

Application No: 18/3145M

Location: The Brackens, 1, Blackshaw Lane, Alderley Edge, SK9 7UN

Proposal: Demolition of existing dwelling and erection of three dwellings with associated external works.

Applicant: Mr Chris Oakes

Expiry Date: 12-Oct-2018

### **Summary**

The proposal seeks to demolish the existing 2-storey dwelling, and erect 3x dwellings (2x semi-detached and 1x detached) on the same site. There would be a greater intensification in the use of the site, and this would be visible within Blackshaw Lane, particularly given the vertical emphasis of the design. However, the visual impact is mitigated by the set-back of the development and the mature vegetation to the Blackshaw Lane boundary.

The local area is characterised by developments of higher densities including Greenland Walk, and the residential developments along Downesway. The architectural styles are varied and some contemporary designs are increasingly visible within the locality. The proposed development, whilst contemporary utilises traditional materials and would broadly integrate into the urban grain without unacceptably compromising the sylvan and set-back character of the area.

In terms of highways, the parking provision is in accordance with the Councils adopted parking standards. No issues are raised with respect to protected trees, vehicle access, contamination, flood risk, or ecology.

However, the proximity to shared boundaries, and the height and length of the dwellings will have a detrimental impact upon the living conditions of neighbours, particularly at Arundale due to the overbearing nature of the building, contrary to policy DC3 of the MBLP.

### **RECOMMENDATION**

**Refuse**

### **REASON FOR REFERRAL**

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor for the following reason:

“This application is a resubmission of 17/2800m and 17/6288m, the former of which was refused under delegated powers and the latter of which was withdrawn by the applicant. Both previous applications were called in following concerns expressed by the Parish Council, Neighbourhood Plan Steering Group and Local residents. This application, which does not differ significantly from the two previous applications, is called in for similar reasons and to enable a full discussion of the potential impact of the proposals on the character of this part (of) Alderley Edge Village.”

## **PROPOSAL**

This application seeks planning permission for the demolition of the existing two storey dwelling, subdivision of the plot, and erection of 2x semi-detached dwellings and 1x detached dwelling (3 x units). The proposed dwellings would be 4x bedroom comprising habitable space over 2.5 storeys. Three parking bays are indicated for each plot in addition to an area of hardstanding which could provide a turning circle. The architectural style is contemporary with the dwellings incorporating prominent gable-ends, expansive glazing and a general vertical emphasis. The roof-types would include a hipped-flat roof to the semi-detached pair and a gable-end with 1.5-storey side section to the detached. An integral garage is included within Plot 1 (semi-detached).

A new gated access would be created positioned centrally to the Blackshaw Lane frontage. The driveway would be resin bound gravel. Hedges and overgrown plants would be cut back to the rear of the site allowing for larger gardens separated by close boarded fencing. A number of large trees to the eastern aspect of the site would be retained. Materials to the dwellings include brickwork, stonework and zinc cladding, slate roofing tiles and aluminium framed windows/timber doors.

Full consultation has been carried out on the plans submitted with the application.

## **SITE DESCRIPTION**

The application site comprises a large detached residential dwelling and its curtilage set within the settlement boundary of Alderley Edge (as defined by the Local Plan Policies Map, 2004). The surrounding area is predominantly residential and the architectural styles in the area are distinctly varied with mostly 2 storey dwellings and some 2.5 storey dwellings.

The host building is two-storey, with a linear pitched roof constructed in facing brickwork with a concrete tiled roof and a mix of timber and upvc windows. The site has a north-south emphasis, fairly rectangular in form, with a sizeable rear garden and open setting to the front. Mature trees characterise the site, many of which are formally protected through Tree Preservation Orders (TPO). Specifically there is a ‘blanket’ TPO which runs to the side of the existing property along the eastern and western boundaries and there are 2 individually protected trees (Ash and Pine) to the front of the site and a protected Spruce to the rear. In the wider context of the site, there are many other protected trees which are important in their contribution to the area’s visual amenity.

The main character of the area comprises detached dwellings although there are some semi-detached buildings as constructed on nearby Greenlands Walk. The density appears greater along nearby Downesway with dwellings filling the width of the plots and comprising smaller

gardens than the application site. Between Downesway and Greenland Walk there are 4 detached properties (Arundale, The Brackens, Netherbrook and Aeolia) which all enjoy larger gardens and a more spacious setting in contrast to Downesway and Greenlands Walk. It should be noted, however, that a recent appeal on the adjacent site (Netherbrook 17/1977m) has allowed the subdivision of this plot to accommodate +1 dwelling to the side.

## **RELEVANT SITE HISTORY**

17/2800m - Demolition of existing dwelling and erection of four semi-detached dwellings with associated external works. Withdrawn (15<sup>th</sup> September 2017)

17/6288m - Proposed demolition of existing dwelling and erection of four semi-detached dwellings with associated external works (re-submission of application 17/2800M). Withdrawn (6<sup>th</sup> April 2018)

## **LOCAL AND NATIONAL POLICY**

### **Macclesfield Borough Local Plan (2004) – saved (legacy) policies**

DC3 (Design & Amenity – Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree Protection)  
DC35 (Materials and Finishes)  
DC37 (Landscaping)  
DC38 (Space, Light and Privacy)  
DC41 (Infill Housing Development or Redevelopment)

### **Cheshire East Local Plan Strategy (2010 – 2030)**

Policy SD1 (Sustainable Development in Cheshire East)  
Policy SD2 (Sustainable Development Principles)  
Policy SE1 (Design)  
Policy SE2 (Efficient Use of Land)  
Policy SE4 (The Landscape)  
Policy SE5 (Trees, Hedgerows and Woodland)  
Policy SE9 (Energy Efficient Development)  
Policy SE12 (Pollution, Land Contamination and Land Instability)  
Policy IN1 (Infrastructure)  
Policy PG1 (Overall Development Strategy)  
Policy PG2 (Settlement Hierarchy)

### **National Policy**

The National Planning Policy Framework (NPPF) (2018) establishes a presumption in favour of sustainable development. Of particular relevance are the following sections:

Section 5: Delivering a sufficient supply of homes  
Section 11: Making efficient use of land

## Section 12: Achieving well-designed places

The National Planning Practice Guidance (NPPG) (as updated online)

### **Supplementary Planning Documents**

Cheshire East Borough Design Guide (2017)

### **CONSULTATIONS**

**United Utilities: No objection subject to conditions:**

Foul and surface water being drained on separate systems. Surface water to be drained in accordance with the hierarchy of drainage options in national planning practice guidance.

**Alderley Edge Parish Council - Objection:**

“The Parish council recommends refusal on the grounds that it still constitutes overdevelopment of the site. The proposal encroaches too close to the westerly boundary and coupled with its height would be overbearing. Any loss of the hedges at this point would lead to loss of privacy. Indeed the windows on this side should be conditioned with being obscured with frosting. There is insufficient provision for car parking which then might give concerns around highways ingress and egress. This should be called in to committee.”

### **REPRESENTATIONS**

4x letters of representation have been received in total, from 4 different addresses.

**General observations (2x letters):**

- Scheme more acceptable (compared to previous applications)
- Windows in upper floors should be located to prevent overlooking
- All vehicles (including trades vehicles) should be contained within the boundaries of the site (to prevent congestion on nearby roads)
- Roots of large trees north of the entrance to be protect against any heavy machinery.
- Dwellings are still too large to fit in with surrounding architecture
- Construction should not disrupt Blackshaw Lane

**Objections (2x letters):**

- Impact on trees
- Concerns about privacy
- Development should be restricted to 2 dwellings
- Drainage
- Highway safety / operation

The full content of the above objections can be viewed on the public file. These have been noted and considered in the assessment of this application.

The details submitted are considered sufficient, in enabling the Local Planning Authority to satisfactorily determine this application. Numerous site inspections have been carried out in relation to this application and the previous applications (17/2800m and 17/6288m).

Public consultation has been carried out in accordance with statutory requirements.

## **APPRAISAL**

### **Key Issues**

- Principle of development;
- Design considerations
- Character of the area
- Impact upon amenity of neighbouring properties
- Highway Safety Implications
- Tree impacts
- Flooding/Drainage
- Sustainability

### **Principle of Development**

The application site resides within an area designated as predominantly residential (as defined by the Macclesfield Borough Local Plan, 2004). Within this designation, the principle of residential development is considered acceptable by the development plan and national policy. The NPPF strongly emphasises, at paragraph 11, there is a “presumption in favour of sustainable development” and that this is vital in decision-taking. With reference to decision-taking, this means approving development proposals that accord with the development plan without delay.

### **Housing land supply**

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”

The Cheshire East Local Plan Strategy is a recently adopted plan. Upon adoption, the Examining Inspector concluded that the Local Plan would produce a five year supply of housing land, stating that *“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”*.

The Cheshire East Local Plan Strategy (LPS) was adopted after a lengthy examination and was produced through engagement with stakeholders who have an impact upon housing delivery. The adopted plan incorporated the recommendations of the Secretary of State. In accordance with paragraph 74 of the NPPF and footnote 38, the LPS should be considered 'recently adopted' until 31 October 2018 and full weight should therefore be given to the findings of the Inspector in confirming that the Local Plan would produce a five year supply of housing land.

The Council continues to monitor housing delivery and housing land supply, publishing its annual assessment through the Housing Monitoring Update. This report provides information on the delivery of sites and the supply of housing land to an annual base date of the 31 March. The most recent Housing Monitoring Update (base date 31 March 2017) was re-published in December 2017 and this confirmed a housing land supply of 5.45 years. The Housing Monitoring Update (base date 31 March 2018) is currently being produced and this is likely to show a continued positive direction of travel in relation to completions and commitments since the previous annual assessment.

The Council's published housing land supply position has been subject to thorough scrutiny at a number of planning appeals since the LPS was adopted. The most recent of these to report involved an appeal by Gladman Developments for 46 homes at New Road Wrenbury. Here the Council's housing land supply assessment was fully updated, looking afresh at the latest position on key sites and the housing sector generally. This appeal was dismissed on the 10th April 2018 with the Inspector finding that the Council could demonstrate a deliverable 5 year housing land supply.

In the light of the above, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 11 of the NPPF is not engaged.

## **Design assessment**

The existing detached dwelling sits comfortably within the plot offering generous amounts of landscaping and external amenity. The density of this particular plot is lower than many of the surrounding dwellings. The scales of the 3 dwellings proposed are not excessive in the context of this plot nor would the external amenity space provided be inadequate despite the density of the plot being increased. External passageways are afforded to the side of the plots enabling external maintenance of the site and also storage of bins with each dwelling incorporating an allocated bin store. The dwellings are well set-back from Blackshaw Lane, respecting the prevailing building line.

There is good punctuation in the elevations of the dwellings and the differing styles do add some architectural interest into the site. The verticality of the design does encourage a perception of height and dominance. However, the actual heights of the dwellings are not excessive (8.7m (semi-detached) and 8.8m (detached with the gable end being 9.7m). Sufficient space is available to the front for soft landscaping and the use of resin bound gravel would be appropriate.

## **Character of the area**

The proposal would increase the density of the built development on the site; however the plot sizes and spacing between the proposed and existing properties would be commensurate with the general pattern of development in the locality. The dwellings would be staggered relative to each other, thus providing punctuation between them and breaking up the overall mass of the development. It is not considered that the scheme would appear cramped in the street scene nor would it be significantly uncharacteristic of other development in the locality. The spacing of the dwellings would be most reflective of the spacing between buildings within the local area, particularly those on Greenlands Walk and Downesway.

There would be a clear intensification in use of the site, and this would be visible in the street scene. 9 parking spaces would be provided to the front of the site which would create an impression of an intensified use. The residential units would also have a more prominent impact on Blackshaw Lane and Chorley Hall Lane through the vertical nature of the design and contemporary features. This would intensify the contribution of the site to the area's character.

Saying this, the character of this area has undergone change recently. Developments along Greenlands Walk, and the recently constructed additional dwelling within the garden of Netherbrook have increased the built density of the urban grain. These elements are visible within the street scene and do contribute to the changing character to this area. The proposal would contribute to this trend, although in the case of this application the dwellings are positioned further back within the site and the mature trees along the Northern (Blackshaw Lane) boundary are protected. These trees can be afforded significant weight in their amenity contribution and help to screen the development. A landscaping scheme could also be conditioned which would supplement this screening and ensure suitable boundary treatments to protect the hedge lined character. This would help to safeguard the sylvan character of Blackshaw Lane. On balance, it is considered that the visual impact of the development would be adequately mitigated through the screening of the site, and the architectural styles would not be significantly incongruous when compared to others in the area. The introduction of more contemporary designs has arguably set a precedent for this type of architecture within the locale.

This development would also accord with the thrust of national planning policy with the revised NPPF (2018) stating the following:

“Planning decisions should not prevent or discourage appropriate innovation or change (such as increased densities)” (para. 127)

“Making the optimal use of the potential of each site” and “optimise the use of land in their (Local Authorities) area and meet as much of the identified need for housing as possible” (para. 123).

“Decisions should support development that makes efficient use of land” (para. 122).

There is of course, the need to prevent inappropriate development of residential gardens, but only where this would cause harm to the local area. As detailed in this section and following sections, the proposal would not cause any clear identifiable harm.

Inspectors have taken similar approaches, with both the subdivision of the adjacent site allowed (ref.17/1977M), and other developments within the wider Borough (for example Orme Close, Prestbury – 17/4862m). The latter was for the demolition of a detached dwelling and replacement with 4x semi-detached units. This does not set a precedent for this type of development, but it does give an indication of the approach Inspectors are taking to subdivision of plots in light of national planning policy (NPPF).

Overall, whilst the modern design would increase the prominence of the development, this is mitigated by vegetation and (protected trees) to the front of the site. The development is also well set-back. At 2.5 storeys, the dwellings are large, but it is not considered that any significant harm exists to the areas character. On this basis, a reason for refusal could not be substantiated. The development is compliant with policies SD2, and SE1 of the CELPS, and the guidance of the NPPF (2018).

### **Residential amenity**

The dwellings are orientated in such a way that the proposals would not compromise light levels within the adjacent site. Any upper floor side elevation windows would be conditioned to be obscure glazed to prevent losses in privacy to the adjacent sites.

The main issue would be the visual impact within the gardens of the 2 adjacent properties (Arundale and Netherbrook). To the east, the gabled side elevation of plot 3 would come within 1.1m of the shared boundary with Netherbrook at a height of 9m. Whilst trees in the neighbour's garden sit to the front and rear of the new dwelling, the presence of the side elevation at this scale will clearly be experienced visually within this neighbour's garden.

To the west, the side elevation of plot 1 comes within 2.5m of the "assumed" boundary with Arundale at a height of 8.7m. The eaves of plot 1 are 5.8m above ground level, and whilst above this height the roof slopes away, the flat roof design has led to relatively steep roof pitches which will increase this massing in close proximity to this shared boundary. Added to this the side elevation of plot 1 extends along the entire length of the neighbour's garden, adding to the dominance of the structure. The position, height, and length of plot 1 are considered to have an unacceptably overbearing impact upon this neighbour's rear garden area, contrary to policy DC3 of the MBLP.

### **Highways**

There are 3 car parking spaces provided for each unit which is an acceptable provision. There would be adequate visibility for the new access point in to the site. Conditions would be necessary, to ensure that the gates are set back 5.5m from the edge of the carriageway and that the existing access is closed and footpath reinstated. The Councils Highways Officer has raised no objection to the works.

The proposed level of parking (3 spaces per dwelling) would be in accordance with the CE parking guidelines which stipulates that 3 spaces should be provided for 3 bedroom+ dwellings within the settlement boundary. This compliant level of parking put forward with the application does reduce the likelihood that this development would cause on-street parking outside the site.



Notwithstanding that the proposed level of parking is in compliance with the CEC standards, the site resides in a sustainable location with good access to local amenities and public transport links. The site is within walking distance of Alderley Edge Village Centre. Buses run through Alderley Edge providing frequent transport to larger settlements. Alderley Edge train station also supports links to Manchester, Crewe, Liverpool and Wigan. The NPPF encourages, at various points, the reduction in use of the private vehicles and encourages a shift towards other sustainable modes of transport. As per above, the occupiers would also have opportunities to use more sustainable transport methods.

An EVP (Electric Vehicle Infrastructure – Charing Point) condition as recommended by Environmental Health shall be added to the recommendation ensuring that the occupiers of each dwelling have the infrastructure in place to accommodate more environmental friendly modes of transport. This helps to contribute to the Borough's clean air quality targets.

### **Arboricultural impacts**

The application is supported by an Arboricultural Method Statement (Ref TRE/1BL/Rev C) and an Arboricultural Implications Assessment (Ref TE/1BL/Rev C) by Mulberry Tree Management dated 22<sup>nd</sup> August 2018.

The main issues with this site are associated with -:

- 1)The social and spatial proximity of the proposed build footprint Plot 3 in relation to the large mature Oak protected as part of G7 of The Alderley Edge Urban District Council (Chorley Hall Lane) Tree Preservation Order 1968
- 2)The impact the retained trees have on the utilisable external space associated the rear garden of Plot 3 including the mature Spruce protected as T32 within the The Alderley Edge Urban District Council (Chorley Hall Lane) Tree Preservation Order 1968, and those located off site T6 and T7
- 3)The impact of the engineering works required to facilitate the hard standing to the front of the development associated with the proposed car parking bays and their interface with the Root Protection Areas (RPA) of both T1 and T5

The development footprint of Plot 3 is now located outside the RPA of T5 which is the default position in respect of current best practice BS5837:2012; this accepts that implementation is probable without causing direct damage likely to result in a reduction in the trees vigour and vitality leading to its demise. A realistic assessment during the design process should take into account the probability of successful tree retention when taking into consideration issues of shading, nuisance, and pressure for unacceptable pruning / removal because of the buildings proximity to a large mature tree and the apprehension this causes for occupiers. The glazed units which face directly under and into the canopy of the Oak T5 are associated with secondary rooms (dining room and 1<sup>st</sup> floor en-suite). Any reduction in terms of light attenuation is not considered to be significantly detrimental when taking into consideration the presence of a second dining area to the rear of the plot. The position of the living room and bedroom 3 faces directly towards T1 and shouldn't be influenced by T5 in terms of light attenuation and direct sunlight. The build set back allows the erection of scaffolding without any facilitation pruning with lateral branch spread now considered a reasonable distance from

the adjacent elevations; this can be managed without detrimentally impacting on the natural shape and form. The build distance is reflective of the adjacent dwelling but the Oak T5 does interface with a gable elevation in respect of the property known as Netherbrook rather than the off set frontage of plot 3; on balance the relationship is considered sustainable.

The loss of the small suppressed Beech T8 is accepted, but this doesn't directly establish any additional utilisable space. The loss of direct sunlight during the late afternoon early evening period to the rear of plot 3 in respect of T6, 7, & 9 will still be a factor but the deletion of the additional plot now establishes a greater utilisable garden area outside the canopy spread of the three identified trees. Some additional pruning which accords with the requirements of best practice BS3998:2010 would enable additional and filtered light penetration to the rear of plot 3 and its associated garden.

The loss of the identified trees is accepted. T11 presents a poor social proximity to the existing building with both T10 and 11 partial screened from public vantage points by the existing and other dwellings which is presumably why they were omitted from the 1968 TPO. Group 4 contributes minimally to the street scene and the amenity of the immediate area.

On balance the scheme from an Arboricultural perspective is considered viable subject to the following conditions required to resolve the anomalies identified above:

- Tree Protection Scheme
- Tree Pruning/Felling specification
- Service/Drainage layout
- Details of an engineer no-dig hard surface for the construction of the driveway and parking areas (where there is RPA incursion)

Subject to the above conditions, it is considered that the proposal can be accommodated without harming the Arboricultural value of the site. The proposals would accord with policy DC9 (MBLP).

### **Flooding issues**

The site is sited within Zone 1 (EA Flood Risk) which indicates a low probability of flooding (less than 1 in 1,000 annual probability). It is not considered that this scheme would significantly exacerbate any present flooding within the neighbouring sites or the immediate locality and is thus acceptable in this aspect, in line with the NPPF. As part of any landscaping scheme suitable areas of permeable surfacing would be secured which would facilitate surface water drainage.

The proposal accords with policy SE13 of the CELPS.

### **Ecology and Nature Conservation**

Prior to the removal of vegetation or any demolition/conversion works between 1<sup>st</sup> March and 31<sup>st</sup> August of any given year, a survey must be carried out to check for nesting birds and where found a 4m exclusion zone created until breeding is complete. This shall be conditioned.

The Council's Nature Conservation Officer has suggested that features should be provided as part of the re-development to accommodate breeding birds, house sparrows, bats and replacement pond. This can be conditioned and would accord with the thrust of CELPS policy SE3 which requires development to positively contribute to the conservation and enhancement of biodiversity.

## **Conclusion**

The proposals are, on balance, considered to have an acceptable impact upon the character of the area, and do not raise any significant issues in terms of highways, trees, ecology or flood risk. However, the proximity to shared boundaries, and the height and length of the dwellings will have a detrimental impact upon the living conditions of neighbours, particularly at Arundale due to the overbearing nature of the building, contrary to policy DC3 of the MBLP. Accordingly a recommendation of refusal is made.

## **Recommendation – Refuse for the following reason:**

- 1. The proximity to shared boundaries, combined with the height and length of the dwellings will have a detrimental impact upon the living conditions of neighbours, particularly at Arundale due to the overbearing and dominant nature of the building when viewed from this adjoining property, contrary to policy DC3 of the MBLP.**

*In the event of any changes being needed to the wording of the Committee's decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (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.*

