

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.  
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.  
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

### **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

