

Application No: 12/4038M

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

Proposal: Amended scheme for erection of 20 apartments in two buildings. (Re-submission)

Applicant: P.E.Jones (Contractors) Limited

Expiry Date: 18-Jan-2013

Date Report Prepared: 05 December 2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Impact upon the character of the area
- Impact upon the amenity existing and proposed residents
- Impact upon highway safety
- Impact upon nature conservation interests
- Impact upon trees of amenity value
- Have reasons for refusal on the previous proposal ref 11/4341M been addressed

REASON FOR REPORT

Due to the scale of the proposal, the application requires determination by the Northern Planning Committee under the terms of the Council's constitution.

DESCRIPTION OF SITE AND CONTEXT

The application site is currently vacant following the demolition of the previous buildings on the site as part of the implementation of a previous planning permission (98/2054P) in 2004. The site is located immediately adjacent to the Alderley Edge by-pass, within a Predominantly Residential Area as identified in the Macclesfield Borough Local Plan. The Green Belt boundary lies immediately adjacent to the site.

DETAILS OF PROPOSAL

This application seeks full planning permission to erect 2 apartment blocks comprising 10 apartments in each block with basement car parking.

The applicant has sought to address the reasons for the refusal of application 11/4341M. The revisions from this previous refusal include:

- Submission of an accompanying application to re-grade the land outside of the application site in order to better screen the lower section of building 2.
- Building 1 moved away from boundary shared with Highfield House.
- Building 2 moved away from boundary shared with by-pass.
- Gables widened on North elevation to visually reduce the perceived height of the building

An accompanying application for engineering works to the adjacent land also appears on the agenda (12/4039M).

RELEVANT HISTORY

11/4341M - Amended Scheme for Erection of 20 Apartments in Two, Three Storey Buildings – Refused 16.03.2012 (currently under appeal)

98/2054P - Demolition of Existing Buildings and Construction of 18 Flats in 2(No) Three Storey Blocks with Associated Car Parking – Allowed On Appeal 02.07.1999

(This scheme has been implemented by virtue of the implementation of the access being formed and the buildings on the site having been demolished.)

POLICY

The North West of England Plan Regional Spatial Strategy to 2021

DP1 - Spatial Principles, promoting sustainable development

DP2 - Promote Sustainable Communities

DP5 - Manage Travel Demand

EM2 - Remediating Contaminated Land

EM18 – Decentralised Energy Supply

MCR3 - Southern Part of the Manchester City Region

L2 – Understand Housing Markets

L4 – Regional Housing Provision

Macclesfield Borough Local Plan (2004)

BE1 - Design principles for new developments

NE11 - Protection and enhancement of nature conservation interests

H1- Phasing policy

H2- Environmental Quality in Housing Developments

H5- Windfall Housing

H8 – Provision of Affordable Housing

H9 - Occupation of Affordable Housing

H13- Protecting Residential Areas

DC1 - High quality design for new build

DC2 - Design quality for extensions and alterations

DC3 - Protection of the amenities of nearby residential properties
DC5 – Natural surveillance
DC6 - Safe and convenient access for vehicles, special needs groups and pedestrians
DC8 - Requirements to provide and maintain landscape schemes for new development
DC9 - Tree protection
DC35 - Materials and Finishes
DC37 - Landscaping
DC38 - Guidelines for space, light and privacy for housing development)
DC40 - Children's Play Provision and Amenity Space
DC41 - Standards for space, light, privacy and highway safety for housing redevelopment

Other Material Considerations

National Planning Policy Framework (the Framework)

CONSULTATIONS (External to Planning)

United Utilities - No objections subject to drainage being on a separate system.

Manchester Airport – No safeguarding objections

Strategic Highways Manager – Comments not received at time of report preparation however no objections are anticipated as no highway safety concerns were raised over application 11/4341M.

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

Environmental Health - No objection subject to conditions relating to further ground contamination investigation given that the proposed residential use is a sensitive end use, and the impact of noise from the bypass being adequately mitigated.

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

VIEWS OF THE PARISH COUNCIL

Alderley Edge Parish Council - Recommend refusal of this application. Councillors are disappointed that the only proposal considered for this site seems to be apartments, in considerable number. The PC accepts that there are apartment blocks on Brook Lane, but is concerned that this area is housing, predominantly two storey dwellings of modest scale. The idea that this sort of development could spread along Brook Lane is not acceptable to the Council. The proposal does not comply with policies DC1 or DC3 of the local plan.

OTHER REPRESENTATIONS

One letter of representation has been received from 5 Aldford Place objecting to the proposal on the following grounds:

- Building 1 appears to be in exactly the same position as shown in 11/4341M.
- Regardless of its position, its unchanged design is still of a scale and mass that is out of keeping.
- The building will look far too massive when approached along Brook Lane from a westerly direction, and when viewed from the houses and gardens of Aldford Place.
- Alderley Edge already suffers from severe parking problems so adding more apartments as compared with the application that was approved in 1999 is a change in the wrong direction. If anything the number of apartments should be reduced. I ask the planning committee to again reject the application.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a Planning Statement, Sustainability Statement, Arboricultural Survey, Ecological Survey, Design and Access Statement, Air Quality Report, Traffic Noise Assessment and Draft Unilateral Undertaking with the application. The planning statement concludes:

- Previous development no longer suitable for the site.
- Two additional dwellings created.
- Financial contributions to be provided for open space and offsite affordable housing which would not be provided with the extant permission.
- Proposal will contribute towards meeting the Council's housing targets.
- Benefits to Alderley Edge in the form of jobs on site and spending by new residents
- Affordable housing, open space and new homes bonus will enable £500,000 to be invested in Alderley Edge
- Provides a quality development with significant improvements
- As a whole there are sufficient benefits to bringing this development forward in accordance with the pro-development stance of the Government

OFFICER APPRAISAL

Housing

The principle of the redevelopment of the site for housing is accepted given the site's location within a predominantly residential area. No issues were raised in this regard during the course of the previous application. In terms of affordable housing it was previously accepted by officers that due to the nature and scale of the proposed apartments an affordable housing contribution for off site provision would be appropriate rather than providing the affordable housing on site. This was agreed to be £280,047. The Strategic Housing Manager raises no objections to the proposed financial contribution.

Since the refusal of 11/4341M, the National Planning Policy Framework has been published. Paragraph 47 of the Framework requires that Councils have a five year supply of housing plus a minimum buffer of 5% to improve choice and competition. Cheshire East has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

It is noted that the site is a greenfield site, as it would still be considered as private residential gardens, and therefore not the first priority for development. However, it is acknowledged that with the extant permission there is recognition that the land is capable of development for housing. The site is also considered to be adequately proximate to Alderley Edge district centre and its associated shops, services and public transport links, which are approximately 700 metres from the site and within walking / cycling distance. It is therefore considered that the site is in a relatively sustainable location and the principle of a residential use is accepted.

Sustainable development is development that meets economic, social and environmental objectives. The location of the site for housing development does not conflict with any of these objectives. The main social and environmental considerations are highlighted in this report.

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development.

One of the core planning principles set out in The Framework is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. These are also two of the key considerations with this particular proposal.

Design / character

The application site lies on the northern side of Brook Lane, at the edge of the Predominantly Residential Area, beyond which lies the Alderley Edge by-pass and the Green Belt. Brook Lane is generally characterised by large Victorian/Edwardian semi-detached and detached mansions set in large, well landscaped plots with extensive tree cover.

Local Plan policies BE1, H13 and DC1 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. The National Planning Policy Framework also notes that “good design is a key aspect of

sustainable development". Local Plan design policies are therefore fully consistent with The Framework and should be given due weight.

One of the reasons for the refusal of application 11/4341M was that due to the scale, form, mass and bulk the proposal would result in a cramped and intrusive form of development out of keeping with the character of the area within which the development would be sited.

In order to address this reason for refusal, the applicant has moved building 2 away from the North West boundary shared with the Alderley Edge bypass by approximately 1 metre and rotated the building marginally anti-clockwise to move the bulk of the building further away from the highway.

The 1998 apartment scheme also comprised 2 apartment blocks with surface level car parking and garages. Whilst the height, depth and width of the 1998 scheme is notably smaller than the scheme now proposed, the approved buildings were still substantial structures in their own right. The ridge height of the approved buildings is 12.5 metres. It should also be noted that the site context has changed considerably since the previous approval in 1998 as the by-pass now runs close to the North West boundary of the site, where there was once open agricultural land. Accordingly, the rear of the site is now subject to public views from additional vantage points that did not exist at the time of the previous appeal.

The proposed development will be clearly visible along the by-pass. There will be an increase in the scale of development compared to the extant planning permission, but the visual impact will be most significant due to the fact that the site is currently open and free from any structures, as has been the case since the by-pass first opened. The site itself slopes down from Brook Lane in a northerly direction, so that the north east corner of the site is almost at the same level as the by-pass verge. The character along much of the by-pass retains an open character, with the built form set back from the road. This section of the highway does not share this character, and has a number of other visible structures, notably other buildings and the bridge that carries Brook Lane over the by-pass. These features alter the perceived character of openness within the immediate area and create a "bottleneck" at this point which is not replicated at any other point on the by-pass. The proposed buildings will simply add to this existing environment.

Turning to the Brook Lane streetscene, the property next door (Highfield House) is something of an anomaly on this road. Whilst appearing to be overwhelmed by the proposal, Highfield House is not typical of the general building scale and mass in the area. Therefore in the overall context of Brook Lane the proposal will not appear out of character. Mature vegetation along the south and east boundaries, which is protected by Tree Preservation Order, reinforces the character of the area and will also help to filter views of the proposal from Brook Lane.

The implemented scheme includes the provision of garage blocks and surface parking, whereas the majority of the parking for the proposed scheme is within the basements of the buildings. This has a positive impact upon the overall site layout and the environment that this scheme will create for the future residents. Aesthetically the material palette and architectural design is appropriate for the area and will be a pleasant introduction. Certainly this scheme will be representative of this era of development and change in Alderley Edge.

The concerns raised with the previous application related to the scale of both buildings, particularly at roof level, the dominance arising from the proximity of the rear apartment block to the by-pass, and the overdevelopment of the plot. The raising of the highway land to screen the basement areas from viewpoints along the Alderley Edge by-pass would help to reduce the visual impact of the extent of built form proposed within the site. Additionally, moving the building away from the boundary, albeit to a limited extent, to provide some relief between the road and the building would help to reduce the abrupt hard edge to this boundary.

However, of equal significance to these amendments is the introduction of the Framework since the previous decision. As noted above, a key test is now whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development. As a sustainable form of housing development, the level of harm must be significantly adverse for permission to be withheld.

Both the implemented scheme and the proposed scheme will introduce substantial built form to the site. Whilst the visual impact of the proposal will be significant, since the bypass has opened the site has been clear of all buildings, therefore any new buildings within the site, whatever their scale, will have a substantial visual impact when compared to the existing situation. The amendments made since the previous refusal will help to reduce the overall impact of the buildings, and when taken together with the presumption in favour of sustainable development, and the fallback of the implemented permission, on balance any visual harm arising from the development is not considered to be so significantly adverse for permission to be withheld.

Residential amenity

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

The proposed buildings have an angled relationship with each other. At the closest point there is 14 metres between the two and at the furthest point there is a 21 metre separation distance. This is below the distance guidelines outlined in policy DC38 of the Local Plan. However, these guidelines can be varied if the design and layout of the scheme and its relationship to the site and its characteristics provides a commensurate degree of light and privacy between buildings. In this case, the 14 metre separation distance applies to a habitable room window in building 2 looking primarily towards the blank rear gable of building 1, which is considered to be acceptable.

The wider 21 metre separation distance involves relationships between windows serving living / dining rooms in building 2 with bedroom windows in building 1. As noted above the buildings are at an angle to each other and as such the windows are not directly facing. The living room windows in building 2 will also be given some privacy protection by the roof overhangs to the balconies. It is also noted that the affected living / dining rooms in building 2 have an alternative outlook on another elevation.

In terms of the impact upon neighbouring properties, following the previous refusal building 1 has been moved away from the boundary shared with Highfield House by 1 metre in an attempt to reduce the impact upon this property. It is also noted that the position of building 1 is no further back than the implemented permission. Therefore whilst the proposed development is taller, the overall impact upon Highfield House is now considered to be comparable to the approved scheme and would comply with the objectives of policy DC3 of the Local Plan.

Similarly, the building 2 has an angled relationship with the neighbours at Overdale, Rosehill and Brookhill, and the separation distances between these buildings is considered to be acceptable on that basis, having regard to policy DC38.

Therefore whilst it is acknowledged that the separation distances between the two buildings are below the guidelines set out in policy DC38, the relationship between the proposed and existing buildings maintains a satisfactory standard of space, light and privacy. The impact upon the living conditions of neighbours and future occupants of the development is acceptable and would not warrant withholding planning permission.

Highways

Comments from the Strategic Highways Manager are awaited. However, during the last application highways advised that the internal road layout is not one which will be adopted as public highway and will remain private, especially as the road will be gated as it enters the site. There is sufficient space within the site for a refuse vehicle to turn and exit the site in forward gear.

A total of 39 parking spaces are proposed to serve 20 apartments, which equates to just under 200% parking. The access point provides adequate visibility given that it has been implemented in accordance with the 1998 scheme. No significant highway safety issues are therefore anticipated.

Nature Conservation

The nature conservation officer has commented on the proposal and does not anticipate there being any significant protected species issues associated with the proposed development.

However, as the site has been vacant for some time semi-natural habitats have developed which are of nature conservation value in the very local context. The submitted ecological assessment recommends that the loss of these habitats is compensated for by means of the incorporation of species rich wildflower grasslands into the landscaping scheme for the site. An amended plan has been received to incorporate this within the site. Also, due to the nature of the site and the development, a further condition is recommended to safeguard breeding birds.

Trees / landscaping

Comments from the forestry officer are awaited; however, given that no objections were raised to the refused scheme, no significant arboricultural implications are anticipated. This matter will be reported to members as an update.

However, it should be noted that the re-grading works that are the subject of application 12/4039M, should be the subject of a landscaping conditions to ensure that these works are carried out.

Open space

The proposal is above the threshold identified within the Council's SPG on planning obligations for the provision of public open space and recreation / outdoor sport facilities. As it would not be appropriate to provide such facilities on site, commuted sums for off site provision would be required. These have been identified as £54,000 for the provision of off-site public open space for improvements to the existing facilities at Alderley Park, and £9,000 for improvements to existing infrastructure at Alderley Park and Chorley Hall Playing Fields.

HEADS OF TERMS

The applicant has submitted a draft s106 unilateral undertaking. This includes the following Heads of Terms:

- The payment of £280,047 in lieu of on site provision of affordable housing
- £54,000 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities (amenity and children's play) at open space facilities at Alderley Park; and
- £9,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) within Alderley Park and Chorley hall Playing Fields.

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of a commuted sum payment in lieu of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

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

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

CONCLUSION

The proposal is considered to be a sustainable form of development. Whilst the proposed buildings are undoubtedly larger than the buildings that could be constructed via the extant permission, the amendments made since the previous refusal now result in a scheme that has a similar impact upon the amenity of neighbouring property as the extant permission, and the relationship between the two apartment buildings does provide an adequate amount of space, light and privacy. Furthermore, the engineering works proposed under application 12/4039M will ensure that less of the building will be visible from the Alderley Edge by-pass, thereby reducing the perceived scale of the development, and moving the building away from the boundary also helps to further reduce its visual impact.

These amendments will help to reduce the overall impact of the buildings, and when taken together with the presumption in favour of sustainable development, and the fallback of the extant permission, on balance any harm arising from the development is now not considered to be so significantly adverse for permission to be withheld. Accordingly, a recommendation of approval is made.

Application for Full Planning

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A05LS - Landscaping - implementation
6. A22GR - Protection from noise during construction (hours of construction)
7. A17MC - Decontamination of land (details to be submitted)
8. Breeding birds survey
9. Drainage details to be submitted
10. Noise mitigation scheme to be submitted
11. Details of piling operations to be submitted
12. Mitigation for the protection of local air quality to be implemented in accordance with submitted details

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