

Application No: 09/1726M

Location: HOLFORD HOUSE, HOLFORD DRIVE, MOSSWAYS PARK,
WILMSLOW, CHESHIRE, SK9 5PA

Proposal: REPLACEMENT DWELLING

For MR W FLANNIGAN

Registered 15-Jun-2009

Policy Item No

Grid Reference 382073 381467

Date Report Prepared: 3 August 2009

SUMMARY RECOMMENDATION	REFUSE
-------------------------------	--------

MAIN ISSUES

- Whether the proposal is appropriate development in the Green Belt and if not whether there are any very special circumstances that would outweigh any harm caused by inappropriateness
- Whether the design and appearance of the proposed development is acceptable
- Whether the proposal would have any adverse impact on the amenity of nearby residents
- Whether the access and parking arrangements are acceptable

REASON FOR REPORT

This application has been called in to Committee by Cllr Macrae due to concerns which have been expressed regarding adopted Green Belt policies, highway safety and neighbour amenity.

DESCRIPTION OF SITE AND CONTEXT

The site lies within the Green Belt and forms part of an existing residential caravan site. It contains an existing two-storey residential property which also contains a site office. Four residential caravans are also located within the site. The site is located to the south of Eccups Lane. Detached residential properties are located to the north of the site on the opposite side of Eccups Lane. The remainder of the caravan site lies to the east of the site, with agricultural land located to the west.

DETAILS OF PROPOSAL

Planning permission is being sought for a replacement dwelling. It is proposed to demolish the existing dwelling and to re-locate it to a position adjacent to the entrance to the site. This would involve the re-location of two existing residential caravans. Two new vehicular access points would be formed off Eccups Lane and would provide access and egress to and from the site of the new dwelling. The proposed new dwelling would be two-storey in height and would contain an office within a basement area.

This application follows the withdrawal of an earlier application for a replacement dwelling (09/0205P) which was recommended for refusal due to non compliance with Green Belt policy, adverse impact on the character of the area, contrary to interests of highway safety and adverse impact on the adjacent property.

RELEVANT HISTORY

09/0205P

Full Planning

REPLACEMENT DWELLING

HOLFORD HOUSE, HOLFORD DRIVE, MOSSWAYS PARK, WILMSLOW, CHESHIRE, SK9 5PA

Withdrawn 20090408

08/0228P

Full Planning

FIRST FLOOR SIDE EXTENSION

HOLFORD HOUSE, HOLFORD DRIVE, MOSSWAYS PARK, WILMSLOW, CHESHIRE, SK9 5PA

approved with conditions 20080328

06/0479P

Certificate of Lawful Existing Use/ Dev

CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF SITE AS RESIDENTIAL CARAVAN PARK

LAND ADJACENT MOSSWAYS RESIDENTIAL CARAVAN PARK ECCUPS LANE MOBBERLEY KNUTSFORD

positive certificate 20061005

04/2497P

Certificate of Lawful Existing Use/ Dev

CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF SITE AS RESIDENTIAL CARAVAN PARK

MOSSWAYS CARAVAN PARK ECCUPS LANE MOBBERLEY KNUTSFORD CHESHIRE

positive certificate 20050422

POLICIES

Regional Spatial Strategy

DP1 (Spatial Principles)

DP5 (Manage Travel Demand, Reduce the Need to Travel, and Increase Accessibility)

DP7 (Promote Environmental Quality)

RDF4 (Green Belts)

Local Plan Policy

NE11 (Nature Conservation)

BE1 (Design Guidance)

GC1 (Green Belt – New Buildings)

H13 (Protecting Residential Areas)

T2 (Public Transport)
DC1 (New Build)
DC3 (Amenity)
DC6 (Circulation and Access)
DC9 (Tree Protection)
DC38 (Space, Light and Privacy)

Other Material Considerations

PPG2: Green Belts

CONSULTATIONS (External to Planning)

Highways – no highway objection in principle. However there is some concern regarding visibility at the westernmost access point and about the proposed material for the new driveways. Conditions are suggested in order to overcome these concerns and regarding other highways matters.

Manchester Airport – no safeguarding objection to the proposal.

Public Rights of Way Unit – appears unlikely that the proposal would affect a nearby public right of way.

VIEWS OF THE PARISH / TOWN COUNCIL

Mobberley Parish Council object to the application. Can't see any reason why a sound building should be demolished only to have it replaced bigger and better a short distance away. Also concerned about the proposed boundary walls.

OTHER REPRESENTATIONS

3 letters of objection have been received from the occupiers of a number of park homes, one within the application site and two adjacent to it. Full copies of these letters are available on the Council's website with the main points of objection summarised below.

- Appears that the application has taken little notice of the comments made about the previously withdrawn application
- Proposal would result in an overall reduction in parking spaces
- Seems to be some doubt as to the means of disposal of foul sewage
- Uncertainty within the proposal about the proposed boundary wall
- The re-location of the two existing park homes would bring about considerable upset and disturbance and would result in damage to the structures
- To move the existing homes would be breaking park home law
- Concern about the upheaval which would be caused by the provision of a basement
- Concern about loss of light to nearby park home as a result of the proposed boundary wall
- Would result in disruption, noise and dust for months
- Highway safety concerns

APPLICANT'S SUPPORTING INFORMATION

A number of documents have been submitted in support of the application. These include a Planning Statement, a Design & Access Statement and a PPS3 checklist. Full copies of these documents can be viewed on the Council's website.

The planning statement concludes that this is a sound planning application, that the proposal would make the best use of the site and would not cause any material harm to the character and appearance of the surroundings. As such it would be compliant to the development plan and advice contained in PPS1, PPG2, PPS3 and PPS7 and in accordance with s.38(6) of the 2004 Planning and Compulsory Purchase Act, permission should be granted.

It is stated that the applicant wishes to relocate the dwelling to the proposed location as this marks the entrance to the site. The dwelling will contain an office where the park manager will work from and where park residents and visitors may have to go. It also offers surveillance of visitors and an opportunity for overall improved management. It would also be sited adjacent to existing dwellings, hence having a cluster relationship with this built form and would have direct access onto the external road. The contemporary design of the new dwelling would be a significant improvement on the existing house and this would significantly outweigh any harm caused by the minor increase in scale proposed. Additionally it is not considered that the proposed relocation of the dwelling would cause significant harm to the openness of the Green Belt

OFFICER APPRAISAL

Principle of Development

The site lies within the Green Belt where policies seek to control development in order to preserve openness. Local Plan policy GC1 allows for replacement dwellings in the Green Belt and reflects advice contained within paragraph 3.6 of PPG2 which states that the replacement of existing dwellings in the Green Belt need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces.

In this case, the existing dwelling is located within the residential caravan site, approximately 75m away from the entrance to the site on Eccups Lane. It is a two-storey dwelling with a total floorspace of 188m² and a ridge height of 6.6m (eaves height 4.4m). In March 2008 consent was granted for a first floor extension to the dwelling (08/0228P). This would have added a further 27m² of floorspace giving a total floorspace of 215m². This consent remains extant until March 2011.

The proposed dwelling would be located at the entrance to the residential caravan site approximately 9.6m back from Eccups Lane at the nearest point. It would have a total floorspace of approximately 220m² (excluding basement which provides an additional floorspace of 106m²). The ridge height would be 7.3 m (eaves height 5.5m). Excluding the basement, the floorspace of the proposed dwelling would be approximately 17% larger than the existing dwelling. Including the basement this figure increases to 73%. However, provided that the provision of a basement does not affect the overall height and massing of a dwelling, its floorspace is not normally included in the overall calculations. In this case, the basement would be accessed from within the house and would not have any external light source. It is therefore considered that the floorspace of the basement should be excluded from the calculations. Therefore having regard to the overall size, height and

massing of the proposed dwelling, it is considered that it is not materially larger than the existing house.

With regard to the proposed relocation of the dwelling within the site, the justification put forward by the applicant in support of this are noted. The Council's previous policy on replacement dwellings (GC11) required replacement dwellings to be located on the same footprint as the existing dwelling. However this policy was not saved and is no longer applicable. The relevant guidance contained within PPG2 makes no reference to the locational relationship between existing and proposed replacement dwellings and it is considered that in some cases it may be possible to re-site dwellings provided that there is no greater impact on the Green Belt.

In this case it is proposed to relocate the house from within the existing caravan site to the entrance to the site. The fact that the existing house is set within the caravan site together with its modest scale means that its impact on openness is limited. By contrast the proposal involves the provision of a larger dwelling in a more prominent location at the edge of the site. It is acknowledged that other detached residential properties are located nearby on the opposite side of Eccups Lane, that the design of the proposed dwelling is a significant improvement over the existing dwelling and that there are operational reasons for wanting to relocate the dwelling to the entrance to the site. However due to its proposed location, the proposed dwelling will nevertheless be more prominent. Whilst it is considered that in this case the other factors are capable of constituting very special circumstances to outweigh the harm caused by the increased prominence of the dwelling and resultant reduction in openness of the Green Belt, it is considered that in order for significant weight to be given to these circumstances, a legal agreement would be required to tie the ownership and occupation of the proposed dwelling to the wider site. Whilst it is acknowledged that there is no such tie on the existing dwelling, one is now considered reasonable given the proposed change in location. Additionally the legal agreement should control the demolition of the existing dwelling prior to the occupation of the new dwelling. It is not considered that these matters could adequately be dealt with by condition. Discussions are currently taking place with the applicant's agent regarding proposed Heads of Terms for a legal agreement. However, until such time that Heads of Terms are agreed to cover the matters outlined above, in the absence of a suitable control to tie the ownership and occupation of the proposed dwelling to the wider site and to control the demolition of the existing dwelling, the proposal is considered to be inappropriate development in the Green Belt.

The proposal also involves the re-location of two existing mobile homes to facilitate the re-location of the dwelling. There is no objection in planning terms to the re-location of these homes as it is not proposed to increase the overall number of homes on the site and the use of the site is lawful. Whilst the comments of the objectors are noted, as the land on which the mobile homes are sited is within the applicant's ownership, the mechanism of how the re-location of the homes would take place is a matter for the landowner and the owner of the mobile home and is not a material consideration in the determination of this application.

Highways

Vehicular access to the site is to be provided via two new access points off Eccups Lane, with pedestrian access to the office provided off the existing site road. A parking area is to be provided to the side of the house. The Design & Access Statement states that the proposed access arrangements would allow vehicles to enter and leave in a forward gear.

The Highways department raises no objection in principle to the proposal but is concerned about a lack of visibility to the west of the westernmost access point and also about the proposed material for the new driveways. Concerns regarding the access arrangements were raised during the course of the previous application and it was understood that amendments were to be made to the access arrangements to provide for one access point rather than two. However this amendment does not appear to have been carried out. The Highways department accept that there may be low levels of traffic on Eccups Lane, however they do not consider that there is any supporting evidence to demonstrate that a level of visibility below standards set out by national guidelines is acceptable. Additionally whilst the comments within the D&A Statement about a one way system driveway are noted, without physical measures it is not considered that this could be adequately controlled by either the applicant or the Council. Additionally there are concerns regarding the possibility of the use of loose materials within the 'no dig' hard surface part of the access and driveway and this matter needs to be clarified prior to any consent being granted.

It is not considered that the Highways concerns can be adequately overcome by the imposition of conditions and therefore in its present form there are highway safety objections to the proposal. Possible amendments to the access arrangements and details of proposed surfacing materials are being discussed with the applicants agent and any amendments and/or details received will be reported directly to Committee.

Design

There is no objection in principle to the design of the proposed dwelling which represents a significant improvement over the quality of the existing dwelling. There is a mixture of dwelling styles and designs within the vicinity of the site.

Amenity

Existing park homes are located to the rear and on the opposite side of Holford Drive to the proposed replacement dwelling. No.3 The Orchard has windows facing towards the rear of the site of the proposed dwelling, one of which is the only window to the main bedroom of the property. A new boundary wall, the height of which it is stated is to be agreed is proposed approximately 3.8m from this property, with the nearest point of the rear elevation of the house approximately 16m away. The rear elevation of the proposed dwelling would contain habitable room windows at ground and first floor levels, however none of these would directly face the habitable room window in the side elevation of No.3 The Orchard.

Local Plan policy DC38 provides guidelines on space between buildings and states that there should be a minimum distance of 21m front to front and 25m back to back between habitable rooms within buildings. Whilst the proposed boundary wall is likely to impact on the amenity of No.3, a wall up to 2m in height could be built without planning permission (though may be affected by site licence legislation). It is not therefore considered that any objections can be raised to this and in any event it seems that the applicant is willing to negotiate the height of this wall. With regard to the impact of the proposed dwelling on No.3, whilst the space between the existing park homes tends to be in breach of DC38 as the siting of the homes is covered by site licensing regulations, it is nevertheless considered appropriate to assess the proposal against DC38 given that the proposed dwelling is much larger than a park home. DC38 states that there should be a minimum distance of 14m between habitable rooms facing non habitable rooms (or blank walls), with a further 2m to be added to this distance where there is a difference in levels between

buildings. As stated, in this case the distance between the habitable room in No.3 The Orchard and the proposed dwelling is 16m. This complies with the guidelines contained within DC38 and it is not considered that there would be any significant loss of amenity to this property as a result of the proposal. A proposed rear conservatory which would have been closer to No.3 has been removed for the proposal since the previous application.

A park home is also located on the opposite side of Holford Drive (No.18 Newlands). This also contains a number of windows facing towards the site of the proposed dwelling, one of which appears to be a principle window. The minimum distance between this property and the proposed dwelling is approximately 16m, with the side elevation of the dwelling containing a number of windows, one of which on the ground floor appears to serve a habitable room. However, the position of the habitable room windows in each of the properties means that there are no directly facing relationships. Whilst the proposed dwelling may result in some loss of light to No.18 due to the fact that it is sited to the west of that property, it is not considered that there would be a significant loss of amenity.

Ecology

The Council's Nature Conservation Officer was consulted on the application and does not anticipate that there being any significant ecological impacts associated with the development.

Landscaping and Tree Implications

There are a number of trees located along the western boundary of the site. The proposed site plan indicates that the existing trees and shrubs are to be retained and there will be a no dig hard surface. The views of the Council's Forestry Officer are currently awaited though no objections were raised to the previous application. It was previously noted that the position of the proposed replacement dwelling presents a no worse relationship/social proximity to the two mature field boundary Oaks (south west) than is currently presented by the existing units and no changes have been made to the position of the proposed dwelling.

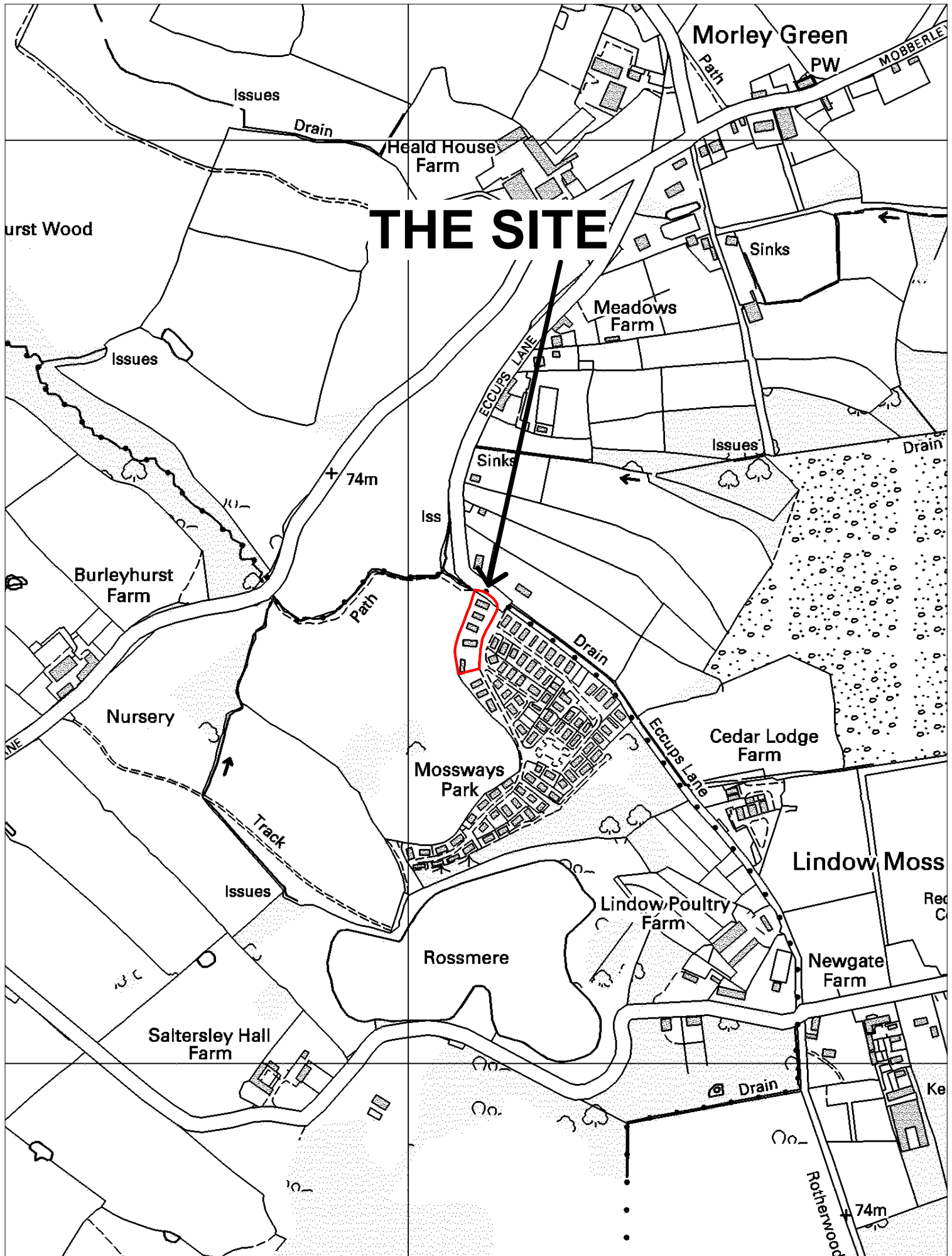
Other Matters

Concerns have also been raised by objectors with regard to foul drainage and regarding noise and disturbance during construction. In terms of drainage, whilst no details have been provided at this stage it is considered that this matter would be addressed by Building Regulations should consent be granted for the dwelling. However, for the avoidance of doubt clarification will be sought by the applicant on this issue. With regard to noise and disturbance during construction, it is considered that should consent be granted this matter could be adequately controlled by a standard condition controlling the days and times of construction.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst the proposed replacement dwelling is not materially larger than the existing dwelling, it is considered that the position of the dwelling at the entrance to the site will make it more prominent and adversely affect the openness of the Green Belt. It is considered that the justification put forward for re-locating the existing dwelling together with the improved design of the dwelling are capable of amounting to very special circumstances. However in order for appropriate weight to be given to these factors, a legal agreement is required tying the ownership and occupation of the proposed dwelling

to the wider site and controlling the demolition of the existing dwelling. In the absence of such an agreement the proposal is considered to be inappropriate development in the Green Belt. Additionally the western access point would not afford adequate visibility and clarification is required regarding the proposed driveway materials where a 'no dig' surface is required.



09/1726M HOLFORD HOUSE, HOLFORD DRIVE, MOSSWAYS PARK, WILMSLOW, CHESHIRE, SK9 5PA
 NGR: 382,070m - 381,480m

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. Cheshire East Council, licence no. 100049045 2009.



Application for **Full Planning**

RECOMMENDATION : Refuse for the following reasons

1. R02HW - Inadequate visibility
2. R04MS - Insufficient information
3. R12LP - Contrary to Green Belt / Open Countryside policies