

Application No: 12/3895M

Location: THE DOWER HOUSE, KINGS ROAD, WILMSLOW, CHESHIRE, SK9 5PZ

Proposal: Erection of dwelling house

Applicant: C Beard

Expiry Date: 06-Dec-2012

**Date Report Prepared: 06.12.2012**

<b>SUMMARY RECOMMENDATION</b>	<b>APPROVE, SUBJECT TO CONDITIONS</b>
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**MAIN ISSUES**

- Principle of the development
- Impact on Existing Open Space
- Design/impact on the character and appearance of the area
- Impact on setting of Listed Buildings
- Impact on residential amenity
- Highways safety
- Landscape/forestry issues
- Housing policy and supply

**REASON FOR REPORT**

The proposed has been referred to the Northern Planning Committee due to the application departing from policy and having a recommendation of approval.

**DESCRIPTION OF SITE AND CONTEXT**

The site historically formed part of the Pownall Hall estate, being the former kitchen garden. Some of the surrounding sites and buildings also formed part of the original estate, including The Dower House (a Grade II Listed Building, which became the estate office), Pownall Hall farm, and the old stables (now used by Pownall Hall School as a theatre and classrooms). The main Pownall Hall School building is Listed Grade II\*.

The application site is located to the south-east of The Dower House and is within the private ownership of the applicant and his family. It is a rectangular site measuring approx. 30m x 65m (without the track). There are walls along the north-eastern and north-western boundaries, each with an arched doorway with keystones; there is planting along the south-eastern and south-western boundaries. The combination of walls and planting provide a high degree of enclosure. There is a small glass house in dilapidated condition located in the

north-eastern corner. The site is designated as an Existing Area of Open Space in the Local Plan (delineated on the Proposals Map as part of the Pownall Hall School grounds) and is situated adjacent to a Predominantly Residential Area of Wilmslow. There are residential properties beyond the north-eastern, north-western and south-western boundaries of the site and Pownall Hall School and grounds are sited beyond the south-eastern boundary.

There is an existing vehicle access from Gorsey Road that previously took a route across the Pownall Hall School grounds and served 2 No. dwellings – The Dower House and Bridle Cottage – and the School. During the past couple of years the School and the people with access rights across the School grounds have worked towards reaching an agreement that entails closing the route across the School grounds and creating a track to the application site, running between the rear gardens of the houses on Broad Walk and a newly created boundary of the School grounds; this also links with the track that is accessed off Gorsey Road. Hence, there is now an access track extending from Gorsey Road to the site where the dwelling proposed is to be sited.

## **DETAILS OF PROPOSAL**

The application seeks full planning permission for erection of a dwelling house. The application consists of erecting a single, two-storey dwelling on an area of open space, as defined in the Local Plan, adjacent to The Dower House (King's Road, Wilmslow) and includes change of use of a stretch of land that formed part of the Pownall Hall School grounds in order to complete an access track that extends from Gorsey Road to the main site.

It is noted that a number of alterations to architectural features that are considered would enhance the architectural heritage of the site and neighbouring Listed Buildings have been proposed as part of a Listed Building Consent application (12/3904M), which has been submitted simultaneously. These consist of the following:- demolishing an asbestos garage adjacent to Bridle Cottage, repairing and restoring a glass house (located in the north-western corner of the site), repairing a doorway in the north-eastern wall of the site, recladding a fly tower, removing a flue and repairing a weathervane on one of the Pownall Hall School buildings (used as the theatre and classrooms). The application has been recommended for approval. The works form part of an agreement that has been reached outside of the planning system between the applicant, Pownall Hall School and the owner of Bridle Cottage. It is considered that it isn't necessary to tie the LBC application to the current application.

## **RELEVANT HISTORY**

- 03/2367P (Full Planning) Demolition of henhouse and erection of 2 No. dwellings. Refused, 05.11.2003. (NB. Reasons for refusal were broadly highways safety, impact on Listed Buildings, impact on residential amenity, Open Space policy objection).
- 03/2436P (Listed Building Consent) Demolition of henhouse and erection of 2 No. dwellings. Refused, 05.11.2003

## **POLICIES**

### **North West of England Plan Regional Spatial Strategy to 2021**

DP1 – Spatial Principles  
DP2 – Promote Sustainable Communities  
DP4 – Make the Best Use of Existing Resources and Infrastructure  
DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility  
DP7 – Promote Environmental Quality  
L2 – Understanding Housing Markets  
L4 – Regional Housing Provision  
RT2 – Managing Travel Demand

### **Macclesfield Borough Local Plan – saved policies**

BE1 (Design Guidance)  
BE15 (Repair and Enhancement of Listed Buildings)  
BE16 (Setting of a Listed Building)  
NE11 (Nature Conservation)  
H1 (Phased Housing Policy)  
H2 (Environmental Quality in Housing Developments)  
H5 (Windfall Sites)  
H13 (Protecting Residential Areas)  
RT1 (Open Space)  
RT5 (Minimum Standards for Open Space Provision)  
DC1 (New Build)  
DC3 (Amenity)  
DC6 (Circulation and Access)  
DC8 (Requirements for Landscaping)  
DC9 (Tree Protection)  
DC35 (Materials and Finishes)  
DC38 (Space, Light and Privacy)

### **National Planning Policy Guidance**

National Planning Policy Framework

### **CONSULTATIONS**

#### **Heritage & Design – Conservation/Listed Building & Design:**

No objections, subject to conditions

#### **English Heritage:**

No objections, subject to carrying out enhancement works proposed in application 12/3904M

#### **Strategic Highways Manager:**

No objections

#### **Heritage & Design – Landscape:**

No objections

**Heritage & Design – Forestry:**

No objections, subject to conditions

**Leisure Services:**

No objections, subject to mitigation if appropriate

**Environmental Health:**

Awaiting comments as of 07.12.12

**United Utilities:**

No objections

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Wilmslow Town Council:**

Awaiting comments as of 07.12.12

**OTHER REPRESENTATIONS**

8 No. representations have been received from the occupants of neighbouring properties. Details can be read on file. The issues raised are summarised as follows:

- Loss of open space (inc. part of School grounds)
- Highways safety (narrow access point; no visibility splays; school children in the area; track only suited to light vehicles; track not suitable for emergency vehicles or refuse collection)
- Access track doesn't follow that shown on historic documents
- Impact on residential amenity (properties close to the access track on Gorsey Road and Broad Walk)
- Impact on amenity of occupants of Pownhall Hall Farm (front patio area is viewed from first-floor windows on rear elevation – i.e. bathrooms and a bedroom)
- Overdevelopment
- Impact on amenity/appearance of the area from potential lighting at the site
- Concern about height of building/long façade at rear
- Concern that reasons for refusal on previous application have not been overcome – i.e. impact on neighbour amenity, highway safety and inadequate provision for emergency vehicles

A few non planning issues raised are:

- Loss of access rights re use of the track

- Capabilities of sewage system

The authors of some of the comments propose certain conditions be attached should the application be approved, eg.:

- Control of exterior lighting
- Restriction on use of noise generative equipment
- Dust control
- Restriction on hours of construction
- Obscure glazed windows and restrictive opening
- Restrict height of landscaping along north-western boundary

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following supporting information:

- Planning Statement
- Design and Access Statement
- Heritage Statement
- Background and Supporting Information Re Proposed Site
- Open Space Report
- Arboricultural Report
- Public Consultation Documentation
- Highways Information
- Artists Illustrations
- Copy of Officer Report and Decision Notice for application 12/0027M and copy of the Minutes of Committee Meeting at which application 12/0027M was discussed

Plus, during the course of the application the applicant has submitted the following: 1) a letter responding to the objections raised; 2) a letter (and plan) from a Solicitor outlining a) the terms of agreement re changes in access rights in respect of the historic track and proposed track and b) details of the proposed enhancement works included in the LBC application 12/3904M; 3) photos/illustrations of the potential view from the bedroom window on the first floor of the north-western facing elevation of the proposed dwelling across part of the garden area of The Dower House towards Pownall Hall Farm.

Details of each of the documents listed above can be read/viewed on file.

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of the proposed dwelling is contrary to the Policy RT1 (Protection of Open Space), which states, amongst other things, that:

*Areas of recreational land and open space as shown on the proposals map will be protected from development.*

## **Impact on Existing Open Space**

One of the key issues in respect of this proposal relates to the issue of the site falling within an area designated as Existing Open Space in the Local Plan.

The following points need to be borne in mind re assessment of the potential loss of the designated Open Space: a) Open Space uses for the site have not been, and are unlikely to be, forthcoming; b) the site has never been used/ isn't suitable for recreation purposes; c) the site is enclosed and provides very limited visual value to the character of the townscape; d) the site is in private ownership and the public have no right of access; e) the purposes of policy RT1 would not be threatened; f) there is an under supply of housing land in the Borough; g) improved highways safety, especially for the School children, resulting from closure of the historic track/re-routing the track and agreed alterations to rights of way, and h) improved sports facilities within the School grounds as a result of the re-routing of the track (eg. tennis court constructed over historic track and vehicles not passing through the School grounds).

It is considered that these are *other material considerations* that overcome the policy objection.

The Leisure Services Officer has recommended that the "feel of a walled garden" be maintained and, ideally, that an area of 'open space' should be retained for the public to access with the installation of eg. a historic information board. It is suggested that a contribution towards the cost of designing/installing such panels should be obtained from the applicant along with a commuted sum for the ongoing maintenance of the area.

## **Design/impact on the character and appearance of the area and Impact on setting of Listed Buildings**

It is acknowledged that the proposed is a relatively large dwelling (a footprint of roughly 430sqm) – which includes 5 bedrooms, 5 bathrooms, a sitting area, kitchen/family area, dining hall, gym, billiard room, swimming pool and a cinema room in the basement. However, the design, including size, scale and massing, has to be considered in its context in order to assess its appropriateness and impact on the character and appearance of the area and the neighbouring Listed Buildings.

As noted above, the design has been produced taking account of the context, which, apart from the more suburban development of parts of the old Pownall Hall estate, gives the impression of being late Victorian in character. Many of the design references of the proposed dwelling relate directly to these neighbouring historic buildings. The materials to be used will be typical of the area.

The Conservation Officer considers the design to be acceptable and to have an acceptable impact on neighbouring Listed Buildings. Although English would have preferred a more contemporary architectural language it considers the impact on the Listed Buildings (particularly the Pownall Hall Grade II\* Listed Building) not to be harmful.

It is noted that one representation questioned the size of the proposed in terms of height and the length of the rear facade. However, given a) the size of the site, b) the position of the site

(barely visible from public vantage points), and c) the references used in arriving at the design of the dwelling and proposed materials, it is considered that the design is of a high quality and would make a positive contribution to the character and appearance of the area.

### **Impact on residential amenity**

It is noted that some concerns have been raised regarding impact on the amenity of neighbouring properties.

Given the siting of the proposed it is considered that its size, scale and massing would have a limited degree of impact on the amenities of any neighbouring properties.

The occupants of Pownall Hall Farm have noted that some of the windows on the rear elevation of the dwelling may overlook what they refer to as their front patio area. The windows referred to relate to 3 No. bathrooms and 1 No. bedroom on the first-floor of the north-western facing elevation of the proposed dwelling. It is considered that the distance from the rear elevation of the proposed dwelling and the patio area referred to is at least 40m and also part of the Pownall Hall Farm building is sited between the proposed dwelling and outdoor amenity area. It is considered that the patio area referred to will not be visible from the windows referred to.

It is noted that the distance from the proposed bedroom window and the rear elevation of The Dower House is approx. 25m (which accords with the desired distance standards outlined in policy DC38).

Hence, it is considered that the proposed has a limited and acceptable degree of impact on the amenities of the occupants of Pownall Hall Farm and The Dower House.

Representations have been received regarding impact on the amenities of occupants of properties along Broad Walk whose rear gardens back up to the proposed access track and the properties on Gorsey Road either side of the access track. The Officer notes that the access from Gorsey Road is a historical access that can be used now by pedestrians and vehicles. It is also noted that, with the agreements reached outside of the planning process regarding redirection of the track that went across the School grounds, the access and track will actually only serve 1 No. dwelling should the application be approved (with the exception of emergency access to the School if required). Bearing these factors in mind it is considered that the impact of the access and track and its use on the amenities of neighbouring properties will also be of a limited and acceptable degree.

Conditions along the lines of those considered by objectors could be attached to any approval to maintain levels of amenity currently enjoyed by the occupants of neighbouring properties. Those recommended are: restricting the hours of construction, restricting the hours of operation of noise generative machinery, controlling dust, requirement for details of lighting to be submitted for approval and obscure-glazing of bathroom windows.

### **Highways safety**

As noted above, the access off Gorsey Road already exists; it is a historic access that presently could be used by the occupants of The Dower House, Bridle Cottage and the

School (if the historical track across the School was utilised). The Strategic Highways Manager raises no objections regarding the existing access, the track proposals, the proposed parking or the location of the bin store. The Strategic Highways Manager also considers the track to be accessible for emergency and delivery vehicles.

Termination of the old route across the School grounds and creation of a new route to serve the application site is considered to make it safer for School children (as vehicles will no longer be able to cross the School grounds). It is proposed to use the access and track solely for the new dwelling. Agreements are in the process of being finalised outside of the planning process re changes to access rights.

Bearing these points in mind it is considered that the proposed raises no highways safety/parking issues.

### **Landscape/forestry issues**

The Landscape Officer raises no objection to the application, noting that the mature trees, the boundary walls and the high hedge along the boundary with the school will all be retained. Additional hedging is proposed along the south eastern boundary and along the access drive to improve privacy for the adjacent residents.

In summary, the Arboricultural Officer considers that the development proposals can be implemented with the removal of a limited number of low value trees, the loss of which will have a limited impact on both the immediate environment and the wider landscape aspect. The Officer makes the following observations/comments:

*The track to the site is predominantly tree lined along its length. The first section of the access off Gorsey Road appears to have been used historically establishing a degree of compaction. Some unwelcome importing and spreading of MOT material has taken place along the route to the site and within the RPA of some Protected Trees within the site.*

*The key aspect from an arboricultural perspective relates to the implementation of the development access road and the impact this will have on both protected and un-protected trees. The Tree Protection Plan identifies a significant section of the access requiring an engineered designed construction method statement in accordance with the requirements of section 7.4 of BS5837:2012, and as further detailed within paragraph 4 of the arboricultural method statement on the tree protection plan.*

*Whilst I am comfortable that a suitable construction method can be achieved within the BS, this will have to be over engineered to accommodate construction traffic. This should also be seen as an opportunity to rectify the regrettable previous changes in levels and soil mounding. These issues can be dealt with as part of conditions should the development proceed.*

Bearing the above comments in mind and subject to appropriate conditions, it is considered that the proposed landscaping of the site is acceptable and the future well-being of appropriate trees within the site can be secured.

### **Housing policy and supply**



The site lies within a sustainable location close to all the amenities of Wilmslow Town Centre. The site is readily available for development. The proposed dwelling is of a high quality design and would make a small contribution to the housing needs of the area. The proposed would accord with current housing policy and supply.

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

In summary and to conclude: 1) the design and the impact on the area and Listed Buildings is considered to be acceptable in the given context and to comply with relevant design policies; 2) with appropriate conditions the level of impact on neighbour amenity is considered to be acceptable and to comply with amenity policies; 3) the access, track and parking provision are considered to be acceptable and to comply with relevant highways safety policies; 4) with appropriate conditions, the proposed landscaping and degree of impact on trees is considered to be acceptable and to accord with relevant policies; 5) the proposed would contribute to the housing needs of the area and accords with current housing policy and supply; 6) as regards the impact on Open Space and the policy objection, it is considered that there are other material considerations that overcome the policy objection, namely a) Open Space uses for the site have not been, and are unlikely to be, forthcoming; b) the site has never been used/ isn't suitable for recreation purposes; c) the site is enclosed and provides very limited visual value to the character of the townscape; d) the site is in private ownership and the public have no right of access; e) the purposes of policy RT1 would not be threatened; f) there is an under supply of housing land in the Borough; g) improved highways safety, especially for the School children, resulting from closure of the historic track/re-routing the track and agreed alterations to rights of way, and h) improved sports facilities within the School grounds as a result of the re-routing of the track (eg. tennis court constructed over historic track and vehicles not passing through the School grounds) are all factors that the Officer considers are material considerations that overcome the policy objection to the proposal.

Consideration has been given to the comments received from Leisure Services in the context of the CIL Regulations 2010. The question is: are the recommendations for retention of some publically accessible open space with contributions to the design and installation of historic information boards and a commuted sum for the upkeep of the said area

- (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?*

In this instance it is considered that the recommendations do not meet the CIL Regulations requirements.

The objections raised have been borne in mind. It is considered that the proposed scheme overcomes the reasons for refusal of application 03/2367P. For the reasons outlined above it is recommended the application be approved, subject to outstanding consultations and conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A03TR - Construction specification/method statement (access track)
4. A07GR - No additional windows to be inserted - rear elevations
5. A25GR - Obscure glazing requirement - bathroom windows on rear elevation
6. A22GR - Protection from noise during construction (hours of construction)
7. Materials - samples of facing materials to be submitted
8. Windows - sample to be provided
9. Doors - wooden
10. Arboricultural works - in accordance with Report & Plans
11. Dust control - details to be submitted
12. Exterior lighting - details to be submitted
13. Noise generative equipment - restriction on hours of use

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