

Application No: 19/1708M

Location: 90, TYTHERINGTON DRIVE, MACCLESFIELD, SK10 2HN

Proposal: Demolition of existing garage and out buildings and erection of two number 3 bedroom semi-detached houses with associated driveways and gardens.

Applicant: Mr Tim Holland

Expiry Date: 30-May-2019

SUMMARY

It is considered that the proposal is environmentally, socially and economically sustainable and would accord with the Cheshire East Borough Design Guide, development plans and the Framework. The site is located in a sustainable location within the settlement of Macclesfield and the proposal is considered to represent an efficient use of land.

The principle of the proposed development is acceptable subject to there being no significant adverse impacts arising from the proposal.

It is considered that the impact on street scene would be acceptable and has been assessed by the design officer. The proposal is considered to accord with The Cheshire East Borough Design Guide, relevant policies in the local plan and national guidance in the Framework. The revised proposals are considered to be acceptable in design and layout, visual, highway safety, and amenity terms.

SUMMARY RECOMMENDATION: Approve subject to conditions

REASON FOR REPORT

The application has been called in by Councillor Lloyd Roberts for the following reasons:

“Over development of the site; Scale of development will adversely affect amenities of surrounding properties: design is not in keeping with current street scene and surrounding development”

DESCRIPTION OF SITE AND CONTEXT

The site is that of a rear garden of a semi-detached house on a corner plot in on a 1970's style estate in Tytherington, Macclesfield.

DETAILS OF PROPOSAL

This application seeks full planning permission to erect 2 semi-detached houses with car parking.

Relevant Planning History

16/1958M - Proposed construction of a pair of semi-detached houses and a detached single garage – Refused 13/06/16

POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

MP1 Presumption - Sustainable Development
PG2 Settlement Hierarchy
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, hedges and woodlands
SE12 Pollution, land contamination and land instability
IN 2 – Developer Contributions
CO 1 – Sustainable Travel and Transport
Appendix C – Adopted Parking Standards

MBLP Saved

DC3 Amenity
DC6 Circulation and Access
DC9 Trees of amenity value
DC35 Materials and Finishes
DC38 Spacing standards
DC41 Infill housing development

Other SPD and Material Considerations

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure – No objections

Environmental Protection – No objections subject to conditions and informatives relating to amenity, air quality and contaminated land.

United Utilities – No objections

Macclesfield Town Council - Object for the following reasons:

- i. That the proposal is over development of the site
- ii. That the scale of the development will adversely affect the amenity of in terms of loss of light and privacy.
- iii. That the design is not in keeping with the surrounding development

OTHER REPRESENTATIONS

Two rounds of consultation have taken place. **7** objections were received to the original proposals and **5** to the revised proposals. The grounds are as follows:-

- Town Houses not in keeping
- 3 storey in 2 storey area
- Design too modernist, too high and an eyesore.
- Even less in keeping than 2016 refusal
- Loss of privacy and overlooking of private gardens
- Loss of spacious garden
- Parking and traffic issues on corner of two roads
- Too many houses approved in area and no more needed.

This is a summary and the full contents are available to view on the CEC website.

OFFICER APPRAISAL

Principle of Development

The site is within a settlement and therefore the overall principle of redevelopment of the site is acceptable. However, any redevelopment must conform to extant and relevant National and Local Planning Policy. The main policy tests in this case would be compliance with SD2, SE1, and SE2 of the Cheshire East Local Plan Strategy; saved policies DC3, DC6, DC38 and DC41 of the Macclesfield Local Plan and the Cheshire East Borough Design Guide.

Design

It is considered that a proportionate redevelopment is proposed and it considered the design solution, although different and modernist, is acceptable in the context of the overall character of area which is an orthodox housing estate style. The style of the development is contemporary but it is considered that it would not be detrimental to the street scene as it would be of similar scale and takes cues from the local area. The NPPF advises that:-

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

It also advises:-

“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings”

The Cheshire East Borough Design Guide states:

“House Types - Making them Unique

ii|98 Bespoke housing designs, developed specifically for a site are welcomed for any proposed schemes across the borough, as long as they take cognisance of their context and the constraints of the site on which they are proposed.

ii|99 Such an approach, whether it draws on the local vernacular for inspiration or takes a more modernist approach, as long as it is justified, of a human scale, works with the grain of the place and is well detailed will address the quality design agenda promoted by Cheshire East Council.”

The Design Officer commented on the original scheme that it would sit well within the immediate surrounding context in terms of scale and massing; as the basis of the design references and develops the existing form of the adjacent houses and would not be an overdevelopment of the site as it would be in context in plan form. The set back compliments the building line that is characteristic of the road and was the main issue for the previously refused scheme. As a contemporary design, the proposal takes cues from the local vernacular in detail and proportion of openings and materials. However, originally, this level of detail was not extended to the rear elevation. The rear of the proposal needed refining to incorporate the same design quality as the front and also to reduce the possibility of overlooking amenity space and properties to Tytherington Drive (the third floor floor to ceiling windows were amended to above eye level style windows). The Design Officer is satisfied these issues have now been addressed by the amendments which incorporate innovative solutions to overcome these issues but states that the materials palette should be conditioned to ensure a suitable match to the surrounding context with samples submitted prior to commencement of the works. Subject to this condition, the proposal is considered to comply with policies SE1 and SD2 of the CELPS, and the CEC Design Guide.

Amenity

It is considered that the proposals would not overly injure privacy and amenity and would therefore comply with policies DC3, DC38 and DC41. Distances to any of the adjoining dwelling observe the guidelines set out in policy DC38 of the MBLP. Throughout the currency of the application officers requested that changes be made to mitigate the possibility of overlooking amenity space of neighbouring houses and thus above eye level fenestration has been proposed in the third level and this is considered to negate the overlooking issue. Whilst some overlooking will occur from the proposed first floor windows of the rear gardens of the houses along Tytherington Drive, this is not considered to be so significant to justify a refusal of planning permission, and is a relatively typical relationship within a housing estate.

Highways

There are no significant material highway implications associated with the above proposal as:

- The proposal for access to each dwelling raises no highway safety concern and is acceptable; and there is sufficient space within each plot for off-street parking provision to be in accordance with CEC parking standards. Three spaces are provided for each of the new dwellings.

The Strategic Infrastructure Manager has no objection to the planning application, accordingly there are no other material highway considerations associated with this proposal.

Trees

There are no direct or indirect implications for any trees of significance arising from the propose development. The existing boundary hedge associated with Rugby Drive will be partially removed as part of the proposal but cannot be considered under the 1997 hedgerow regulations as it forms part of a domestic garden boundary. The proposal is therefore considered to comply with policy SE5 of the CELPS.

Landscape

Policy SE 4 of the CELPS expects development to incorporate landscaping to respect the character of the area and preserve local distinctiveness of urban landscapes and this is the case with the proposed infill site. The policy does not prescribe on the built form but landscape both rural and urban.

The Landscape Officer has commented on the built form that the proposal is overdevelopment of this site and would be out-of-keeping with the character of this generous-gardened suburban area. These are not landscape related issues and thus the overarching issues of design and layout are addressed in the report together with comments from the most directly relevant consultee, in this case the Design Officer.

Air Quality

Policy SE12 of the CELPS states that the council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon, amongst other things, air quality. Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Macclesfield also has Air Quality Management Areas and, as such, the

cumulative impact of developments in the town is likely to make the situation worse, unless managed. Accordingly, a condition is recommended requiring the provision of electric vehicle charging points in order to contribute to improvements in air quality and sustainability within the area and comply with policy SE12.

Contamination

Policy SE12 also relates to contamination issues, and in this regard, the Environmental Protection Officer has noted that the application is for a proposed use that would be particularly vulnerable to the presence of contamination.

No information relating to land contamination was submitted in support of the planning application. A garage is proposed to be demolished to allow for the residential development. Should any areas of current hardstanding be proposed for soft landscaping/garden, a watching brief should be carried out during removal for made ground which may be contaminated and/or not suitable for garden use. Accordingly, a condition for testing for contamination is recommended to ensure compliance with policy SE12 of the CELPS and DC63 of the MBLP.

COMMENTS ON REPRESENTATIONS

The key points of objection that have been received on planning grounds have been noted, understood and addressed by the main body of the report. It is considered that the revised scheme overcomes overlooking issues and represents acceptable development; it is a windfall site judged on merit and does not set any future precedent.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The previous application was refused *the “proposed development by virtue of its scale, nature and design represents an overly prominent feature in the streetscene that would be out of character with the area in which the sites have considerable spaces at the front and rear of the properties. The proposals are therefore contrary to Policies BE1, DC1 and DC41 of the Macclesfield Borough Local Plan 2004.”*

This issue was addressed by the setting back of the proposed houses. The issues raised in representation have also been duly considered however the proposals are considered to comply with National and Local Policy. It is considered to comply with policies SD2, SE1, SE2, SE3 SE4 and SE5 of the Cheshire East Local Plan Strategy; saved policies NE11, DC3, DC6, DC9, and DC41, of the Macclesfield Local Plan and the overarching umbrella of the Cheshire East Borough Design Guide

Policy MP1 of the CELPS 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 conditions.

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 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. Submission of samples of building materials
4. Removal of permitted development rights
5. Electric vehicle charging points to be provided
6. Contamination risk assessment to be submitted

