

Application No: 14/4124M

Location: Stonemill Court, Wellington Road, Bollington, Macclesfield, SK10 5HT

Proposal: Proposed Change of Use of Ancillary Accommodation to form New Dwelling with Single & Two Storey Extensions & Alterations

Applicant: David Whittaker

Expiry Date: 24-Oct-2014

Date Report Prepared: 16th October 2014

SUMMARY RECOMMENDATION	APPROVE, SUBJECT TO CONDITIONS
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MAIN ISSUES:

- The principle of the development
- Sustainability
- Design/impact on the character & appearance of the area
- Impact on neighbouring residential amenity
- Highways safety
- Landscape, trees, ecology issues
- Other matters: land ownership/boundaries; accuracy of plans; drainage and flooding.

REASON FOR REPORT

The application has been called to committee by the local ward member, Cllr Livesley, for the following reasons:

- Cramped development
- Parking issues; narrow access from Wellington Road
- Design not in keeping
- Drainage issues (there isn't any to connect property to); past history/neighbour dispute; applicant signed previous application as land owner and wasn't

DESCRIPTION OF SITE AND CONTEXT

The site is located to the rear of Stonemill Court off Wellington Road, Bollington. It is adjacent to Courier Row and is within the ownership of number 3 Stonemill Court, which has a large plot that contains a mature garden, including a brook and ponds. Within the garden there are a number of outbuildings, one of which is a summerhouse, which is the subject of this

application. There are residential properties surrounding the site and a Council Depot beyond the north-eastern corner of where the proposed dwelling is to be located.

The application proposes to utilise the existing access from Wellington Road along the existing gravel track, which fronts onto Courier Row, a small terrace of 5 No. stone cottages.

The site is located within a Predominantly Residential Area, as defined in the Local Plan.

DESCRIPTION OF PROPOSAL

The proposed seeks full planning permission for *“Proposed Change of Use of Ancillary Accommodation to form New Dwelling with Single & Two Storey Extensions & Alterations”*. Further details of the proposal are provided below.

RELEVANT PLANNING HISTORY

The most relevant and significant planning history is application 13/2940M: Proposed Change of Use of Ancillary Accommodation to form New Dwelling with Extensions & Alterations. Approved, 1st Novemebr 2013. Hence, this is an extant permission, which is a significant material consideration.

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| 02/2383P | Extension to existing summerhouse to form granny bungalow. Refused, Jan 2003 |
| 45525P | Detached house with car parking space, 3 Stonemill Court (121 Wellington Road). Refused, July 1986. Appeal dismissed, May 1987 |
| 21577P | Detached dwelling and garage, at land to the rear of 121 Wellington Road. Refused, March 1980. Appeal dismissed, Jan 1981 |

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 from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Macclesfield Borough Local Plan – saved policies

As noted above, the application site lies within a Predominately Residential Area of Bollington; therefore the relevant Macclesfield Local Plan polices are:-

- BE1 (Design principles for new developments)
- DC1 (High quality design for new build)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Landscaping)
DC9 (Tree protection)
DC38 (Guidelines for space, light and privacy for housing development)
DC41 (Infill housing development or redevelopment)
H2 (Environmental quality in housing developments)
H5 (Windfall housing sites)
H13 (Protecting residential areas)
NE11 (Protection and enhancement of nature conservation interests)

Policies BE1, H2, H13 and DC1 seek to ensure a high standard of design (and quality of living environment) for new development and to ensure 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. Policy DC6 seeks to ensure appropriate access for vehicles and pedestrians, appropriate levels of parking and a suitable turning area. Policy DC8 seeks appropriate landscaping of new development and policy DC9 seeks to ensure the long-term welfare of trees of amenity value.

Other material considerations

National Planning Policy Framework

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012, and 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.

Paragraph 216 of the NPPF states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

CE Local Plan Strategy – Submission Version (May 2014)

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect. The relevant policies in the *Cheshire East Local Plan Strategy – Submission Version* are as follows:

Strategic Priority 2 – Creating sustainable communities

Strategic Priority 3 – Protecting and enhancing environmental quality

Strategic Priority 4 – Reduce the need to travel, manage car use and promote more sustainable forms of transport

MP1 – Presumption in favour of sustainable development

PG2 – Settlement hierarchy

PG6 – Spatial distribution of development

SD1 – Sustainable development in CE

SD2 – Sustainable development principles

SC4 – Residential mix

SE1 – Design

SE2 – Efficient use of land

SE3 – Biodiversity and geodiversity

SE5 – Trees, hedgerows and woodland

SE12 – Pollution, land contamination and land instability

SE13 – Flood risk and water management

CO1 – Sustainable travel and transport

Appendix C – Parking standards

National Planning Practice Guidance

CONSULTATIONS

Environmental Health:

No objections, subject to conditions related to: hours of operation, pile driving, dust control and a Phase I Contaminated Land report (there is history of the site having been used as a timber yard and a landfill site is within 250m of the site).

Strategic Highways Manager:

No objections

Heritage & Design – Nature Conservation:

No objections

Heritage & Design – Landscape:

No comments to make.

Heritage & Design – Forestry:

No objections, subject to a condition re tree felling and pruning

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council:

Recommend refusal, for the following reasons:

- Over development of the site
- Obstruction of access to the site and parking for other residents
- Land ownership issues
- If minded to approve, evidence of land ownership should be provided prior to determination

OTHER REPRESENTATIONS

8 No. representations have been received from the occupants of neighbouring properties (3 No. of which are from one author and 2 No. others are from one other author). Details can be read on file. A summary of the issues raised is provided below:

- Over development of the site
- Windows will overlook property (4 Albert Road), resulting in loss of privacy
- Loss of privacy (7 Ashbrook Road), due to balconies
- Boundary issue – a 'structure' is positioned on neighbouring car parking space, which will impede parking (3 Courier Row). The 'structure' needs aligning and positioning on the applicant's land
- Unclear how far the building is from the car parking space of 3 Courier Row
- Construction will cause unacceptable disruption and temporary loss of car parking space (3 Courier Row)
- Overshadow car parking space (3 courier Row)
- Future access rights need to be resolved
- Drainage issues – proposed seems to suggest that connection will be made to the existing drain in Courier Row. Connecting to such drainage will cause unacceptable disruption/loss of access
- Highways safety issues – access off Wellington Road, loss of turning circle/no turning circle provided, lack of parking provision
- Loss of sunlight
- Impact on wildlife
- Out of character with the area
- Loss of outlook
- The Council needs access along the boundary for maintenance purposes
- Inaccurate plans (location plan and site plan)
- Concerns about flooding; too close to culvert, which must not be disturbed as it can cause flooding

APPLICANT'S SUPPORTING INFORMATION

The applicant submitted the following additional information, details of which can be read on file:

Design & Access Supporting Statement

OFFICER APPRAISAL

Principle of Development

The principle of the proposed is acceptable, subject to adhering to relevant Development Plan policies. Indeed, the principle has already recently been accepted with approved application 13/2940M.

Sustainability

The site is considered to be in a sustainable location and the proposed development is considered to be a sustainable form of development.

Policy

The relevant policies are listed above and relate to the issues identified.

Highway safety

Concerns have been raised regarding highways safety issues. The Strategic Highways Manager (SHM) notes the disputes and objections regarding land ownership and boundaries. However, the gravel track is not part of the adopted highway infrastructure and therefore the Highway Authority has no jurisdiction in this regard. The SHM also notes that the junction with Stonemill Court is tight; however, it already handles a quantity of domestic traffic and appears to operate safely.

The application form states that there are 4 No. car parking spaces on site and 4 No. spaces will remain. For clarification, 2 No. spaces will be retained for number 3 Stonemill Court and 2 No. spaces will be provided for the new dwelling. This level of provision is in accordance with the Council's emerging parking standards (*CE Local Plan Strategy – Submission Version*).

It is considered that the application proposals will not significantly affect the existing access arrangements for the site or the parking arrangements for Courier Row. The plans submitted indicate that there will still be sufficient room within the site for car users to manoeuvre in order to be able to exit the site onto Wellington Road in a forward direction. For the avoidance of doubt, a condition can be attached to any approval for details of turning area(s) to be submitted and approved. The concerns raised in representations are acknowledged. However, it is considered that this application will not adversely affect vehicle or pedestrian safety to a degree that would warrant a refusal and that the proposal accords with policies DC6 and DC41.

Design/impact on the character and appearance area

Although the development is described as conversion of summerhouse with extensions, in effect the proposed is for a new dwelling (given the extent of fabric that would remain of the existing summerhouse). However, this doesn't affect the principle as being acceptable, and it is evident from representations that consultees and the occupants of neighbouring properties are well aware of the design, size and scale of the proposal.

The proposed is a two-storey, two-bedroom dwelling with single-storey elements on the northern and western facing elevations. The max. height is approx. 6.3m. The external materials are a mix of stone and rendered elevations, with reclaimed stone slates for the roof. Representations have suggested the proposed is out of character with the area. Although the style of the property is not typical of the wider area, given its siting and materials it is considered that the design is acceptable and that the proposed dwelling will have an acceptable impact on the character and appearance of the area. The proposed is considered to accord with policies BE1, DC1, DC41, H2 and H13.

Impact on neighbour amenity

Concerns have been expressed regarding loss of amenity to neighbouring properties. Policy DC38 outlines recommended distance standards for new development in respect of levels of space, light and privacy. For two-storey properties it is recommended that there is a distance of 25m back to back and 21m front to front and 14m if a habitable room faces a blank wall. It is noted that the orientation of the proposed dwelling is such that the northern side facing elevation faces some properties on Albert Road, in particular, numbers 4 and 6, which are approx. 50m from the proposed dwelling; the southern facing side elevation and western facing rear elevation are angled towards properties on Ashbrook Road, the nearest being number 7, at a distance of approx. 40m; the front, eastern facing elevation technically faces the western side elevation of number 9 Courier Row, which is a distance of approx. 23m from the proposed dwelling, and it is also noted that there are numerous trees in between number 9 and the proposal. Hence, the proposed dwelling more than meets the desired distance standards in policy DC38 in respect of levels of space, light and privacy.

It is acknowledged that the fact that a two-storey building will be erected in the position proposed will alter outlook from certain vantage points. However, the extent of change in outlook is considered not to be of significant magnitude to cause concern. For clarification, it is noted that the eastern facing elevation of the proposed dwelling is positioned approx. 1.7 to 1.9m from the car parking space of number 3 Courier Row.

Overall it is considered that the proposed development would have a limited and acceptable degree of impact on the amenities of neighbouring properties and would accord with policies DC3, DC38, DC41 and H13.

Forestry/landscaping/ecological issues

As noted above, no concerns are raised by the Arboricultural, Nature Conservation or Landscape Officers in respect of the proposed development. As such it is considered that the proposed accords with policies NE11, DC8 and DC9.

OTHER MATTERS

Concerns have been expressed regarding land ownership, boundaries, accuracy of plans, drainage and flooding.

Land ownership

As regards land ownership, the applicants have stated via 'Certificate A' submitted with the application that they are the sole owners of the land to which the development relates; in response to observations made of the representations submitted the applicants have responded by stating:

"We vigorously repudiate any suggestions that we are not the rightful owners of the land belonging to No 3 Stonemill Court and outlined in this planning application and have indisputable documentation to back up this statement by deeds and surveys."

Council representatives have recently been to the site and clarified that there is no existing or proposed encroachment onto adjoining Council land.

The Council has to take ownership issues on good faith. If there is a continued boundary dispute this is a civil matter that would need to be resolved outside this application process.

Accuracy of plans

It has been asserted that the plans include a "structure" sited on the parking area of number 3 Courier Row. For clarification, the plans (proposed site plan and ground-floor layout) illustrate an *existing kerb line, not a structure*. A topographical survey plan has also been submitted with the application which is provided to accurately denote the position of features within the site and its boundaries.

It is asserted that the site plan and location plan "appear inaccurate". However, it is not clear what the author of this statement considers to be inaccurate on these plans.

The location plan is submitted on an Ordnance Survey base-map; whilst there may be new development not shown on such plans it is considered suitable for the purposes of identifying the site and the siting of the proposed development.

Drainage and flooding

The application form states that the intension is to connect to an existing drainage system and that foul sewage is to be disposed of via a mains sewer. The case officer has established that the applicant is exploring 3 No. options: – 1) connecting to existing services towards Wellington Road, 2) connecting to existing services at the adjacent site owned by the Council or 3) installing a septic tank. As with many new developments, further exploration is required before a final decision can be reached on this matter. To ensure the technical details are acceptable a drainage condition is suggested.

The application proposes no changes to any of the brooks or streams or ponds on site. Therefore, the application cannot be said to have an impact on any existing flooding issues on or around the site. There is nothing in this application that would suggest that it would block

up the brook that runs through the site. The Council has other powers to control the free flow of water in these cases.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, representations have been borne in mind. However, in assessing the detail of the application it is considered that the proposed development a) is acceptable in design terms and has an acceptable impact on the character and appearance of the area; b) raises no significant highways safety/parking concerns; c) has a limited and acceptable degree of impact on the amenities of neighbouring properties; d) raises no significant forestry, landscaping or ecological issues and e) other matters relating to land ownership, boundaries, accuracy of plans, drainage and flooding have been addressed accordingly and ultimately are not matters that would warrant a refusal of the application.

Bearing all the above points in mind, it is considered that the proposed accords with all relevant Development Plan policies and there are no other material considerations that would carry sufficient weight to refuse the application; as such it is recommended the application be approved, subject to relevant conditions.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A04TR - Tree pruning / felling specification
5. A23GR - Pile Driving
6. AHAC1 - submission of details of turning area(s)
7. AHP51 - submission of details of drainage
8. Dust control details
9. Hours restriction - noise generative activity
10. Phase I Contaminated Land Report

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