

**Application No:** 09/0087P  
**Location:** 41, BULKELEY ROAD, HANDFORTH, WILMSLOW, CHESHIRE, SK9 3DS  
**Proposal:** DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 3 DWELLINGS  
  
**For** MR PAUL WATSON  
  
**Registered** 19-Feb-2009  
**Policy Item** No  
**Grid Reference** 385335 383367  
  
**Date Report Prepared:** 26<sup>th</sup> March 2009  
  
**Updated:** 15<sup>th</sup> April 2009

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of development
- Impact on ecology
- Impact on residential amenity
- Highway considerations

## **REASON FOR REPORT**

The application has been brought to the Northern Committee under the scheme of delegation of Macclesfield Borough Council, which was effective when the application was registered. The application was deferred from the meeting on 8 April 2009 for a committee site visit to take place on 24 April 2009.

## **DESCRIPTION OF SITE AND CONTEXT**

The site is a rectangular plot that measure 0.16 hectares and contains an existing dormer bungalow. The site lies in a residential area close to the centre of Handforth and has boundaries that adjoin other residential properties on Bulkeley Road, Clare Avenue, and Valley Drive. The surrounding dwellings are mainly modern detached properties. The property is currently accessed by an unmade section of road that merges with the end of Bulkeley Road. A protected tree exists in the centre of the site, but this has recently died due to waterlogging. The site formerly included a pond, which has been filled in at some point over the last several years.

## **DETAILS OF PROPOSAL**

The proposal seeks outline planning permission, with all matters reserved, for the demolition of the existing bungalow and its replacement with three detached two storey dwellings. The site adjoins the end of the cul-de-sac off Clare Avenue and the proposal seeks to take access to the site from there, so in effect the development would form an extension to Clare Avenue. The proposal also includes the creation of a pond in response to nature conservation issues that arose during the course of the previous planning application.

Based on the indicative site layout and scale parameters submitted with the application, the dwellings would have an average footprint of approximately 95 sq m, a ridge height of 7.7 metres and an eaves height of 5.1 metres.

## **RELEVANT HISTORY**

This application follows a previous planning application, reference 08/1336P, which was withdrawn on the 19<sup>th</sup> September 2008. That application sought outline permission for 4No. detached dwellings.

## **POLICIES**

### **Regional Spatial Strategy**

North West of England plan Regional Spatial Strategy to 2021 policies DP1 (Spatial Principles), DP4 (Make the Best Use of Existing Resources and Infrastructure), DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility), DP7 (Promote Environmental Quality), and L4 (Regional Housing Provision) are of relevance to the application.

### **Local Plan Policy**

Macclesfield Borough Local Plan policies H1, H13, BE1, DC1, DC3, DC6, DC8, DC9, DC35, DC37, DC38 and DC41 are most relevant to this planning application. Policies BE1 and DC1 seek to ensure a high standard of design for new development and that new development is compatible with the character of the immediate locality of the site. Policies H13, DC3, DC38 and DC41 seek to protect the residential amenities of adjoining properties and ensure adequate space, light and privacy between buildings. Between them policies DC6 and DC36 seek to ensure safe and convenient access and road layouts within housing developments. Policy DC8 seeks appropriate landscaping of new development and policy DC9 exists to ensure the long-term welfare of trees of amenity value.

### **Other Material Considerations**

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing and PPS9: Biodiversity and Geological Conservation are also of relevance to the consideration of this proposal.

## **CONSULTATIONS**

**Highways:** No objection subject to conditions and informatives to ensure the specification of the new access and the relocation of a street lighting column.

**Environmental Health:** The application area is located on a suspected former pond that may have been in-filled and therefore the land may be contaminated. As such a condition for a contaminated land report is required.

## **OTHER REPRESENTATIONS:**

15 letters of objection have been received, including a letter from Singleton Clamp consultant highway engineers on behalf of the residents of Clare Avenue. The key concerns are:

- The site is too small for the development.
- Harm to wildlife, including Great Crested Newts and breeding birds.
- Has there been a recent review of bats at the site?
- Disruption and increased traffic to Bulkeley Road and Clare Avenue.
- Clare Avenue is quite narrow and cannot support the extra traffic (possibly up to an extra 12 vehicles). The proposed houses appear to have limited parking and very little additional areas to park and even less space to accommodate larger vehicles.
- The proposed access is inappropriate to generate more traffic onto such a narrow road. HGVs and refuse vehicles already have difficulty in manoeuvring and have to reverse for 150 yards creating a road safety hazard. Access should be taken from Bulkeley Road.
- There have been recent collisions on a blind bend on Clare Avenue and increased traffic would increase the danger
- Bulkeley Road is not suitable for HGVs and will potentially lead to pedestrian / vehicular accidents. Increased congestion.
- The development will change the character of the surroundings.
- Trees have been cleared which formed a natural screen at the end of the avenue.

- The infilling of the pond has been detrimental to the area and resulted in localised flooding
- Loss of residential amenity, particularly due to an overbearing impact, noise pollution and loss of privacy
- Landscaping plan cannot be implemented due to the fact that the land is not all within the applicants control
- Newt mitigation scheme is flawed
- The proposed pond is in the wrong place and should be returned to its original position or the southern end of the garden
- The application is contrary to policy DC41 and would cause overlooking to existing private gardens.

### **APPLICANT'S SUPPORTING INFORMATION:**

The design and access statement is summarised as follows:

The proposal is to seek outline planning consent for three detached dwellings. The site is located to the south side of Bulkeley Road approximately 0.5 km west of Handforth Village. The existing property is to be demolished is a detached dormer bungalow with boundary access to Bulkeley Road and Clare Avenue. The existing property is currently unoccupied and has been for some time. It is proposed that the new properties could be two storey house in line with the other surrounding properties and the submitted drawing shows minimum space separation can be achieved in relation to the surrounding properties.

An arboricultural statement is submitted with this application and this includes proposed and existing features in relation to the proposal. A Great Crested Newt Mitigation plan is also submitted which includes details of a proposed new pond within the site.

The current property has pedestrian and vehicular access from Bulkeley Road with the addition of boundary access onto Clare Avenue, an adjoining cul-de-sac. It is proposed that the Bulkeley Road access will be closed and access to serve the new properties would be provided from Clare Avenue.

PPS1 and PPS3 promote urban regeneration to improve the well being of communities. The current property and the site are in a rundown condition and the proposal would therefore result in a regeneration of the site.

PPS1 also promotes development that reduces the need to travel and good accessibility to public transport. The site being within 500m of Handforth Town Centre is close to good public transport facilities and there is safe pedestrian access to services provided.

### **OFFICER APPRAISAL**

## **Principle of Development**

Lying within a residential area, close to Handforth District Centre, the site is a brownfield site in a sustainable location for new housing development. The redevelopment of the site for housing is therefore in accordance with objectives of policies within PPS3, the Regional Spatial Strategy and Local Plan. The principle of the development is therefore considered acceptable, subject to site planning constraints.

The development would have a density of 19 dwellings per hectare, which is below the 30 dwellings per hectare normally required by PPS3. However, in this instance, due to the requirement to allocate space for ecological mitigation and taking into account the housing density of the surrounding area, there is no policy objection in this respect.

## **Highways**

Local residents have raised objections in respect of the new access from Clare Avenue. The highway authority raised no objection to the previous application, which had the same indicative access arrangements. The access from Clare Avenue is preferential to the poorer quality access to Bulkeley Road and sufficient parking could be accommodated within the site. The development of 3 houses on the site will have minimal impact on the highway network and no objection is raised in this respect. The highway engineer has confirmed that he has no objections to this outline planning application and that the issues raised by the local residents and Singleton Clamp are not of a substantial nature that would warrant a refusal of the application. He comments that there are no recorded highway problems on the cul-de-sac and that this is a small scale proposal that would have a minimal impact. Precise details of the access specification onto Clare Avenue can be dealt with at the reserved matters stage. Parking provision required would also depend on the number of bedrooms within each dwelling. Standards would require a maximum of 3 parking spaces for a 4 bedroom dwelling. This could be achieved, but given the sustainable location of the site it may not be necessary to insist on the maximum standard.

## **Amenity**

The indicative layout of the development would follow the line of detached dwellings along Clare Avenue. A detached bungalow exists to the west side of the site and the rear boundary of the site is shared with properties on Valley Drive. The indicative layout would comply with distance standards of local plan policy DC38 with 25 metres between the rear of the proposed dwellings and the dwellings of 32 and 34 Valley Drive. Similarly, the relationship with other adjoining properties would comply with adopted standards. It is not considered

that there would be any undue levels of overlooking to adjoining properties or gardens. Relatively good boundary screening exists at the rear and this would need to be bolstered in a landscaping plan along the side boundary.

It is not considered that the adjoining properties enjoy such an existing high level of privacy that would warrant a protection beyond the normal standard guidelines set out in policy DC38 of the Local Plan or that the existing gardens of properties on Valley Drive enjoy a level of privacy that would warrant special protection beyond what may reasonably be expected in an established residential area. As such it is not considered that the proposal conflicts with the objectives of policy DC41 of the Local Plan and there would not be any significant injury to residential amenity

The indicative dwelling on Plot 2 would extend forward of No. 12 Clare Avenue, but this respects a 45-degree line from the front window and this element of the building is indicated to be single storey which would reduce the impact to an acceptable level. There is not considered to be any harmful loss of light to the surrounding dwellings.

The scale of the dwelling is indicated to have an eaves height of 5.1 metres and ridge height of 7.7 metres. This is comparable to properties on Clare Avenue and is acceptable in principle subject to ground level detail. The relationship with the adjoining bungalow on Bulkeley Road is considered to be acceptable and not over-dominant in scale.

## **Ecology**

### Great Crested Newts

A large pond was formally present in the garden to the rear of number 41 Bulkeley Road. Great Crested Newts, a European protected species have been recorded at this site and it is suspected that the former pond was used by this species for breeding.

A method statement detailing how Great Crested newts will be protected during the development and proposing a replacement pond and a small area of terrestrial habitat has been submitted with the application. These proposals are acceptable and should be secured by means of condition. Such a condition would require revised mitigation proposals if the proposed layout at reserved matters stage is altered. The submitted protection measures did not take account of the demolition of the building. A revised methodology has been submitted to deal with this issue and is considered acceptable.

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 two of the three

tests in respect of the Habitat Regulations, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England, prior to them issuing a protected species license once permission has been granted.

In this particular case, it is considered that the development offers the opportunity to mitigate the damage caused from the pond infilling and that there would be no satisfactory alternative to achieve this.

### Bats and Breeding Birds

An acceptable bat and breeding bird survey has been submitted with this application. Bats were recorded as being active in the area, but there was no evidence of a roost being present at the property.

There was some evidence of breeding birds being present. To comply with guidance in PPS9, conditions are required to protect breeding birds and also to ensure that the site retains some potential for roosting bats.

### Management Plan

A 10 year management plan is required to secure the long term viability of the proposed habitat creation works. The plan should include proposals for how issues relating to invasive non-native species and the introduction of fish will be resolved. This can be achieved by condition.

### Trees

The site includes a protected Ash Tree, which has unfortunately died due to waterlogging arising from the pond which was infilled. As a protected tree there is a duty to replace it. Any planning approval should require an appropriate replacement within the site, along with a scheme for the landscaping of the site. A revised indicative layout has been submitted reducing the footprint of plot 2, this demonstrates that the planting of an adequate replacement tree could be achieved and allow for future growth.

### Drainage

In the light of concerns of local residents regarding localised flooding it is also considered that a condition requiring a scheme of drainage to be approved prior to commencement of development is required.

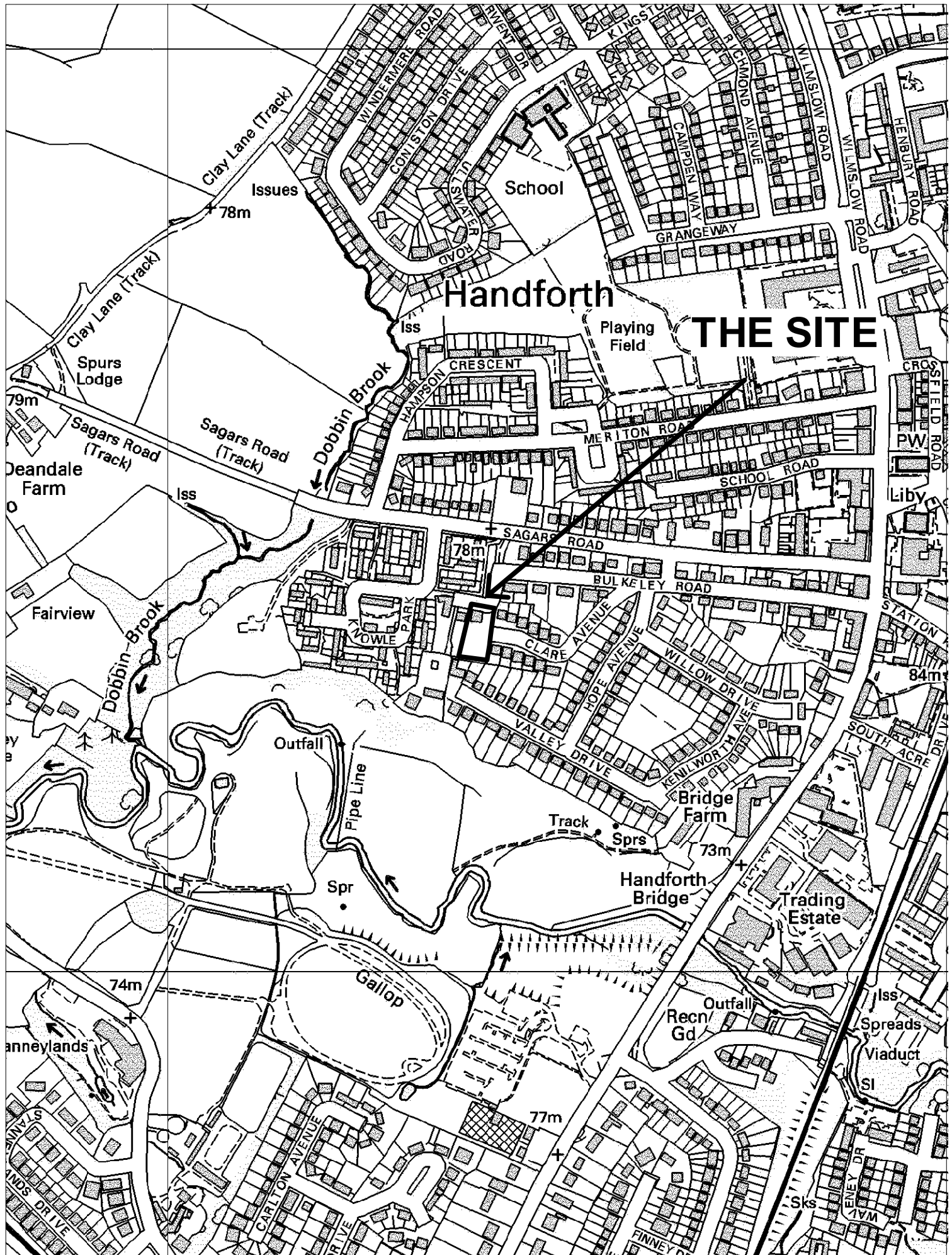
## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The application seeks outline consent for 3 detached dwellings on the site. The site lies in a sustainable location within an established

residential area and will contribute to the supply of housing required by policy L4 of the Regional Spatial Strategy. The submitted site plan and scale parameters demonstrate that the site can accommodate the dwellings whilst maintaining acceptable distance standards to adjoining properties in line with Local Plan policies DC38, DC41 and DC3. Subject to conditions, the development can accommodate the requirements to protect and enhance nature conservation interests, including European Protected Species, in line with national planning guidance PPS9 and Local Plan policy NE11. There would be no adverse highway implications resulting from the development.

As such the development complies with the relevant policies of the Development plan and there are not considered to be material considerations that would outweigh a decision other than in accordance with the Plan. The application is therefore recommended for approval subject to conditions.





09/0087P - 41 BULKELEY ROAD HANDFORTH WILMSLOW

N.G.R. - 385.337 - 383.374

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Macclesfield Borough Council, licence no. 100018585 2007..

Scale 1:10000

Application for **Full Planning**

**RECOMMENDATION : Approve subject to following conditions**

1. A03OP - Time limit for submission of reserved matters
2. A06OP - Commencement of development
3. A01OP - Submission of reserved matters
4. A02OP - Implementation of reserved matters
5. A02HA - Construction of access
6. A06HA - Pedestrian visibility at access in accordance plans to be approved
7. A07HA - No gates - new access
8. A26HA - Prevention of surface water flowing onto highways
9. A30HA - Protection of highway from mud and debris
10. A32HA - Submission of construction method statement
11. A10OP - Details to be submitted
12. A06NC - Protection for breeding birds
13. A08OP - Ground levels to be submitted with reserved matters application
14. A17MC - Decontamination of land
15. A04NC - Details of drainage
16. Newt protection and mitigation strategy
17. No fish in pond
18. Bat enhancement
19. Replacement tree
20. 10 year management plan for habitat works