

Application No: 16/6225M

Location: HILLSIDE RESIDENTIAL HOME, 21, ADLINGTON ROAD, WILMSLOW, CHESHIRE, SK9 2BJ

Proposal: Demolition of existing building and erection of a new building comprising 14 no. apartments

Applicant: ., Jones Homes North West Ltd

Expiry Date: 30-Oct-2017

SUMMARY

The principle of the development can be accepted subject to there being no significant adverse impacts arising from it. It would add to the stock of housing and its construction and occupation would result in social and economic benefits, albeit relatively minor. However these economic benefits are somewhat counterbalanced by the loss of the existing employment associated with the care home.

The proposal represents an overdevelopment of the site and is out of scale with the surrounding built environment. Whilst the quality of design has improved, it does not reflect the local character and detailing that is found in the neighbouring properties.

The loss of the protected Beech tree and the potential future pressures on the remaining protected trees due to the proximity of the proposed building is contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.

The relationship of the proposed building to the adjoining property at Lindfield would lead to an unacceptable impact in terms of loss of light and a loss of privacy due to the increase in mass and overlooking windows overlooking this property.

With this in mind the application is recommended for refusal.

RECOMMENDATION: Refuse

DESCRIPTION OF SITE AND CONTEXT

The application site lies in a predominantly residential area to the west of Wilmslow Town Centre. It is currently occupied by a two storey detached building used as a care home known

as Hillside, along with an outbuilding to the rear. There is mature landscaping to the boundaries and trees subject to a blanket TPO across the whole site.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing buildings on site and the erection of a replacement building comprising 14no. apartments.

RELEVANT HISTORY

07/1809P SINGLE STOREY REAR EXTENSION

Approved with conditions 05 September 2007

07/0532P SINGLE STOREY REAR EXTENSION

Refused 11 May 2007

99/2076P TWO-STOREY REAR EXTENSION AND SIDE CONSERVATORY

Approved with conditions 08 December 1999

99/2075P EXTENSION FOR SIXTEEN BED SPACES AND STAFF FACILITIES

Approved with conditions 08 December 1999

52972P EXTENSION FOR SIXTEEN BED SPACES AND STAFF FACILITIES

Approved 22 June 1988

48321P EXTENSION TO REST HOME TO IMPROVE STAFF FACILITIES AND TO
PROVIDE A TOTAL OF 17 BED SPACES

Refused 23 March 1987

34092P PROPOSED USE OF EXISTING HOUSE AS REST HOME FOR UP TO 12
RESIDENTS

Approved 05 August 1983

POLICIES

Cheshire East Local Plan Strategy – adopted 27th July 2017

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE12 Pollution, Land Contamination and Land Instability

Appendix C – Parking Standards

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Saved Macclesfield Borough Local Plan Policies

NE11 (Nature conservation interests)
DC3 (Amenities of residential property)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree protection)
DC35 (Materials and Finishes)
DC36 (Road layouts and circulation)
DC37 (Landscaping in housing developments)
DC38 (Space, light and Privacy)
DC41 (Infilling housing or redevelopment)

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)
Wilmslow Neighbourhood Plan

The Wilmslow Neighbourhood Plan has not reached Regulation 14 (the pre-submission consultation) stage to date. An emerging policies report went out to consultation in July – September 2017.

The Three Wilmslow Parks SPG (2004)
The Cheshire East Borough Design Guide (2017)

National Policy:

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

Of particular relevance are Chapters 1, 4, 5, 6, 7 and 10.

CONSULTATIONS (External to Planning)

Highways: no objections

Environmental Health: no objections subject to conditions

United Utilities: no objections, subject to conditions relating to drainage

Housing: no requirement for affordable housing on this site

Education: a contribution of £32,685 would be required.

Flood risk: no objections subject to condition

ANSA: Comments awaited

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council: *“recommend refusal of this application on the grounds of traffic safety with increased traffic on the dangerous bend. The proposed building is overbearing on neighbouring properties and out-of-character being overdevelopment in an otherwise low density residential area. The Town Council believe that the proposals contravene the Supplementary Planning Guidance for Wilmslow Park within which they consider this property to be located.”*

OTHER REPRESENTATIONS

Amended plans were received during the application period. 42no. objections were received prior to the amendments with a further 13no. objections received following, with 12no. of these comments having already commented earlier. The repeated comments mainly reiterated their earlier comments. Below is a summary of the main issues:

- Out of character with the road – overdevelopment.
- Highway safety issues due to location on a bend. Also increase in traffic.
- Insufficient parking spaces
- Insufficient space for delivery vehicles
- Loss of care home would lead to bed blocking in hospitals
- The three stories will be overbearing to neighbouring properties.
- External finishes not in keeping with surrounding properties
- Too many apartments
- Protected trees would have to be removed
- Loss of employment from the care home closure
- Loss of separation from neighbouring properties would result
- Loss of privacy and daylight to surrounding properties
- This would lead to a lack of facilities for elderly people
- It is not clear where the access would be.
- Local infrastructure would not be able to cope
- Insufficient bat surveys

A boundary dispute between the applicants and the owners of the adjoining property at 23 Adlington Road is mentioned in one of the comments. This is not a planning matter and is a civil issue between the two parties.

OFFICER APPRAISAL

Key Issues

- Impact on the character of the area,
- Impact on trees,

- Impact on the amenity of neighbouring properties,
- Highway safety implications

Principle of Development

The site is located within a predominantly residential area, as allocated within the Macclesfield Borough Local Plan. The principle of the development can therefore be accepted subject to there being no significant adverse impacts arising from it.

ENVIRONMENTAL SUSTAINABILITY

Design and Impact on Character of the Area

The site is predominantly shielded by a mature green boundary which buffers the existing care home from the road.

Following discussions during the application process amended plans were received which reduced the appearance of the height by dropping the eaves level and incorporating dormer windows to the upper storey. This is a welcome adjustment and echoes the arts and crafts style that can be found in the local area. However it is still a dominant structure which is exaggerated by the location of the footprint which sits far closer to Adlington Road than the existing building. Although the upper storey is mainly incorporated within the roofspace the appearance of the building is still three storey with the large flat roof evidence of the increased bulk of the building.

The mix of render and brick breaks up the massing, adding to the diversity of form. The eaves suggest the creation of deep overhangs that echo traditional quality detailing, common to the surrounding area but the detailing needs to be of a high enough standard to pull this off to achieve high quality design. Upvc windows are generally discouraged and a more traditional style and material sought.

Saved Macclesfield Local Plan policy DC41, relating to infill housing states:

'The garden space should reflect the typical ratio of garden space within curtilages in the area and the location, size and shapes should be suitable for the intended purpose'.

The building to plot ratio appears to be much greater than the surrounding properties and there is no provision of public or private amenity space within the proposal. This is supported by the figures provided by the applicant which states that the average plot coverage of the surrounding properties is 22% with the proposed at 27%. The results of the surrounding properties are slightly skewed by the inclusion of properties along Wilmslow Park North, which while they are surrounding the development are not necessarily seen in association with the application site, particularly when viewed from Adlington Road which contains spacious properties within large curtilages. Also to be considered is that the areas of curtilage without any building in the proposed site do mainly contain hardstanding for parking.

Advice within the Three Wilmslow parks SPG states:

"Though the standard parking provision is required on site for each property, the area of the driveway and parking spaces have in the past been kept to a minimum in terms of impact."

This has ensured that the hard landscaping does not dominate each site. This general rule should be applied to future development, especially where an increase in density is proposed.

The hard landscaping should follow the existing character of being subordinate to the planting provision.”

The majority of the remainder of the site is covered with car parking provision for the scheme and does dominate the site. With the widening of the existing access involving the removal of some of the trees that currently screen the site the lack of landscaping and increased bulk of the proposed building will be clearly evident from outside the site.

The proposal is clearly overdevelopment of the site and out of scale with the surrounding built environment. Whilst the quality of design has improved, it does not reflect the local character and detailing that is found in the neighbouring properties. The proposal is therefore considered to be contrary to policies SE1 and SD2 of the Cheshire East Local Plan Strategy.

Amenity

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

The objections have been carefully considered. Cherry Lawns is located due east of the proposed development and contains a bedroom window at first floor and a kitchen diner window at ground floor looking onto the site. The existing building contains a separation between the buildings of approx. 20m and at an angle which would be reduced to approx. 14m at its closest point; however it would be approx. 20m at the point directly opposite. Saved policy DC38 states that a distance of 21m should be retained between habitable windows and 14m if the elevation is blank. The Cheshire East Design Guide (2017) includes guidance for distances between buildings which is slightly lower than the guidance in policy DC38 with a distance of 12m between a habitable window and blank elevation and 18m between two habitable windows. The proposal is well in excess of these distances.

To the north-east of the application site lies Lindfield which sits to the rear of the plot. This means that the majority of the garden area of this property is to the front of the dwelling.

There is currently good screening between the two boundaries, however it is expected that there will be future pressure to remove or reduce the size of this screen due to the proximity of the trees to the proposed building. Without this screen the relationship between the proposed building and Lindfield would be unacceptable. It is acknowledged that there is an existing relationship with some of the windows currently overlooking the boundary. However the proposal includes an increased number of windows due to the increased scale of development and a reduction in space to the boundary resulting from the proposed building becoming much closer to the boundary between the properties. The proposal would therefore lead to a loss of privacy to this property and a loss of evening light to the garden of Lindfield, contrary to saved policies DC3 and DC38 of the Macclesfield Borough Local Plan and

guidance within the Cheshire East Design Guide. A distance of 23m would remain between the two buildings.

The proposal would create a larger gap between the proposed building and number 13 Overhill Lane, the adjoining property to the north-west, than existing. While there would be more windows proposed in the north and west elevations the increased space means that the relationship between the two properties would be no worse than the existing situation.

Highways

The site extends to approximately 0.2 hectares in area and is located approximately 1.5 kilometres to the east of the centre of Wilmslow. Access to the site is taken from Adlington Road.

This is a full planning application for the development of 13 two bedroom apartments and one three bedroom apartment. Proposed off-street parking provision of 28 spaces is in accordance with Cheshire East Council parking standards.

All dwellings will be served from the existing point of access to Adlington Road, which will be widened to allow two-way traffic movement and designed to allow a refuse vehicle to enter and exit the site in a forward gear.

The Strategic Infrastructure Manager has reviewed the highways report submitted by the applicant in support of the development proposals and is satisfied that the replacement of the Care Home with 14 dwellings would be unlikely to have a material impact on highway safety or the operation of the adjacent highway network.

The Strategic Infrastructure Manager is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, no highways objections are raised.

Arboriculture and Forestry

The submitted Arboricultural Statement identifies a direct loss of TPO trees to accommodate the proposed development which include a total of 9 low (C) category trees and 9 Moderate (B) category trees :-

- a mature moderate (B) category Beech (T1) forming part of G38 of the Wilmslow Park No.2 TPO 1974
- a low (C) category Holly (T3) forming part of Area A1 of the Hillside – 21 Adlington Road TPO 1996,
- 3 trees comprising of Cypress, Yew and Holly within a low (C) category group (G1) forming part of G38 of the 1974 TPO. One tree, a Western White Cedar is showing signs of reduced vitality and past failure of the top of the tree.
- a Spruce, Cypress and Silver Birch within a moderate (B) category group (part of G2) showing identified arboricultural defects and forming part of G38 of the 1974 TPO
- a Maple, Holly and Cypress plus two other unidentified trees within a low (C) category group (part of G3) some showing identified arboricultural defects and forming part of G38 of the 1974 TPO and Area A1 of the 1996 Order

- 5 trees ,comprising a mix of Cypress, Western Red Cedar and Larch within a moderate (B) category group (part of G9) and forming part of G38 of the 1974 TPO and Area A1 of the 1996 TPO

Following discussions on site between the applicant and the Council's Forestry Officer on 3rd May it was acknowledged that individually, the low (C) category specimens and the moderate category specimens (within part of G2 and G9) have identified arboricultural defects which are likely to reduce their future growth potential/life expectancy or do not present a significant contribution to the wider public amenity of the area. It is recognised however, that the collective value of the groups contributes to the screening of neighbouring properties.

The protected Beech (T1 – part of G38 TPO) is recognised as a prominent tree in the landscape. The applicant had indicated that there could be a persuasive argument to remove the tree due to a crack in the trunk, however the Arboricultural Statement states (comments section) that the tree has an acute included bark union and makes no reference to the tree's removal on the basis that the tree presents an imminent risk to neighbouring properties and that the tree has a reasonable safe useful life expectancy. It was noted that an existing young Beech tree located close to Beech T1 could provide the basis for a long term replacement for the mature Beech, however it would take a significant period of time for the young tree to offset the loss of the mature Beech and therefore in that time any amenity benefit would be lost.

Impact on below ground tree constraints are considered in the Statement where the edge of the new driveway and car parking spaces encroach into the root protection area (RPA) of retained trees and where existing hard standing is proposed to be removed and replaced. This is addressed by the provision of an engineer designed hard surface which ensures viability of the rooting volume and structure of the soil. It is agreed that the best practice guidance outlined in BS5837:2012 could be carried out in this instance without any significant harm to below ground constraints of retained trees.

Design considerations for above ground constraints are referred to in para 5.2.2. and 5.3.4 of BS5837:2012 which considers the relationship to buildings to trees and unreasonable inconvenience to future occupiers. The proposed development footprint is shown extending closer to the site boundaries and retained protected trees including protected Beech G5 forming part of G38 of the 1974 TPO, Beech T5 forming part of Area A1 of the 1996 TPO, Group G2 part G38 of the 1974 TPO and a Monkey Puzzle (Chile Pine) part of G9 and forming part of G38 of the 1974 TPO and Area A1 of the 1996 TPO. The Council's Forestry Officer considered that the presence of these trees in relation to the proposed new build and their future growth potential in terms of height and spread will have an adverse impact upon the living conditions of future residents, presenting significant shading of both the southern and south eastern elevations and creating a perception of fear and apprehension associated with the trees existing and future dominance, resulting in a high likelihood of irresistible post development pressure for regular heavy pruning or felling of the trees.

For these reasons the proposal is considered to be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.

Ecology

Bats

The submitted report recommends a further bat survey be undertaken to inform an application to Natural England for a protected species licence, however the Council's Nature Conservation Officer advises that there is sufficient survey information available to inform the determination of the application.

Evidence of what is likely to be a maternity colony of a widespread bat species was recorded during the survey. The Council's Nature Conservation Officer advises that this roost is of substantial nature conservation value in the local context.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of overriding public interest" then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The alternative would be for the existing buildings to fall into disrepair to the detriment of the character of the area. It is likely that some intervention will be required in the future. The alternative of the future refurbishment of the building is likely to have a similar impact upon the protected species as the demolition.

Overriding public Interest

The proposals would bring about additional dwellings to the area.

Mitigation

To compensate for the loss of the existing roost the submitted report recommends the provision of a bat loft within the proposed apartment block and the timing and supervision of the works is also proposed as a means of minimising the risk that bats are disturbed or

harmful during the demolition of the existing building. A condition will be included in any approval for the recommended mitigation.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

Hedgehog and nesting birds

If planning consent is granted conditions will be required to safeguard nesting birds and hedgehogs.

SOCIAL SUSTAINABILITY

Education

A proposal of a total of 14no. dwellings will put pressure on local school services, therefore the proposal is required to provide a financial contribution towards secondary educational needs. This has been calculated as being £32,685 (2 x £17,959 x 0.91). If the financial mitigation measure is agreed the proposals are policy compliant in terms of education.

Public Open Space and Recreation

The proposal does not provide for public open space or recreation space on site. Comments are yet to be received from ANSA, and will be reported as an update in terms of any required contributions in lieu of on site provision.

CIL Regulations

Once comments are received from ANSA regarding any necessary contributions, an assessment against the CIL regulations will also be provided as an update.

Housing Land Supply

The Council can currently demonstrate a 5 year supply of housing sites.

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. However, it is only for 14no. dwellings and therefore the impact is limited. The loss of the existing employment relating to the care home is weighed against the proposal.

CONCLUSION

The principle of the development can be accepted subject to there being no significant adverse impacts arising from it. It would add to the stock of housing and its construction and occupation would result in social and economic benefits, albeit relatively minor. However

these economic benefits are somewhat counterbalanced by the loss of the existing employment associated with the care home.

The proposal represents an overdevelopment of the site and is out of scale with the surrounding built environment. Whilst the quality of design has improved, it does not reflect the local character and detailing that is found in the neighbouring properties.

The loss of the protected Beech and the potential future pressures on the remaining protected trees due to the proximity of the proposed building is contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.

The relationship of the proposed building to the adjoining property at Lindfield would lead to an unacceptable impact in terms of loss of light and a loss of privacy due to the increase in mass and overlooking windows overlooking this property.

With this in mind the application is recommended for refusal for the following reasons:

- 1. The proposed development by virtue of its size and siting would result in the direct loss of an existing tree which is the subject of the Macclesfield Borough Council (Wilmslow – Hillside 21 Adlington Road) Tree Preservation Order 1996. The loss of this tree is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located and would be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.**
- 2. The proposed development by virtue of its size and siting would result in a threat to the continued well being of existing trees which are the subject of the Macclesfield Borough Council (Wilmslow – Hillside 21 Adlington Road) Tree Preservation Order 1996. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located and would be contrary to policy SE5 of the Cheshire East Local Plan and saved policy DC9 of the Macclesfield Borough Local Plan.**
- 3. The proposal represents an overdevelopment of the site and is out of scale with the surrounding built environment. Whilst the quality of design has improved, it does not reflect the local character and detailing that is found in the neighbouring properties and would be contrary to policies SE1 and SD2 of the Cheshire East Local Plan.**
- 4. The relationship of the proposed building to the adjoining property at Lindfield would lead to an unacceptable impact in terms of loss of light and a loss of privacy due to the increase in mass and overlooking windows overlooking this property contrary to saved policies DC3 and DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.**

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with

the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

