

Application No: 13/4431M

Location: 71, SOUTH OAK LANE, WILMSLOW, SK9 6AT

Proposal: Demolition of a pair of semi-detached dwellings and the construction of a terrace of four two-storey dwellings with associated car parking (Resubmission of 12/3540M)

Applicant: Clare Hughes

Expiry Date: 13-Dec-2013

Date Report Prepared 5th December 2013

SUMMARY RECOMMENDATION

Approval, subject to conditions

MAIN ISSUES:

- The principle of the development;
- The design of the scheme and its affect on the character and appearance of the area;
- Highway access, parking and pedestrian safety;
- Protection of existing trees, landscaping and ecology implications; and
- Residential Amenity.

REASON FOR REPORT

The application has been requested to go to Northern Committee by Cllr Barton for the following reasons:

- *The proposal will result in overdevelopment of the plot;*
- *The application will increase the density of an already densely packed street increasing the number of houses on the street will also have a negative effect on an already chronic parking problem on South Oak Lane;*
- *It is requested that no hedges should be planted along the front of the property as they are likely to overgrow onto what is already a narrow pavement on a major school route to Ashdene Primary School;*
- *There is also a significant amount of local unrest regarding this development*

DESCRIPTION OF SITE AND CONTEXT

The site in question is located 1km southwest of Wilmslow Town Centre. The plot is an 'L' shaped and consists of a pair of semi detached properties with a detached flat roof garage to the side. The property encompasses a small garden area to the front and rear and off street parking.

The site located within a predominantly residential area and is characterised by two storey semi-detached and terraced properties, which front onto the South Oak Lane. Most of the properties include off street parking for at least one vehicle.

DETAILS OF PROPOSAL

The application seeks full planning permission for the '*Demolition of a pair of semi-detached dwellings and the construction of a terrace of four two-storey dwellings with associated car parking (Resubmission of 12/3540M)*'

The applicant proposes four terraced properties (1 X two bedroom property and 3 X three bed roomed properties), which are to be spread over three levels; ground, first and second floor. Three of the properties will include integral garaging at ground floor, for one vehicle.

RELEVANT HISTORY

This application is a resubmission of planning application 12/3540M that sought full planning permission for a similar scheme '*demolition on of semi detached properties. Replacement with four terraced houses with split-level plans over 3 storeys and associated car parking*'

This application was withdrawn due to concerns over the height of the development , highways safety and the impact upon protected species.

There is no other relevant planning history for the site.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies form the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Local Plan Policy:

The application site lies within 'Predominately Residential Area' in Wilmslow, therefore the relevant Macclesfield Local Plan polices are considered to be: -

- Policy BE1: Design Guidance;
- Policy NE11: Nature Conservation;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC9: Tree Protection;
- Policy DC38: Space, Light and Privacy; and

- Policy DC41: Infill Housing Development or Redevelopment.

Other Material Considerations

Members will be aware that The National Planning Policy Framework (NPPF) replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

CONSULTATIONS (External to Planning)

Strategic Highways Manager: Raise no objections. The proposed parking provision is acceptable however, it is recommended that should planning permission be granted an informative with regard to the provision of vehicular crossings should be attached to the decision notice.

Environmental Health: No objection subject to conditions.

United Utilities: No objection provided the applicant ensure the properties are drained on a separate system.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Centre - *“The Town Council’s Planning Committee recommend refusal on the grounds of the development being out-of-character with the street scene in size and volume”*

REPRESENTATIONS

During the course of this application, it has been identified that the occupant of No 72 South Oak Lane had not been formally consulted on this application. A consultation notification has been sent out and any comments received will be updated to Member prior to the Planning Committee meeting.

14 letters of objection have been received. The key issues and concerns are summarised in brief below. Objections can be read in full on the Councils online planning system.

Character of the area/Design

- The size is dense, it will create an oppressive, ugly outlook for existing properties
- The development is too large and out of keeping with the character of the area and would have an adverse impact upon the value of existing properties;
- The proposal has the appearance of town houses they do not fit in with the character of the area;

- The density is overpowering for the plot size;
- Three houses with additional parking would be a more appropriate alternative;
- The proposal will result in an overdevelopment of the site;
- The existing cottages are attractive there is no justification for their demolition, why can they not be refurbished?;
- The height of the properties will dominate the lane;
- The proposal is cramming four dwelling onto a plot that can only take three;
- The partial proposed flat roof is out of character and will be visually poor;
- The bricks and roofing should match the existing and surrounded houses;
- The proposal is not in keeping with the existing Victorian homes;

Highways

- The proposal will create chaos on the road;
- double the amount of cars will increase noise, pollution and create hazard;
- Create congestion on the road. This road already suffers from congestion due to the Funeral Service, School and playing fields;
- Alterations to the pavement will create hazard for pedestrians
- Each plot could potentially have four cars each on an already congested area this would make it difficult for existing residents to get off the driveways;
- The gardens are so small it is unlikely that the garages will be used for parking purposes. It is very likely they will be converted into additional living accommodation this will force additional on street parking;
- The proposal will exacerbate existing parking problems and congestion;
- Major building will cause a bottleneck and cause congestion;
- One, two storey house would be more appropriate compromise but would not illuminate issues with regards to highways, nature and drainage;
- Steps need to be taken to reduce traffic not increase it;
- Parking is already at saturation point
- Proposal would create an additional 12 vehicles to the area;
- This is a narrow land where residents already park either side;
- Visitors to the proposed properties will bring more cars;
- The proposal will cause access issues for several properties;
- Emergency vehicles will struggle to gain access;
- The proposal will restrict access to the Chapel and Slack Funeral Service;
- The road is currently used by a lot of traffic who use it as a link between Chapel lane/Altrincham rd and Knutsford Road;

Nature

- The proposal will disturb bats at the back of the building, Pipestrel bats have been seen at the property;
- Will remove space for natural life;

Residential amenity

- The proposal will create a loss of daylight, reduce privacy by overlooking by virtue of the proposed bedrooms;
- Will have an adverse impact upon existing living conditions
- The proposed windows in the front elevation in the roof space will be an invasion of privacy;
- The proposed roof lights will contravenes privacy and boundary guidelines;

Other issues

- There are already problems with the existing drainage system which need updating and are already overloaded;
- Concerns that the artist impression is misleading and does not reflect a true representation of the existing street;
- The public need to be protected from this unsightly hazardous development;
- Object to any access to the site off Orchard Close due to security issues which will make the rear of the property accessible to burglars;
- Two houses with associated parking would be more in keeping and sympathetic to the area;
- The rear garden access will be a security risk;
- Who will retain the hedge?;
- The retained trees are not within the application site so they are irrelevant;
- A letter from United Utilities states that the existing problems will not be resolved until post 2015;
- Concerns raised with regard to the applicant creating a new foul sewer, would cause disruption on the road and threaten the funeral business which operates both during the day and night;

APPLICANT'S SUPPORTING INFORMATION

In addition to the plans, the following detailed reports were submitted with the application:-

- Planning Statement;
- Protected Species Survey.

OFFICER APPRAISAL

The principle of the development

The Framework sets out a presumption in favour of sustainable development. Located within close proximity of public transport and local amenities the site is considered to be in a sustainable location.

Paragraph 49 advises that;

“Housing application should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”

Following recent appeal outcomes Member will be aware that the Council do not currently have a 5 year supply of housing for the Borough and therefore attention should be had to the requirements of paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

“Approve development proposals that accord with the development plan without delay, and

Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;

- ***any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or***
- *Specific policies in this framework indicate development should be restricted”*

The site is designated within the Local Plan as a Predominantly Residential area and lies within close proximity to Wilmslow Town Centre.

The proposed site is considered as previously developed land. The definition of previously developed land however excludes private residential garden areas and therefore the garden area of the site cannot be classed as previously developed.

Paragraph 53 of the NPPF states that “*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area*”.

The footprint of the four dwelling is proposed to cover the footprint of the existing building and will have only a marginal impact upon the garden land.

Policy H5 of the Local Plan and paragraph 14 of the NPPF as the site utilises a predominantly brownfield site, within a recognised urban settlement in a sustainable location. Although the principle of residential development on this site is acceptable, development on this site should essentially be assessed against any harm cause to the character or appearance of the area or any other harm.

Character and Appearance of the area:

The application site lies in a residential area characterised by both semi detached and terraced properties which front South Oak Lane. Properties within this area are generally Victorian style dwellings constructed in Cheshire brick.

The four proposed properties are to be sited directly over the footprint of the existing buildings and will spread the full width of the site leaving a gap of approx 1 m either side of the property between the shared boundary and providing adequate space between neighbouring dwelling which is commensurate with distance between properties within the existing street scene. Parking provision is to be sited off street to the front of the properties and a small garden space for each of the properties to the rear.

The accommodation internally within each dwelling is to be spread over three floors. With integral garaging for one car in three of the properties. Whilst the main kitchen dining room is at ground floor, the properties have been designed with living room space at first floor looking out over the rear of the property and bedrooms and third floor.

This particular area of Wilmslow is characterised by a mix of two storey semi detached properties and terraced properties, which surround the application site. The dwellings have been designed to appear as two-storey with accommodation in the roof space, the only indication of a third floor is the roof lights proposed on both the front and rear elevations. Roof lights are not an uncommon feature for houses within this area, and our present on the neighbouring property, 15 Princess Road.

The ridge level of the proposed properties has been designed to measure approx 9m in height and will be a similar height and eaves level to the immediate neighbouring property No.69 South Oak Lane and 15 Princess Road.

The proposed dwellings are to be constructed in similar materials; red brick with grey slate on the pitched roof. Cills to windows are to be constructed in reconstituted stone and windows to be timber painted white. The design of the proposed dwelling will be in keeping and sympathetic to the mix and style of dwellings within this particular area.

The applicant proposes a small brick wall with reconstituted pier caps and hedging to the front of the properties. Examples of multiple driveways can be seen within the immediate area of the application site therefore this will not be out of keeping with the character or appearance of the existing street scene.

The concerns of the local residents and Parish Council are fully considered. This site is not, however, in a designated Low Density Housing Area; Conservation Area; Open Space, nor in any other designated environmentally sensitive location which would suggest that development should be specifically constrained beyond the normal considerations which apply to all new development. The proposed four terraced properties are not dissimilar in terms of height, scale, massing and bulk to neighbouring properties within the street and therefore the proposed development is in keeping with the character of this particular area. It is compliant with policy BE1, DC1 and DC41 of the local plan.

Highway access, parking and pedestrian safety

The proposed layout incorporates four separate access drives to each property. Three of the properties will have integral garaging for one car at ground floor. All dwellings provide off street parking for two cars.

This site is considered to be in accessible location having regard to public and amenities and local transport provision. Future occupants of the dwelling would therefore not necessarily need to be car reliant. Concerns from local residents regarding existing parking problems along this particular street are acknowledged the parking provision proposed is however considered to be acceptable having regard to the type of dwelling proposed.

In order to ensure that the proposed garages are utilised for parking purposes only it is advised that a condition is attached to the consent which ensures the garaging will not be converted into living accommodation and will be retained for the parking of motor vehicles.

It is acknowledged that cars will need to reverse onto the road this is not however dissimilar from other properties within the street.

Whilst concerns by residents regarding highway access, parking and pedestrian safety issues are appreciated it is considered that the proposed development complies with Policy DC6 and

Paragraph 39 of the National Planning Policy Framework taking into account of the accessibility of the development the type of development the availability of public transport. The Council Highways Manager has therefore raised no objections subject to a informative with regard to the provision of vehicular crossings.

Protection of existing trees, landscaping and ecology implications

There are no protected trees within close proximity to the application site and that are proposed to be removed. The proposed development is a sufficient distance from the mature horse chestnut tree located in the rear garden of Nursery Lane. It is therefore anticipated that the proposed development will have no implications upon existing trees.

In order to ensure the proposed development is in keeping with the character of the area and appropriate boundary treatment between neighbouring properties is maintained a condition requiring further landscaping and boundary details is advised.

In relation to protected species, a bat survey was undertaken at this site in 2012. Although bats were recorded as being active around the site there is no evidence to suggest bats are roosting at the properties. The Council's Nature Conservation Officer does not object to the scheme, as the proposal will comply with Policy NE11 of the Macclesfield Borough Local Plan.

Residential Amenity:

Local Plan policies DC3 and DC38 relate to amenity. Policy DC38 of the Local Plan set out distance guidelines between buildings in order to safeguard residential amenities with respect to light and privacy. The distance set within this policy are however guidelines, and regard should also be had to: *the design, layout of the scheme the relationship to the site and its characteristics and provides a commensurate degree of light and privacy between buildings.*

69 South Oak Lane

Proposed Unit 1 has been designed to project further into the rear garden than units 2,3 and 4. Set 1m from the boundary the proposed development will not however intercept into the 45-degree angle, when taken from the centre of the first floor rear facing window of the neighbouring property, No. 69 South Oak Lane.

There are a series of four windows at ground floor at No 69 South Oak Lane, which directly overlook the application sites. These windows however appear to be secondary in nature (two of which are obscurely glazed). The proposed development will be sited 7m from the side elevation No.69. Provided that the two small bathroom windows proposed at first and ground floor on the side elevation are conditioned to be obscurely glazed and the existing boundary is retained, or appropriately replaced, it is not anticipated that the proposed development will result in a detrimental impact in terms of loss of light or privacy for the occupants of No 69 South Oak Lane.

No. 15 Princess Road

No 15 Princess Road has been the subject of a small two storey side extension which extends right up to the boundary of the applications site. Although the proposed development would have some impact upon level of light to reach existing windows on the side and rear elevation of 15 Princess Road. These windows are however considered to be secondary in nature and either provide light to rooms such as a dressing room and loft space or are a secondary source of light to a primary room.

Whilst it is acknowledged that the proposed extension will cause some loss of light and overbearing impact when viewed from these particular windows it is however not anticipated that the impact upon the residential amenity for the occupant of 15 Princess Road would not be significant enough to support a refusal.

20 Princess Road

20 Princess Road is located directly to the south east of the application. The front elevation of this address will be sited approx 17m from the rear elevation of Unit 4 of the proposed development.

Policy DC38 of the Local Plan does not set a standard for properties, which face front to back. It is noted that Number 20 is located directly adjacent to No 15 Princess Road and is sited some 17m front to front.

Some concern is raised with regard to the internal layout of the dwellings (particularly unit 4), that seek a dining room at first floor, which will face the front bedroom window at No 20 Princess Road. The distance between properties is however considered to be commensurate with the spacing of properties within this particular area.

The Environmental Health Service has considered the application and raises no objection subject to a condition requiring the hours of demolition, pile foundations, dust control, waste provision and construction and deliveries of the site to be restricted. No contaminated land issues were raised.

For the reasons outlines above and subject to the specified conditions it is not considered that the proposed dwelling houses would have a detrimental effect on the amenity of neighbouring properties or one another and therefore would comply with policies DC3, DC38 and DC41 of the Local Plan.

Other Material Considerations:

Drainage

The applicant has advised that the existing development will be connected to new sewers located under South Oak Lane. United utilities have raised no objection to the development, subject to the site being drained on a totally separate system.

The Council Flood Risk Manager agrees with this and has advises that Surface water discharges from the site should be designed to mimic existing drainage arrangements and must not cause increased flows to existing sewers and/or watercourses/culverts in the locality.

Whilst concerns raised to disruption of the road have been raised the issues raised are only likely to be short term and therefore are not a reasonable reason for refusal.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The concerns of the Parish Council and local residents are understandable given that this proposal represents an increased density of housing on the site from a single dwelling to four. It is understandable that this type of development raises concerns in respect of highway safety, the character and appearance of the area and the other factors considered in the report.

However, this proposal accords with the relevant policies of the Development Plan. Those policies are considered to be consistent with the Framework. Paragraph 14 of the Framework is clear that proposals for development that are in accordance with the development plan should be approved without delay.

Whilst the development provides 4 terraced dwellings on the site, the built form and mass of the buildings is similar to existing properties within this particular street.

There are no ecological issues present at this site and the proposal will not harm the living conditions of adjoining property. Concerns around drainage and land levels have been addressed.

The site is considered to be within a sustainable and accessible location and the proposed development is unlikely, subject to condition to have a detrimental impact upon Highway safety.

The presumption in favour of sustainable development means that the balance of considerations lies in favour of approval of this scheme. Whilst some dis-benefits have been highlighted, these are not sufficiently significant or demonstrable to justify withholding planning permission, and that is the test that should be applied under paragraph 14 of the Framework.

The application is recommended for approval subject to conditions, in advance of any additional comments received from the occupant of No 72 South Oak Lane, which will be provided to Members within an update report.

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

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A06EX - Materials as application
4. Boundary Treatment
5. Obscurley Glazed Windows
6. Landscaping
7. Hours of Demolition
8. Dust Control
9. Pile Fondations
10. Waste provision
11. Construction deliveries
12. Garage not to be converted into living accomodation without consent from the LPA
13. Unitted Utilities
14. Highways- Vehicular crossing

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