

Application No: 09/4335M

Location: LAND AT, CUMBERLAND DRIVE, BOLLINGTON, MACCLESFIELD, CHESHIRE, SK10 5BR

Proposal: ERECTION OF 4 DWELLINGS ON LAND OFF CUMBERLAND DRIVE

For MR H CUMBERBIRCH

Registered 18-Jan-2010

Policy Item No

Grid Reference 393746 377523

Date Report Prepared: 12th February 2010

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES

- The impact of the proposed development upon the character of the existing Conservation Area
- The parking implications of the proposed development and impact upon highways safety
- The impact upon the residential amenity for local residents

REASON FOR REPORT

This application has been referred to the Committee by a Councilor Davies in accordance with the Committees` call-in procedure for the following reasons:-

- The site is in the Bollington conservation area and adjacent to the Kerridge conservation area. The proposal does not in any way preserve or enhance the conservation area as required by the Supplementary Planning Guide.
- The height and mass of the buildings is entirely out of scale with the existing heritage buildings in Chancery Lane and Lord Street. They tower over the existing two storey houses opposite the site in Cumberland Drive. The house adjacent to Lord Street is unreasonably close to 50 Lord Street, creating an undesirable tunnelling effect.
- The introduction of further vehicles to this area will exacerbate the already chronic traffic and parking problems.

DESCRIPTION OF SITE AND CONTEXT

The site in question is approx 0.09 hectares and is sited on a corner location between Cumberland Drive and Lord Street within a residential area of Bollington.

The existing site is currently an unused car park which is graded in bitmac. The site is bounded by a dry stone wall which runs along the north east and south east boundaries of the site. Vehicular access to the site is via Cumberland Drive.

The development site forms part of a larger area of brownfield land which is within the applicant ownership and is characterised by sloping topography which slopes up in a north westerly direction. The land to the north west of the site located at the top of the incline and separated from the application site by mature trees and shrubbery is currently used as car park for the Red Lion Public House and does not form part of this application site.

Directly to the north west of the site is an electricity sub station in which proposed plans indicate as being retained.

The site is designated within the Local Plan as siting on the edge of Kerridge and forming part of the Bollington Conservation Area.

DETAILS OF PROPOSAL

This application seeks full planning permission for 4 no. three storey terraced properties which will provide three bedroom (X 2) and four bedroom accommodation (X 2).

The existing access to the site will be retained and altered to allow vehicular access and parking for 8 off street parking spaces at the front of the dwellings. A garden area is proposed to the rear of each dwelling.

This proposal seeks to address the reasons for refusal (in part) of application 08/2751P which was dismissed at Appeal and had sought consent for 13 dwelling houses on a larger development site, which incorporated this site and land at High Street. The reasons for the dismissal of the appeal related to :-

- The impact of the proposed opening in the boundary wall to provide access to proposed properties fronting High Street and the proposed frontage parking would have a harmful impact upon the character and appearance of the existing street scene and the Bollington Conservation Area.
- Inadequate provision of off site parking through out the development as a whole conflicted with policy DC6 of the Macclesfield Borough Local Plan.

The applicant has now excluded the upper part of the former application site which included 9 dwelling fronting both High street and Chancery Lane. The

application before Committee therefore relates only to the lower site on Cumberland Drive.

The design and siting of the four dwellings in most respect remains unchanged from the previous scheme. The dwellings retain a style and design which is akin to an existing residential vernacular located on Deansway which is within close proximity of the application site.

RELEVANT HISTORY

08/1462p Erection of 14no. dwellings Withdrawn

08/2751P Erection of 13 Dwellings Refused 17.03.09
Appeal-Dismissed (Appeal Ref: APP/RO660/A/09/2100349/NWF)

CONSULTATIONS (External to Planning)

Strategic Highways Manager -Awaiting Comments

Environment Agency – Awaiting Comments

Environmental Health (Residential amenity): - Awaiting Comments

Environmental Health (Contaminated Land) : No objections subject to conditions – The site is located directly on a known landfill site that has the potential to create gas. The information submitted indicates that there is contamination present. A condition requiring A Remediation Statement to be submitted to and approved in writing as well as a Site Completion Report detailing the conclusions and actions taken at each stage of the works are advised to comply with the guidance set out within PPS23

Nature Conservation: No major ecological constraints have been identified, therefore no objections are raised subject to a conditions relating to the submission of a survey relating to nesting birds and a suitable mitigation scheme for bird nesting prior to the commencement of development.

Manchester Airport Safeguarding: Raise no objections

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council- No comments received at the time of writing the report

OTHER REPRESENTATIONS

To date two letters of objection have been received form local residents. The following concerns are raised:-

- Further building in this area will exacerbate existing issues of lack of parking and access

- The parking is already difficult in this particular area as existing older properties have no facility for off street parking
- The height of the building would ruin the area
- Smaller development would be preferred as would be more affordable for couples
- The view from the top of Lord Street Will be lost
- The size and character of the development is out of keeping with the area and the development will be built to close to existing properties.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted in support of the application:

- Planning Design and Access Statement
- Phase 1 and 2 Desk top study and ground investigation
- PPS3 Housing self Assessment Checklist

These documents are available in full on the planning file, and on the Council's website and can be read in conjunction with the plans submitted.

POLICIES

Policies of relevance to this application include:

National Planning Policies:-

PPS1 : Delivering Sustainable Development

PPS3: Housing

PPS13: Transport

PPS15: Planning and the Historic Environment

The North West Regional Spatial Strategy to 2021 (RSS) :-

DP2 (Promoting sustainable communities),

DP7 (Promote Environmental Quality),

L4 (Regional Housing Provision)

Macclesfield Borough Council Local Plan:-

BE1 (Design Guidance),

BE2 (Historic Fabric),

BE3 (Conservation Areas),

H1 (Phasing Policy),

H2 (Environmental Quality of Housing Developments),

H13 (Protecting Residential Area)

DC1, DC2, DC3, DC38 (Standards of design, amenity and space)

Policy DC6 (Circulation and Access)

DC8, DC36 (Trees and Landscaping),

Policy DC41 (Infill housing and redevelopment)

DC63 (Contaminated Land).

Also of relevance are:

- The Bollington and Kerridge Conservation Area Appraisal (August 2006)
- Supplementary Planning Guidance for Bollington (January 2006)
- The Planning Inspectors Appeal decision for application 08/2751P; and
- PPS 3 Housing Self Assessment checklist

A report on the supply of housing has been approved by the Environment Policy Development Committee and the Cabinet of MBC, which effectively replaced the previous SPG on Restricting the Supply of Housing with the new guidance "PPS3 Housing and Saved Policies Advice Note".

The Advice Note is based on a list of 5 criteria outlined in PPS3 which planning authorities should have regard to when deciding planning applications for new housing and on the Council's saved policies and other guidance in PPS3. In summary, the Advice Note states that planning applications for new housing should meet the following criteria.

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives (*does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration*)
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people (*does the application meet the housing needs of the area and/or provide affordable housing*)
3. The suitability of a site for housing, including its environmental sustainability (*is the site in a suitable and sustainable location, is it previously developed land, what constraints exist*)
4. Using land effectively and efficiently (*is the density at least 30 dwellings per hectare*)
5. Achieving high quality housing (*is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity*)

OFFICER APPRAISAL

Principle of Development/Policy

The site is located in a predominantly residential area and is described within the Bollington Conservation Area appraisal as having a 'built up urban

environment'. The proposal seeks to achieve a density of 41 dwelling per hectare and therefore complies with the guidance within PPS3.

Providing a mix of family style housing the proposal is considered to meet the needs of the Borough's population in accordance with the Borough's Housing Strategy.

The site is considered to be in a sustainable location. In this regard, the Appeal Inspector acknowledges that the site is within an acceptable walking distance of public amenities such as shops as well as public transport.

Key considerations which must be had relate to the impact of the proposal upon the character of the existing Conservation Area and the impact of the residential amenity. However having particular regard to the Inspectors appeal decision for application 08/2751P another determining issue with regard to this application is considered to be whether the proposal provides a sufficient level of off street parking so as not to have a detrimental impact upon highways safety.

Impact upon the character and appearance of the Conservation Area

The siting, design, scale, bulk and massing of the proposed four dwellings remains unchanged from application 08/2751p. This is however considered to be acceptable as the key reasons for the appeal decision are considered to relate specifically to the impact of the previously proposed dwellings on the former, larger site which comprised the area fronting High Street upon the character and appearance of the Bollington Conservation Area. In this regard the Inspector states:

"I consider the effect of the four openings in this particular part of the boundary wall, combined with reductions in its height, extensive frontage parking and the resultant impact of parked vehicles in the street scene would be harmful"

Within the Inspectors decision it is clearly acknowledged that the design of the four terraced properties is acceptable. The Inspector notes that the proposal would be *"at a similar level to the Deansway housing and there would be some visual linkage with the development"*. I too consider this part of the scheme acceptable in design terms.

Concerns raised by both members and local residents regarding the design of the proposed dwellings were addressed by the Inspector decision who states:

"I heard that the principle concern of Members when they considered the proposal and took a different view was one of detail such as chimneys. Local residents have also raised concerns about differences between the proposed design and that of the characteristic nineteenth century stone terraces. However Local Plan Policy BE3 follows national planning policy, expects only that the character or appearance of Conservation areas should be preserved"

or enhanced and it is well established that this can be achieved without replicating the form and style of valued or notable buildings. Similarly, guidelines for new developments in the Conservation Area Appraisal and SPD seek to ensure new development respects its context and reflects local character rather than replicating particular features”

The Inspector goes on to state, with specific regard to this smaller part of the original larger site:-

“...I consider that the elements of the proposed terrace design sufficient to ensure that it would respect its context and reflect key aspects of local character even though it would not have chimneys and have some different features such as porches and gables. Thus I am satisfied that the built form of terraces would at least preserve the Conservation Areas Character and appearance”

Scale/ layout and design

The proposed dwellings, currently under consideration, have been designed to be set back approx 12m from Cumberland Drive and will provide an area of hard standing which is to provide off street parking for 8 vehicles. The existing access to the site is to be utilised and no additional openings within the existing boundary wall are proposed.

Having regard to the location of the application site the proposed dwellings are considered to relate more to the recent 1980s development located on the opposite side of Cumberland Drive and also the more contemporary development along Deansway both of which are set back from the road and are characterised by ‘frontage’ parking.

By virtue of the ground levels of the site, the proposed off street parking, in part, will be screened by a 0.6m high stone boundary wall which runs along the site boundary of Lord Street and Cumberland Drive and will not be prominent within the setting of the Conservation Area.

The proposed area of frontage parking for the dwellings is considered to be a compromise solution for this site which is constrained by the existing topography of the land and which seeks to provide an area for off street parking in a location where it is widely recognised that on street parking is limited.

The Inspector has no specific objection to the proposed layout of the four dwellings and the Councils Conservation Officer has raised no concerns in respect of this application.

Having regard to the topography of the site the proposed dwellings are designed with a stepped ridge line which assists in breaking up the built form. The terraced properties have been designed to be three storey in height and having regard to the layout of window opening porches the properties will be

similar in terms of their scale and design to the existing properties located along Deansway. The applicant proposes to construct the dwellings using stone and slate and timber framed windows.

The concerns expressed with regard to the height of the proposed block and its proximity to 50 Lord Street are acknowledged. However, the Inspector, in determining the appeal raised no concerns with regard to the scale, bulk or massing of the proposed four dwellings or their relationship with 50 Lord Street.

Highway and transport implications and sustainability

The proposal incorporates 8 parking spaces for 4 family sized dwellings. Access to this parking provision will be provided utilising the existing access point off Cumberland Drive.

The concerns regarding highways safety within application 08/2751P related to the larger development as a whole. They are not related to this site in isolation. The Inspectors decision states:

*“Given the level of on- site parking proposed for the new houses, **particularly those on High Street (my emphasis)** where waiting restrictions are in place, I consider that the development would exacerbate existing parking problems. **In these circumstances** I consider that the conflict with Local Plan Policy DC6 weighs heavily against the proposal “*

Comments from the Strategic Highways Manager are awaited, however, verbally no objection is now raised to this proposal.

Residential amenity

Policy DC3 and DC38 of the Local Plan set out distance guidelines between buildings in order to safeguard residential amenities with respect to light and privacy. The distance set within this policy are however guidelines and regard should also be had to: *the design, layout, of the scheme the relationship to the site and its characteristics and provides a commensurate degree of light and privacy between buildings*. This is a classic example of the tension between the desire for new development to respect existing character (often derived from the close proximity of one group of buildings to another) and the desire to protect amenity by the application of guidelines.

The eastern elevation of plot No. 1 is to be sited directly adjacent the side gable elevation of No.50 Lord Street which currently accommodates two windows at ground and first floor. Whilst these windows provide light to both a sitting room and bedroom they are not, however, the only large windows to these rooms. The distance between the two properties will measure approx 10.1m. The windows at ground, first and second floor on the proposed side elevation of plot No. 13 are to provide light for a stairway, therefore there is

little concern that the proposed development will impact upon privacy levels for the occupant of No. 50 Lord Street. Whilst concerns have been raised over the overbearing and obtrusive impact the side elevation may have upon No. 50, it is also important to consider that this distance and relationship is commensurate with existing properties further down Lord Street.

The proposal is considered acceptable in amenity terms.

Other material planning considerations

Landscaping and tree implications

Landscaping details have not been submitted as part of this application however the Design and Access statement does detail that the parking will be graded in bitmac and low level planting and paving will be provided between the dwelling and the car parking spaces.

In order to ensure the development is in keeping with the character of the surrounding area a landscaping condition is advised.

The Council Arboriculturist raises no objections subject to conditions which ensure the protection of the existing retained trees during construction works.

Nature conservation features and implications

In order to maximise the nature conservation value it is recommended that a landscaping scheme be submitted to increase the amount of woodland under storey species planted which will assist the sites value for breeding birds. It is also advised that the woodland area be fenced during the period of construction to protect nesting birds.

Although no objections are raised, given the possibility that there are nesting birds on the site, a condition ensuring that a detailed survey is carried out during 1st March and 31st August to check for nesting birds is recommended. This should complement a condition requiring features to make the scheme suitable for nesting birds.

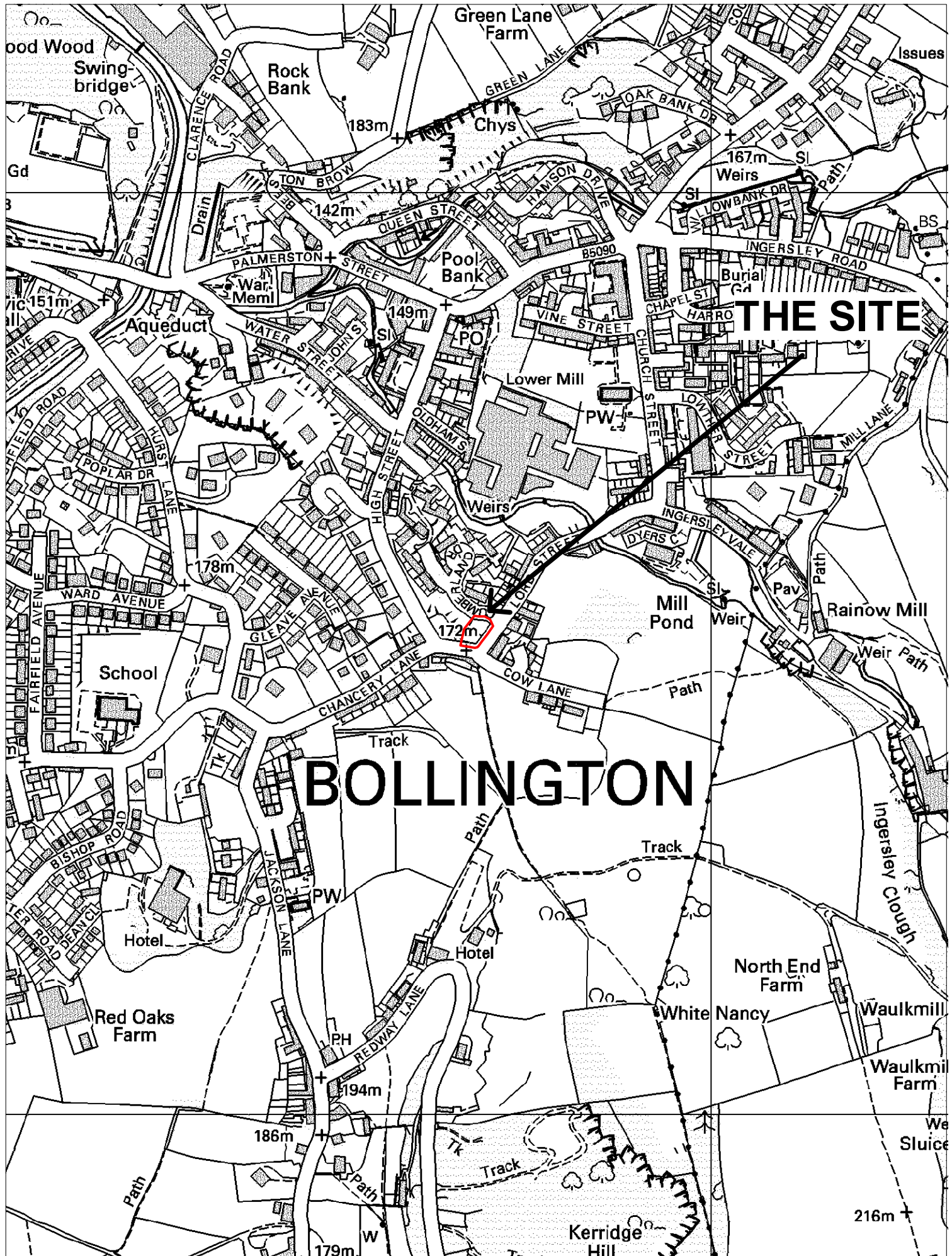
CONCLUSIONS AND REASON(S) FOR THE DECISION

Located within a predominantly residential area on a Brownfield site it is considered that an appropriate residential development on this site should be encouraged.

The proposal is considered to be an appropriate development with complies with existing planning policy. The Inspectors decision in respect of the recent, larger development site is also considered to be an important material planning consideration in the determination of this application.

The Inspector considered issues relating to the impact upon residential amenity and the design and layout of the proposed development have been considered to be acceptable by the Inspector, having specific regard to this development site.

On this basis and subject to further representation and comments from the Strategic Highways Manager a recommendation for approval is made subject to conditions.



09/4335M - LAND AT CUMBERLAND DRIVE, BOLLINGTON

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A02AP - Detail on plan overridden by condition
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A12LS - Landscaping to include details of boundary treatment
7. A01TR - Tree retention
8. A02TR - Tree protection
9. A07TR - Service / drainage layout
- 10.A04TR - Tree pruning / felling specification
- 11.A22GR - Protection from noise during construction (hours of construction)
- 12.A01GR - Removal of permitted development rights
- 13.A06GR - No windows to be inserted
- 14.A10EX - Rainwater goods
- 15.A17EX - Specification of window design / style
- 16.A22EX - Roofing material
- 17.A32HA - Submission of construction method statement
- 18.Nesting Birds
- 19.Features for nesting birds
- 20.Contaminated Land
- 21.No Pile Driving
- 22.Scheme for bin storage
- 23.cycle Storage