

Application No: 13/3276M

Location: SITE OF 2 & 4 HOLLY ROAD NORTH, WILMSLOW, SK9 1LX

Proposal: Variation of condition 2 of 11/0533M to allow the submission of amended plans

Applicant: MR WAYNE SEDDON

Expiry Date: 01-Nov-2013

Date Report Prepared: 10th October 2013

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

The main point for consideration is whether not the proposed revisions have any greater impact on –

- The character and appearance of the application site or wider locality;
- The residential amenity of nearby properties;
- Highway safety;
- The long term health and wellbeing of trees protected by a Tree Preservation Order.

REASON FOR REPORT

This application seeks to vary condition 2 of planning reference 11/0533M (extension of time limit application of planning reference: 08/0783P) for the construction of an apartment block comprising 10no. apartments with associated basement parking. Therefore in line with the Council's Constitution, this application should be determined by Members of the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site is positioned on the southern side of Holly Road North within a predominantly residential area. The site is currently vacant following the demolition of 2 dwellings some years ago. A number of TPOs are present on the site.

DETAILS OF PROPOSAL

Approval is sought to vary the plans approved under reference: 11/0533M. Essentially, alterations are solely proposed to the overall design and massing of the approved apartment block. No alterations are proposed to the siting of the building within the plot, the number of units contained within it or the overall footprint of the building.

It is noted that the proposed vehicular access to the basement car park is to be relocated from the centre of the site, as approved, to run adjacent to the western site boundary, shared with the property known as 'Beechwood'.

Members are advised that the principle of the access as now proposed was tested on Appeal following the refusal of planning reference: 07/0961P. The location of the access was considered acceptable by the Inspector and the Appeal was Allowed. The time limit of that application was extended under planning reference 11/0534M and as such this permission remains extant.

RELEVANT HISTORY

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| 11/0534M | Extension of time limit for 07/0961P. Apartments in a 5 storey building, including attic space and basement parking (amendments to approved application ref: 05/0789P). The application 07/0961P was refused on 11 July 2007. Approved on Appeal ref: APP/C0630/A/08/2063072. Approved with conditions, 07/06/2011 |
| 11/0533M | Extension of time limit to 08/0783P for erection of 10no. apartments with basement parking
Approved with conditions, 10/06/2011 |
| 08/0783P | Erection of 10no. apartments with basement parking
Approved with condition 25/06/2008 |
| 07/0961P | Amendments to approved application 05/0789P. Erection of a three-storey apartment building comprising 9 apartments, living accommodation in roofspace and basement parking for 20 cars & 2 external car parking spaces. |
| 06/1914P | Erection of 10No. apartments in a 5-storey building, including attic space & basement parking. Refused 04/10/2006. |
| 05/0789P | Demolition of 2no detached dwellings. Erection of 3 storey apartment building comprising of 9no. apartments, living accommodation in roofspace & basement parking for 17no. cars & 2no. external car parking spaces – approved 23.05.2005 |
| 04/1959P | Demolition of 2no. Detached houses. Erection of three-storey apartment building comprising 9 no. Apartments with additional living accommodation in roofspace and basement parking for 18 cars and 2 no. External visitor car park spaces (scheme 3) – approved 15.09.04 |
| 03/2450P | Demolition of two detached houses. Erection of three-storey apartment building, with loft accommodation, comprising 10 apartments with basement parking for 17 cars, 5 external car parking spaces and formation of new access – refused 08.10.03. Appeal lodged and dismissed 16 06.04. |

- 03/2187P Demolition of two existing dwellings and erection of 1 four-storey apartment block comprising 10 apartments with basement car parking for 17 cars and 6 external car spaces – withdrawn 08.09.2003.
- 03/1388P Demolition of two existing dwellings and erection of 9 apartments – approved 16.07.2003.
- 02/2398P Demolition of two existing dwellings and erection of nine apartments (Scheme 2) - approved 08.01.2003.
- 02/2397P Demolition of two existing dwellings and erection of nine apartments - approved 08.01.2003.
- 02/1886P Demolition of two existing dwellings and erection of nine flats in a three-storey block – refused 09.10.2002.
- 01/2452P Demolition of two existing dwellings and erection of nine flats in a three-storey block – refused 12.12.2001. Appeal dismissed 10.06.2002.

POLICIES

Macclesfield Borough Local Plan Policy

- BE1 Design Guidance
- DC1 New Build
- DC3 Amenity
- DC38 Space, Light and Privacy
- DC6 Circulation and Access
- DC8 Car Parking
- DC9 Tree Protection
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments

National Planning Policy Framework

- Chapter 2 Ensuring the vitality of town centres.

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that all of the local plan policies listed above are consistent with the NPPF and should therefore be given full weight.

CONSULTATIONS (External to Planning)

Environmental Health: No objection.

OTHER REPRESENTATIONS

Representations have been received from No's.3, 5, 6 and 9 Holly Road North, 'Beechwood', and no's.16 and 18 Summerfield Place. Objections have been raised on the following grounds:

- Loss of privacy due to height and sub-standard separation distances;
- Confirmation of the height increase is required as could lead to overshadowing;
- Bin storage may become an issue;
- The size and height of the proposal is disproportionate to surrounding houses along Holly Road North;
- Harm to highway safety and school children due to increased traffic movements around the site due to additional bedroom and additional parking provision within the basement;
- Since 2001 there have been 15 applications on this site, some of which have been successful and not constructed;
- The site has been derelict and overgrown;
- Potential for flooding due to disturbance of the water table.

OFFICER APPRAISAL

Design

Local Plan policy DC1 advises that the overall scale, density, height, massing and palette of materials of new buildings should be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. Similarly policy BE1 promotes high standards of design that should follow set design principles which are detailed as follows:

1. Reflect local character;
2. Respect the form, layout, siting, scale and design of surrounding buildings and their setting;
3. Contribute to the rich environment and add to the vitality of the area;
4. Be human in scale and not normally exceed 3 storeys in height; and
5. Use appropriate materials.

Local Plan policies DC1 and BE1 are consistent with the NPPF and should therefore be given full weight.

The NPPF attaches great importance on the design of the built environment. Paragraph 63 states that 'in determining applications great weight should be given to outstanding or innovative designs which raise the standard of design more generally in the area'. Furthermore, paragraph 64 advises that 'planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.'

The application site has a lengthy planning history dating back to September 2001. Essentially, as a result of a combination approvals by the Northern Planning Committee and those allowed on appeal, extant permission exists for the construction of 10 no. apartments contained within a five storey apartment block. This includes basement parking for up to 17 No. cars and bicycle storage. Living accommodation is spread across the ground, first and second floors with further accommodation contained within the roof space.

The approved scheme ultimately allows for a building that would take the appearance of a two and a half storey structure with three storey gables and each side of the front and rear elevations. This has been achieved by maintaining a lower eaves height and containing the second and third floor accommodation within the roof space.

It is proposed to significantly alter the design and scale of the approved building by increasing the ridge height by 500mm, increasing the eaves height by approximately 2m to sit at second floor level (an increase from 5m to 8m); increasing the height of feature gables to the front elevation by approximately 1.5m; the introduction of a further gable that would sit centrally on the front elevation; gables to the rear would sit approximately 2.5m higher than those approved; two storey wings to the each side elevation would increase in height from 5m to 9m at eaves level and 6m to 10.3m to the ridge; 6 no. additional windows are proposed to the west facing elevation and 9 no. additional windows are proposed to the east facing elevation. The approved scheme allows for balconies to be enclosed within feature gables to the front and rear, the depth of these gables has essentially been removed and replaced with stand alone balconies.

The application site is bound by two storey detached dwellings to the east and west. Similarly two storey dwellings are located opposite the site. It is acknowledged that there are a number of apartment blocks within the vicinity of the application site, located to the rear and along Holly Road North. Nevertheless the setting and scale of those blocks are significantly different to that which is proposed under this application and therefore no direct comparison can be made.

Properties within the immediate vicinity of the site comprise of a variety of properties of varying design and age. It is therefore arguable that there is no strict uniformity in terms of design within the immediate street scene. Though the footprint of the building is to remain as previously approved, cumulatively the amendments proposed would see a material increase in the overall massing and bulk of the block, particularly to the side and rear.

It is considered that the development would present a visually stark and intrusive contrast to existing properties contained within the street scene and the approved development. Approval of the scheme would allow for the construction of a prominent and unduly overbearing addition to the detriment of the character and appearance of Holly Road North and the wider locality and is therefore considered contrary to Local Plan policies BE1, DC1 and the advice contained within the NPPF.

Residential Amenity

Local Plan policies H1, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of nearby properties as a result of undue harm to privacy, overbearing impact, loss of sunlight and daylight, traffic generation and car parking. Policy DC38 provides guidelines for spaces between buildings. The space between the apartment block and neighbouring properties has been tested on Appeal previously. The Council would therefore not be justified in revisiting this point now.

Paragraph 17 of the NPPF outlines 12 Core Planning Principles that should underpin both plan-making and decision-taking. Paragraph 17 identifies the importance in the need to 'seek

high quality design and a good standard of amenity for all existing and future occupants of land and buildings’.

The apartment building would be positioned to the east of ‘Beechwood’ which comprises of a two storey detached dwellinghouse with attached single storey garage. Due to the positioned of the apartment block, the building would essentially extend the full depth of the rear garden serving this property. There is a slight change in land levels between ‘Beechwood’ and the application site, which I understand to be approximately 500mm. This will be confirmed on receipt of a street scene plan. Approximately 5m will exist between the apartment block and the shared site boundary. As the positioning of the building has been tested and considered to be acceptable under previous applications it is not necessary for Members to re-visit this point.

However, alterations proposed to the overall height of the building, heavy stone copings, increases in the height and massing of a two storey wing, and additional glazing, albeit obscured and none opening, would create an oppressive and extremely intrusive form of development to the significant detriment of this neighbouring property. For this reason the proposal is considered to be contrary to Local Plan policy DC3 and the core principles of paragraph 17.

Consideration has been given to all objections raised in respect of a loss of privacy. However, having considered these matters in comparison to the extant permission, it is not considered that the proposed scheme would result in a significantly greater impact on privacy than that previously considered to be acceptable.

Other Matters

Objections have been raised in respect of highway safety. This application does not propose to increase the density of the approved scheme. Though it is accepted that this revision would provide 1 no. additional bedroom within Apartment 10, additional parking provision would be provided within the basement for 4 no. cars. Matters of highway safety have been deemed to acceptable under previous permissions and it would be unreasonable for the Council to refuse this application on such grounds.

Comments received from the Council’s Forestry Officer have made light of the recent changes to the British Standards for the protection of trees. The application site contains a number of trees covered by a Tree Preservation Order. Though this application has not been supported by an up to date Tree Survey, extant permission does exist for a scheme that would sit on the same footprint and access as that proposed. Refusal of this application would not prevent the applicant from constructing that permission. It is therefore considered that a refusal on forestry grounds could not be sustained.

Public Open Space and Outdoor Sport would normally be expected for residential developments of 6 no. units or more. Historically, S106 contributions have not been sought. Extant permission exists for the construction of 10 units and it would be unreasonable for the Council to engage in such negotiations at this stage.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Approval is sought to vary plans approved under planning reference: 11/0533M. Cumulatively the proposed scheme constitutes a re-design with unacceptable increases in height and massing. The development would present a visually intrusive form of development that would appear unduly prominent and overbearing to the detriment of the character and appearance of Holly Road North and the amenity of neighbouring properties.

The NPPF includes a presumption in favour of the sustainable development. Applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal is considered contrary to policies DC1, BE1, and DC3 which should be given full and substantial weight as they are consistent with the objectives of the NPPF. In this case the harm is considered to be substantial and demonstrable.

The fall back position of the extant permission would result in significantly less harm than that proposed and should therefore be given little weight.

Recommend refusal.

Application for Variation of Condition

RECOMMENDATION: Refuse approval

1. R07RD - Development unneighbourly
2. R10MS - Design of substandard quality

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