

Application No: 18/3289M

Location: Waterbank, 6, HEYBRIDGE LANE, PRESTBURY, CHESHIRE, SK10 4HD

Proposal: Construction of 5 detached dwellings with new shared access

Applicant: Mr Jonathan Mather, Light Here Limited

Expiry Date: 17-Jan-2019

## **SUMMARY**

This application seeks full planning permission for the erection of 5 dwellings houses to the rear of an existing dwelling house. The site is located in a predominantly residential, low density housing area.

It is considered that the proposal is environmentally, socially and economically sustainable and accords with the development plan and the framework. The site is located sustainably within the town boundary of Prestbury and the proposal represents an efficient use of land,

Cheshire East is currently able to demonstrate a 5 year supply of housing however this proposal will make a valuable contribution in maintaining this position.

It is considered that the proposal represents sustainable development and accords with the development plan policies outlined in the report and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval

**RECOMMENDATION: Approve subject to conditions and a s106 planning obligation**

## **REASON FOR REPORT**

The site area exceeds 1 hectare and therefore has to be considered by Northern Area Planning Committee under the terms of the Council's Constitution.

## **SITE DESCRIPTION**

The application site lies in a predominantly residential, low density housing area and the site has a blanket TPO covering the site. It is located approximately 43m south of the junction of the A538 Heybridge Lane with Prestbury Lane.

The site comprises the very large garden area of an existing dwelling which is close to the road frontage. The garden extends west towards the railway line and is bordered on the north by houses fronting on to Prestbury Lane, to the south west by a dwelling on Bridge End Lane and to the south east by a dwelling fronting onto Heybridge Lane. The site covers an area of 1.28 hectares and is mostly level with some small undulations. The grassed areas are overgrown due to the house being empty and the gardens not being maintained.

The site also contains a large pond close to the road frontage on Heybridge Lane and a wide variety of mature trees, which are protected by virtue of a blanket Tree Preservation Order.

### **DETAILS OF PROPOSAL**

This application is a full application for the construction of 5 dwellings, part two storey and part three storeys, with an internal driveway (including a bridge over part of the existing pond) and a new access onto Heybridge Lane. There is an existing dwelling immediately adjacent to the site would remain in situ which would have its own parking accessed of an existing driveway to the north of the site.

Each dwelling would have a double garage with 5 bedrooms and would be individually designed. They would be constructed of brick and timber with natural stone slate roofs. The proposed dwellings would be spread across the site so as to retain its open character.

The proposed landscaping scheme would retain the majority of the protected trees and the house plots would lie in between the most important specimens.

### **APPLICANTS SUBMISSION**

The applicant's submission followed pre-application discussions and included;

- Arboricultural statement
- Day light and sunlight assessment
- Air quality Assessment
- Design and access statement
- Planning policy statement
- Ecology report
- Flood risk and drainage information
- Landscape plans
- Phase I and II risk assessments
- Transport Note
- Vernacular study of Prestbury; and
- Detailed site plans and elevations

### **RELEVANT PLANNING HISTORY**

No relevant history

## **CONSULTATIONS**

### **Flood Risk Manager**

No objections subject to conditions relating to drainage details.

### **United Utilities**

No Objection subject to conditions relating to drainage details.

### **Network Rail**

No objection subject to conditions relating to drainage details.

### **Strategic Infrastructure Manager**

No objection subject to conditions subject to conditions relating to submitted drawings.

### **Environmental Health**

No objection subject to conditions relating to the construction phase of development, electric vehicle infrastructure, contaminated land.

### **Strategic Housing**

No objection Subject to Commuted Sum of £237,000 to form part of a Unilateral Undertaking.

## **REPRESENTATIONS**

Prestbury Amenity Society- Object

- contravenes both the Prestbury Village Design Statement and the Macclesfield Borough Local Plan
- The proposed development is in a low density housing area and of a scale which exceeds the defined criteria in policy H12 of the Local Plan.
- Prestbury Village Design Statement, Prestbury Lane/ Heybridge Lane – “Further development on garden plots could be contrary to the low density housing layout and would affect the nature of the area”
- Over development which contravenes the specified criteria, which is designed to ensure that any new development is in keeping with the character of the area and does not cumulatively harm the existing high quality residential area.

Prestbury Parish Council – Object

Support an application for development on this site but would object to this application for the following reasons;

- Access and egress onto Heybridge Lane of considerable concern due to the likely high volume of vehicles from a development of 5 dwellings and in particular to the number of accidents which regularly occur in this area
- Risk of surface water runoff onto adjacent sites and the railway in particular from the increased areas of hard standing

- 5 dwellings too dense in an H12 area and would not be compliant with the Village Design Statement
- Three storey dwellings would be over bearing and intrusive to adjacent properties

### **Neighbouring properties**

10 properties have made comment on the application and 9 raise the following objections;

- Highway safety due to an increase in traffic numbers on a road close to the junction of Heybridge Lane and Prestbury Lane, which is heavily used and the subject of frequent accidents
- The site currently has no direct ingress or egress for
- There will be an additional burden of vehicular traffic which would have an impact upon the safety of access for adjacent properties
- Incorrect information contained within the Transport note submitted as there has been more accidents than quoted and the risk to public safety is very significant
- Should the planning application be approved someone will be accountable.
- The proposal is not in keeping with the area due to the proportions and physical layout of the site
- Potential for overlooking if trees are removed
- There should be no impact upon the existing garage arrangement adjacent to the site
- Insufficient room for 5 houses
- Depreciation of house values
- Potential for impact the foundation of property due to piling
- Queries about the sale of the plot
- Exceeds the density guidelines in saved policy H12 of the Macclesfield local plan
- The development would blight the property at 6 Heybridge Lane
- Site has not been maintained by the developer
- The access between 4 and 6 Heybridge Lane should not be used for the purposes of construction.
- The designation of Heybridge Lane as an A road (A538) and the principal route through Prestbury village should be considered including current traffic levels on this road. The proximity of the current access (mentioned above) and the proposed new access should be considered.
- The development would result in disruption to neighbours
- We are concerned by the extent of the roadways associated with the development and the need to ensure access for waste and other ancillary services.
- Concern about the position of the gated access
- Concern about the appropriateness of her three-story properties
- Surface water drainage problems raised by in relation to Network Rail and adjacent properties
- Concern about some trees identified as being within the site as when they are in fact on a neighbouring properties land
- Concern about inaccuracies in the drafting of the tree survey
- Loss of privacy in a semi rural location with the reposed properties being higher the adjacent land
- Increase in background noise

- Loss of daylight due to proposed evergreen hedge
- With the addition of this new access, there will be five drive entrances in a 10 metre stretch of Heybridge Lane and very close to the junction on a blind bend.
- Extensive groundworks is likely to lead to grit and mud being deposited onto Heybridge Lane and construction traffic parking on verges , resulting in safety problems
- As access to the site would be restricted by the pond the developer may use adjacent driveways for parking
- Impact upon the amenity of the existing dwelling at Waterbank in terms of noise and vibration
- Lack of clarity about drainage system
- Site contains Japanese Knotweed and American skunk cabbage Giant Hogweed and some unusual trees
- Queries about whether the density of the development is acceptable
- Proposed dwellings are higher than those in the area and have a large footprint which could have an impact upon adjacent properties particularly in the winter
- Concern over maintaining access at all times to Heybury House and Woodcote whose only vehicular access and parking is via the shared drive between Waterbank and Collingwood House
- Concerns re; foul sewage and surface water drainage
- The site should contain 1 dwelling only
- Concern about impact upon ecology

One property supports the proposal and makes the following comments

- The plots are not over-developed.
- The village needs more families in order to survive.
- Provided contractors are considerate and respectful there is no reason to object.
- The proposed development should have significant off-road parking for the contractors
- In respect of potential overlooking the trees on site are protected and planners may wish to condition the development for the replacement of selected deciduous trees with evergreen varieties.
- If the new entrance road has suitable sight lines, there should be no issues (from a safety perspective)
- The application seems well thought out and would be positive for the wider community.

## **POLICIES**

Cheshire East Local Plan Strategy – Adopted July 2017

Policy MP1 - Presumption in favour of Sustainable development

Policy PG1- Overall development hierarchy

Policy PG7 - Spatial distribution

Policy PG2 - Settlement hierarchy

Policy SD1 - Sustainable development in Cheshire East

Policy SD2 - Sustainable development principles

Policy IN2 - Developer contributions  
Policy SC4 - Residential mix  
Policy SC5 - Affordable homes  
Policy SE1 - Design  
Policy SE3 - Biodiversity and geodiversity  
Policy SE4 - The landscape  
Policy SE5 - Trees, hedgerows and woodlands  
Policy SE12 - Pollution, Land contamination and land instability  
Policy SE13 - Flood risk and water management

**It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There is however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.**

Macclesfield Borough Local Plan - saved policies

Policy DC3 - Amenity  
Policy DC6 - Circulation and access  
Policy DC8 - Landscaping  
Policy DC9 - Tree protection  
Policy DC10 - Woodland management  
Policy DC14 - Noise  
Policy DC16 - Provision of sewers  
Policy DC17 - Water course  
Policy DC19 - Ground water  
Policy DC20 - Watercourse  
Policy DC35 - Materials and finishes  
Policy DC36 - Road layouts and circulation  
Policy DC37 - Landscaping  
Policy DC38 - Space light and privacy  
Policy DC41 - Infill housing development  
Policy H12 - Low density housing areas  
DC63 – Contaminated land

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Cheshire East Borough Design Guide Supplementary Planning Document  
Prestbury Village Design Statement

### **OFFICER APPRAISAL**

#### **Principle of development**

The principle of erecting dwellings in this location is acceptable provided all detailed matters have been fully addressed

Policy SD 1 states that development should wherever possible contribute to creating a strong, responsive and competitive economy, prioritise investment and growth within the Principal Towns and Key Service Centres, contribute to the creation of sustainable communities, ensure that development is accessible by public transport, walking and cycling, provide a locally distinct, high quality, sustainable, well designed and durable environment, support the achievement of vibrant and prosperous town and village centres, make efficient use of land, protect the best and most versatile agricultural land and make best use of previously developed land where possible and prioritise the most accessible and sustainable locations.

Policy PG 2 states in the Local Service Centres, small scale development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities.

### *Low density housing area*

Saved policy H12 of MBLP, the Prestbury Village Design Statement and Cheshire East Design Guide are of relevance.

Policy H12 states;

Within low density housing areas, new housing development will not normally be permitted unless the following criteria are met:

*1 The proposal should be sympathetic to the character of the established residential area, particularly taking into account the physical scale and form of new houses and vehicular access*

The scale of the housing in this area is mixed. They are predominantly detached dwelling but the plot sizes vary. Ones to the east of Heybridge Lane are fairly regular and mostly fill the width of the plot as do houses to the south of the site on Heybridge Lane. However the properties to the north of the site are more tightly grouped.

The frontages of the dwellings on Heybridge Lane are well landscaped and this proposed development would retain most of the existing landscaping as it would only create a single access into the site. It would therefore retain the sylvan character of the lane.

*2. The plot width and space between the sides of the housing should be commensurate with the surrounding area*

The proposed layout of the dwelling within the site has been primarily dictated by the retention of the most important protected trees. This has resulted in an open layout with the spaces between dwellings being greater than adjacent plots, which mostly tend to fill the plot width.

*3 The low density should not be exceed in any particular area*

The density of this scheme is 4.16 dwellings per hectare (dph). Prestbury village design statement states the average plot size in this area is 3.15 dph. Cheshire East Design Guide suggests a density of approximately 5 dph.in low density housing areas throughout the

borough. It is considered that although slightly higher than Prestbury VDS it is lower than the more recently adopted CE Design Guide and is appropriate in this location.

*4. Existing high standards of space, light and privacy should be maintained.*

The open plan and sylvan nature of the design is considered to reflect the nature of local properties. Each property would be spaced at distances which mostly exceed the guidelines for space, light and privacy of saved policy DC38 of MBLP. Plot 5 is the closest dwelling to the northern boundary it is 12.5m away from the adjacent property at ground floor level and 26.1m at first floor level. There would be landscaping along the boundary at ground floor level and an increase in distance between the two properties at first floor level resulting in an acceptable relationship between the two.

The high standards of the adjacent area in terms of space light and privacy would be retained due to the layout and retention of the protected trees.

*5. Existing tree and ground cover of public amenity value should be retained;*

The site is the subject of a blanket TPO which was recently imposed on the site, and therefore the layout of the site has been designed around the most significant trees in order to protect them. In addition the vegetation around the existing pond and the pond itself has been retained as part of the layout.

*6 In Prestbury both the new housing plots and the remaining plots should be approximately 0.4 ha (1 Acre)*

The plots would be an average of 0.25 ha each, however given the significant restrictions of the blanket TPO and open nature of the layout this is considered to be an acceptable level.

Overall it is considered to comply with saved policy H12 of the MBLP, the Prestbury Village Design statement and Cheshire East Design Guide.

**Affordable Housing**

Policy SC5 requires an element of affordable housing is provided in developments where the maximum combined gross floor space is more than 1,000 sqm in local service centres and all other locations. The affordable housing is required to be provided on-site, however, in exceptional circumstances, where it can be proven that on-site delivery is not possible, as a first alternative, off-site provision of affordable housing will be accepted; as a second alternative a financial contribution may be accepted, where justified, in lieu of on-site provision.

In this instance there is a requirement for 30% affordable housing on site which equates to 2 units<sup>1</sup> X 2bed dwelling at social rent and 1 X 2bd dwelling at intermediate tenure. No affordable housing is proposed on site. Information has been submitted detailing discussions with Registered Social Landlords to find suitable local sites. However none have been found. Cheshire East housing officers have examined the information and confirmed that a commuted sum contribution of £237,000 in lieu of this provision would be acceptable to the

authority. A draft UU has been proposed and submitted which confirms the applicant's intention to provide this sum.

Therefore it would comply with Policy SC5 of the CELPS.

### **Trees and landscape**

A Tree Preservation Order, the Cheshire East Borough Council (Prestbury - Waterbank, Heybridge Lane) Tree Preservation Order 2017 was served on 3<sup>rd</sup> October 2017 and subsequently confirmed on 27<sup>th</sup> March 2018 without modification. The Order is an Area (blanket) designation now covers the whole site and all existing trees. Some trees would be felled due to their poor condition and these have been agreed with the Council's arboricultural officer. Some groups of tree would be thinned where necessary and hedges would be retained and managed.

The proposal has been designed around the protected trees and is considered acceptable in relation to policy SE5 of CELP and saved policy DC9 of MBLP

Comments from the landscape officer are awaited and will be reported as an update.

### **Design**

Pre-application discussions took place which included detailed discussions about design.

The placement of each dwelling respects the existing mature landscape and moulds their form around the existing trees on the site. The units respond to the natural topography by following this form rather than re-grading the landscape.

The proposals take architectural cues and elements of materiality from the traditional local vernacular and present it in a modern but sympathetic way. This helps to blend the new units into the existing built and natural environment. The use of large scale glazing panels will reflect the tree canopy and existing planting.

The scale of the proposed units relates to and respects the existing adjacent properties. The massing has been broken down into elements that reflect the proportions of existing traditional examples.

The placement of each unit ensures that there is no overlooking and loss of privacy of the adjacent properties.

The existing boundary is a mature mix of hedges and trees and screens the plot from the existing adjacent buildings. Any gaps are proposed to be strengthened to enhance the edge. The existing stone wall to the front of the proposal has been extended to further enhance the street scene and retain the existing character of the boundary. The development would not be prominent in the street scene as the dwelling closest to the road frontage would be 56m back from the site frontage and set behind retained trees and vegetation.

The proposal is therefore considered to comply with policy SE1 of CELPS and saved policies DC35 and DC41 of MBLP.

## **Highways**

The scheme includes a single point of access off Heybridge Lane to serve the 5 units therefore the access to all the dwellings will be via this single private drive. Visibility at the access point is in accordance with the speed limit on Heybridge Lane and the width of the access drive at 5m can accommodate a refuse vehicle. Although the parking for each plot is in excess of the parking standards with 4 or more parking spaces available, given the size of the dwellings it is considered acceptable and it complies with policies saved policies DC6, DC36 and DC41 of MBLP.

## **Amenity**

In respect of plot 1 towards the southern boundary, a large amount of the protected trees are retained and the house is orientated north-west / south-east. The closest point between the two dwellings would be 16m, (garage to side elevation) and 26m from nearest habitable room window to the adjacent dwelling. In addition the proposed dwelling would be at an angle to the existing dwelling house. There would be no significant impact upon amenity of the adjacent neighbouring property. No further amenity issues are raised. As described previously under the low density housing area section, the proposal is considered to comply with saved policies DC3, DC38 and DC41 of the Macclesfield Local Plan.

## **Flood Risk**

Drainage concerns were initially raised by the Flood Risk Manager and Network Rail however following detailed discussions additional information has been submitted and agreed. Both Network Rail and the Flood Risk Manager have withdrawn their objections and subject to conditions, no flood risk concerns are raised. The proposal therefore complies with policy SE13 of CELPS and saved policies DC16, DC17, DC19 and DC20 of MBLP.

## **Ecology**

An Ecological Assessment was submitted with the application which classified 3 trees on site as offering a high bat roost potential. These trees are shown as T1, T32 and T20, as being retained. Recommendations are made within the Ecological Assessment regarding bat sensitive lighting, which can be conditioned.

The assessment confirms the current absence of Great Crested Newts and badgers on site. A condition in respect of further badger survey work is recommended to prior to development commencing. A condition to safeguard breeding birds is also recommended, as well as a condition to secure some ecological mitigation through an ecological enhancement strategy.

Subject to these conditions it is considered that the proposal complies with policy SE3 of CELPS.

## **Noise**

Due to the location of the site in relation to the adjacent railway line to west of the site, a 2metre high close boarded fence is proposed along the western boundary of the site and design details to help mitigate against noise from the rail line. This is shown as part of the landscaping plan. Therefore it is considered that the proposal complies with saved policy DC14 of the MBLP.

## **Economic sustainability**

The proposal contributes would contribute to the economic well being of Prestbury as the new residential occupants would add to the vitality and viability of the local shops and restaurants in the village centre, which is within easy walking distance of the site.

## **S106 HEADS OF TERMS**

Further to the comments above, a s106 agreement will be required to secure:

- Affordable housing contribution of £237,000 on commencement

### **CIL regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing, is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

## **CONCLUSION**

Policy MP1 of the CELPS (and paragraph 14 of the NPPF) states that *“Planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.”* Accordingly the application is recommended for approval subject to the following conditions and a s106 planning obligation to secure the above Heads of Terms.

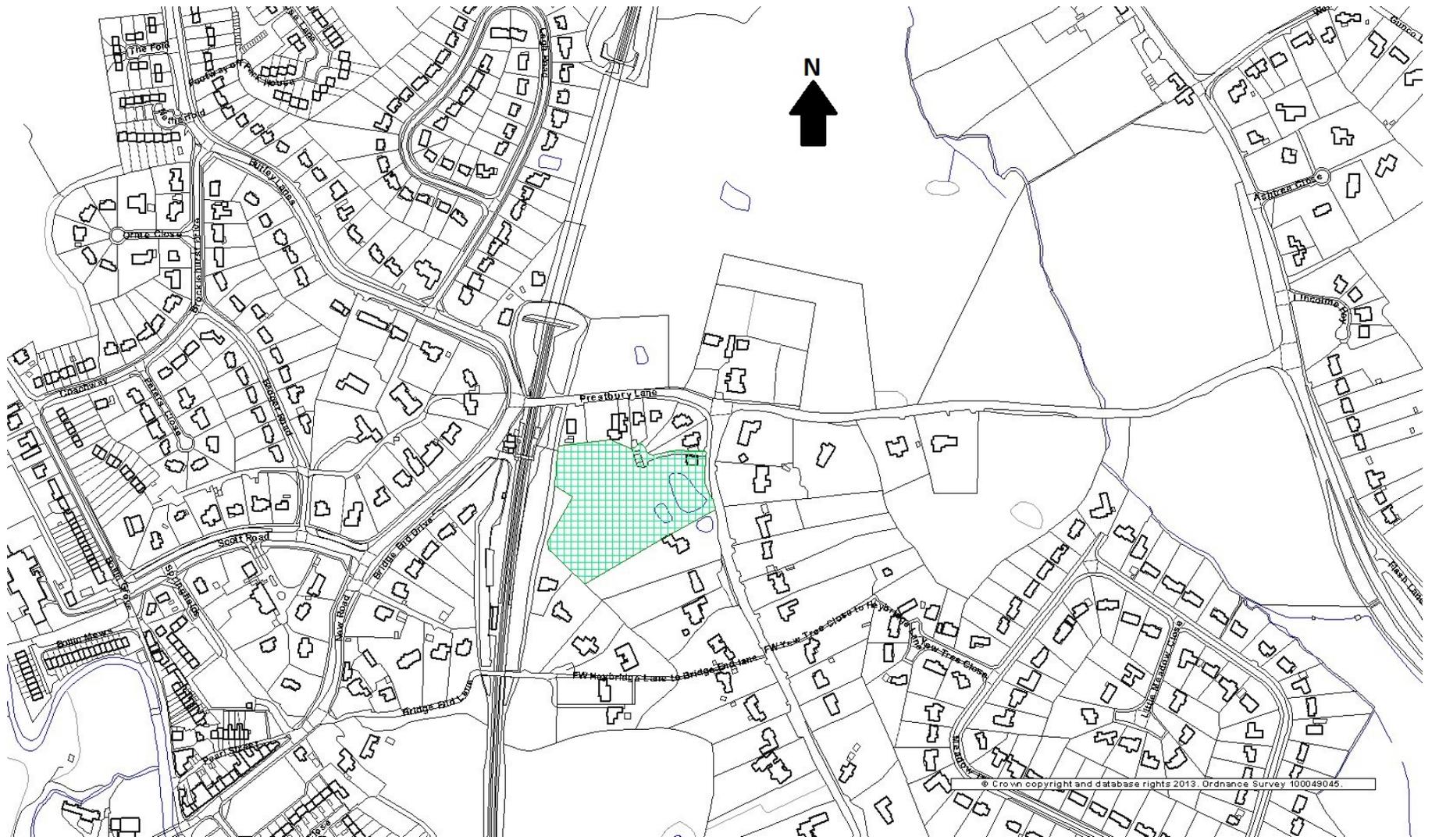
*In the event of any changes being needed to the wording of the Committee’s decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so 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: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans

3. Materials as application
4. Development to be in accordance with landscaping details
5. Landscaping details for implementation
6. Protection of Breeding birds
7. Submission of a strategy for the provision of features for nesting birds roosting bats, invertebrates, brash/deadwood piles and enhancements to the wildlife ponds and native species planting.
8. Preworks check to confirm the absence of badgers
9. Erection of appropriate lighting in order to protect Bats
10. Submission of scheme to conserve and protect Great Crested Newts if found on site during construction
11. Development to be carried out in accordance with Flood Risk and Drainage statement
12. Development to be carried out in accordance with tree protection and drainage plan
13. Electric vehicle charging points to be provided and shall be maintained and remain operational in perpetuity
14. Noise mitigation measures
15. Environmental Health Remediation strategy
16. Verification report for remediation strategy if required
17. Method statement for piling if required
18. Drainage to be in accordance with submitted Flood Risk with assessment
19. Detailed strategy / design, associated management / maintenance plan shall be submitted prior to development taking place
20. Ground levels and Finished floor levels (FFLs) shall be submitted before development takes place



© Crown copyright and database rights 2013. Ordnance Survey 100049045