

Application No: 10/4381M
Location: LAND TO THE REAR OF, 140, PRESTBURY ROAD,
MACCLESFIELD
Proposal: 4NO DETACHED DWELLINGS
For MR A NORTHOVER, LOCKSIDE ESTATES LTD
Registered 04-Nov-2010
Policy Item Yes
Grid Reference 390517 374221

Date Report Prepared: 7 January 2011

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Impact upon the character and appearance of the Conservation Area
- Impact upon the residential amenity of neighbouring properties
- Impact upon nature conservation interests
- Impact upon trees of amenity value

REASON FOR REPORT

The application has been called to Committee by the local Ward Member, Councillor Arnold citing local concern over the impact upon the Conservation Area, loss of trees and backyard development as his reasons.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached dwelling with substantial rear garden. The site is located within a Predominantly Residential Area in the Prestbury Road Conservation Area as identified in the Macclesfield Borough Local Plan 2004.

DETAILS OF PROPOSAL

This application seeks full planning permission to erect four detached dwellings, each with a detached garage, within the rear gardens of 140 Prestbury Road, and make alterations to the existing vehicular access.

RELEVANT HISTORY

10/2193M – Outline application for 4no. blocks of 6no. retirement apartments (24no. apartments in total) – Invalid 13.08.2010

(The Council considered that this outline application submitted which sought to reserve the matter of landscaping did not provide a sufficient level of detail to adequately assess the impact of the proposal upon the Conservation Area.)

POLICIES

Regional Spatial Strategy

- DP1 (Spatial Principles)
- DP2 (Promote Sustainable Communities)
- DP4 (Make the Best Use of Existing Resources & Infrastructure)
- DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)
- DP7 (Promote Environmental Quality)

Local Plan Policy

- NE11 (Nature Conservation)
- BE1 (Design Guidance)
- BE3 (Conservation Areas)
- H1 (Phasing Policy)
- H2 (Environmental Quality in Housing Developments)
- H5 (Windfall Housing Sites)
- DC1 (Design New Build)
- DC3 (Amenity)
- DC6 (Circulation and Access)
- DC8 (Landscaping)
- DC9 (Trees)
- DC38 (Space, Light and Privacy)
- DC41 (Infill Housing Development or Redevelopment)

CONSULTATIONS (External to Planning)

Highways – No objections subject to the receipt of a revised plan and conditions.

Environmental Health – Comments not received at time of report preparation

Environment Agency – Object on the grounds that the proposed development is unacceptable because it involves building in close proximity to a culverted ordinary watercourse, Whitfield Brook.

OTHER REPRESENTATIONS

Fifteen letters of representation have been received from neighbours at 113, 115, 136, 138 Prestbury Road, 18, 20, 26, 28, 30, 34 Birch Avenue, 12, 14, 16, 18 Bittern Grove and 53 Victoria Road, objecting to the proposal on the following grounds:

- Realignment and reduction in height of boundary wall will not preserve or enhance Conservation Area contrary to policies BE2 and BE3.
- Loss of mature trees / woodland protected by TPO
- Arboricultural Survey supplied is inconcise
- Damage to wildlife habitats including infilling of pond
- Badgers present on site and witnessed by a Council Officer.
- Damage to Whitfield Brook
- Increased risk of flooding from ponds and watercourse
- Loss of privacy / unneighbourly
- Loss of sunlight
- Proximity to existing houses
- No turning facility for service vehicles
- Proposed houses will have substandard outlook and restricted daylight due to remaining tree cover
- Increase in noise
- Lack of pavement to Prestbury Road raises safety concerns
- Clear example of “garden grabbing”, which amendments to PPS3 seek to prevent
- Previously refused applications, and a dismissed appeal, at 146 and 148 Prestbury Road.
- No need for development of greenfield sites of this type.
- Applicant has previously opened his garden up to the public under the National Garden Scheme, and has claimed to have in excess of 25,000 plants, many of which will be lost if the development goes ahead.
- Impact upon water table
- Increase in traffic
- Submitted documentation refers to both outline and full planning applications, which is not helpful
- New access will compromise safe vehicular access/egress to/from 111, 113 and 115 Prestbury Road.
- Impact of contractors’ vehicles parked on Prestbury Road upon highway safety.
- Application states that existing stone wall will be lowered and existing stone coping will be “replaced”. This should be altered to “reinstate” as replace is not in the spirit of preserve or enhance.
- Development should satisfy the requirements of the Habitats Directive.
- Policies NE7, NE11, NE14, BE2, BE3, H2, DC1, DC3, DC6, DC8 and DC9 should be taken into consideration
- If approval is granted conditions should be attached relating to ridge heights, landscaping and setting, max area of dwellings, removal of PD rights, and tree protection.

Two letters have also been received from David Rutley MP advising of neighbour’s objections to the proposals.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a design and access statement outlining the proposal's compliance with relevant planning policies. A PPS3 Housing Self Assessment Checklist has also been submitted, together with a Heritage Statement, an Extended Phase 1 Habitat Survey and an Arboricultural Survey and Constraints Report.

OFFICER APPRAISAL

Principle of Development

Amendments to PPS3 published in June 2010 have revised the definition of previously developed land in Appendix B of PPS3 has been revised to exclude private residential gardens. An additional sentence has also been added to paragraph 41 of the PPS, which explains that brownfield land is the priority for development, to say that *"there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed"*.

Much has been made in the press that this change would signal the end of "garden grabbing" and the development of flats. However, the implication of these changes needs more careful consideration. The Macclesfield Borough Local Plan includes policies which allow for the development of sites within settlement boundaries for housing subject to the proposals satisfying a number of criteria. There is nothing in these policies to restrict these developments only to proposals on previously developed land. It is acknowledged that the site no longer constitutes previously developed land, and therefore fails to meet one of the key objectives of PPS3 in making effective use of land by re-using land that has been previously developed. However, having regard to the location and accessibility of the site to jobs, shops and services within Macclesfield Town centre; the increased density and more efficient use of land, the principle of the development is considered to be acceptable, and in accordance with the overriding objectives of PPS3.

Design / Conservation Area

The application site shares boundaries with properties on Prestbury Road, Birch Avenue and Bittern Grove, and the property and its gardens are located within the Prestbury Road Conservation Area. The surrounding area comprises a variety of house types, and the fairly traditional design of the proposed dwellings is not considered to be unduly out of keeping with the character of the area. The most visible change within the Conservation Area will be the proposed alterations to the front boundary wall to facilitate the new amended access.

The application site is very steeply sloped to the rear of 140 Prestbury Road, on either side of Whitfield Brook, and the proposed dwellings and their garages are located at different levels across this area. The proposed dwellings are relatively evenly spread across the rear half of the application site and were originally proposed to be constructed in brick and render with clay roof tiles. Each dwelling will be set in its own fairly spacious curtilage.

Bridges are proposed in two locations where the access road crosses the Brook, although no details of the bridges have been provided to date.

The Conservation Officer has commented on the application and has raised concerns that any building in the garden of this property would contribute to undermine the main characteristic of the area, that of large gardens with tree cover. This would then result in harm to the Conservation Area. Additionally, he notes that the revised entrance would have the appearance of an estate entrance rather than a single house, and the wall is a particular feature of the Conservation Area and should not be demolished or altered in any way. Concerns were also raised over the use of render and lay tiles.

The comments from the Conservation Officer are acknowledged, however, it should be noted that public viewpoints of the rear of 140 Prestbury Road are limited. Nonetheless, the existing garden area is clearly overlooked and appreciated in the context of the Conservation Area by many surrounding dwellings. The boundary of the Conservation Area follows the boundary of the application site to the rear and the existing large dwellings along Prestbury Road set in substantial mature gardens do make a significant contribution to the character of the Conservation Area. The curtilages of the new dwellings will not be of a size that is commensurate with others within the Conservation Area and the introduction of new development in this area is not considered to preserve the character or appearance of the Conservation Area. The proposal is therefore contrary to policy BE3 of the Macclesfield Borough local Plan.

The applicant's agent has confirmed that the materials can be amended to remove any reference to render and the roof material changed to blue slate. Furthermore, to the Prestbury Road frontage, the boundary wall is a typical feature of the Conservation Area, however, the walls vary in height and width along Prestbury Road. Therefore, the reduction in the height of the wall and the relocation of the access is not considered to cause significant harm to the character or appearance of the Conservation Area. There is also potentially a significant impact upon protected trees which may have an associated harmful impact upon the Conservation Area, however, this is explained further below.

Trees / Landscaping

A significant number of both individual and groups of trees within the preliminary management recommendations/comments are identified as being retainable. It is not clear from the submitted information what this means in terms of the proposed development. The Council's Arboricultural Officer has visited the site and observed that the amended access would compromise trees protected as part of the Preservation Order G10 1975 TPO. The loss of the group of trees and associated mature shrubs located adjacent to the existing access, and to the south east of the main property is also regrettable, and will have a negative impact on the building and its setting within the Conservation Area.

The difference in levels between Whitfield Brook and the ground between the existing fountain and trees 1290, 1291, and 1292 is over 5.5 metres. The submitted detail identifies a 'no dig' construction where the access road passes through Root Protection Areas (RPA). No details have been included in respect of how the access road will connect into the Bailey Bridge. It appears a significant fall needs to be accommodated over a very short distance. This information will be required as part of the application in order to assess whether its implementation will have a detrimental impact upon protected trees.

The access road extends beyond the Bailey Bridge directly adjacent to the large mature Pine identified as T1307. The intended construction detail is noted but the extent of the works required to facilitate the road immediately adjacent to the trees stem, and supporting buttress roots will inevitably lead to the tree's demise.

The proposed dwelling located within the southern corner of the site presents a very poor social proximity to the adjacent trees T1319 & T1340. Both the Sycamore and group of Pines are identified within the report as prominent specimens Cat B. This is an unacceptable tree / property relationship which inevitable will lead to pressure for excessive pruning or felling in order to improve and address issues of light, nuisance, perceived fear and absence of utilisable space. Boundary and off site trees are also an issue in relation to this plot again presenting a very poor social proximity to the intended dwelling. The associated garage also stands within the RPA of a number of trees which provide a degree of separation and screening for the properties located on Birch Avenue.

The proposed dwelling located within the western corner of the site has a number of trees to the south and west which have not been included within the tree survey, this includes trees located 9 metres from the front elevation, 3 metres from the side elevation, and 5 metres from the rear north western corner. T2369 a mature Lime noted within the survey as a Cat B specimen and to be retained is located only 5 metres from the properties rear elevation. This is again an un-acceptable and very poor social proximity/ relationship between the intended property and adjacent trees, which provide a degree of separation and screening for the properties located on Bittern Grove. Issues of light, nuisance, perceived fear and absence of utilisable space will again be a factor.

The northern most property is sandwiched between T2374 and T1350 the latter being identified as retainable. The tree is located only 4 metres from the gable elevation which precludes its consideration as a long-term feature. The same issues are also pertinent in respect of T1348 (Cat B) and the adjacent proposed property. Construction of the property and adjacent detached garage is located outside the trees RPA, but long-term retention will not be feasible given the inevitable negative relationship issues.

In addition to the specific comments above there are levels issues all across the site which would need to be addressed. It is difficult to provide an

accurate figure but it appears that in excess of over 40 identified trees along with numerous others, which have not been included within the survey will require removal to facilitate development. This will have a significant impact on the woodland, which extends along the Whitfield Brook corridor with a number of prominent trees removed along with the introduction of a domestic garden curtilage aspect altering the dynamics of the woodland and its future management. The loss of landscape space in order to accommodate both natural regeneration and planned planting should not be underestimated as well as the impact on the Prestbury Road Conservation Area.

In light of the Arboricultural Officer's comments, it is considered that insufficient information has been submitted to demonstrate that the proposal will have an acceptable impact upon trees of amenity value in the immediate area, and subsequently the Conservation Area.

Amenity

The proposed new access drive is to be located between 138 and 140 Prestbury Road, and does come very close to the boundary with 138. The driveway would be used by cars, pedestrians and service vehicles and the degree of activity associated with vehicle movements is likely to result in an unacceptable impact upon the living conditions with the garden of 138, and to a lesser extent number 140 by virtue of noise and disturbance.

Proposed dwellings 3 and 4 are located immediately to the rear of 140 Prestbury Road, but set at a significantly lower level. The potential for overlooking these new dwellings from the existing house, is minimised by the retention of existing vegetation in the rear garden of 140, thereby ensuring an acceptable living environment for the occupiers of these two new properties. No other amenity issues are raised with regard to properties 3 and 4 due to their positioning and their relationship with neighbouring properties. With regard to dwellings 1 and 2 these will share boundaries with properties on Birch Avenue and Bittern Grove respectively. The properties on Birch Avenue and Bittern Grove are not currently overlooked from the rear as they look out onto what is currently the wooded garden of 140. From the Ordnance Survey plan both dwellings 1 and 2 meet the minimum distance guidelines between buildings outlined in policy DC38 of the Macclesfield Borough Local Plan, but are likely to provide unobstructed views of the rear gardens of 22 and 24 Birch Avenue, and 14 Bittern Grove particularly, although other properties will also be affected. However it is notable that 14 Bittern Grove has a rear conservatory that will reduce the separation distance to below the guideline distance of 25 metres. Additionally policy DC41 of the Local Plan advises that in areas which enjoy higher space, light and privacy standards than the minimum prescribed standards, then new dwellings should meet the higher local standard. In this respect it is considered that clarification regarding the on site trees is required before an accurate assessment of the full impact upon the living conditions of neighbours can be made.

Highways

The Strategic Highways Manager has commented on the proposal and notes that it is necessary to improve the access to serve the additional four

dwellings within the site. The proposed access alterations do provide a suitable means of access in terms of width and visibility. The internal road layout would remain private and although the road alignment and passing places is acceptable there is a need for refuse turning head at the end of the road. A revised plan has been submitted to show a standard refuse turning head. No highway safety issues are therefore raised subject to conditions relating to the construction of the access.

Ecology

The submitted ecological reports include an extended Phase 1 Habitats survey, bat & breeding birds surveys, and a great crested newt survey. The Nature Conservation Officer has commented on the proposal and he advises that the field investigations and assessments were found to be of satisfactory standard, although the assessment of impacts on bats is incomplete as presence/ absence of roosts has not been confirmed, nor have bat activity/foraging usage of the site.

It is concluded that no local or statutory designated wildlife sites will be adversely impacted by the proposal. The nearest designated site is Macclesfield Riverside Park LNR some 500m away.

The site currently supports a significant number of trees which are currently indicated to be retained. Other habitats of note include grassland and the Whitfield Brook which runs through the site, although largely culverted at this location. The current tree and scrub coverage is considered of local value to breeding birds.

The varied habitats encountered on the site have the potential to support various protected species. Given ponds are present on the site a full GCN survey was completed which found no evidence of breeding in the ponds. Water voles are not present on the Whitfield Brook at this location and the riparian habitats would appear to be unsuitable.

Eighteen mature trees on the site were identified to present potential for roosting bats, although full bat surveys have not been completed to date. Due to the present uncertainty surrounding the trees to be removed / retained, it is not clear whether any of the trees with roosting potential are to be lost. If any of these trees are to be removed then follow up dawn/dusk roost surveys and bat activity surveys will be required. Again, at present, due to the absence of sufficient arboricultural information, it is not possible at this time to say that the proposal will not have a detrimental impact upon protected species, or that the tests of the Habitats Directive are met.

It should also be noted that the reports over the presence of badgers on the site will be investigated further and reported to Members in an update.

Other considerations

The Environment Agency has objected to the proposal on the grounds that the proposal involves building in close proximity to the culvert which could impose a load on the culvert which could then lead to its collapse of the

culvert and flooding of property and could seriously affect the stability of the building next to it. It may be possible to overcome this objection if it is demonstrated that the proposed building do not impose a load on the culvert. The Environment Agency recommend that there is a minimum 5 metre buffer zone between the culvert and any building. As it currently stands therefore as a potential flood risk, the proposal is contrary to the objectives of PPS25: Development & Flood Risk.

A site meeting has been arranged with the applicant and his agent to clarify the situation regarding the trees on site, and the full impact of the proposed development. The outcome of this meeting will be reported to Members in the update report.

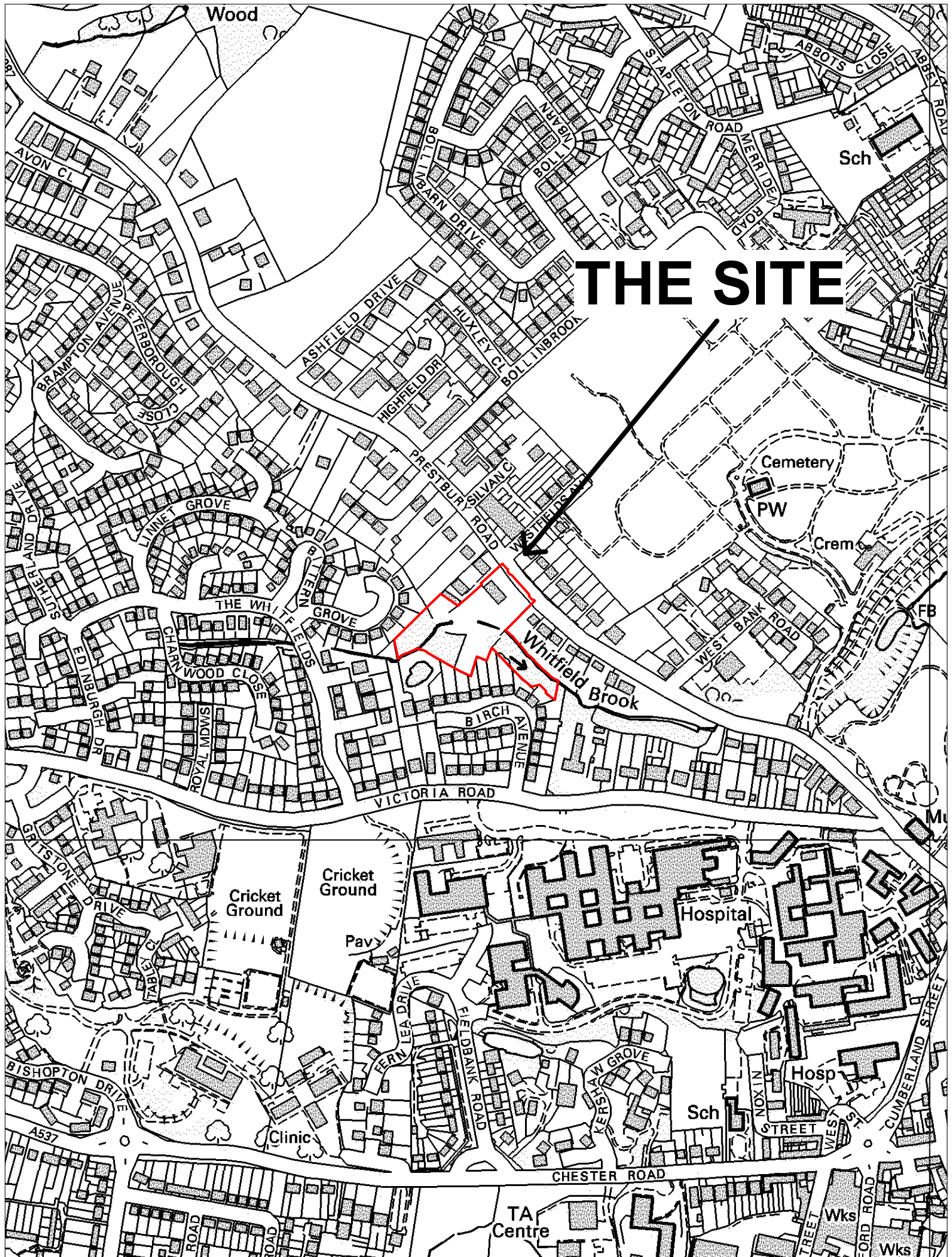
CONCLUSIONS AND REASON(S) FOR THE DECISION

As outlined in the preceding text, from the information submitted with the application, there is not considered to be sufficient detail submitted to allow a full assessment of the impact of the proposal upon trees. As a result the full impact of the development in terms of the character and appearance of the Conservation Area, the living conditions of neighbouring properties and the impact upon nature conservation interests cannot be established. However, in terms of the details that have been submitted, it is considered that the character and appearance of the Conservation Area is not preserved, there is harm to the living conditions neighbours arising from the new access road, and the proximity of one of the dwellings to Whitfield Brook presents an identifiable flood risk. The proposal is therefore considered to be contrary to policies BE3 and DC3 of the Macclesfield Borough Local Plan, and national guidance contained within PPS25. Accordingly, a recommendation of refusal is made.

Application for **Full Planning**

RECOMMENDATION : Refuse for the following reasons

1. R04MS - Insufficient information
2. R02LP - Contrary to Conservation Area policies
3. R01LP - Contrary to Local Plan policies
4. R01PL - Contrary to national policies



10/4381M LAND TO THE REAR OF, 140, PRESTBURY ROAD, MACCLESFIELD
 NGR- 390,510:374,230

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