identified as H2. Sections of the hedge are clearly exhibiting signs of reduced vigour and vitality; inevitably parts of if not all of the hedge length H2 will die.

The development proposals identified within this application in terms of impacts on higher value retained trees is the same as the extant planning permission. The only alteration to the building footprint establishes a small section of development within the south east corner of the build footprint; this has no implications for trees, but has brought the build line close to the hedge identified as H2 which was identified for retention as part of the original scheme. Hedges are not a protectable feature within the Conservation Area; they also fall outside the legislation in terms of the 1997 hedgerow regulation which is not applicable to a domestic dwelling. The proposal also identifies the removal of a small group of low value trees and shrubs at the rear of the site identified as G1: removal establishes negligible impact on the Conservation Area and wider landscape. The height of the building using the submitted elevation plans is consistent with the previously approved original scheme 14/3909m.

The area associated with the large mature copper beech which is served off Congleton road has been designated for parking. This area was utilised as part of the original property for parking and contains suitable hard standing to support such activity.

### **SOCIAL SUSTAINABILITY**

The development would make a small contribution to delivering housing supply. However, it is only for three apartments and therefore the benefit is admittedly limited.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well

as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses.

### **PLANNING BALANCE**

Whilst the objections are noted, the proposed amendments to the previously approved replacement building are considered to be acceptable. The proposal would have an acceptable impact on the Conservation Area and does not raise significant concerns with regard to amenity, highway safety, ecology or trees/landscaping.

Bearing all the above points in mind, it is considered that the proposal accords with all other relevant Development Plan policies and as such it is recommended the application be approved, subject to relevant conditions.

*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 Planning and Enforcement Manager 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.*

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of materials to be submitted
4. Rainwater goods
5. Specification of window design / style
6. Garage doors
7. Roof lights set flush
8. Submission of construction method statement
9. Landscaping - submission of details
10. Landscaping (implementation)
11. Protection from noise during construction (hours of construction)
12. Removal of permitted development rights
13. Pile Driving
14. Obscure glazing requirement to northern elevation
15. Landscaping to include details of boundary treatment

16. Use of garage / carport

17. Provision of car parking to be retained

18. Tree Protection



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Application No: 16/3610M

Location: LAND TO THE REAR OF 14-18, LONDON ROAD, ALDERLEY EDGE, CHESHIRE

Proposal: Proposed demolition of existing building to the rear of No's 14-18 London Road, Alderley Edge and erection of a two and half storeys residential block comprising three apartments.

Applicant: Mr Anwar Kanj, Atco Export

Expiry Date: 21-Sep-2016

**Date Report Prepared: 22 September 2016**

#### **SUMMARY**

This application seeks full planning consent for the construction of a new apartment building for 3no. apartments, replacing an existing storage building. The application follows several previous applications and there is a current extant permission for the erection of a two and a half storey office building which displays a similar design to the proposal.

The Council cannot currently demonstrate a 5 year housing land supply. The development would provide 3no. additional houses, which would make a small but beneficial contribution to meeting an acknowledged shortfall within the Borough.

It is considered that the amendment causes no significant adverse impacts relating to design, impact on the character of the area, residential amenity or highways safety. The proposal accords with the Development Plan and is deemed to be a sustainable form of development.

**RECOMMENDATION: Approve, subject to conditions and comments from Highways**

#### **REASON FOR REPORT**

The application is to be presented at Northern Planning Committee because it has been 'called-in' to committee at the request of Cllr Craig Browne on the 31<sup>st</sup> August for the following reasons:

- *'The Parish Council has raised objections to the proposals on the grounds that they represent an overdevelopment of the site; concerns have also been expressed that there is no foreseen provision of car parking for residents and that this is likely to have a severe impact on access to the rear of the retail outlets on London Road itself.'*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a two storey detached building located at the rear of properties facing London Road and West Street. The site has been subject to a number of applications including the most recent for a three storey office building of similar scale to the proposal that was approved in 2013.

This followed previous refusals on site due to the impact of the development on the amenity of number 6 West Street. This property was subsequently purchased by the applicant and alterations overcame the previous issues for refusal.

The site is located within the centre of the village of Alderley Edge, within a local shopping centre, as defined in the Local Plan.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the demolition of the existing building on site and erection of a three-storey building with 3no. flats, one on each of the three floors, each with 1no. bedroom. No parking provision is proposed.

## **RELEVANT HISTORY**

- |          |   |
|----------|---|
| 12/4201M | Proposed demolition of existing building to the rear of No's 14-18 London Road, Alderley Edge and erection of a two and half storey office block together with a two storey rear extension and alterations to No 6 West Street.<br>Approved 02 January 2013 |
| 11/1310M | Proposed offices<br>REFUSED 20 <sup>th</sup> July 2011 and DISMISSED on appeal 30 <sup>th</sup> November 2011.  |
| 08/0395P | Demolition of building and erection of new dwelling – Amendments to 02/2950P<br>APPROVED 7 <sup>th</sup> May 2008   |
| 02/2950P | First floor side extension, single storey front extension and front balcony to form a dwelling<br>APPROVED 1 <sup>st</sup> April 2003   |

## **POLICIES**

Macclesfield Borough Local Plan – saved policies

- BE1 (Design principles for new developments)
- DC1 (High quality design for new build)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
- DC38 (Guidelines for space, light and privacy for housing development)
- DC41 (Infill Housing Development or Redevelopment)



H1 (Phasing Policy)  
H2 (Environmental Quality in Housing Development)  
H13 (Protecting residential areas)  
NE11 (Nature conservation)  
AEC1 (Protecting a concentration of A1 uses)  
AEC3 (Use of upper floors in shopping areas)  
AEC6 (Housing and Community Uses)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 1, 2, 4, 5, 6 and 7.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 (Presumption in Favour of Sustainable Development)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)

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

**Environmental Protection:** Acoustic report required in order to assess the impact of the existing commercial units on the amenity of the proposed residential units.

**Strategic Infrastructure Manager:** Comments not received at time of report preparation

### **VIEWS OF THE PARISH / TOWN COUNCIL**

**Alderley Edge Parish Council:** *'recommends refusal on the grounds that it is over development of a very small site, there has been no provision for resident car parking & shall additionally have a severe detrimental impact on parking & access to the rear for retail outlets on London Road..'*

### **OTHER REPRESENTATIONS**

A comment has been received from an agent representing Aberdeen Asset Management PLC who owns the Parade to the north of the site containing Waitrose. Concerns have been raised regarding the access arrangements for the proposed apartments and servicing of the

apartments which would have to take place over land owned by Aberdeen Asset Management PLC. It is acknowledged that this currently occurs to the rear of the properties on London Road, however there is no right of way or agreement for this.

## **OFFICER APPRAISAL**

### **Key Issues**

- Principle of development
- Impact of the development on character and appearance of the site and surroundings
- Impact of the development on residential amenity
- Highway safety

### **Principle of Development**

Policy AEC1 relates to protecting the shopping area from a concentration of non-A1 uses. The existing use of the building already comprises a non-A1 use (storage) and the recent approval was for non-A1 (office) and therefore the proposed development of residential use would not affect the existing supply of A1 uses.

Policy AEC3 relates to the use of upper floors in shopping areas and encourages residential use. Policy AEC6 permits new housing where a satisfactory housing environment can be created.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design and Impact on the character and appearance of the area**

The most recent application on the site, 12/4201M, gave permission for a 2.5 storey building for office use. One of the conditions of the approval required that an extension be constructed on the rear of number 6 West Street prior to the office block being constructed as there had previously been a refusal on the site (11/1310M) for a three-storey office block, due to the impact on the amenity of number 6 West Street. The extension on the rear elevation of number 6 West Street has been erected (in accordance with the condition) and it is angled away from the approved 2.5 storey office building, thereby overcoming the previous amenity reason for refusal (11/1310M).

The proposal seeks to increase the ridge height of the approved 2.5 storey office building by approx. 0.3m on the proposed block of 3 No. flats. This is considered to be acceptable in the context of the site and the site history.

It is noted that permission 12/4210M has been implemented as the extension on the rear of number 6 West Street has been erected. Consequently, the permission for the office building is extant.

The design of the proposed apartment block is virtually the same as the design of the approved office building, apart from the 0.3m increase in height and an addition storey on the south elevation. It is considered that these amendments are acceptable and the design of the building has already been accepted.

## **Amenity**

The proposed residential use requires a higher degree of amenity between buildings than the approved office building. The distance from the living room windows at ground floor and the existing boundary wall would be approx. 2m which is less than the recommended distances within policy DC38. However, it is noted that there has been an approved application on the site for a dwelling (08/0395P) and this approved dwelling had some habitable room windows on the ground-floor with a similar outlook. Hence, the principle has already been accepted and it is also noted that within the village centre where residential uses are present on the upper floors of the commercial buildings, distance standards between buildings are sometimes closer than those desired in policy DC38. Therefore, it is considered that the amenities of future occupants of the flats would be acceptable and compliant with policies DC3 and DC38 of the Local Plan.

It is also considered that the amenities of neighbouring properties would not experience any significant harm over and above the impact of the approved office building.

## **Highways**

The proposal does not include any car parking on site. The approved 2.5 storey office block included 1no. car parking space. No comments have been received from the Strategic Infrastructure Manager; however the site is within the village centre within close proximity to public transport (railway station and bus stops), public car parks and all the village services and facilities.

With this in mind it is not anticipated that any objections would be raised in terms of highway safety, however further details will be provided as an update.

## **Other Issues**

The issues raised by the owners of the parade are noted; however issues of rights of way are outside of planning control. The properties along London Road already use this area for access, and while no arrangement may exist it would be up to the applicant to come to an arrangement with the owner of the land.

There is provision for a 360l bin space for each apartment which would be sufficient for the size of the units.

## **SOCIAL SUSTAINABILITY**

The development would make a small contribution to delivering housing supply. However, it is only for three apartments and therefore the benefit is limited.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well

as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses.

### **PLANNING BALANCE**

Whilst the objections are noted, the proposed scheme is considered to be acceptable. The proposal would have an acceptable impact on the character of the area and does not raise significant concerns with regard to amenity or highway safety over and above the previous, extant approval for offices.

Bearing all the above points in mind, it is considered that the proposal accords with all other relevant Development Plan policies and as such it is recommended the application be approved, subject to relevant conditions and Highways comments.

*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 Planning and Enforcement Manager 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.*

Application for Full Planning

### **RECOMMENDATION:**

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Protection from noise during construction (hours of construction)
5. Dust control



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Application No: 16/2121M

Location: GUY SALMON KNUTSFORD, MANCHESTER ROAD, KNUTSFORD, WA16 0ST

Proposal: To update the appearance of the existing Land Rover and Rolls Royce Dealership to the current Land Rover corporate identity. - New 'Sunshine Grey' rain-screen cladding is to be applied to the front and side elevations. - The existing cladding to back of house areas is to be painted Silver RAL 9006. - Customer entrance door to be moved to front of building facing Manchester Road. - Existing Curtain walling to be replaced with structural glazing. - External surfacing to be amended.

Applicant: Mr John Buchan, Sytner Group

Expiry Date: 16-Sep-2016

### Summary

The application site is Guy Salmon, Land Rover and Rolls Royce car showroom located off Manchester Road A50 in Knutsford.

The application proposes the modernisation of the existing garage and proposes no extensions to the building.

The proposed development is considered to be acceptable, the National Planning Policy Framework and emerging policy PG3 of the CELPS allow for alterations to buildings providing they maintain the openness of the Green Belt, it is considered therefore that this proposal is not inappropriate development and does not conflict with the purposes for including land within the Green Belt. It is considered that whilst proposed design modern it is not detrimental to the character of the area and is in accordance with policies BE1 of the MBLP and SE1 of the CELPS.

It is considered the proposed development is acceptable and accords with the Development Plan policies outlined in policies section of the report and the National Planning Policy Framework.

The application has been called in to committee by Councillor Hayley Wells-Bradshaw for the following reasons:

- Strong local resident concern regarding:
  - o Increase in traffic congestion on Mereheath Lane, as no additional on site parking proposed and more frequent use of the facility
  - o Impact of proposed new lighting on neighbour's and the environment
  - o Design suitability on a gateway road into the town centre of our 'Historic Market

- Town.'
- o Insufficient landscaping.

## DESCRIPTION OF SITE AND CONTEXT

The application site is Guy Salmon, Land Rover and Rolls Royce car showroom located off Manchester Road A50 in Knutsford. The site is located to the north of Knutsford outside of the town. The showroom and forecourt is existing and the whole site covers an area of 1.4ha. The site is rectangular in shape with the existing buildings located in the centre of the site. The site has two vehicular accesses, and there are large areas of hardstanding for car parking and large established areas of landscaping along the boundaries of the site. The site consists of one main showroom building with a smaller valet building and bin store to the rear of the site.

## DETAILS OF PROPOSAL

The application proposes to re-clad the front and sides of the existing building to update and modernise its appearance. The building size will remain as existing, with existing roof plan, however in order to give the building a more contemporary appearance and bring it inline with the Jaguar Land Rover corporate brand, a modern palate of sunshine grey and silver metal rainscreen cladding will be used giving horizontal lines across the building. The building currently has gable features with a hipped roof. The proposals will give the front elevation the appearance of a flat roof, with the existing roofline behind. The glazing surrounds will be finished in Champagne Silver with clear glazing. The rear elevation will remain as existing. The cladding has a height of 7.2m, which sits below the full height of the building which reaches 8.1m.

The proposals, include partially reconfiguring the car parking and introduces a demonstration vehicle semi-circle area to the south of the site which is currently a turning area. The customer car parking will be to the north of the site. The compound will remain as existing - located to the southwest corner of the site. The landscaping will remain as existing.

The signage for the site will be dealt with as a separate advertisement consent application.

## Relevant Planning History

10/2712M, extension to the land rover dealership on Manchester Road, Knutsford to accommodate Rolls Royce. The proposal includes; a new showroom extension of 143sqm to create an overall 400sqm showroom facility, associated offices & sales area, creation of external display & 2no customer parking bays & improvement to landscaping, Approved, 13/09/2010

10/3656M, 1 No Wall Mounted Dealer Sign, 1 No Rolls Royce Corporate Pylon & 1 No Fascia Sign, Approved, 22/11/2010

11/1768M, New signage, Approved, 20/07/2011

## POLICIES

Para 215 of The Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with The Framework.



## Local Plan Policy

Macclesfield Borough Local Plan Saved Policies

GC1 New Buildings  
BE1 Design Guidance  
DC3 Amenity

Cheshire East Local Plan Strategy

PG3 Green Belt  
EG1 Economic Prosperity  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The landscape  
SE5 Trees, Hedgerows, Woodland  
SE6 Green Infrastructure

National Planning Policy Framework

Paragraphs 80, 89, 109  
186, 187 Decision taking  
196, 197 Determining applications

## Supporting Information

N/A

## CONSULTATIONS (External to Planning)

**Environmental Health** – No objections subject to informative (comments received 04/08/2016)

**Knutsford Town Council** – The Council STRONGLY OBJECTS on the grounds that the proposed changes are inappropriate for the Green Belt location on a prime entrance route into the Historic Market Town in the countryside by virtue of inappropriate design. The Council recommends a new scheme is developed to be more in keeping with the rural character of the area.

The Council notes that the application includes advertising and expects an Advertisement Consent application will also be required (comments received 22/08/2016)

**Map Officer** - It appears unlikely that the proposal would affect the public right of way, although the PROW Unit would expect the Development Management department to add an advice note to any planning consent to ensure that developers are aware of their obligations through an informative (received 11/08/2016)

**Forestry** – This application has no significant implications for existing protected trees within the site (received 23/08/2016)

### REPRESENTATIONS

**South East Knutsford Residents Group** - On behalf of the South East Knutsford residents Association we object to the planning application on the grounds that the design of the building is not appropriate. The oblong grey clad characterless building looks like a warehouse that could be situated in the middle of an industrial area anywhere in the country. The proposed building is situated on the road leading in to the historic town of Knutsford and should be designed appropriately to fit in with the rural setting, neighbouring buildings, Green Belt and to be an asset to the area and to Knutsford itself. The present buildings on this site have some character that relates to neighbouring buildings and does not detract from the area.

**South Knutsford Residents Group** - South Knutsford Residents Group objects to this application because of the inappropriateness of the design for this northern gateway into the historic market town of Knutsford. The proposed design is too bleak and industrial for the building's setting in the Green Belt. The current buildings were approved because they complement Bluebell Farm and the sympathetically converted out-buildings, now the Brookdale Centre, on the opposite side of Manchester Rd A50. These adaptations too were specifically approved to respond to their setting in the Green Belt. The present showrooms and workshops use red brickwork and gabled facades to echo the building materials and pitched roofs of the domestic and vernacular architecture on this side of the town. The proposed grey glass and dreary other surface treatments create an industrial estate ambiance that is completely at odds with the semi-rural approach to this side of Knutsford. The proposal takes no account of Cheshire East Borough Design Guide 2016 which stresses throughout that buildings, domestic and for employment purposes, must respect a sense of place: "developments on the fringes of settlements are not appropriate justification for building more of the same 'anywhere vernacular'".

The documents on the website do not include a Design and Access Statement so no indication exists to show how the proposers have considered any of the above factors. It is not clear how the proposals were weighed in relation to MBC Saved Policies DC 1 and DC 2 where "development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself" and "respect the existing architectural features of the building". The open countryside views to and from Tatton Park are not mentioned. The proposers do not appear to have consulted anyone other than the Planning Department of Cheshire East. The Application Form is inaccurate in that it fails to acknowledge protected species in the pond in adjoining land to the south of the site.

SKRG urges the proposers to reconsider this application. The town attracts visitors and therefore potential customers because of its countryside setting. Visitors respond positively to the present buildings because they offer a modern interpretation that responds positively in mass and scale to the built environment elsewhere in the town. The present buildings stand out precisely because they are not the traditional oblong glass and steel boxes of car showrooms elsewhere. In these ways, they show the quality of the brand through the respect the brand shows for the sense of place they occupy (received 30/08/2016)

**Nether Ward Community Group** - Knutsford is a Historic Market Town set in the Green Belt and has a unique character. The gateways to the town contribute greatly to that character. Nether Ward Community Group (NWCG) note that the garage is on the immediate approach to the town and in the Green Belt.

The present design, including its brick construction, was specially negotiated to be appropriate to its location and Green Belt setting. The proposed solid grey cladding is not appropriate to the approaches to a Historic Town of special character, nor to the Green Belt setting. The material proposed is incompatible with both the Knutsford Design Guide and with the Cheshire East Borough Design Guide.

The current building is a single storey with a pitched roof, overall height 8m, again appropriate to its setting. The proposed vertical monotone wall extending from the ground to 7.2m, hiding the pitched roof to the front and (most of the) side elevations and giving the building a box-like appearance is not appropriate to a Historic Town of special character, nor to the Green Belt setting. Again, the shape of the proposed building is incompatible with the Design Guides.

Finally, this development should be subject to National Planning Policy Framework (NPPF) sections 7 and 9; particularly paragraphs 60, 61 and 80. No special circumstances have been demonstrated for allowing this development.(comments received 30/08/2016)

### **Neighbour Comments –**

- Out of keeping with historical nature of the town
- Out of character with Green Belt setting
- The redesign and grey block cladding to this building would set a poor precedent and be a much poorer alternative to the current design, visual appearance and materials.

### **OFFICER APPRAISAL**

- Principle of Development
- Design
- Highways Issues
- Conclusions

#### **Principle of Development**

The application proposes to re-clad and modernise the existing Guy Salmon showroom to the north of Knutsford along the A50 Manchester Road.

The site is located within the Green Belt where there is a presumption against inappropriate development. Policies GC1 of the Macclesfield Borough Local Plan, PG3 of the Cheshire East Local Plan and paragraph 89 of the NPPF set out the circumstances where development can be acceptable.

The MBLP policy GC1 is silent on the matters of extensions to buildings which are not dwellings, therefore we must defer to emerging policy PG3 of the CELPS and paragraph 89 of

the NPPF which state that extensions and alterations to buildings are an acceptable form of development providing they do not result in disproportionate additions over and above the size of the original building, thereby having a greater impact on the openness of the Green Belt than the original building. The proposal put forward does slightly alter the external appearance of the building, however does not propose any extensions to the building. Therefore it is considered that the proposal does not conflict with the 5 purposes for including land within the Green Belt and does preserve openness, which is the main characteristic of Green Belts.

Therefore due to the nature of the proposal it is considered that this accords with Green Belt policy and is acceptable in principle.

### **Design**

Objections have been raised in relation to the design of the proposed redesign. However, it is considered that the proposed design is appropriate in this location, the colour of the cladding and the horizontal lines proposed are clean, high quality and simplistic. The design is less cluttered than the existing with the continuous roofline and uses more contemporary materials. The landscaping will remain as existing and only slight changes to the configuration of the car parking will take place.

The site is a semi rural location on the outskirts of Knutsford, however this is an existing car showroom with existing car parking areas and main building, it is not considered that the recladding will detract from the rural setting, the building will continue to be set back and will remain a well landscaped site as none of the landscaping is proposed to be lost.

Whilst the concerns of the residents groups and the Town Council are noted, it is not considered that a refusal of the application on design grounds could be supported in this case. The site is not within a heritage designation such as a Conservation Area, and it is considered that the design does not detract from the rural character of the area, therefore the design accords with policy BE1 of the MBLP and SE1 of the CELPS.

### **Amenity**

There are no greater impacts on residential amenity than the existing use, the recladding of the building and reconfiguration will not impact on neighbouring properties, and Environmental Health have raised no objections to the proposals. Should additional lighting be required details of this will be required by condition to be agreed in writing by the Council. It is therefore considered that the proposals accord with policies DC3 and DC38 of the MBLP.

### **Highways**

The application retains existing access points and a large customer car parking area, therefore the proposal is acceptable in terms of highways implications.

### **Other Issues**

Due to the proximity to trees around the boundaries of the site, the Council's arboricultural officer has commented on the application however raises no objections. The site is near to a

public footpath, however the map officer considers that the proposal will not affect the footpath.

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

The proposed development is considered to be acceptable, the National Planning Policy Framework and emerging policy PG3 of the CELPS allow for alterations to buildings providing they maintain the openness of the Green Belt, it is considered therefore that this proposal is not inappropriate development and does not conflict with the purposes for including land within the Green Belt. It is considered that whilst proposed design modern it is not detrimental to the character of the area and is in accordance with policies BE1 of the MBLP and SE1 of the CELPS, and does not affect the character of Knutsford as an historic town.

It is considered the proposed development is acceptable and accords with the Development Plan policies outlined in policies section of the report and the National Planning Policy Framework.

### **RECOMMENDATION**

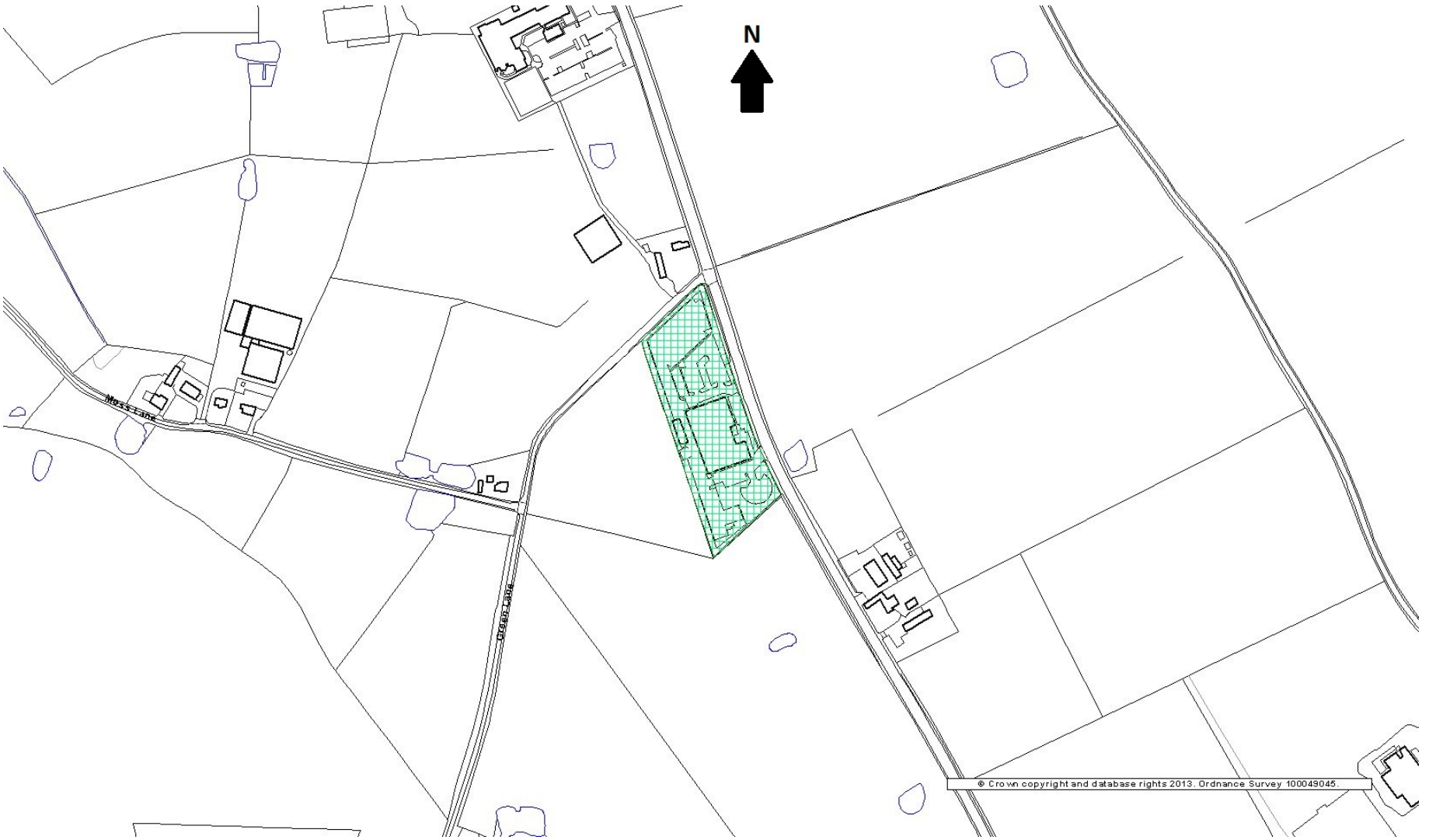
APPROVE subject to conditions

*In order to give proper effect to the Committee's intentions and without changing the substances of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence Vice Chairman) of the Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, including wording of conditions and reasons, between approval of the minutes and issue of the decision notice.*

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Lighting details to be approved
5. Important informative
6. Important informative



Application No: 16/3725M

Location: 2-6 , HOLLY ROAD NORTH, WILMSLOW, SK9 1LX

Proposal: Variation of condition No 1 of existing permission 15/4854M; Erection of retirement living housing (category type II accommodation), communal facilities, landscaping and car parking.

Applicant: McCarthy & Stone Retirement Lifestyles

Expiry Date: 26-Oct-2016

The application site is located within a Predominantly Residential Area of Wilmslow, as defined by the Macclesfield Local Plan.

The application is for minor material amendments to planning permission 15/4854M which was considered at the Northern Planning Committee on 4 May 2016. On completion of the legal agreement (relating to affordable housing provision) planning permission was issued on 5 July 2016.

The original permission was assessed against planning policies and all relevant issues, and was judged to constitute a sustainable form of development within the broad context of sustainability outlined in the NPPF. As such, in accordance with para 14 of the NPPF, the proposal should be approved without delay.

There is a current application for discharge of the conditions of that permission, 16/3520M. Several of the conditions have already been discharged and the application is likely to be fully determined by the date of the Planning Committee. This will enable the framing of conditions to reflect the agreed details.

## **PROPOSAL**

The approved development comprised 2 x 1 bedroom apartments and 32 x 2 bedroom apartments (now 5 x 1 bed and 29 x 2 bed).

The approved development included shared communal facilities such as; lounge areas, two refuse areas, shared garden space. The proposal will also include an on site Manager who will be present on site during normal working hours (i.e. 9am to 5pm Monday to Friday).

The applicant proposes to maintain both the grounds and the fabric of the building.

The amendments proposed follow technical examination of the detailed plans and are as follows:

- Internal amendments to extend flats 1 and 10 and corridor
- Flat 6 changed from 2 bed to 1 bed to allow larger lounge
- Kitchen relocated and sprinkler tank room added
- Smoke shaft added
- Disabled WC relocated
- Fire escape footpaths added to both sides

- Mobility scooter store are refuse room external wall moved back 350mm
- Flats 1 and 10 living room decreased in size
- Patio doors introduced to patio seating area
- Flats 2-9 dwarf external walls removed
- Flats 1,2,3,9 and 10 to have glass balconies around patio area to assist in privacy on ground floor flats
- Footpaths in rear garden reduced
- Flats 3 and 4 – 2 beds to become 1 bed.

### **RELEVANT HISTORY**

15/4854M Erection of retirement living housing (category II type accommodation), communal facilities, landscaping and car parking Granted 5/7/2016

14/0990M Variation to condition 2 of application 11/0533M. For Erection of 10 No. Apartments with Basement Parking

11/0534M Extension to time limit for 07/0961p. Erection of 9no. apartments in a 5 storey building, including attic space and basement parking (amendments

to approved application ref 05/0789p). The application 07/0961p was

refused on 11 July 2007. Approved on appeal Ref: App/c0630/a/08/2063072

11/0533M Extension of time to 08/0783P 10 Apartments with basement parking Approved June 2008

08/0783P Erection of 10No. Apartments with Basement Parking

Approved with conditions, 25.06.2008

07/0961P Amendments to approved application 05/0789P. Erection of a three-storey apartment building comprising 9 apartments, living accommodation in roof space and basement parking for 20 cars & 2 external car parking spaces. - Refused 17.07.2007 Appeal Allowed 20/06/2008

06/1914P Erection of 10No. apartments in a 5-storey building, including attic space & basement parking. - Refused 4.10.2006.

05/0789P Demolition of 2no detached dwellings. Erection of 3 storey apartment building comprising of 9no. apartments, living accommodation in roof space & basement parking for 17no. cars & 2no. external car parking

spaces – Approved 23.05.2005

### **No. 6 Holly Road North, Wilmslow**

01/0772P Demolition of the dwelling and the erection of No.4 terraced dwellings Refused and Dismissed at Appeal

### **Development Plan**

The relevant Saved Policies of the Macclesfield Borough Local Plan are:

NE11 Nature conservation;

BE1 Design Guidance;

H2 Environmental Quality in Housing Developments

H4 Housing sites in urban areas

H9 Affordable Housing;

H13 Protecting Residential Areas;

DC1 and DC5 Design;

DC3 Residential Amenity;

DC6 Circulation and Access;

DC8 Landscaping;

DC9 Tree Protection;

DC35, DC36, DC37, DC38 relating to the layout of residential development;

DC41 Infill developments



T3 Pedestrians;

T4 Access for people with restricted mobility;

T5 Provision for Cyclists.

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

## **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO4 Travel plans and transport assessments

## **Other material considerations**

National Planning Policy Framework

National Planning Practice Guidance

Cheshire East Local Plan Strategy – Submission Version

Interim Planning Policy: Release of Housing Land (Feb 2012)

Interim Planning Statement: Affordable Housing (Feb 2012)

The Cheshire East Vulnerable and Older Peoples Housing Strategy (May 2014)

Strategic Housing Market Assessment (SHMA) 2013

## **CONSULTATION RESPONSES**

Wilmslow Town Council: No Objections

Housing- No objections

## **REPRESENTATIONS**

Two representations received, referring to:

Screening of balconies is not adequate to ensure privacy for adjoining dwellings, particularly at the rear.

Trees have been removed increasing the overlooking.

The bins will also be a problem if in view and on the North elevation - holly road north, unless these will be covered and stored well.

Concern with the traffic on the road, and this will become much busier with school traffic.

### **APPRAISAL HISTORY**

Part of this site (location of No.2-4 Holly Road) has an extensive history of planning applications, which have, over time and subject to various amendments, established the principle of a five storey apartment block comprising of 10 apartments and underground basement parking.

Commencement of development has taken place, the 2014 consent is extant and therefore the planning history for the site should be taken as a material planning consideration in the determination of this application.

### **Principle of Development**

The site in question relates to 0.47 hectares of land, part of which currently accommodated a two storey dwelling and the other part vacant. The western part of the site was historically occupied by 2 No. dwellings on it; these however have been demolished following the granting of planning permission 08/0783P to redevelop the site.

The site is located within a Predominantly Residential Area of Wilmslow, as defined in the Local Plan, and there are numerous Protected Trees within and around the boundaries of the site.

The site lies within good walking distance of local shops and amenities and public transport provision, in line within Para 14 of the National Planning Policy Framework there is a presumption in favour of sustainable development.

The key issues with the original application were:

- Impact upon character of the area
- Impact upon residential amenity
- Highway safety
- Protected trees
- Impact upon nature conservation interests

The key issues with this minor material amendment application relate to the visual impact and amenity issues only.

### **Visual Impact**

The changes to the approved scheme result from consideration of accessibility and safety issues and are all of a minor nature. They will not affect the overall visual impact of the scheme, and no material changes are proposed to the external appearance of the building.

### **Residential amenity**

The changes to the approved scheme result from consideration of accessibility and safety issues and are all of a minor nature. They will not affect the impact of the development on

residential amenity. It is not possible to re-visit the separation distances and residential amenity issues that were fully considered in the original application. The comment regarding balconies has been addressed in the original application, and details of the glazing have been submitted as part of the discharge of conditions application 16/3520M.

The amenity issue regarding separation distances was given detailed consideration in the original application. The back to back distances relating to dwellings in Summerfield Place was not met, but was considered to be acceptable in the context of previous approvals and adjoining development. The revisions will not affect the location or height of the proposed development and so will not have any impact on this issue.

The revisions do not have any greater impact on other material planning issues of noise, highway safety, ecology, trees, affordable housing

### **RECOMMENDATION**

**The application is recommended for approval subject to recommended conditions and a modified S106 agreement in relation to the off site provision of affordable housing**

*In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*

Application for Full Planning

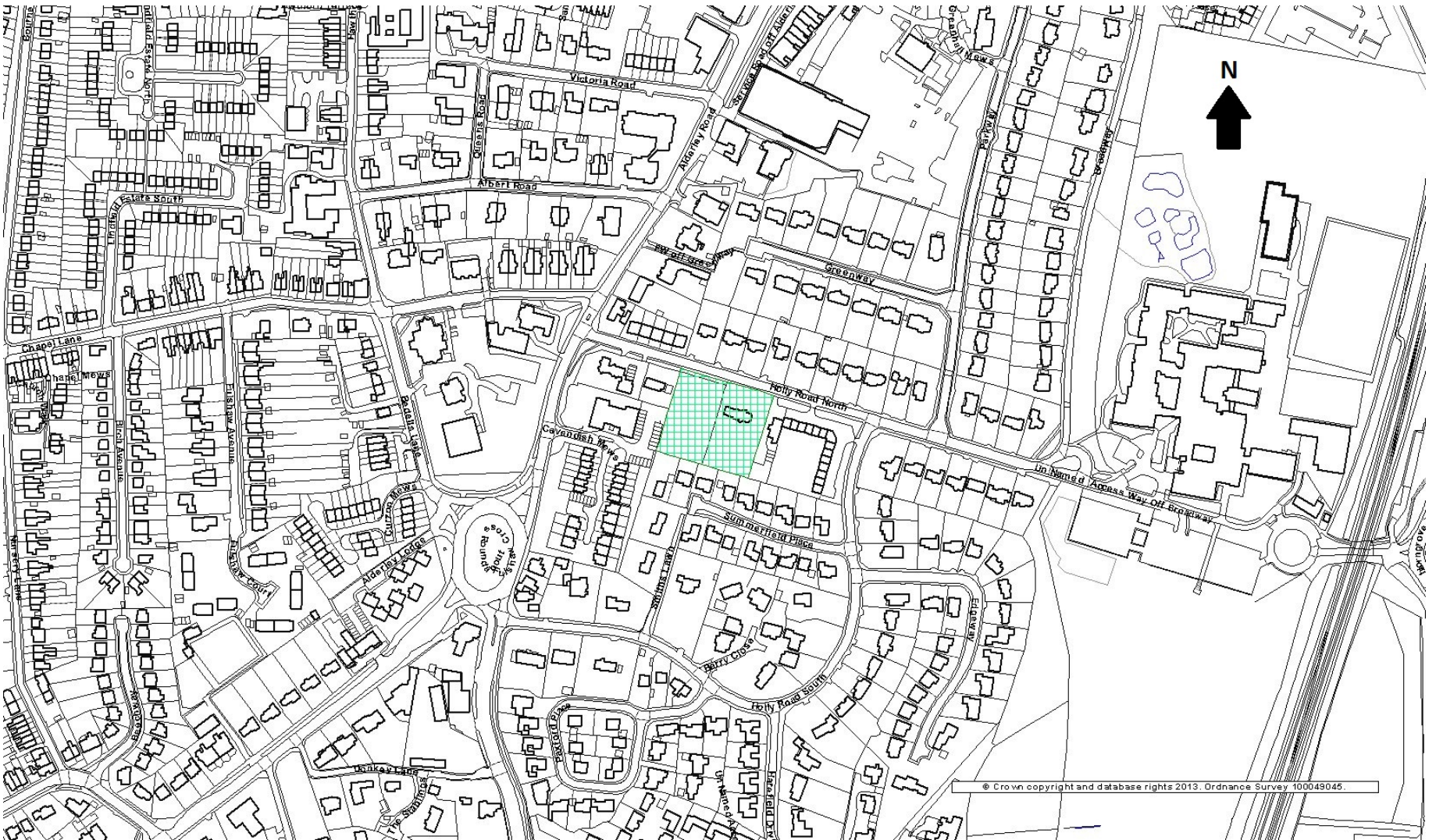
RECOMMENDATION: Approve subject to a revised Section 106 Agreement and the following conditions (updated to reflect the agreement of details under application 16/3520M)

Application for Variation of Condition

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Development in accord with approved plans
2. Commencement of development (3 years)
3. Landscaping (implementation)
4. Construction specification/method statement
5. Protection for breeding birds
6. Details of balcony screens measuring 1.8m to be provided
7. Submission of construction method statement
8. Sustainable drainage scheme
9. Dust
10. scheme for cycle storage to be provided
11. Floor Floating

12. Surface water drainage scheme to be submitted
13. Drainage to be put on a separate system
14. Electric vehicle charging points to be provided
15. Tree retention
16. Tree protection
17. Tree pruning / felling specification
18. Details of materials to be submitted
19. Additional landscaping details required- Boundary treatment, levels survey
20. Obscure glazing requirement
21. Protection of highway from mud and debris
22. Scheme for the management and maintenance of surface water
23. Scheme for pile driving to be submitted
24. Allocation of parking bays
25. Refuse facilities to be approved
26. Storage of mobility scooters



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## CHESHIRE EAST COUNCIL

### NORTHERN PLANNING COMMITTEE REPORT

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**Date:** 5<sup>th</sup> October 2016

**Report of:** Declan Cleary – Senior Planning Officer

**Title:** Demolition of Existing Dwelling and erection of 2 new houses - Resubmission of 15/2163M

**Site:** 1, Butley Lanes, Prestbury, Cheshire, SK10 4HU

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#### 1.0 Purpose of Report

1.1 Northern Planning Committee resolved to refuse planning application 16/0834M on 7<sup>th</sup> September 2016 for the following reasons:

- 1) Overdevelopment of the site – the proposed development would have insufficient space to provide outdoor amenity space consistent with that of the established character of the area.
- 2) Impact on trees
- 3) Impact upon amenity of neighbouring properties

1.2 No decision notice has been issued following the resolution to refuse planning permission. It is considered that there is important technical information unavailable at the previous Committee in respect of reason for refusal No.2 (Trees), which requires consideration. The information relates to the Council's Forestry Officer consultation response with regard to the submitted scheme (as amended).

#### 2.0 Decision Required

2.1.1 To consider the additional information in relation to reason 2 in advance of formally issuing a decision notice.

#### 3.0 Background

3.1 The site relates to a large detached dwelling and its curtilage which is located within the settlement boundary for Prestbury as defined by the Local Plan Policies Map. The surrounding area is predominantly residential and comprises a mix of dwelling types of varying designs.

- 3.2 The site assumes an elevated position on a corner plot which lies adjacent to the junction of Butley Lanes and Prestbury Lane. The site boundary fronting the public highway is well vegetated with mature vegetation. Trees on the frontage of the adjacent plot (No.3 Butley Lanes) are covered by a tree preservation order.

#### **4 Proposed Development**

- 4.1 16/0834M seeks planning permission for the demolition of the existing two storey detached dwelling and construction of two detached dwellings.

#### **5 Officer Comment**

- 5.1 The application site relates to a prominent elevated corner plot which contains numerous mature and established trees which provide a positive contribution towards the visual amenity of the area. These trees are not afforded any formal protection however a tree within in the adjacent plot (No.3 Butley Lanes) is protected by a Tree Preservation Order.
- 5.2 The application proposals as detailed in the submitted site plan and Arboricultural Survey show the majority of these visually important trees to be retained. Those trees which are scheduled for removal are of low value, and the Councils Forestry Officer does not contest their removal. The Council's Forestry Officer acknowledges, in their initial consultation response (Appendix 1), that there will be some minor encroachment of development (0.5m) into the Root Protection Areas of some of the mature boundary trees, through the realignment of the driveway, but considers this to be "extremely limited" and that the trees are of sufficient vigour and vitality to accommodate such a change.
- 5.3 Comment was raised with regard to the proximity of the development to T20, a category B mature Walnut Tree, which is sought for retention. The proximity of the development to the tree, even with specialist construction, is such that its long term retention is unlikely. Notwithstanding this, no formal objection has been raised to its removal.
- 5.4 Concern was raised with respect to the impact that the proposed development would have on the off-site Beech tree which is afforded formal protection. The concern related to the encroachment of the proposed driveway into the Root Protection Area (RPA). However, the scheme was amended to ensure that the driveway would be sited clear of the RPA. Following further consultation with the Councils Forestry Officer, no objection to the scheme was raised subject to the imposition of conditions (Appendix 2).
- 5.5 In the absence of any objection from the Council's technical specialist it is not considered that there is sufficient basis to refuse the application on the grounds of its impact on trees. Any loss is considered to be acceptable and the long term retention of protected trees, and the visual important unprotected boundary trees, would not be compromised by the development.



## **6 Conclusion**

- 6.1 On the basis of the above, in terms of the impact that the development would have on trees, based on technical advice it is not considered that pursuing a reason to refuse the scheme on the grounds of the impact on trees can be sustained.

## **7 Recommendation**

- 7.1 To remove reason for refusal No.2 (Trees) from the resolution to refuse, and to pursue refusing the application for the following two reasons:

- 1) Overdevelopment of the site – the proposed development would have insufficient space to provide outdoor amenity space consistent with that of the established character of the area.
- 2) Impact upon amenity of neighbouring properties

## **8 Financial Implications**

- 8.1 There are no financial implications.

## **9 Legal Implications**

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

## **10 Risk Assessment**

- 10.1 There are no risks associated with this decision.

## **11 Reasons for Recommendation**

- 11.1 It is not considered that a refusal relating to the impact on trees can be sustained at appeal given the technical evidence and advice received.

### ***For further information:***

Portfolio Holder: Councillor Ainsley Arnold  
Officer: Declan Cleary – Senior Planning Officer  
Tel No: 01625 383854  
Email: [declan.cleary@cheshireeast.gov.uk](mailto:declan.cleary@cheshireeast.gov.uk)

### ***Background Documents:***

- Application 16/0834M

### ***Appendices:***

Appendix 1 – Forestry Officer Comments received 5<sup>th</sup> April 2016  
Appendix 2 – Forestry Officer Comments received 29<sup>th</sup> July 2016



**Internal Consultee Reply Form**

Consultation on Planning Reference Number **16/0834M**

Proposal: **Demolition of Existing Dwelling and erection of 3 new houses, 1 detached and a pair of semi-detached - Resubmission of 15/2163M**  
Location: **1, BUTLEY LANES, PRESTBURY, CHESHIRE, SK10 4HU**  
Applicant: **BCL Homes Ltd**

Views of Heritage & Design - Forestry in response to consultation dated 15-Mar-2016.

The application is supported by a Tree Report by Murray Tree Consultancy dated 3<sup>rd</sup> March 2016. This is an amended document which predicates the previous submission in respect of application 15/2163m. Comments made in respect of the previous application are still relevant and detailed below.

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto a Tree Protection Plan. Prior to the submission of the previous application (13/3035m) on this site, an amount of pre-determination pruning had already been carried out. This involved in the main the removal of a number of low and mid canopy primary branches associated with the offsite trees located within the grounds of number 3 Butley Lanes, and forming the boundary with the application site. None of the trees were the subject of a Tree Preservation Order or Conservation Area status, with the pruning, which in part does not accord with the requirements of current best practice BS3998:2010 precluding the trees for consideration for formal protection.

This application identifies the removal of the trees identified as T2, 3, 4, 18, 19, G2, G3, & H2, all of which are considered to be low value category C specimens, the loss of which would not be contested. The high value Butley Lanes road frontage trees have been retained and can be protected in accordance with current best practice BS5837:2012

In order to accommodate the minor re-aligning of the driveway on the Butley Lanes aspect of the site there is a slight incursion 0.5m within the RPA of T5, 6, & 7 but this is considered to be extremely limited, and probable less detrimental in terms of longevity than the previously identified pruning. The trees are considered of sufficient vigour and vitality to accommodate such works. The incursion associated with T9 & 13 has already been established within the existing layout.

The relationship between the proposed dwelling plot 1 and the closest retained tree T20 is extremely poor and unsustainable, even if the suggested pile and beam foundation is implemented. Even if the tree survives the

construction process issues of social proximity will preclude its retention.

An amount of works associated with a set of steps extending through the RPA of T10 is proposed, this can be dealt with as part of a construction method statement should the development proceed

In conclusion, no significant loss of amenity will occur in terms of proposed tree losses; none of which are formally protected by a Tree Preservation Order. The managed relationship between the new build and off site retained tree T20 is unsustainable, but an objection to the application in the form of a TPO cannot be raised for the reasons previous stated.

Should the application proceed the following conditions should be attached

### Conditions

All arboricultural works shall be carried out in accordance with Murray Tree Consultancy Tree Report ref PM/03/03/16 dated 3<sup>rd</sup> March 2016

Reason To protect the continued well being of the trees in the interests of the amenity of the locality.

### Construction Specification / Method Statement

A03TR Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification / Method Statement for the new parking turning area located off the existing driveway within the retained trees RPA's, and the set of steps off Butley Lanes shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the area and in accordance with policy DC9 of the Macclesfield Borough Local Plan 2004.

NB

**APPENDIX 2 – FORESTRY OFFICER COMMENTS RECEIVED 29<sup>th</sup> JULY 2016**

The initial concerns expressed in respect of the impact of the revised driveway layout and the off site Beech identified as T1 in the original arboricultural submission have now been addressed with the driveway to Plot 1 now reflecting the edge of the trees Root Protection Area. Comments in respect of the remaining development are reflective of this made previously

Should you be minded to approve the application the following conditions will be required including a revised tree protection scheme to reflect the amended submission.

All arboricultural works excluding the submitted tree protection scheme shall be carried out in accordance with Murray Tree Consultancy Tree Report ref PM/03/03/16 dated 3<sup>rd</sup> March 2016

Reason To protect the continued well being of the trees in the interests of the amenity of the locality.

**A02TR Tree Protection**

(a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with British Standard BS5837: 2012 Trees in Relation to Design, Demolition Construction: Recommendations. which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

**Construction Specification / Method Statement**

A03TR Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby

approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification / Method Statement for the new parking turning area located off the existing driveway within the retained trees RPA's, and the set of steps off Butley Lanes shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the area and in accordance with policy DC9 of the Macclesfield Borough Local Plan 2004.

NB