

Application No: 15/3259M
Location: 75, Lacey Green, Wilmslow, Cheshire, SK9 4BG
Proposal: Construction of one detached dwelling with new access
Applicant: A Chesworth
Expiry Date: 11-Sep-2015

SUMMARY

This application seeks outline planning consent for the construction of a new dwelling in the area to the north-west of number 75 Lacey Green. Only access is included in this application, all other matters are to be reserved for a future application.

Although the site area is designated as open space in the Local Plan the area is not considered to physically, functionally or visually form part of the open space attached to Lacey Green Park and so the development is not considered to harm the integrity of the allocated open space which is considered to be sufficient to outweigh the policy presumption against development in Local Plan policy RT1. The proposed development could be implemented without any significant impacts on the neighbouring amenity and an access onto the main highway could be achieved without any highway safety issues. The site is sustainable and so the application is recommended for approval.

RECOMMENDATION: Approve, subject to conditions

REASON FOR REPORT

The application is to be presented at Northern Planning Committee because it would represent a departure from Macclesfield Borough Local Plan policy RT1.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of an area of land to the rear of number 75 Lacey Green. Residential properties surround the site to the east, south and west with Lacey Green Park to the north. The existing house and most of the garden are within a Predominantly Residential Area as defined in the local plan. The rear section of garden is within an area of Existing Open Space.

The site boundaries consist of fencing and mature tree planting. The surrounding properties consist predominantly of semi-detached and detached properties in spacious plots.

DETAILS OF PROPOSAL

Outline planning permission is sought for the construction of a new two storey dwelling in the rear section of the garden of number 75. The application seeks approval for access only with all other matters reserved for subsequent approval. Whilst an indicative site plan has been submitted with the application, these matters are to be reserved to be assessed under any future Reserved Matters application.

RELEVANT HISTORY

None

POLICIES

Macclesfield Borough Local Plan – saved policies

- BE1 (Design principles for new developments)
- DC1 (High quality design for new build)
- DC2 (Design quality for extensions and alterations)
- 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)
- RT1 (Protection of Open Spaces)
- H1 (Phasing Policy)
- H2 (Environmental Quality in Housing Developments)
- H5 (Windfall Housing)
- H13 (Protecting residential areas)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 1, 4, 5, 6, 7, 10 and 74.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 (Presumption in Favour of Sustainable Development)
SD1 (Sustainable Development in Cheshire East)
SD2 (Sustainable Development Principles)
SE1 (Design)

CONSULTATIONS (External to Planning)

Forestry: no objections subject to conditions

Sport England: no objections

Highways: no objections to the amended site plan

United Utilities: no objections subject to conditions relating to drainage

Nature Conservation: no objections

ANSA: Comments awaited

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council: recommend refusal on the grounds of this being infill development and overdevelopment of the plot. The Planning Committee also raised concerns regarding access to the proposed new dwelling.

OTHER REPRESENTATIONS

Representations from 3no. different properties have been received. A summary of these can be viewed below:

- The area does not form part of the rear garden of number 75.
- The large open gardens are what make Lacey Green an attractive place to live.
- Overdevelopment.
- Would add to traffic issues in the area.
- The proposed style and design not in keeping with the original or neighbouring properties, which are circa 1930s.
- Whilst the proposed distance is within the guidance set the inclusion of windows in the gable end means that the garden of number 71 would be overlooked for the first time to the rear.
- Deeds show this area as woodland, it is not obvious that it forms part of the garden of number 75.
- A recent application at 106/108 Lacey Green was refused for a similar development.
- The development would lead to a decrease in security for the properties on Barlow Rd with the introduction of a gate into the park.
- The rear windows at first floor and possibly the loft would overlook properties on Barlow Rd.
- Appropriate boundary planting should be included in any approval to provide good security and privacy.

Other issues have been raised which are not relevant to the planning application such as covenants and sewer positions.

OFFICER APPRAISAL

Key Issues

- Principle of development, impact on Lacey Green Park which is identified as open space,
- Impact on the character of the area,
- Impact on the amenity of neighbouring properties,
- Highway safety implications

Principle of Development

The application site lies mainly within an area designated as open space in the Local Plan. The open space designation is extended from Lacey Green Park to the north which links onto the application site. It is unclear as to why the open space designation extends into the area owned by number 75 Lacey Green, whether it was a historical error or whether this area once formed part of the park.

Local Plan policy RT1 protects such areas from development and states that redevelopment of a building footprint which does not harm the integrity of the open space will normally be permitted. Open space uses will be enhanced as appropriate.

The above policy is consistent with more general policies regarding open space contained within the NPPF and should therefore be given significant weight when determining this application.

With regard to open space, paragraph 74 of the NPPF states that existing open space should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

The key issues surrounding the designation are; how the site area has historically been used, site ownership and the contribution the site area makes to the wider open space of the park.

It has been stated by some neighbours that the area in question has not always formed part of the garden of number 75 and has formed a separate wooded area, the majority of which has recently been felled in preparation of the application. While the loss of the trees is regrettable they were not formally protected and the area is not a conservation area and so this is out of our control.

Evidence has been provided by the applicant in the form of a sworn affidavit from the owner of number 74 Lacey Green stating that the area outlined in red on the location plan has always formed part of the garden of number 75 having lived at number 74 since 1976. Photographs showing the area of land surrounded by trees with a mown lawn have also been provided.

The applicant has also provided a conveyance from 1971 when the wooded area to the rear of the application site was compulsory purchased by the Urban District Council of Wilmslow. It clearly states that the land was purchased from number 75 and does not include the area to which the application relates. In 1991 the area of land was transferred to Mary Wilson following the death of Stanley Wilson and a copy of the High Court Justice decision with plan is included as evidence. This same area was wholly transferred in 2012 when the applicant bought the property.

The evidence submitted provides a strong case that the area in question has formed part of the land owned by number 75 since at least 1976, and along with the photographs and sworn affidavit of number 74 'the balance of probabilities' would suggest that the area has also formed part of the garden of number 75.

The Council do not possess any evidence to contradict the information provided by the applicant. The deeds provided by the neighbour showing the site area as separate from number 75 and forming part of a wooded area can only be given limited weight given the age of the ordnance survey plan (1977) and the fact that the current ordnance survey plan does not show a separation between the site area and the rear garden of number 75.

The fence between the site area and the park also physically separates the two areas and it is claimed that this has been present since 1976 at least. The physical, functional and visual separation of the application site from the park leads to the conclusion that the site area does not and has not for some time contributed to the open space within the park. It is considered that the application site would not harm the integrity of the open space.

The proposal does involve development on an area identified as open space which does conflict with the requirements of RT1, however the reasons stated above including the ownership and use of the land, the separation of the area from the rest of the park and the fact that the development would not harm the integrity of the open space are all material considerations that are considered to be sufficient to outweigh the policy presumption against the development.

Policy DC41 of the Local Plan states that *'the proposal should normally enjoy open outlook onto a highway or open space from one elevation. Tandem and back land development will not normally be permitted where this would result in substandard outlook, overlooking and disturbance by through traffic.'*

The front elevation of the property would overlook Lacey Green Park and so is considered to have an 'open outlook'. Neighbours have mentioned a nearby development at 106/108 Lacey Green which was also for new properties within the rear garden of existing properties, and was refused. This is acknowledged however, this particular proposal was allowed on appeal in December 2015.

ENVIRONMENTAL SUSTAINABILITY

Visual Impact

Existing properties in the area consist of a variety of two-storey detached, semi-detached and terraced dwellings and apartment buildings. The application site comprises an existing two-

storey semi-detached dwelling with driveway and parking to the side and a large rear garden. The site is bordered by a semi-detached dwelling to the south and three-storey apartment buildings and associated garaging to the north.

The proposal is for a two storey dwelling with detached garage. The side elevation of the dwelling as viewed from Lacey Green would be seen from the access point set back approximately 62 metres from the road. It would not therefore be prominent from the road or harmful to the character and appearance of the area. The front elevation would be seen from Lacey Green Park. However, it would be seen within the context of a wooded area and against the backdrop of existing dwellings to the south.

The proposed development would not be prominent or harmful or out of keeping with the scale and appearance of other buildings in the locality.

The details regarding the design of the development including its scale and siting would be considered at the Reserved Matters stage and so cannot be assessed as part of this Outline application.

Amenity

The objections have been carefully considered. The site layout plan submitted is indicative only but it is considered that due to the size of the plot, any future Reserved Matters application would be able to ensure that sufficient distances to neighbouring property would be able to be achieved to ensure that the development would accord with local plan policies DC3, DC13, DC38, DC41 and that a commensurate degree of space, light and privacy would be able to be achieved between all neighbouring properties. The distance between the rear of the proposed dwelling and the rear of numbers 2-8 Barlow Road is at least 46m which would more than accord with the space, light and privacy guidelines set out in policy DC38 which requires a distance of 25m back to back.

There would be a distance of approximately 51m from the side elevation of the proposed dwelling and the rear elevation of numbers 75 and 73 Lacey Green.

The proposed dwelling would be accessed by a driveway following the north boundary of the site to the rear section of the garden. This would adjoin the rear of a garage block and the side elevation of an apartment building. The driveway would serve the proposed new dwelling.

Due to the nature of the proposal and the number of vehicle movements associated with one proposed dwelling, there would be little noise and disturbance to the residents of the apartment building.

Highways

Sufficient parking spaces would be provided for both the existing and proposed dwellings. Accordingly no objections are raised by the Strategic Infrastructure Manager.

Sustainability

The site is located within walking distance (approximately 950m) of Wilmslow town centre to the south which provides a wide range of shops and services. It is also within walking distance (approximately 1.3 km) of Wilmslow train station which provides regular services to wider areas including Manchester City Centre. Lacey Green Primary School is less than 500 metres from the application site on Holly Bank Road. The site is also within 100 metres of a bus stop which is served by the 378 bus route which provides regular services between Stockport and Wilmslow. The site is therefore considered to be in a highly sustainable location where residential development should be encouraged.

Trees

The submitted Arboricultural Statement (Cheshire Woodlands Ref CW/7548-AS1 dated 13th July 2015) indicates that four short sections of ornamental boundary hedge adjacent to the highway will require removal to accommodate improvements to the existing access into the site and for the creation of two parking spaces. The hedges (mainly Privet and Hawthorn) are not significant amenity features within the locale and will have only a minor impact upon the character and appearance of the area.

The majority of trees within the site are proposed to be retained with some pruning required to accommodate the proposed new driveway and working space around the proposed new build (Group G2 offsite). The proposed pruning is not deemed significant and will have no impact upon the long term health and safe well being of retained trees.

Installation of the driveway will occur within the root protection area of two trees, a low category Elm (T1) on the Lacey Green frontage and a boundary Oak (T5). Our Forestry Officer is satisfied that given the species tolerance and vitality of the trees a proposal for a tailored engineer designed hard surface as indicated in the supporting arboricultural report will be sufficient to ensure the trees' long term health.

SOCIAL SUSTAINABILITY

The development would make a small contribution to delivering housing supply. The size of the plot is considered to be sufficient to ensure that the siting and scale of the development would not adversely impact on neighbouring amenity. This would be considered under any future Reserved Matters application. However, it is only for a single dwelling and therefore the impact is limited.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses. However, it is only for a single dwelling and therefore the impact is limited.

PLANNING BALANCE

Whilst the objections are noted, the site has been sufficiently demonstrated to have been under the ownership of number 75 Lacey Green and functioned as the garden to this property

since at least 1976, which together with the fact that the proposal does not appear to have ever been used as part of the park and would not harm the integrity of the open space outweigh the policy presumption against development in policy RT1. The Strategic Infrastructure Manager raises no objections on highway safety grounds. All other matters regarding the siting, scale, appearance and landscaping of the site would be considered at the Reserved Matters stage.

Bearing all the above points in mind, it is considered that the proposal accords with all other relevant Development Plan policies and as such it is recommended the application be approved, subject to relevant conditions.

RECOMMENDATION

Approve subject to 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 Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. Time limit for submission of reserved matters
2. Implementation of reserved matters
3. Submission of reserved matters
4. Commencement of development
5. Pile Driving details to be submitted
6. Refuse storage facilities to be approved
7. Submission of construction method statement
8. Ground levels to be submitted with reserved matters application
9. Removal of permitted development rights
10. Tree retention
11. Tree protection
12. Construction specification/method statement

