

Application No: 13/1259M

Location: LAND TO THE REAR OF OAK PARK, HEYES LANE, ALDERLEY  
EDGE, WILMSLOW, CHESHIRE, SK9 7JY

Proposal: Erection of 4 detached dwellings, extension of existing drive and provision  
of turning area

Applicant: Mr Stephen Price, Cheshire Housebuilders Limited

Expiry Date: 16-May-2013

**Date report prepared:** 15 August 2013

#### **SUMMARY RECOMMENDATION**

Approve

#### **MAIN ISSUES**

- Principle of the development and loss of open space
- Impact upon the character of the area
- Impact upon the amenity of neighbouring properties
- Impact upon trees of amenity value

#### **REASON FOR REPORT**

The local ward member, Cllr Keegan, has called in the application citing loss of open space and impact upon neighbouring properties as his reasons.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises land that was formerly used as the bowling green to the public house that previously occupied the land between the site and Heyes Lane. The site is currently being used as a contractor's compound in association with the development of the 6 dwellings at the front of the site. The site is located within a Predominantly Residential Area as identified in the MBLP.

#### **DETAILS OF PROPOSAL**

This application seeks full planning permission to erect four detached dwellings, the extension of the existing driveway and the provision of a turning area.

#### **RELEVANT HISTORY**

02/2967P – Change of use of an existing public house to form 8 apartments and the erection of a new building containing 16 apartments together with the formation of new car parking and new open space – Refused 05.02.2003, Appeal dismissed 29.06.2004

11/1111M - Full Planning Permission for the Replacement of the Royal Oak Public House (A4 Use) by 4 Semi-Detached and 1 Detached Dwellings (C3 Use) – Approved 22.06.2011

12/0862M - Erection of 4-bedroom detached dwelling with detached double garage (Plot 6) – Approved 27.04.2012

12/1001M - Non-Material Amendment of 11/1111M - Replace of The Royal Oak Public House (A4 Use) by 4 Semi Detached and 1 Detached Dwellings (C3 Use) for Diversion of an Existing Culverted Watercourse and for its Construction as an Open Channel – Approved 30.03.2012

12/4784M - Variation of condition 2 to substitute the list of approved plans with revised drawings in order to secure approval for minor material amendments to approved scheme Planning Application 12/0862M. Erection of 4 bedroom detached dwelling with detached double garage (Plot 6) – Not yet determined

## **POLICIES**

### **Local Plan Policy**

NE11 Nature Conservation  
BE1 Design Guidance  
H1 Phasing Policy  
H2 Environmental Quality in Housing Developments  
H5 Windfall Housing Sites  
H13 Protecting Residential Areas  
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

### **Other Material Considerations**

National Planning Policy Framework

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

Manchester Airport – No safeguarding objections

United Utilities – No objections subject to site being drained on a separate system

Environmental Health – No objections subject to conditions relating to hours / method of construction and contaminated land

Strategic Highways Manager – No objections

Greenspaces – Comments not received at time of report preparation

Environment Agency - No objections in principle to the proposed development and no comments to make.

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

Alderley Edge Parish Council - The Parish Council recommends refusal on the following grounds:-

- a) The development would eradicate the open space which was protected in the Macclesfield Borough Local Plan.
- b) The open space argument was upheld by an Inspector at the Appeal into the Refusal to deny permission to St Mowden to use the open space.
- c) It would be perverse for an Inspector's decision to refuse permission to be overturned by an application which would be a gross overdevelopment of the site, leading to unneighbourly development.
- d) Further development would be an overdevelopment of the site, leading to unneighbourly intrusion into residential properties in Beaufort Close.

## **OTHER REPRESENTATIONS**

13 letters have been received from local residents on Heyes Lane, Devonshire Drive and Beaufort Close, and the Edge Association objecting to the proposal on the following grounds:

- Height and size of properties inconsistent with properties on Devonshire Drive and Beaufort Close.
- Loss of outlook / overbearing
- Loss of privacy
- Loss of sunlight / daylight
- Separation distances below those in local plan
- Land is designated open space
- Over development
- Impact on culvert
- Existing access could be used for use of land as open space
- No evidence that existing drains will cope
- Highways impact
- Impact on wildlife
- Drainage ditch has been infilled
- Levels have been increased on site

3 letters of support have been received from local residents on Heyes Lane noting:

- Development will complement cul-de-sac
- Trees are unaffected
- In keeping with area

- If refused, land will become disused impacting on local amenity
- Preferable to other potential uses
- Houses will bring more wildlife
- More family housing in village
- Not been used as a bowling green for a long time

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted an open space assessment, design and access statement, schedule of materials, arboricultural statement, biodiversity statement, bat survey and a planning statement.

The planning statement concludes:

- Bowling green designation downgraded to amenity area for public house
- Pub now replaced by 6 houses
- Function of amenity space now lost
- No requirement to compensate for loss of bowling green
- Existing 6 houses have removed any views of bowling green from public vantage points
- Will not detract from character of the area
- Mature trees are retained
- There remains a need for housing to meet 5 year supply
- Presumption in favour of the development in the Framework
- Sustainable location.
- Site has no residual use or function as open space
- Site is previously developed land

## **OFFICER APPRAISAL**

### **Principle of housing in this location**

Contrary to the applicant's view, it is considered that the site is a greenfield site, and therefore not the first priority for development. However, the site is only 300 metres from Alderley Edge district centre, which is clearly a very short walking distance to its associated shops, services and public transport links, and therefore the site is considered to be in a relatively sustainable location and the principle of a residential use in such a location is accepted.

The Framework 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 Framework 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.”*

Paragraph 47 of the Framework requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. The application should therefore be considered in the context of the 2013 SHLAA. The SHLAA identifies this specific site as “*not currently developable*”, and therefore the site does not form part of the Council’s 5 year supply.

The social role of sustainable development is highlighted in Framework, which recognises the importance of supporting a community’s “health, social and cultural well-being” (paragraph 7). Open space does provide a resource for the community’s health and well-being, and therefore contributes towards sustainability.

### **Open space**

The site is designated as an area of Existing Open Space, surrounded by a Predominantly Residential Area as identified in the Macclesfield Borough Local Plan. The Council’s Open Spaces Summary Report (March 2013) identifies that the site has been downgraded from a bowling green to an amenity area for the pub. However, it is not considered that this is a change to its policy status; rather it is a statement of fact on how the land was used at the time that document was being produced. Furthermore, whilst the land cannot now be used as amenity space to the pub, its policy status remains as open space and must be considered as such.

Paragraph 74 of the Framework states that:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreation provision, the need for which clearly outweighs the loss.*

Local plan policy RT1 is considered to be consistent with this national policy only to the extent that it seeks to protect areas of open space from development. However, it is acknowledged that paragraph 74 does allow for circumstances where existing open space may be developed, which are not provided for in RT1, and therefore the application must be considered primarily against paragraph 74. The applicant has sought to demonstrate that one of the exceptions is met.

An open space assessment has been submitted by the applicant which identifies that due to the size of the site and its proximity to residential properties the only possible open space uses of the site are:

- Outdoor sports facilities

- Amenity green space
- Allotments

The Inspector in the 2004 appeal noted that *“Although in my view, the former bowling green could meet an unsatisfied demand for allotments, in the absence of support for that need, I am prepared to accept that it could be considered surplus to requirements for the sport and recreation functions it could perform...”*

#### Outdoor sports facilities

The applicants consider that the site is too small to accommodate the majority of sporting pitches, and those which could be accommodated are already well provided for in Alderley Edge, both in terms of quantity and quality. The site is large enough to accommodate two tennis courts or a bowling green.

Alderley Edge has the following tennis facilities:

- Alderley Edge Tennis Club – 14 courts
- Heyes Lane Tennis Club – 3 courts
- Alderley Edge Park – 4 courts

There is no local or national standard of provision for tennis, and the provision of 21 courts to serve a population of around 5000 is considered to be adequate.

Alderley Edge has the following bowls facilities:

Alderley Edge Union Club – 1 green

Drum and Monkey Public House – 1 green

Alderley Edge Park – 1 green

Again there is no current national or local standard for bowling green provision. The applicant states that the 1968 Sport Council standard suggested that 1 bowling green would serve a population of 6,000 people, which would indicate that Alderley Edge is well served by three greens.

#### Amenity Open Space

The applicant notes that the site is not now and never has been a facility with free access to the general public, the only function which it can serve is as a visual amenity. They maintain that the visual function it serves is now significantly reduced by the approved development.

#### Allotments

The applicant has noted that Alderley Edge Parish Council has now taken up the leases for the three allotment sites in Alderley Edge. They note that at a Parish Council meeting in March 2013 a motion was carried to continue to operate the allotment sites at Beech Close and Chorley Hall Lane and to seek approval from the DCLG to convert the Heyes lane allotments into a car park. At the same meeting it was agreed to pursue the creation of a new allotment site a Lydiat Lane. The applicant maintains that due to the position of the Parish Council there is no merit in pursuing this matter any further. They also state that the owners of the land have made it very clear that they have no interest in allowing their land to be used for this purpose.

#### Assessment

The Council's Local Service Centres Open Spaces Summary Report (March 2012) identifies that there is a shortage of outdoor sports facilities and highlights the need for additional junior football pitches in the village. Whilst this document does not highlight any specific issues regarding amenity greenspace, it does highlight a shortage of children's open space provision in Alderley Edge. The report also highlights the need for additional allotments in the area.

It is accepted that outdoor sports options for the site are limited, and that Alderley Edge is well served by the types of facilities a site of this scale could provide for outdoor sports options.

The Inspector in 2004 considered that *"the present combination of private ownership, limited size and proximity to housing limits the functions the bowling green can perform"*. This situation has not changed. Given the proximity to the adjacent allotment site, the provision of additional allotments as an extension to the existing site would be a logical use for the application site as open space. However, whilst there is some suggestion that there is a waiting list for allotments in Alderley Edge, no evidence has been found or submitted by any third party to substantiate this. In fact an email from a resident in one of the recently constructed properties at the front of the site has been received stating that they secured an allotment within days of applying for one. The Inspector in 2004 concluded on this issue: *"although in my view, the former bowling green could meet an unsatisfied demand for allotments, in the absence of support for that need, I am prepared to accept that it could be considered as surplus to requirements for the sport and recreation functions it could perform..."* Therefore, in the absence of evidence to support any unsatisfied demand for allotments, the same approach should be adopted with the current application.

Turning to amenity open space, it is also acknowledged, as explained further below, that the visual function of the site has been reduced following the construction of the new dwellings at the front of the site.

However, amenity open space does include children's open space provision, and as noted above the Council's Local Service Centres Open Spaces Summary Report identifies a shortage of children's play space within Alderley Edge. However, the site is in private ownership, which will inevitably restrict the uses it could be put to. This was acknowledged by the previous Inspector. It is therefore considered that in order to mitigate for the loss of the application site as open space, and to maximise the potential for additional children's play space to be provided to address the shortfall in Alderley Edge, a financial contribution towards enhancing facilities at existing areas is appropriate in this case.

Negotiations regarding the level of contribution required to mitigate for the impact of the development are ongoing, and will be reported to members in an update.

### **Design & character**

The Inspector in the 2002 appeal identified a "strong visual link between the green open area of the former bowling green, the openness of the adjacent allotment site and long distance views towards Alderley Edge." However, whilst it could be said that there is still an open aspect of this nature, this is considered to now derive much more from the allotment site than the application site. The recently constructed dwellings extend further to the rear of the site than the former public house, and whilst there is still a gap between the dwelling on plot 5 and the properties on Devonshire Drive, it has reduced the extent of open space when viewed

from across the allotments, and in doing so it reduced the contribution the former bowling green makes to the visual amenity of the area

The area around the application site, whilst distinctly residential is very varied in built form, and plot size. The proposed dwellings have similar form, scale and detailing to the buildings recently constructed on the adjacent land. The design of the buildings is therefore considered to be acceptable and in keeping with the varied character of this area. The proposal therefore complies with policies BE1, DC1 and DC35 of the Local Plan.

### **Landscape and Trees**

The Arboricultural Officer has been consulted on the proposal and advises that the development can be implemented with the direct loss of a single group (G4) of low value (BS5837:2012 Cat C) trees the loss of which will only have a very minor impact on the amenity of the area. These trees are located to the rear of plot 7, adjacent to the allotment site.

It is noted however that some earlier works on the site have affected ground levels, and impacted on a number of trees both on and off site, which has been highlighted within the submitted Cheshire Woodlands Arboricultural Statement. The majority of these are low value Category C specimens interspersed with moderate value Category B trees. The lowering of ground levels can only be considered to have had a negative impact on the trees.

The social proximity of the retained tree aspect associated with the development is considered acceptable. Recent pruning in the form of 'topping' which does not accord with the requirements of BS3998:2010 has established a degree of openness in respect of the two southern plots adjacent to properties on Devonshire Drive.

Overall, subject to the works being carried out in accordance with the arboricultural statement and tree protection conditions, no significant arboricultural concerns are raised and the proposal complies with policy DC9 of the Local Plan.

The Landscape Officer notes that the "Branching Out" landscape scheme submitted with the application is not acceptable and requires a number of amendments to proposed trees and shrubs to ensure an appropriate setting for the development. If the application is approved it is suggested that a revised landscape scheme is submitted for approval.

### **Amenity**

The application site is bordered by the recently constructed dwellings on plots 5 and 6, and existing residential properties on Beaufort Close and Devonshire Drive. With regard to the relationships with these neighbouring properties:

#### Plot 7

Side facing windows can be obscurely glazed to reduce the impacts upon neighbours to each side. The relationship with plot 10 (opposite) is angled and given the distance between the two properties (22.1 metres) is considered to be acceptable. To the rear plot 7 faces 32 and 34 Beaufort Close. The single-storey garage is approximately 22 metres from the rear of number 32, with the main two-storey rear elevation approximately 25 metres from this property. The main two storey section is shown to be 30 metres from the main rear elevation



of 34 Beaufort Close, and even though this property has a single-storey rear extension, the relationship is considered to be acceptable.

#### Plot 8

Rear facing habitable room windows will come within 22 metres of the rear conservatory of 34 Beaufort Close and 25 metres of the main two storey rear elevation. There is a good degree of intervening vegetation currently on the rear boundary, which, if substantially retained or replaced, will serve to reduce the impact of the proposed development on this neighbour in terms of space, light and privacy. Plots 7 and 8 are due west of 32 and 34 Beaufort Close, and as such there may be some late evening shadowing. However, the extent of this would not be sufficient to justify a refusal of planning permission. The side elevation facing south towards Devonshire Drive comprises windows to non habitable rooms that can be obscurely glazed.

#### Plot 9

The south elevation of plot 9 is approximately 19 metres from the rear of the neighbours on Devonshire Drive, and comprises no windows, thereby meeting the distance guideline of 14 metres in policy DC38.

#### Plot 10

Plot 10 also has a blank gable on its southern elevation facing Devonshire Drive, and as such has an acceptable relationship with surrounding properties.

Therefore the proposal is not considered to have a significantly detrimental impact upon the living conditions of these neighbours, and does comply with policies DC3 and DC38 of the MBLP.

It is however considered to be necessary and reasonable to remove permitted development rights from the proposed dwellings, as any additional windows or built form could have a significantly detrimental impact upon adjacent properties.

### **Highways**

Revised plans have been submitted during the course of the application to show how a refuse vehicle will enter and leave the site in a forward direction. The proposed dwellings will utilise the access drive that serves two of the previously approved dwellings, and will not be adopted by the highways authority. Adequate parking for each dwelling will be provided within and in front of their respective garages. The Strategic Highways Manager has assessed this application and raises no objections. No highway safety issues are therefore are raised.

### **Ecology**

The submitted bat survey identified that none of the trees on the site had significant bat roosting potential, and the biodiversity statement recommends the erection of bird and bat boxes and additional native hedge planting. The Nature Conservation officer has commented on the proposal and does not anticipate there to be any significant ecological issues associated with the proposed development. Conditions requiring the implementation of the proposed biodiversity enhancement works are recommended. The proposal therefore complies with policy NE11 of the Local Plan.

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

The site lies within a sustainable location, with good access to a range of local services and facilities nearby and has good public transport links. The design is in keeping with the character of the area and no significant amenity issues are raised. The proposal does result in the loss of an area of land designated as open space within the Macclesfield Borough Local Plan. However, for the reasons highlighted above, the impact of this can be appropriately mitigated with a financial contribution towards enhancing existing open space, sport and recreation facilities within Alderley Edge. The comments received in representation have been given due consideration in the preceding text, however, for the reasons outlined above, a recommendation of approval is made subject to conditions and the ongoing negotiations regarding appropriate mitigation for the loss of open space.

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. A02EX - Submission of samples of building materials
4. A06EX - Materials as application
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A01GR - Removal of permitted development rights
8. A25GR - Obscure glazing requirement
9. A22GR - Protection from noise during construction (hours of construction)
10. A23GR - Pile Driving
11. A02TR - Tree protection
12. A32HA - Submission of construction method statement
13. Site to be drained on a separate system
14. Phase 2 contaminated land investigation to be submitted
15. All arboricultural works shall be carried out in accordance with Arboricultural Statement
16. Survey for breeding birds to be submitted
17. Development to be carried out in accordance with the recommendations of the biodiversity statement submitted with the application

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