

Application No: 16/0834M
Location: 1, BUTLEY LANES, PRESTBURY, CHESHIRE, SK10 4HU
Proposal: Demolition of Existing Dwelling and erection of 2 new houses - Resubmission of 15/2163M
Applicant: BCL Homes Ltd
Expiry Date: 28-Apr-2016

SUMMARY

The presumption in favour of sustainable development is a significant material consideration in the determination of this application and therefore taking into consideration the merits demonstrated above and the compliance with local and national planning policy, the proposed development meets all aspects of sustainable development and is recommended for approval. It is noted that there would be some tension with Policy in respect of the design of the proposal and potential amenity issues for future occupants of the development, however this would not be so "adverse" as to significantly and demonstrably outweigh the benefits.

In such circumstances the NPPF at para.14 requires development proposals that accord with the development plan to be permitted without delay and thusly this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application is referred to Northern Planning Committee as it has been called-in by the Ward Councillor over concerns that the development may be out of character and be an overdevelopment of the site.

PROPOSAL

This application seeks planning permission for the demolition of the existing two storey detached dwelling and construction of two detached dwellings.

Both dwellings would be 4 bedroom properties. The scheme proposes the subdivision of the plot to provide private amenity space and parking areas for each dwelling. The dwellings would be accessed via a single point of access from Butley Lanes.

The scheme initially proposed the construction of three dwellings, however the proposal has been amended following concerns raised by the LPA. Full consultation has been carried out on the amended proposals for two dwellings.

SITE DESCRIPTION

The site relates to a large detached dwelling and its curtilage which is located within the settlement boundary for Prestbury as defined by the Local Plan Policies Map. The surrounding area is predominantly residential and comprises a mix of dwelling types of varying designs.

The site assumes an elevated position on a corner plot which lies adjacent to the junction of Butley Lanes and Prestbury Lane. The site boundary fronting the public highway is well vegetated with mature vegetation. Trees on the frontage of the adjacent plot (No.3 Butley Lanes) are covered by a tree preservation order.

RELEVANT SITE HISTORY

15/2163M - Demolition of existing property and the erection of four new dwellings in the form of two semi-detached buildings – withdrawn – 03/02/2016

13/3035M - Subdivision of residential curtilage and erection of two-storey detached dwelling – refused – 11/09/2013

LOCAL & NATIONAL POLICY

Macclesfield Borough Local Plan (2004)

BE1 – Design Guidance
H2 – Environmental Quality in Housing Developments
H5 – Windfall Sites
H13 – Protecting Residential Areas
DC1 – Design & Amenity – New Build
DC3 – Design & Amenity – Amenity
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC35 – Materials and Finishes
DC37 – Landscaping
DC38 – Space, Light and Privacy
DC41 – Infill Housing Development or Redevelopment

Cheshire East Local Plan Strategy – Submission Version (CELP)

Policy SD1 - Sustainable Development in Cheshire East

Policy SD2 - Sustainable Development Principles
Policy SE1 – Design
Policy SE2 - Efficient Use of Land
Policy SE4 - The Landscape
Policy SE5 - Trees, Hedgerows and Woodland
Policy SE9 - Energy Efficient Development
Policy SE12 - Pollution, Land Contamination and Land Instability
Policy IN1 – Infrastructure
Policy PG1 - Overall Development Strategy
Policy PG2 - Settlement Hierarchy

National Policy

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7 – Achieving Sustainable Development; 14 - Presumption in favour of sustainable development; 17 – Core planning principles; 32 – Promoting sustainable transport; 47-50 - Wide choice of quality homes; 56-68 - Requiring good design; 69-78 - Promoting healthy communities; and, 109-11 – Conserving and enhancing the natural environment.

The National Planning Practice Guidance (NPPG)

Supplementary Planning Documents:

Prestbury Supplementary Planning Document (2011)

Objective 3 – Ensuring Appropriate Development in the Village

Objective 4- To ensure the quality of access to dwellings and safety of roads within the Parish

Objective 5 – To protect the built and natural environment of the Village

Prestbury Village Design Statement (2007)

CONSULTATIONS

CEC Highways:

No objection

Environmental Protection:

Insufficient information with respect to railway noise and vibration.

United Utilities:

No objection.

Nature Conservation Officer:

European Protected Species have been recorded on site – an assessment against the Habitat Regulations tests must be recorded in report. If planning permission is granted then the proposed mitigation would be acceptable subject to condition.

Forestry Officer:

No objection subject to conditions

Prestbury Parish Council:

Object to this proposal as a serious overdevelopment in an area of low density housing.

This proposal is to double the average density of housing in the local area. The PC seriously protest at this latest trend to over development by squeezing in multiple properties in place of single homes, which are totally out of character with the area and which destroy the wooded appearance of the village.

The other consequences of this particular proposed over development lead to the objection by the Parish Council to:

- a proposal which is inconsistent with the Village Design statement description of this attractive residential area adjacent to the Conservation area
 - a serious loss of privacy to the adjacent older well spaced properties
 - the number of TPO and other old trees, in total eight, and hedges which provide a contribution to the nature of the area which would have to be felled to allow this development
 - the right of access being used as a waste bin store for all of the proposed properties
 - the consequent change to the right of way which will require the removal of a large tree
 - an overdevelopment of inconsistent design in a prominent high spot in a dominant position over this area
 - the inadequate provision of parking and access, which should be referred to Highways in view of the access problem resulting from greatly increased traffic down a long narrow access lane
 - there are already problems with overloading of sewerage drains in the area which are already overloaded and we trust that this will be taken into account.
- They would like one single house on this plot to replace a single house.

REPRESENTATIONS

Six letters of objection received to amended scheme for two dwellings. The salient points being:

- All previous schemes rejected – current proposal fundamentally raises all of previous issues;
- Precedent for other properties to do same which would destroy character;
- Contrary to Local Plan Policies;
- Loss of privacy and amenity;
- Increase in noise and disturbance;
- Drainage/sewage issues;

- Intensification of driveway will result in accidents;
- Will result in off street parking;
- Impact on protected trees;
- Loss of trees will impact on character of area;
- Loss of daylight to rooms;
- View towards brick wall and overpowering/unneighbourly;
- Direct overlooking and views into house;
- Insufficient parking;
- Poor visibility;
- Contrary to Village Design Statement;
- Doubling of site access would be dangerous;
- Butley Lanes is busy route;
- Impact from existing spring.

In addition to the above, thirteen letters of objection received to initial scheme for 3 dwellings on the site.

APPRAISAL

Key Issues

- Principle of development;
- Design Considerations;
- Impact upon the amenity of neighbouring properties;
- Arboricultural Implications; and
- Highway safety implications

Principle of Development

The application site lies within a predominantly residential area where the principle of dwellings is supported by development plan policies and national guidance. The proposal should therefore be assessed against the presumption in favour of sustainable development as set out in paragraphs 11 to 16 of the National Planning Policy Framework (NPPF). The development should be approved unless there are adverse reasons not to do so.

ENVIRONMENTAL SUSTAINABILITY

Design Considerations

Policy BE1 of the Macclesfield Borough Local Plan requires development to reflect local character and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 requires development to be sympathetic to its surroundings, streetscene and host building. Policy H2 requires developments to be high quality and attractive. Policy DC41 acknowledges that development should reflect the ratio of garden spaces. The Prestbury Village Design Statement identifies that density in the area varies and southern end of Butley Lanes is “quite low density”. The area is not identified as being an area of low density housing within the Local Plan.

The surrounding area is predominantly residential and includes detached dwellings of varying types and designs. Whilst noting the comments within the Village Design Statement, plot sizes within the immediate area do vary in size and width. The application site commands an elevated and prominent position on the southern end of Butley Lanes. The existing dwelling sits comfortably within its generous plot. This application proposes the demolition of the existing two storey dwelling and the construction of two detached dwellings, dividing the site to create two plots.

The introduction of two storey dwellings in this location is considered to be acceptable and would be consistent with scale of dwellings within the immediate area. The subdivision of the plot to create two curtilages would by its very nature result in a more dense form of development than existing. The resultant plot widths would be narrower than some properties within the immediate area, however it would not be entirely inconsistent with others. It is considered that there would be a sufficient degree of separation between the proposed dwellings (whilst also noting their juxtaposition in siting), to allow the proposals to sit comfortably within their respective plots without representing an overdevelopment of the site. It is noted that the plots will narrow in width towards the rear due to the shape of the existing plot, however the key consideration would be how the proposals would appear in the streetscene and whether it would appear out of context. In this instance, it is considered that the proposals would not appear incongruous or cause significant harm to the character and appearance of the area. It is likely that the proposals would be the maximum that the site could accommodate and is, on balance, acceptable in respect scale and pattern of development.

Whilst noting the elevated prominence of the site, it is also noted that the site and the resultant development would be well screened by reason of the significant mature vegetation along the site frontage.

As noted above, there are varying house designs within the area. This application proposes two dwellings of varying design, one with a hipped roof, the other with a standard gable roof. The dwellings include gable features which add interest to their design and appearance. The use of appropriate materials, which can be secured by condition, would ensure that the external appearance of the dwellings are acceptable.

It would also be appropriate to condition hardsurfacing materials, boundary treatment and landscaping to ensure that the overall appearance of the site is appropriate for its context. To ensure that there is no further erosion of the streetscene it would be appropriate to remove permitted development rights from a design point of view.

Amenity

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. This is maintained through policy H12 which requires development in low density housing areas to respect the higher standards of space, light and privacy. In respect to the spacing standards, these are set out in the guidance contained within policy DC38. Policy DC41 states that proposals should not result in overlooking of existing gardens or lead to excessive overshadowing to existing habitable rooms.

The proposed dwellings would not be sited beyond the front and rear building lines of the adjacent properties (No.3 Butley Lanes and Hill Corner) and as such would not breach the 45 degree standard from principal windows to habitable rooms in those properties. While the development would be visible from secondary openings it would not result in significant loss of daylight by the secondary nature of the openings.

In terms of overshadowing, as observed above, the proposals would follow the building lines of adjacent properties and would not amount to significant overshadowing on the private amenity spaces to the rear of the adjacent dwellings.

Principal openings at first floor level would face over the application site itself rather than directly over the private amenity spaces of neighbouring properties and would not give rise to significant levels of overlooking and/or loss of privacy.

In terms of amenity for future residents of the proposed development, the level of private amenity space is sufficient to accommodate for the future needs of occupants. Due to the juxtaposition of the proposed dwellings and the shape of the application site, there would be a degree of overlooking between the proposed dwellings from first floor principal openings. Whilst this is not ideal by any means, the degree of overlooking would not be so adverse as to result in a significantly poor level of amenity for future occupants of the development. There would, of course, also be an element of “buyer beware” in this regard.

The site is located close to a railway line. Environmental Protection have stated that insufficient information has been provided to support the application to determine the noise impact from this existing infrastructure on the proposed development. Given the existing land use of the site, and that the previous application was not refused on the basis of noise impact, it is considered that it would be appropriate and reasonable to secure this outstanding detail by condition in this instance.

Highways

The access for both dwellings would be via the existing point of access from Butley Lanes. CEC Highways have considered the proposals and have stated that the demolition of one dwelling in lieu of two, utilising this access, would be unlikely to have a material impact on road safety, and as such have raised no objection to the proposed development in this respect.

The scheme proposes three parking spaces per unit. The proposed dwellings would be 4 bedroomed and the level of parking is therefore considered to be appropriate and in line with emerging parking standards.

CEC Highways have observed that the layout does not show an area dedicated as a bin collection point by the site access. Such detail could be secured by way of a condition.

Arboriculture and Forestry

Policy DC9 of the Local Plan seeks to ensure the retention of trees or woodland unless the vegetation is no longer of sufficient amenity value, where the removal is in accordance with current arboricultural best practice or where mitigation provides an identifiable net

environmental gain. The site contains a large number of mature vegetation, while the adjacent plot contains trees which are protected by a TPO.

Concerns were initially expressed with regard to the impact that the proposed development would have on T1 (an adjacent Beech Tree covered by TPO). Amended plans have been received which show the driveway to plot 1 no longer encroaching into the RPA of this tree. The Council's Forestry Officer has raised no objection to the proposed development subject to the imposition of conditions.

To this end, the proposal is considered acceptable and the development complies with the stipulations of DC9 of the Local Plan.

Impact on Biodiversity

Evidence of bat activity in the form of minor roosts of relatively common bat species has been recorded within the house. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time and there is no evidence to suggest a significant maternity roost is present. The loss of the roost at this site in the absence of mitigation is likely to have a low impact upon bats at the local level. The submitted report recommends the installation of bat boxes as a means of compensating for the loss of the roost and also recommends the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission being granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Bats.

Alternatives

There is an alternative scenario that needs to be assessed, this are:

- No Development On The Site

Without any development, specialist mitigation for bats would not be provided which would be of benefit to the species.

The Council's Nature Conservation Officer has advised that the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

SOCIAL SUSTAINABILITY

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14,617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper

has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Consequently, weight is given to the sustainability of the site which is considered to represent '*optimum viable use*' as prescribed in paragraph 134 of the NPPF.

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.

PLANNING BALANCE

Whilst the objections are noted, the presumption in favour of sustainable development is a significant material consideration in the determination of this application and therefore taking into consideration the merits demonstrated above and the compliance with local and national planning policy, the proposed development meets all aspects of sustainable development and is recommended for approval. It is noted that there would be some tension with Policy in respect of the design of the proposal and potential amenity issues for future occupants of the development, however this would not be so "adverse" as to significantly and demonstrably outweigh the benefits.

In such circumstances the NPPF at para.14 requires development proposals that accord with the development plan to be permitted without delay and thusly this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded conditions being attached to any grant of permission.

RECOMMENDATION

Approve subject to conditions;

- 1. Standard Time Limit (3 years)**
- 2. Development to be carried out in accordance with approved plans**
- 3. Materials to be submitted for approval**
- 4. Landscaping scheme (including boundary treatment and hardsurfacing) to be submitted for approval**
- 5. Landscaping Implementation**
- 6. Removal of Permitted Development Rights**
- 7. Arboricultural works to be carried out in accordance with report**
- 8. Construction/Method statement for works in root protection areas**

- 9. Tree Protection details to be submitted**
- 10. Noise Impact Assessment and attenuation measures to be submitted for approval**
- 11. Development to proceed in accordance with Bat Survey**
- 12. Existing and Proposed Site Levels**
- 13. Parking to be provided and made available prior to first occupation**

