

Application No: 16/3285M

Location: 77-79 ALDERLEY ROAD, WILMSLOW, CHESHIRE, SK9 1PA

Proposal: Demolition of vacant dental surgery (77) and House (79), and construction of 21 Apartments and 6 bed detached house.

Applicant: Mr Williams, William Developments

Expiry Date: 06-Dec-2016

### **SUMMARY:**

The site is within the Settlement Zone Line and a predominantly residential area of Wilmslow, where there is a presumption in favour of sustainable development.

The key issues to be considered in the determination of the application will be:

- The principle of the development
- Impact upon the character and appearance of the area
- Impact on residential amenity
- Impact upon highway safety
- Impact upon protected trees

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety and residential amenity. It is within a sustainable location.

However, the proposal is unacceptable in design and landscape terms. Any re-location of the development would impact on the adjoining dwellings to a greater extent and therefore the proposal must be considered to represent an over-development of the site. Therefore the proposal does not satisfy the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

In terms of the social role of sustainable development, the development brings the opportunity to secure affordable housing and contributions to open space provision.

### **RECOMMENDATION:**

**Refuse permission**

### **PROPOSAL**

The proposal is to demolish the existing buildings on the site and erect a three storey replacement building comprising 21 apartments (use class C3) and associated facilities. The land to the east would be developed by the construction of a 2 ½ storey detached dwelling off Greenway.

## **SUPPORTING DOCUMENTS**

Design and access statement  
Planning statement  
Aboricultural report  
Ecological report  
Air quality report  
Noise report  
Contamination report  
Heritage statement  
Archaeology report

## **SITE DESCRIPTION**

The application site is located approximately 100 metres due south of Wilmslow town centre on the east side of Alderley Road (B5086), the main approach to the town centre.

The site comprises a rectangular area extending to 0.33 hectares, It is occupied by the former, now vacant Fernleigh Consulting Clinic (No. 77), Aysgarth (No 79) a two storey detached dwelling) and an undeveloped garden plot accessed from Greenway.

## **RELEVANT HISTORY**

77

70252P Change of use from dwelling to medical consulting rooms. Granted 13 May 1992

79

25862P Change of use from dwelling to medical consulting rooms. Refused 22/4/1981

30369PB Ground and first floor extension Refused 4/8/1982

31402P Extension to form sitting room and bathroom. Refused 27/10/1982

32639P Ground floor extension Approved 4/3/1983

Plot at No 13 Greenway

Several previous permissions

12/0542M Dwelling (outline) granted 21/3/2012

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14 and 19.

## **POLICY**

The site is identified in the Macclesfield Borough Local Plan as being within a predominantly residential area, and is close to the Town centre and Shopping Area. The relevant policies in the determination of any subsequent application are:

### **Macclesfield Borough Local Plan**

NE11 Nature conservation;

BE1 Design Guidance;

H2 Environmental Quality in Housing Developments  
H4 Housing sites in urban areas  
H9 Affordable Housing;  
H13 Protecting Residential Areas;  
DC1 and DC5 Design;  
DC3 Residential Amenity;  
DC6 Circulation and Access;  
DC8 Landscaping;  
DC9 Tree Protection;  
DC35, DC36, DC37, DC38 relating to the layout of residential development;  
DC40 Children's Play Provision and Amenity Space  
T3 Pedestrians;  
T4 Access for people with restricted mobility; T5 Provision for Cyclists.

### **Other Material Considerations**

National Planning Policy Framework  
Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Draft Cheshire East Design Guide

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

### Cheshire East Local Plan Strategy – Proposed Changes Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that,

unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SC1 Leisure and Recreation  
SC2 Outdoor sports facilities

SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

### **CONSULTATIONS:**

#### **Wilmslow Town Council:**

Wilmslow Town Council's Planning Committee recommend refusal of the apartment block on the grounds of the design being out-of-character with the surrounding buildings and the proposed building line being well forward of the existing building line.

#### **Highways:**

The Head of Strategic Infrastructure (HSI) raises no objections subject to conditions including parking, visibility and a construction management plan.

**Environmental Protection:** No objections subject to conditions including demolition and construction management plan, residents travel pack and electronic vehicle charging, further contamination investigation, noise mitigation scheme and lighting details.

#### **Wilmslow Civic Trust:** Object on grounds of:

- Over-development of site forward of the established building line
- Bland design not helped by mansard roof elements
- Inadequate car parking leading to parking in greenway
- Increase in traffic volume and duration
- Character of dwellings on both sides not considered

**Manchester Airport safeguarding:** No objections

**United Utilities:** Recommend conditions regarding sustainable drainage

**Housing:** 6 affordable dwellings required plus contribution to affordable housing in the vicinity. Object to tenure split proposed in the application.

**Forestry:** Recommend conditions based on revised plans to safeguard TPO sycamore tree.

**Conservation:** recommends refusal

**Landscape:** recommends refusal

**Flood officer:** no objections subject to conditions

**Education:** Contribution required to secondary school places in the locality.

**Rights of Way:** Comments regarding safeguarding footpath 118.

## **REPRESENTATIONS:**

At the time of report writing 21 representations have been received which can be viewed in full on the Council website. The points can be summarised as:

- Over-development of site
- Out of scale with surroundings and projecting beyond the building line
- Inappropriate design featuring flat roofs not in-keeping with character of area
- Exhaust fumes from vehicles in car parks will adversely affect living conditions in adjoining gardens
- Inadequate car parking
- Loss of privacy for dwellings in Greenway from the proposed 3 storey dwelling including parking spaces
- 3 storey dwelling is out of character with the area
- Pedestrian/cycle access to path leading to Greenway will lead to parking on this road
- Increased traffic using busy road and junctions opposite dental practice and on a school route
- Adverse impact on adjoining dwellings through overlooking, loss of privacy, loss of light, light pollution and use of refuse/recycling bins
- Separation distances have not been met
- Loss of shrubs and habitat would be detrimental to natural environment and amenity, including bats which are present on site
- Building is too close to the footpath and would cause danger during construction
- There is an abundance of flats being provided in the area
- Balconies will increase impact of overlooking
- Loss of mature trees

## **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

- The principle of the development
- Impact upon the character and appearance of the area
- Impact on residential amenity
- Impact upon highway safety
- Impact upon protected trees

### **Principle of Development**

The site is identified in the Macclesfield Borough Local Plan as within a predominantly residential area with medical and other community uses. The site is previously developed land and is located on the edge of Wilmslow Town Centre. I would consider the site to be very accessible and well connected to the town centre, and to represent a sustainable location for the development. The proposed development is therefore considered to be acceptable in principle.

### Housing Land Supply

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development. The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

*“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”*

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Locational sustainability**

The site is within easy walking distance of tow centre amenities and services, and is well served by transport links. It is therefore considered to be in a sustainable location.

### **Impact upon the character of the area**

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

### Built heritage and design

The current buildings on the site are attractive and are shown on the first OS map. These buildings are considered to be non-designated heritage assets, the loss of these buildings is not taking the opportunity to retain local distinctiveness within the area, number 77 especially, historically known as Fernlea. These buildings are appropriately scaled to surrounding property and would convert well to new uses with new alongside. The loss of the building should be assessed against para 135, for non-designated heritage assets. Loss of other traditional properties does not justify loss of every building along the road, and what it is being

replaced with should be of high quality and be in keeping with the locality which the proposed is not.

The proposed building to the road frontage is very large and out of scale with surrounding properties. There will be little room for any meaningful planting due to the build line being brought forward which again is out of character with the surrounding street scene. The building is not set back and will be an over dominant feature. As a starting point consideration should be given to retaining the existing buildings on site, with an element of new.

Any new buildings on site should not sit forward of the existing building line and be very similar in footprint and scale to the existing building to ensure that the overall impact on the street scene is not over dominant. The flat roof approach here is also likely to be unacceptable, the roof lines are quite varied but there is a traditional feel to the character of the area, and this type of design will exacerbate any feeling of dominance. There is very little room for meaningful planting, which would be in keeping with the street scene, again an opportunity lost because the building is too big.

The proposed apartment building is too large for the plot and will be a discordant feature due to its location on the plot and overall scale and mass. The issues above mean that the design would fail to be in keeping with the existing character.

The new dwelling proposed to the rear appears in line with what has previously been approved no issues with this element of the scheme.

#### Landscape

This stretch of Alderley Road has an open leafy character with most buildings being set back from the road frontage with hedges, tall shrubs and mature trees on front boundaries. Large mature trees are characteristic of the area. A robust planting belt along the frontage of this plot, ideally including large tree species, would be desirable to reinforce the character of the area.

The proposed apartment block is located close to the road frontage. The front elevation also has numerous windows and balconies and two ground floor terraces which would make it difficult to establish tall boundary vegetation, particularly larger trees, due to future social proximity issues.

The building should be located further back from Alderley Road to provide adequate space for planting on the frontage and also wrapping around the north western boundary. Some parking at the front of the building may help to produce a more acceptable layout.

Any revised layout should indicate which specific trees from group G6 on the frontage of plot 79 would be retained and their species, height, crown spread and RPA should be shown.

Proposed boundary treatments should be carefully considered. Low stone walls are characteristic of the area.

#### **Trees**

The submitted Planning Statement at para 7.26 refers to the submission of an Arboricultural Assessment and justification for the removal of a mature High (A) category protected Sycamore (T18 of the Wilmslow Urban District Council (Alderley Road Tree Preservation Order 1973).

The application is supported by a Preliminary Tree Survey (Cheshire Woodlands Ref CW/8252-SS) (which states that it requires finalisation upon completion of layout proposal), a Tree Survey Plan and Layout Appraisal Plan. However there appears to be no evidence in the submission of any Arboricultural Impact Assessment that provides any justification for the removal of the protected tree.

The Planning Statement goes on to state at para 7.27 that the loss of the protected tree will be replaced by mature trees at the front of the site on Alderley Road to reinforce the mature tree lined approach to the town centre.

Replacement with mature trees is currently not technically feasible and is limited to maximum tree sizes of advanced nursery stock category. Secondly, given the proposed position of the apartment block in relation to the Alderley Road frontage and availability for future growth requirements of large canopy trees such as Sycamore, there leaves very little scope for any meaningful tree planting other than the planting of ornamental specimens and shrubs

The amended drawing 16037-128 provides for the retention of the protected Sycamore (T18 of the TPO)) insofar as the Root Protection Area (RPA) has been respected. The preliminary Tree Survey supporting this application provided some detail on design, showing shading from the protected tree would be cast away from the development and therefore would not be an issue here. BS5837:2012 PARA 5.3. 4 requires an assessment in addition to shading, the relationship of the buildings to large trees which are to be retained within development. In this regard the position of the new build is closer to the protected tree than the existing building and that there is some potential apprehension by future occupiers. On balance however in this particular case the tree is defensible. Conditions would be required.

### **Residential Amenity**

Local Plan policy DC3 seeks 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 plans show that there would be a separation distance of between 29 and 33 metres from the three storey apartment building to the two storey dwellings in Holly Road North. The location of the apartments takes account of the adjoining dwellings and seeks comply with separation distances

### **Highways**

The proposal is within walking distance from the services and amenities within central Wilmslow, and from bus stops and train station. Suitable pedestrian infrastructure surrounds the site and it is considered sustainable.

The access width is of a suitable width for two-way vehicle movement and there is adequate turning area allowing refuse vehicles to safely enter/exit the site.

A pedestrian access to the PROW adjacent to the site has been proposed, which provides an additional access to Greenway and surrounding area.

23 car parking spaces have been proposed which is considered acceptable as it reflects car ownership levels for apartments in this location, which themselves reflect the sustainable location. Adequate covered cycle parking provision has also been proposed. Although below standards, parking will not overspill onto the highway if used in an efficient manner by ensuring the spaces remain unallocated.

Access visibility is in line with standards as shown on plan 'Visibility Splay 16037-124-A'. The northern vehicle access will be closed and kerb should be reinstated to line and level.

Pedestrian visibility in relation to the 5 bed house, with an access adjacent to the footpath that runs along the northern boundary of the site, is sufficient as shown on plan 'Pedestrian Visibility Splay to Eastern Exit of Footpath'.

With sufficient off-road parking being proposed, the minimal traffic impact of the development, and adequate access being provided, no objections are raised with the imposition of conditions.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development would make a limited contribution to this by potentially creating jobs in construction, economic benefits to the construction industry supply chain, and increased business to local shops and services.

## **SOCIAL SUSTAINABILITY**

### Affordable Housing

This is a proposed development of 21 apartments and 1 house therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 7 dwellings to be provided as affordable dwellings. 5 units should be provided as Affordable rent and 2 units as Intermediate tenure. Generally the affordable housing requirement is rounded to the closest whole number as a partial affordable unit cannot be delivered on site.

In this case the applicant proposes to provide 6 affordable dwellings on site with an additional commuted sum equal to 0.6 affordable dwellings to satisfy the 30% requirement for this site - which is 6.6 affordable dwellings. As this is equal to the required 30% the applicants' proposal is deemed to be acceptable. However, in line with the IPS the tenure split of the affordable units provided on site should be 4 units for affordable rent and 2 for Intermediate tenure - not the 3 affordable rent / 3 Intermediate tenure as has been proposed by the applicant.

The SHMA 2013 shows the demand in the sub-area of Handforth & Wilmslow is for 49 x 3 bed, 5 x 4 bed, 13 x 1 bed older persons and 3 x 2 bed older persons dwellings per annum. It evidenced an oversupply of 1 and 2 bed dwellings. The demand in Wilmslow on Cheshire Homechoice is for 116 x 1 bed, 144 x 2 bed, 77 x 3 bed and 18 x 4 bed dwellings. In order to meet demand there should be some 1 bed units also included on the scheme.

The preference is that the affordable housing is secured by way of a S106 agreement, which:

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

### Open Space Provision

Policy RT6 of the Macclesfield Local Plan advises that within new developments open space should be provided in accordance with the Boroughs Council standards.

Appendix 4 of the Supplementary Planning Guidance on Section 106 (planning) agreements advises that where development exceeds 6 or more dwellings and where on site provision can not be provided a commuted sum payment to provide or improve facilities for Public Open Space (POS) and Recreation/outdoor sports (ROS) facilities in lieu of on site provision.

No off site contributions towards provision have been proposed as part of the development. A contribution would be required towards improvement of off site recreation/public open space facilities.

### Education

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

Not including the current planning application registered on 77-79 Alderley Rd (16/3285M), there are 4 further registered and undetermined planning applications in Wilmslow generating an additional 12 primary children and 10 secondary children.

The development of 22 dwellings is expected to generate:

4 primary children (22 x 0.19)  
3 secondary children (22 x 0.15)  
0 SEN children (22 x 0.51 x 0.023%)

The development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

To alleviate forecast pressures, the following contributions would be required:

$3 \times £17,959 \times 0.91 = £49,028$  (secondary)  
Total education contribution: £49,028

A secured contribution of £49,028 is required. Without the mitigation, 3 secondary children would not have a school place in Wilmslow.

### **Conclusion – The Planning Balance**

The site is within the Settlement Zone Line of Wilmslow, where there is a presumption in favour of sustainable development.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety and residential amenity.

However, the proposal is unacceptable in design and landscape terms. Any re-location of the development would impact on the adjoining dwellings to a greater extent and therefore the proposal must be considered to represent an overdevelopment of the site, therefore as the design stands, it would have an unacceptable impact on the street scene, and have a harmful impact on the character of the area. Therefore the proposal does not satisfy the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

In terms of the social role of sustainable development, the development brings the opportunity to secure affordable housing, a secondary education contribution and contributions to open space provision.

Therefore on balance the benefits of the proposed development as mentioned above would not outweigh the harm caused by the development. Therefore the application is recommended for refusal.

## **RECOMMENDATION**

**Refuse permission for the following reason:**

- 1. The proposed apartment development by virtue of its size and design, in particular its height and proximity to the road, would have an unacceptable impact on the street scene. The proposed building would over-dominate the surrounding site and built form and would not make a positive contribution to the local character and distinctiveness of the area. The development would therefore not accord with Macclesfield Borough Local Plan policies BE1, DC1 and DC8, Policy SE1 of the emerging Cheshire East Local Plan and the National Planning Policy Framework**

**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 Principal Planning Manager (Regulation) 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.**

**Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement to secure the following Heads of Terms;**

- 30% of the dwellings to be affordable in a 65:35 split**
- Education contribution – £49,028 for secondary places**
- Detailed open space scheme, maintenance scheme and management agreement scheme for the open space/children's play, and contribution towards off-site improvements to be submitted and approved and implemented in perpetuity.**

