

Application No: 16/2276M
Location: Gardens To The Rear Of 19 To 23, COTTAGE STREET,
MACCLESFIELD
Proposal: Construction of pair of semi-detached houses.
Applicant: Mr Luiz Nascimento
Expiry Date: 06-Jul-2016

SUMMARY

This application seeks full planning consent for the construction of two new dwellings in the rear gardens of numbers 19 -23 Cottage Street.

The Council cannot currently demonstrate a 5 year housing land supply. The development would provide 2no. new houses, which would make a small but beneficial contribution to meeting an acknowledged shortfall within the Borough.

It is considered that there are no significant adverse impacts relating to design, impact on the area, residential amenity, highways safety, ecology or environmental health. The proposal represent a sustainable form of development.

RECOMMENDATION: Approve subject to conditions

REASON FOR REPORT

The application has been 'called-in' for determination by the Northern Planning Committee at the request of Cllr Janet Jackson on the 6th June due to concerns that *"the application is an unacceptable, cramped backland development. It impacts on the local amenity of the neighbouring residents. The access to the site is narrow. The parking area is constricted and will cause difficulty for the parked cars to turn round and exit the parking area"*.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of an area of land within the rear gardens of numbers 19-23 Cottage Street. Residential properties surround the site to the east, south and north with a row of 7no. single storey, flat roof private garages to the west. The existing gardens are within a Predominantly Residential Area as defined in the Macclesfield Borough Local Plan.

The existing sections of garden relating to the application site are overgrown and in the main disused. The surrounding properties consist of a variety of semi-detached and terraced properties.

DETAILS OF PROPOSAL

Full planning permission is sought for the construction of two new two and a half storey dwellings in the rear section of the gardens of numbers 19-23 Cottage Street. Access would be taken from Horseshoe Drive to the south with the access drive running between the side elevation of number 7 Horseshoe Drive and the rear of numbers 1-6 Horseshoe drive with parking for 6 no. cars.

RELEVANT HISTORY

02/2568P DETACHED DWELLING
Refused 28 January 2003

98/0362P OUTLINE PERMISSION FOR THE ERECTION OF A DWELLING
Refused 15 April 1998

97/1982P DWELLING (OUTLINE APPLICATION)
Refused 17 December 1997

56266P OUTLINE PLANNING PERMISSION PRIVATE DWELLING
Refused 08 February 1989

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.

ther 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, and 10.

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

Environmental Protection: no objections subject to conditions

Highways: no objections

VIEWS OF THE PARISH / TOWN COUNCIL

Macclesfield Town Council: Object on the following grounds:

- i. DC1 – over development
- ii. DC3 – loss of privacy
- iii. DC5 – over development
- iv. DC36 - Adverse impact on highways congestion
- v. DC38 – over development

OTHER REPRESENTATIONS

Representations from 12 no. properties have been received. A summary of the relevant points can be viewed below:

- Constrained site, narrow access and inadequate parking facilities.
- To the front the outlook would be poor, looking out onto the rear wall of the garage block.
- Overdevelopment.
- Negative impact on the amenity of the existing dwellings.
- Follows previous refusals for similar developments.
- Loss of light to number 21 Cottage Street.
- Would add to the parking issues.
- Some good trees would be lost.

- Back land development.
- Not 'highly sustainable' or 'predominantly residential' site.
- Increase in noise levels to neighbours, together with the car fumes adjacent to the residential properties.

OFFICER APPRAISAL

Key Issues

- Impact on the character of the area,
- Impact on trees,
- Impact on the amenity of neighbouring properties,
- Highway safety implications

Principle of Development

The application site lies within a predominantly residential area where the principle of new residential development is acceptable, subject to design, impact on neighbour amenity and highways issues which are will be considered further.

ENVIRONMENTAL SUSTAINABILITY

Visual Impact

Existing properties in the area consist of a variety of two-storey detached, semi-detached and terraced dwellings. The application site comprises the rear gardens to terraced properties along Cottage Street with a semi-detached property directly to the south at number 1 Horseshoe Drive.

The proposal is for a pair of semi-detached two and a half storey dwellings. Although set back from Horseshoe drive behind the existing garage block, due to the low level of the flat roof garages the front elevation would form part of the street scene along Horseshoe Drive. Due to the setback from the road, the dwellings would not be prominent. However, they are designed to complement the dwellings along Horseshoe Drive with similar design features such as the front gables and canopies over the front doors. The fenestration dimensions and configuration would also complement these properties. No other public views of the proposed dwellings would be visible.

Comments have been received from neighbours stating that the three storey nature of the properties would be out of keeping with the surrounding development. The second storey within the roof means that the height is commensurate with the surrounding properties and therefor the scale is found to be acceptable within its context..

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

Amenity

Objectors have expressed concerns about the potential impact on residential amenity. Policy DC38 of the Local Plan sets out guidelines for space between building in relation to space, light and privacy. To the north of the proposed dwelling the rear of the properties along Cottage Street are located approx. 16.5 metres from the side elevation of the proposed dwellinghouses. This is in excess of the 14 metres advised in Policy DC38 for the distance between habitable windows and non-habitable windows for two storey dwellings with a further 2.5 metres for each additional storey so even if considering the proposed dwellings as three storey the distance would comply. The distances in Policy DC38 are for the consideration of spaces between buildings and do not take into consideration the distance from new buildings to the neighbouring gardens. In this instance there would be a buffer of approx. 5.7m to the boundary with the properties along Cottage Street.

Any impact on the rear gardens of the properties along Cottage Street would be exacerbated with the position of the proposal to the south and also with the slight rise in ground level from north to south so that the proposal is positioned at a higher level than the rear of the properties on Cottage Street. However, this impact would not be so significant to warrant a refusal.

To the west the site is bordered by the rear elevation of the row of garages and to the east there lies the extremely long rear gardens of properties along Cottage Street with the rear elevations of properties along Crompton Road, some 53 metres distance away from the proposed development.

Concerns have been raised regarding the use of Juliet balconies to the rear at first floor. Juliet balconies do not function like standard balconies and have a similar impact to large windows. These would look out onto the large rear section of the gardens of Cottage Street. There is an oblique angle from the balconies to the rear elevations of the properties along Cottage Street, with a minimum distance of approx. 20 metres from the closest property. The majority of the mostly used gardens of these properties are either well screened with the boundary treatments or a sufficient distance so as not to cause a significant amenity issue. It must also be noted that the existing closely positioned terrace properties already suffer from a degree of overlooking from the neighbouring properties and so it is considered that any overlooking would be commensurate to the existing situation.

Due to the nature of the proposal and the number of vehicle movements associated with two proposed dwellings, there would be relatively little noise and disturbance to the residents of the properties along Horseshoe Drive.

Local Plan Policy DC41 states that *'infill development 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 would be positioned approx. 5 metres from the rear elevation of the garage block fronting onto Horseshoe drive. The garage block is low level at approx. 2.8 metres and so the first floor would look out onto the tops of the garage and the street beyond.

To the rear, while the outlook is onto gardens, these gardens are unusually long and do form an open outlook.

It has been mentioned that there have been previous refusals for new dwellings on the site; however there are significant differences in the positioning of the current proposal over these refusals. The previous refusals did not relate to the same size of site as the current application and due to this had a more significant impact on the amenity of the neighbours. This proposal no longer creates the same impact and would not materially harm neighbouring amenity by reason of loss of light, overlooking or visual intrusion.

Highways

Sufficient parking spaces would be provided for both the existing and proposed dwellings with six spaces for two four bedroom properties. A turning area is included within the site and the access would be onto the lightly trafficked cul-de-sac to the south of Horseshoe Drive. Accordingly no objections are raised by the Strategic Infrastructure Manager (Highways).

Sustainability

The site is located within walking distance (approximately 600 metres) of Macclesfield Town Centre to the east which provides a wide range of shops and services. It is also within walking distance (approximately 1km) of Macclesfield Train Station which provides regular services to wider areas including Manchester City Centre. Macclesfield College and Macclesfield Academy is less than 700 metres from the application site on Park Lane. The site is also within 100 metres of frequent bus routes along Chester Road and Oxford Road. The site is therefore considered to be in a highly sustainable location where residential development is acceptable in this regard.

Trees

There are no significant arboricultural constraints associated with this site. The majority of the trees present are small inconsequential specimens Those with high canopy potential present a poor social proximity to existing properties.

SOCIAL SUSTAINABILITY

The development would make a positive albeit small contribution to delivering housing within a sustainable location.

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 two dwellings and therefore the impact is limited but offers a positive benefit in the planning balance.

PLANNING BALANCE

Whilst the objections are noted, the site is located in a predominantly residential area and would make efficient use of land in an accessible location. It would add to the stock of housing and its construction and occupation would result in social and economic benefits.

There would be an impact on the rear garden/elevation of the properties along Cottage Street, however, the distances between the proposed dwellings and the rear elevation of the properties along Cottage Street does comply with Local Plan Policy DC38. While there have been refusals on the site previously there are significant differences to this proposal, along with the introduction of the National Planning Policy Framework in 2012 that states at paragraph 14 that sustainable development should be approved without delay unless there is significant and demonstrable harm caused by the proposal. This is not considered to be the case here.

The Strategic Infrastructure Manager raises no objections on highway safety grounds.

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.

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. Complies with development plan
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Removal of permitted development rights
5. Protection from noise during construction (hours of construction)
6. Submission of landscaping scheme
7. Landscaping (implementation)
8. Submission of construction method statement
9. Dust control
10. Phase II Investigation Required

11. Pile foundations
12. Electric Vehicle Charging Sockets
13. Imported top soil to be sested
14. Contaminated Land

