

Application No: 17/0763M

Location: 49, CARRWOOD ROAD, WILMSLOW, CHESHIRE, SK9 5DJ

Proposal: Demolition of one two-storey detached dwelling and the construction of two two-storey detached dwellings with associated accesses (Resubmission of 16/3674M)

Applicant: Billy Herring, Herring Properties Ltd

Expiry Date: 14-Jul-2017

### **SUMMARY**

As Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The site is in a pre-dominantly residential area located in a highly sustainable location. The scale of the development reflects the character and appearance of the area and materials will be dealt with by way of a condition.

The development raises no issues in respect of highway safety, flooding, noise, or ecology. Some matters will be dealt through conditions.

Following amendments to the proposals it is clear the impact on the amenity of the neighbouring property is no worse than it is currently and bedroom on the neighbouring property should enjoy more light than it does currently.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

### **SUMMARY RECOMMENDATION**

Approve subject to conditions.

### **REASON FOR REPORT**

Councillor Barton has requested that the application be determined by Northern Planning Committee for the following reason;

*The planning application is contrary to the local conservation area order.*

## **PROPOSAL**

The application is for the demolition of one two-storey detached dwelling and the construction of two two-storey detached dwellings with associated accesses

## **SITE DESCRIPTION**

The application site consists of a detached residential property fronting Carrwood Road, Wilmslow. The dwelling is of a more modern construction than the properties on the opposite side of the road. The property directly to the north is also a large detached house of more modern construction. To the south of the site are tennis courts that appear to be used by Pownall Hall School. To the east is a wooded area that separates the site from the residential properties on Kings Road.

The site is elevated from the street and vehicular access is taken from Carrwood Road, which is an unadopted road. The site contains a significant number of trees, some of which appear to be mature specimens and the site is subject

## **RELEVANT HISTORY**

The site has been subject to applications in the past, however they are not relevant to the consideration of this application.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan**

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC38 (Guidelines for space, light and privacy for housing development)

DC41 (Infill housing development or redevelopment)

DC46 (Demolition)

RT1 (Open Space)

H2 (Environmental quality in housing developments)

H5 (Windfall housing sites)

H13 (Protecting residential areas)

## **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  
PG1 Overall Development Strategy  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SC4 Residential Mix  
SE1 Design  
SE2 Efficient use of land

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)  
The Three Wilmslow Parks (SPG)

## **CONSULTATIONS (External to Planning)**

Manchester Airport – No objection.

United Utilities – No objection. A condition has been requested for the submission of surface water drainage details.

Highways - *This is a full application for the development of two residential dwellings in lieu of the demolition of an existing dwelling, with existing access and proposed access taken from Carrwood Road in Wilmslow, which I note is an unadopted private road.*

*Use of the existing access to serve plot 49 is acceptable and the proposed access to plot 49a is also acceptable; furthermore, I am satisfied there is sufficient space within each plot for off-street parking provision to be in accordance with CEC minimum parking standards.*

*Accordingly, the Strategic Infrastructure Manager has no objection to the planning application.*

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Wilmslow Town Council - *The Planning Committee of Wilmslow Town Council recommend refusal of this application on the grounds of overdevelopment of the plot, being out of keeping with the streetscene and contrary to the Three Parks Guidance document.*

## **OTHER REPRESENTATIONS**

2 letters of objection have been received in respect of the application and the points of objection relate to;

- The proposals are out of character with the area and do not comply with the SPG for the area.
- Loss of sunlight.
- Impact on privacy and overlooking

## **APPRAISAL**

### **Principle of Development**

The site is in an area that is identified as being 'predominantly residential' and as such the redevelopment of sites for further residential use are generally acceptable. The site is within walking distance of local shops and services and public transport links. The site is in a sustainable location.

A small part of the site is designated as being within an area of protected open space that covers the school site to the south. This area appears already to be garden curtilage and this will not change as a result of the proposal.

The principle of residential development on the site is considered to be acceptable.

### **Housing Land Supply**

On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy The Plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On

adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

*“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”*

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richborough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

*“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”*

This conclusion was reached before the Inspector’s Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

New residential developments proposing three storey properties should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

The proposal meets the required interface distances to the front and rear. The issue requiring careful consideration is the relationship between 51 Carrwood Road and the proposed dwelling alongside it, shown as 49A on the plans. The relationship is somewhat complicated by the fact 51 Carrwood Road has a bedroom window in the side elevation and this appears to be the only window serving this bedroom. The plans originally submitted included a bedroom window in this elevation, this has since been removed from the plans and replaced with a rooflight. Therefore the issue of overlooking has been addressed.

At present the relationship between the bedroom window in 51 Carrwood Road is 3.5 metres from the side elevation of the existing property at 49 which is at full two-storey height at this point. It is key that the relationship between the proposed house and this window is no worse than the existing relationship. No part of the proposed dwelling is closer than the existing dwelling to this window and rather than a gable roof alongside the boundary the roof is hipped away from the neighbouring property therefore allowing more light to this window than it

enjoys currently. It is acknowledged that the length of the property is increased, however being located further away from the existing property and the roof sloping away from the existing window result in an overall improved relationship. Therefore the relationship between the existing house and the proposed property is an improvement when compared to how it is currently.

It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does not occur.

The proposed layout ensures that all the required separation distances set out above are met and therefore no overlooking will occur to a level at which permission could be withheld and the requirements of Local Plan policies DC3, DC38 and H13 are met.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Layout & Design**

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

The site is within an area identified in the Wilmslow Parks Supplementary Planning Guidance as being of a particular character (Pownall Park) and therefore any proposal must respect the provisions within this document.

The general character of the area is stated as being;

*Pownall Park is a residential area built in the 1930's in the grounds of Pownall Hall, which is now a school. It consists mostly of 2-storey, detached houses with an occasional pair of semi-detached houses or a detached bungalow. The estate is a relatively quiet, leafy suburb with wide boulevards, grass verges and mature, mellow, well-kept dwellings that have been little altered from their original house type.*

The SPG then goes on to describe the features of the area in some detail before outlining some considerations for future development against which the proposal will be considered, these are;

- Density
- Roof design
- Materials
- Proximity to the road

It is also made clear that the housing in the area is perceived as being medium/large, detached or semi-detached, single family dwellings.

Turning firstly to the layout and issues surrounding density, the application site is larger than a number of plots in the area and the provision of two dwellings will result in a density consistent with properties along Kings Road, Woodlands Road and Vale Road. It is also a common feature throughout the area that properties take up almost the full width of the plots in which they sit. On that basis the layout is considered acceptable as the density of development is keeping with the in the local area.

The design of the properties is considered acceptable. It is clear that the property on the site, and the neighbouring property, are not 1920's properties and do not form part of the original residential development in the area and therefore the application does result in the loss of one of the original properties. The two proposed properties incorporate features seen in the area such as the low eaves levels, gable features and the mix of facing materials. The exact details of the materials will be agreed though condition on the decision notice. The proposed properties are located 11.2 metres and 16 metres from Carrwood Road. This is a typical of the characteristics of the area and this is considered acceptable.

Following careful consideration it has been found the proposal complies with Policies BE1, DC1 and DC41 of the Macclesfield Local Plan.

### **Highways**

There are no highway implications associated with this development proposal; off street parking provision is in accordance with the required minimum standards.

There are no other material highway considerations associated with this proposal; accordingly, the Strategic Infrastructure Manager has no objection to the planning application. The proposal therefore complies with the requirements of Local Plan Policy DC6.

### **Impact on Trees**

The site is subject to Tree Preservation Orders under 'The Wilmslow U.D.C. Carrwood Road, Wilmslow. Tree Preservation Order 1971 (A2)'.

The application is supported by a Supplementary Arboricultural Statement which seeks to address the arboricultural concerns previously raised. An independent Daylight and Sunlight Assessment (Brooks Development dated 11/11/2016) has been provided to assess the daylight and sunlight levels broadly in accordance with guidance set out in BRE Report 209 Site Layout Planning for Daylight and Sunlight.

The impact of the driveway to Plot 49 has been assessed and it is agreed that the overall incursion into the root protection area of this tree is unlikely to exceed more than 10%. Given the species tolerance and vitality it is accepted that there will be no adverse long term health implications for the tree (guidance a section 7.1.2 and 7.4.2.3 of BS5837:2012 apply). A condition requiring the submission of a construction specification/method statement will enable suitable control and protection of the trees root protection area.

The width of the proposed dwellings have been reduced to 8.7 metres and moving the proposed retaining wall by 600mm to the north (para 2.4 of the Supplementary Statement) which reduces the Root Protection Area Incursions to the protected Silver Birch (T4) and Oak (T6). have been reduced to 1.4% and 4.5% respectively. The implementation of suitable ground protection, utilisation of existing hard standing and tree protection fencing by way of a suitably worded method statement should now minimise any adverse impacts to the trees.

Section 2.5 of the Supplementary Statement deals with the proposed spatial relationship to retained tree cover. The scheme has been amended by reducing the depth of the proposed dwellings by 1 metre from 19 metres to 18 metres which has increased the rear gardens of Plot 49 by 5% (to 230m<sup>2</sup>) and Plot 49a by 8% (to 359m<sup>2</sup>).

It is appreciated that when assessing the shading and utilisable amenity space of the rear gardens there will be benefits by removal of two Moderate B category Silver Birch (referenced G2/1 and G2/2) colonised by Ivy to the rear of Plot 49. The removal of these two trees is not disputed and it is further suggested that two other trees within this group (Silver Birch G2/3) and (Silver Birch G2/5) both of which are poor specimens could be removed to provide some improvement to the spatial relationship and garden of Plot 49.

The Daylight and Sunlight Assessment Report has evaluated the amended development in accordance with current good practice for site layout planning for daylight and sunlight provided by the Building Research Establishment (BRE) and concludes all the rooms with the exception of the study achieve the recommended average daylight target factors. Windows to the main living rooms receive overall slightly less annual sunlight hours than recommended throughout the year, but slightly more during the winter.

The Daylight and Sunlight Assessment Report assesses the impact of retained trees on sunlight to gardens (section 2.3) stating the BRE recommendations that a garden or amenity area should receive at least two hours of sunlight on 21st March. The findings of the Report state the required amount of sunlight for gardens achieves the target values required by the BRE guidelines but caveats that the calculation for trees has not been modelled in accordance with the guidance.

In consideration of the Forestry objection to the previous scheme, the principle concern was in respect of the southernmost plot (Plot 49a) and its relationship/social proximity to the Group of three trees identified as G4 in the submission. A more detailed assessment of these trees has been carried out and it is noted the Sycamore tree to the south west (offsite) is partly suppressed and heavily covered in Ivy whilst the smaller Sycamore tree to the north west is also heavily covered in Ivy and is of poor form. The third Sycamore tree (centre of the group of three) is considered a reasonable specimen and worthy of retention.

Measurements taken from the revised Planning Layout (CARRWOOD-SL-01 Rev B) and Tree Constraints Plan (CW/7945-P-TC-1) provide a distance of 12 metres to the rear single storey Dining Room elevation from the centre Sycamore tree which is considered not to present any significant adverse impacts to future occupants. In terms of the impact on the proposed garden it is acknowledged that there may be issues of reduced sunlight, but is not considered likely to be severe and could be managed by pruning and/or possible removal of one of the two adjacent poorer quality trees without detriment to the amenity of the area..

Having regard to the above no further issues with the revised application as submitted and the proposals are acceptable subject to conditions relating to tree protection and method statements.

### **Impact on Protected Species**

Ecological surveys have been carried out in support of the application and have surveyed for bats, nesting birds and Great Crested Newts.

### Habitats Regulations

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since European Protected Species have been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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 in this regard. 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.

### *Alternatives*

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the existing 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 during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole. The approval of the application will result in a improvement in provision for bats on the site.

### *Overriding public Interest*

The proposed development will allow for an improvement to the existing housing stock within the Wilmslow area, and assist in the provision of housing supply together with the achievement of modern day energy efficiency standards.

### *Mitigation*

The submitted report recommends the installation of bat boxes and other features for roosting bats 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. A condition on the planning permission will ensure these are provided.

The applicant is also proposing to compensate for the loss of terrestrial habitat through the enhancement of the remaining woodland and the provision of an additional pond and habitat creation on land within the adjacent school sports grounds.

The nature conservation officer advises that, considering the size of the newt population present and the availability of offsite habitat the proposed mitigation is likely to maintain the favourable conservation status of the species concerned.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

A condition will be included on the decision notice relating to the clearance of vegetation.

### **ECONOMIC SUSTAINABILITY**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Wilmslow for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

### **PLANNING BALANCE**

The site is located within a Predominantly Residential Area where the principle of redeveloping the site for residential purposes is acceptable. The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted. The benefits in this case are:

- The development would provide benefits in terms of market housing which would help in the Councils delivery of 5 year housing land supply.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local

businesses.

The development would have a neutral impact upon the following subject to mitigation:

- The character of the area is not detrimentally harmed
- There is not considered to be any significant environmental implications raised by this development.
- The proposal will have no impact on ecology or trees subject to conditions.
- Highway impact would be broadly neutral due to the scale of the development.
- Residential amenity is not harmed.

No adverse impacts of the development have been identified.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. The potential for overlooking is increased but as noted above, this is not beyond what would be expected in a residential area. Accordingly the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

The application is recommended for approval subject to the conditions listed below.

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*

Application for Full Planning

RECOMMENDATION:

1. nppf
2. Commencement of development
3. Plans
4. Submission of landscaping scheme
5. Landscaping (implementation)
6. Tree retention
7. Submission of samples of building materials

8. Tree protection
9. Construction specification/method statement
10. windows
11. bird nesting
12. surface water drainage
13. remove PD
14. Implement recommendations of bat report

