

Application No: 12/1593M

Location: OAKLANDS COMMUNITY INFANT SCHOOL, TUDOR ROAD,
WILMSLOW, CHESHIRE, SK9 2HB

Proposal: Variation of Conditions 2 and 24 Attached to Permission 12/0027M to
Enable Development to Commence Prior to the Installation of the Toucan
Crossing to Dean Row Road and to Provide Additional Velux Windows
within the Proposed Dwellings.

Applicant: Mr Daniel Kershaw, Russell Homes (UK) Limited

Expiry Date: 26-Jul-2012

Date Report Prepared:

30th May 2012

REASON FOR REPORT

The application has been referred to Northern Planning Committee, because it seeks to amend a development scheme that was originally granted planning permission subject to S106 Agreement by the Committee.

SUMMARY RECOMMENDATION Approve subject to conditions and the satisfactory completion of a S106 Agreement

MAIN ISSUES

Are the design changes in the form of additional velux window appropriate?

Do the additional windows have any greater implications for the privacy or amenity of neighbouring residents?

Is the proposed access acceptable to be used prior to the relocation of the toucan crossing on Dean Row Road?

DESCRIPTION OF SITE AND CONTEXT

Oaklands Community Infant School is a 0.85ha site located to the north east of Wilmslow town centre / south east of Handforth town centre. The School has closed following the merger with Dean Row Primary School, the combined school is known as Dean Oaks Community Primary School.

Dean Row Road forms the southern boundary of the site. The eastern boundary is formed by a landscaping belt adjoining a Public Footpath that has been recently updated and forms an access point to Dean Row Community School.

The site lies within a predominantly residential area, the Green Belt lies on the other side of Dean Row Road. The general character of the wider residential area varies in nature from imposing detached houses set within large plots to the east of the Public Footpath on Dean Row Road to a more densely developed area of smaller detached houses of 1970's vernacular along the main road frontage to the west of the site, to a greater mix of terraced and semi detached properties within the Tudor Green area to the rear of the site. Dean Row Community Primary school is located to the northeast and a private Children's Day Nursery is located directly to the rear of the site, which is unconnected to this proposal. The rear access presently serves the Nursery.

DETAILS OF PROPOSAL

At the Northern Planning Committee meeting of 14th March 2012, Members resolved to grant planning permission, subject to S106, for the following:

Demolition of Existing Buildings, Remodelling and Remediation of the Site and Development of Mixed Use Scheme Comprising 21 Dwellings and Car Parking Including Access. Following the Completion of the S106 Agreement, the Planning Permission was formally granted on 23 February 2012.

Condition 2 attached to permission 12/0027M requires the development to be undertaken in accordance with the approved plans. The approved plans detail some velux roof lights on rear roof slopes of the majority of the houses. This application seeks to vary condition 2 of this approval under Section 73 of the Town and Country Planning Act 1990. The applicant wishes to install 2 extra velux rooflights to the rear roofs of the approved house types A, C and D.

It is also proposed to vary condition 24 attached to permission 12/0027m.

Condition 24 states;

'Prior to any works including demolition commencing on site the Toucan crossing as shown on drawing number 1244 – 01/ Sk-03 shall be completed.'

Reason: In the interests of highway safety.

A variation of this condition is sought to allow the development to commence including the demolition of the existing school premises prior to the formal relocation of the toucan crossing on Dean Row Road. This will enable the development to commence whilst the Applicant also enters into Agreement with the Highway Authority to obtain the necessary consent under the Highways Act to relocate the toucan crossing circa 30m from its present location.

It is also intended to allow initial access for construction vehicles to be via the Tudor Road site access for a temporary (2/3 day) period to allow the temporary site access to be formed on Dean Row Road. This is supported by a construction traffic management strategy which

sets out the strategy for the initial interim construction period prior to relocation of the Toucan Crossing.

RELEVANT HISTORY

Demolition of Existing Buildings, Remodelling and Remediation of the Site and Development of Mixed Use Scheme Comprising 21 Dwellings and Car Parking Including Access – Approved subject to S106 Agreement 23 February 2012.

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Make the Best Use of Existing Resources and Infrastructure
DP7 Promote Environmental Quality
L2 – Understand Housing Markets
L4 – Regional Housing Provision
L5 Affordable Housing
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM18 – Decentralised Energy Supply

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
H1 Phasing Policy
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H8 Affordable Housing
H13 Protecting Residential Areas
RT1 Protected Open Space
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC35 Materials and Finishes
DC37 Landscaping
DC38 Space, Light and Privacy

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

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Strategic Manager (Highways): No objection to the commencement of development prior to the relocation of the Toucan Crossing on Dean Row Road. The Construction Management Plan and Strategy is accepted and should be adhered to for the period whilst the relevant Approval under the Highways Act is obtained. The works of development can commence before the toucan crossing is relocated on Dean Row Road subject to the Operation Method Statement submitted being fully adhered to.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council : No objection

OTHER REPRESENTATIONS

One email of objection on the basis that the toucan crossing should be provided before the development commences on highway safety grounds and that the additional velux windows will be detrimental to the privacy of neighbouring houses.

APPLICANT'S SUPPORTING INFORMATION

Details of a construction traffic management strategy proposed to support the initial interim construction period prior to relocation of the Toucan Crossing. A Construction Method Statement is also provided.

It is put forward that the site can operate safely in conjunction with the siting of the existing toucan crossing for the period before the relevant Highways Consent is achieved.

The relocated toucan crossing could take 3-4 months to deliver as a consequence of design and legal order procedures. Given likely construction lead in times and likely timescales for the discharge of necessary outstanding planning conditions, it is not expected that in practice, the initial interim construction period would be more than a 2-3 month period.

Initial site construction activities during this initial interim 2-3 month period would involve demolition, site clearance and preparation. It is anticipated that such activities could result in up to a maximum of 10-16 construction vehicle movements per day (5-8 in / 5-8 out) associated with the removal of demolition materials, delivery of plant and initial delivery of building

A Construction Management Plan is put forward which details the Operational Strategy. This includes a restricted site exit regime applying to all vehicles, such that all traffic exiting the site would be required to turn left out of the site. Exit traffic seeking to access the A34 to the west would be required to U-turn at the nearby Dean Row Road / Handforth Road roundabout.

OFFICER APPRAISAL

Principle of Development

The principle of the development has already been accepted by virtue of the granting of planning permission under reference 12/0027M. It is not the purpose of this report to revisit the merits of the proposal. The main issues in the consideration are the impact of the changes to the external appearance of the dwellings by virtue of the increased numbers of

velux roof lights proposed within the larger houses; whether the additional roof lights have any greater impact upon the amenity or privacy of neighbouring residential occupiers and whether the Applicants proposed traffic management regime and construction method statement are sufficient to allow for the variation of condition 24 to allow works of development on site to commence before the existing toucan crossing is relocated.

Design Implications of the 2 additional velux roof lights

The applicant wishes to install 2 extra velux roof lights to the rear roofs of the approved house types A, C and D. These are considered to be a minor amendment to the detailed design of the dwellings which will have a neutral impact upon the appearance of the dwellings in design terms.

Privacy/ Amenity Issues Arising from the additional velux windows

Plots 1, 6 and 7 adjoin existing residential occupiers. The previously approved scheme permitted 2 roof lights. The additional roof lights are not considered to raise any greater privacy or amenity implications for neighbouring residents.

Highways

The Strategic Manager (Highways) has considered the information submitted in support of this application which includes a detailed construction method statement and raises no concerns with regard to the operation of the temporary site access on Dean Row Road whilst the formal process of the relocation of the existing toucan crossing.

It is an inevitable consequence of any development occurring on the site that the initial delivery of any access point to be formed on Dean Row Road, whether temporary or permanent, will require an initial access to the site to be via Tudor Road, to allow for the construction access to be constructed safely inside the site to connect to Dean Row Road.

Residents within Tudor Road previously raised concerns about access being via Tudor Road for construction and this issue was considered very carefully by Committee during the previous application.

Within the context of this application, the Applicant advises that the initial use of Tudor Road would be required for no more than 2-3 days to allow site set-up and the delivery of the new access connection. Large vehicle access movements during this initial period will be strictly controlled by the site developer, with access to / from the site controlled by a suitable banksman to ensure site safety. This can be controlled by condition.

Heads of Terms

Should Members be minded to approve the application, another S106 legal agreement will be necessary. However, the changes to the scheme do not impact upon the detailed requirements of the existing S106 which can stand alongside the original planning permission.

The existing S106 includes the following matters which will need to be updated within a new S106 Agreement, specifically related to this proposal

- Provision affordable housing provision on site in the form of 6 x 2 bed units, which are made up of 4 units for social rent and 2 units for intermediate tenure
- Provision of commuted sum in lieu of on site provision of Play and amenity - £63,000
- Provision of commuted sum in lieu of on site provision of Recreation / Sport - £15,000

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of affordable housing is necessary, fair and reasonably related to this development to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of children's play space, public open space and recreation provision is necessary, fair and reasonable, as the proposed development will provide 21 family sized dwellings of different sizes, the occupiers of which will use local facilities as there is no recreational or public open space on site, as such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

The principle of the development has already been accepted. The proposed additional velux roof lights are a minor alteration in design terms and would not deviate significantly from the approved scheme and would not materially harm neighbouring residents amenity or privacy.

The requested variation to condition 24, pertaining to the toucan crossing, allows for the development including demolition to commence prior to the toucan crossing being relocated is adequately supported by a construction traffic management assessment and statement. The Applicant has satisfied the Highways Manager that the site access on Dean Row Road can operate safely prior to the relocation of the toucan crossing to enable this development to commence. It is also accepted that it will be necessary to form the initial Dean Row Road access from within the site itself and that limited movements of construction traffic will be necessary via the public highway in Tudor road in order to safely form that access.

The condition can be varied to allow for this in the light of the supporting technical note submitted in support of this application. This would continue to meet the tests outlined within Circular 11/95 and would allow the delivery of sustainable development without delay, as envisaged by the NPPF.

Application for Variation of Condition

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

1. Landscaping - submission of details
2. Tree retention
3. Tree protection
4. Commencement of development (3 years)
5. Vehicular visibility at access (dimensions)
6. Construction specification/method statement
7. Development in accord with revised plans (numbered)
8. Landscaping (implementation)
9. Details of materials to be submitted
10. Protection for breeding birds
11. Submission of construction method statement
12. no dormers other than authorised
13. levels details to be submitted
14. open plan estate layout only
15. removal of permitted development rights plots 1,3,6
16. Toucan crossing to be Operational by 1 Feb 2013 and construction access method statement to be submitted approved and implemented
17. 10% renewable energy provision
18. contaminated land assessment

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