

Application No: 21/0423M

Location: Brundred Farm, 45, CASTLE HILL, PRESTBURY, SK10 4AS

Proposal: The proposal involves the construction of two new dwellings in the garden of Brundred Farm. Erection of one detached dwelling amended from previous permissions (Plot 1), demolition of existing extension to Brundred Farmhouse and internal redesign into a guest accommodation and gym and erection of an adjacent detached dwelling (Plot 2)

Applicant: Adam Lodge

Expiry Date: 25-Mar-2021

SUMMARY

This application seeks full planning permission for the construction of two detached two and a half storey dwelling houses.

The site is located within a sustainable location within the Prestbury settlement boundary.

It is considered that the principle of the new dwellings in the proposed location is acceptable and therefore satisfies the three threads of 'sustainability' as stipulated within the NPPF.

The proposal is commensurately scaled within the plot and appropriately designed to sympathetically integrate with the wider character and appearance of the surrounding area to which the application site forms part thereof.

The proposed development could be implemented without any detrimental impacts on neighbouring amenity.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The application is to be presented at Northern Planning Committee because it has been 'called-in' to committee at the request of former Cllr Paul Findlow for the following reasons:

“Locally expressed concerns and objections, and at the express request of the Parish Council, relating to:

1.over-development - the proposal is in a Low Density Housing Area, where plot sizes should be circa one acre/0.4 hectare, compared with the proposed 0.17 hectare for plot 1 and 0.20 hectare for plot 2. The adjacent Elm Rise is outside the low density area.

2.the adverse impact on the character and appearance of the area, with which it is out of sympathy.

3.loss of privacy and amenity to neighbours, especially in Elm Rise, resulting in a dominating effect, there also being no contour information for the dwellings in Elm Rise.

4.exacerbating drainage and flooding issues.

5.being contrary to the Village Design Statement.6.the deleterious impact on the Farmhouse and its setting as a heritage asset.

7.the Inspector's view, in a previous appeal, to the effect that allowing the then proposal did not mean it would set a precedent for further dwellings to be erected upon the site or in the wider area.8.the arboricultural survey being out of date.

9.the risk/danger of the proposal subsequently becoming three dwellings on the one site.”

DESCRIPTION OF SITE AND CONTEXT

The application site consists of an area of land within the rear garden of Brundred Farm, 45 Castle Hill, Prestbury. Residential properties surround the site to all sides. The levels within the plot differ, with the site at a lower level than the unadopted road which is used to access it. The plot slopes from north to south with the site also lower than the adjacent 47 Castle Hill and Brundred Farm.

The existing section of garden relating to the application site is overgrown and in the main disused. The surrounding properties consist of a variety of house types and plot sizes, with the more traditional Brundred Farm and number 41, a former agricultural barn, along with the more recent development to the north, west and south.

The boundaries contain mature trees with a large boundary hedge situated on the front boundary. The site is within the settlement boundary of Prestbury.

DETAILS OF PROPOSAL

Full planning permission is sought for the division of the existing domestic curtilage and the construction of two new three-storey dwellings in the garden of Brundred Farm with the front elevations facing onto an unadopted track leading to number 47 Castle Hill. Due to the sloping site the new dwellings would appear single-storey from the front and three-storey from the rear. The existing dwelling would be converted to be used as ancillary accommodation in connection with one of the new dwellings with the demolition of an existing extension.

RELEVANT HISTORY

18/6400M Erection of a single detached dwelling (amendment from previous permissions)
Approved 28 February 2019

- 17/6069M Variation of condition 2 on application 17/0181M - Erection of 1 detached dwelling; extension of existing private road to form new access to the proposed dwelling and associated external works.
Approved 03 April 2018
- 17/0181M Erection of 1 detached dwelling; extension of existing private road to form new access to the proposed dwelling and associated external works
Refused 14 March 2017 – allowed on appeal 01 September 2017
- 16/5155M Retention of the existing dwelling and the erection of 2no. new detached dwellings; extension of existing private road to form access to new proposed new dwellings and associated external works.
Withdrawn – following concerns from the case officer as to the impact of two new dwellings on the character of the area.

POLICIES

Cheshire East Local Plan Strategy 2017 (CELPS)

MP1 Presumption in Favour of Sustainable Development
 PG2 Settlement Hierarchy
 PG3 Green Belt
 PG7 Spatial Distribution of Development
 SD1 Sustainable Development in Cheshire East
 SD2 Sustainable Development Principles
 IN1 Infrastructure
 SC3 Health and Well-Being
 SC4 Residential Mix
 SE1 Design
 SE2 Efficient Use of Land
 SE4 The Landscape
 SE5 Trees, Hedgerows and Woodland
 SE6 Green Infrastructure
 SE8 Renewable and Low Carbon Energy
 SE9 Energy Efficient Development
 SE11 Sustainable Management of Waste
 SE12 Pollution, Land Contamination and Land Instability
 SE13 Flood Risk and Water Management
 CO1 Sustainable Travel and Transport
 CO3 Digital Connections
 Appendix C – Parking Standards

Site Allocations and Policies Document 2022 (SADPD)

PG9 Settlement boundaries
 GEN1 Design principles
 ENV2 Ecological implementation
 ENV3 Landscape character
 ENV5 Landscaping

ENV6 Trees, hedgerows and woodland implementation
ENV7 Climate Change
ENV16 Surface Water Management and Flood Risk
HER8 Archaeology
HOU1 Housing Mix
HOU8 Space, Accessibility and Wheelchair Housing Standards
HOU12 Amenity
HOU13 Residential Standards
HOU14 Housing Density
HOU15 Housing Delivery
INF3 Highway Safety and Access
INF9 Utilities

Other material considerations

National Planning Policy Framework 2021 (NPPF)
National Planning Practice Guidance
Cheshire East Borough Design Guide 2017
Trees and Development SPD
Prestbury Village Design Statement 2007
Cheshire East Council Strategic Flood Risk Assessment 2013

CONSULTATIONS (External to Planning)

United Utilities: no objections

Manchester Airport: no objections subject to conditions relating to bird prevention and lighting

Environmental Protection: no objections subject to a condition relating to dust management and EV charging

Lead Local Flood Authority: no objections subject to conditions relating to surface water drainage

Strategic Transport Manager: no objections

Prestbury Parish Council: Object for the following reasons:

- *That the application is not adhering to the existing policy in spite of the site being in an area of low density housing and therefore represents overdevelopment*
- *That the proposals are not sympathetic to the local area*
- *That the application does not follow the requirements of planning policy H12*
- *That there would be a loss of privacy directly into the adjoining properties*
- *That the development could lead to further flooding to adjoining properties due to the drainage issues in the area*
- *That the proposals do not follow the Village design statement*
- *The Parish Council felt that all its comments to the previous applications for this site remained valid and current*

The Parish Council would however support reasonable development on the site that retained the character of and improved the original farmhouse.”

OTHER REPRESENTATIONS

Representations from 5 no. properties have been received. A summary of the relevant points can be viewed below:

- Conflict with policy H12 of the Local Plan which states that new housing plots and the remaining plot should be approx. 0.4 hectares (1 acre).
- Adverse impact on wildlife.
- Access substandard, not compliant with policy DC6 of the Local Plan.
- Does not comply with DC1 and BE1 due to scale/appearance in relation to existing properties
- Tree felling has a negative impact on the character of the area
- Ecological report invalid, additional surveys should be completed for protected species
- Loss of privacy to neighbouring properties.
- The clearance of the trees has had a detrimental impact on the character of the area.
- The proposed 1.8m high fence would lead to a loss of light to the rear of Brundred Farm.
- Drainage is an issue in the area which would be exacerbated by the development.
- The proposal contravenes the Prestbury Village Design Statement.
- The proposal would lead to the separation of Brundred Farmhouse to a separate dwelling leading to three substantial dwellings.

OFFICER APPRAISAL

Principle of Development

Given the site lies within the settlement boundary of Prestbury the principle of a new dwelling is supported by development plan policies and national guidance. The proposal is therefore assessed against the presumption in favour of sustainable development as set out in paragraphs 11 to 14 of the National Planning Policy Framework (NPPF).

Policy MP1 of the Local Plan Strategy (2017) outlines 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.

Policy SP2 outlines that the Council will encourage the redevelopment/re-use of previously developed land and buildings in most circumstances. The principal of development is only accepted if the development complies with all relevant policies.

Policy HOU14 (Housing Density) outlines that residential development proposals will generally be expected to achieve a net density of at least 30 dwellings per hectare. However, the policy also outlines in determining an appropriate density, factors should be taken into account inclusive of the mix and type of house proposed, the character of the surrounding area, the site constraints and the local context, and impact on neighbouring residential amenity amongst other factors.

The key issues arising from these policy requirements are discussed below.

Design and Impact on Character of the Area

Policies SE 1 and SD 2 of the CELPS and GEN 1 of the SADPD between them set out design criteria for new development which is underpinned by achieving high quality design. Design matters that should be considered include height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene.

The application site comprises the rear garden of Brundred Farm which is accessed from Castle Hill. It slopes from north to south and is lower than Brundred Farm. As viewed within the streetscene it is considered that the area is characterised by individual dwellings of varying sizes set amongst mature plots where it is evident that there is no prevailing architectural style.

The total existing plot size equates to approximately 0.345 hectares, which split in half would make the western plot 0.147 hectares and the eastern plot 0.198 hectares. Policy HOU14 (Housing Density) outlines that residential development proposals will generally be expected to achieve a net density of at least 30 dwellings per hectare. However, the policy also outlines in determining an appropriate density, factors should be taken into account inclusive of the mix and type of house proposed, the character of the surrounding area, the site constraints and the local context, and impact on neighbouring residential amenity amongst other factors. The site as is, and the proposed intensification of the site to deliver the addition building, would have a lower density than policy HOU14 stipulates. However, as the policy outlines, many factors should be taken into consideration in determining acceptable density levels. Of particular relevance in the context of the proposed development of the application site, are impacts of any proposed redevelopment of the site on the character of the surrounding area and the need to preserve the amenity of existing and future occupiers of neighbouring dwellings.

The area within which the site is located was previously referred to as a 'Low Density Housing Area' in the Macclesfield Borough Local Plan with a policy which limited development to minimum plot sizes within Prestbury. This has now been superseded by the SADPD which does not contain minimum plot sizes for low density areas and each case is assessed on its merits.

The site has benefitted from a previously allowed appeal decision for the addition of one additional dwelling in a similar position to the westernmost proposed new dwelling with the plot split into two similar to the proposed.

With this in mind the Inspector concluded the following:

- *Furthermore, and given the variety of house styles in the area, I am satisfied that the dwelling would not look out of place in terms of its height, position or its appearance.*
- *I have taken into account the plot sizes associated with the dwellings which are located within the immediate vicinity of the site. In this context, the proposed plot sizes for the appeal development would suitably reflect those in the immediate area.*

- *The detailed assessment of average plot sizes presented in the more recent Prestbury Village Design Statement 2007 (the VDS) states that in this locality the average plot size is 0.22ha (hence not 0.4 hectares) and that “new developments should conform to the density in the part of the village in which it is taking place, but also to the building scale of its immediate area. Where new buildings or extensions or alterations to existing properties are proposed, they should be sympathetic to the properties around them, to the density of the area and the plot size”. In this case, I do not consider that the proposal would significantly conflict with the design aims of the VDS taking into account the density and plot sizes of the immediate area.*

Although there would be two new dwellings on site there would only be one additional dwelling over and above the existing situation with the existing farmhouse to be used for ancillary accommodation to the proposed eastern dwelling. The circumstances are similar to the appeal proposal in this respect, only with additional built form over the appeal proposal.

The site would be accessed from an existing unadopted road, known locally as Robin Hill, and is bounded by a large hedge to the front elevation. The existing property, Brundred Farm, is positioned in the north-east corner of the site, in close proximity to the former agricultural barn, 41 Castle Hill.

The application site is unusual with the positioning of the current dwelling in the far north-east corner of the site, meaning that there is a lot of space and distance to the adjacent dwelling to the west from the existing property. The distances between the proposed dwellings and the surrounding dwellings would be commensurate to the other properties in the area and better than most. The spacious landscape setting of the area would be maintained by the proposal.

The dwelling would not be visible from public vantage points, with the site positioned along an unadopted, private road with good screening to the front in the form of a tall boundary hedge and with a site that slopes away from the access road. The site enables the addition of the new dwellings without adversely affecting the spacious character of the area.

In respect to design, Paragraph 130 of the NPPF advises that decisions should aim to ensure that development, *inter alia*:

- *Will function well and add to the overall quality of the area;*
- *Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and*
- *Are visually attractive as a result of good architecture and appropriate landscaping.*

There are many different styles of property in the immediate vicinity with the older farmhouse and converted barn to the east of the proposed dwelling and the newer development to the north, west and south. It is not highly visible, and the sloping site would allow the new dwellings to not be overly dominant within the street scene. The proposal is considered to respect the form and character of the area and no objections are raised in terms of design. The proposal is therefore considered to comply with the above-mentioned policies relating to design and character. The appeal Inspector included a condition withdrawing permitted development rights for classes A-E in order to ‘retain/reflect the sense of space...that prevails between and around residential properties in the area’ and it is considered reasonable and necessary to include a similar condition with the current proposal.

Heritage

The existing property is depicted on the 1836 title map in a very similar footprint as the current structure: and was one of a number of farmsteads which date back to the clearing of the remnants of the Macclesfield Forest in the early C17th. It was one of the original buildings on Castle Hill and while it is neither on the local list nor on the national list of important buildings it does nevertheless still retain some significant features such as the internal timber frames. As such it is considered that this building should be treated as a non-designated heritage asset and judged against Cheshire East policy SE7 - Historic Environment, which requires that the impact of a proposal on the significance of the asset to be properly considered. SADPD policy HER 7 states that a balanced judgement will be required, when considering development that would impact a non-designated heritage asset. Regard should be given to the significance of the heritage asset and the scale of any loss or harm.

The proposal involves the construction of two new dwellings in the garden of Brundred Farm. Erection of one detached dwelling amended from previous permissions (Plot 1), demolition of existing extension to Brundred Farmhouse and internal redesign into ancillary accommodation including gym and office (Detaching the existing farmhouse for use as ancillary accommodation associated with Plot 2) and erection of an adjacent detached dwelling (Plot 2).

This application involves the demolition of the existing newer northern extension and to the rear (West) the relatively new extension to Brundred Farmhouse. The current building still retains the majority of its internal timber frame and a large chimney structure to what would have been the outside rear wall of the property. It is considered that it is the timber framing which is perhaps the most significant element of what remains of this C17 property. There have been a number of C20 additions which while they contribute to the current house are of little significance to the core building. The current application has taken this on board and submitted a plan which retains this core element of the building removing the C20 additions.

The heritage statement for this application does recognise the significance of this building and its contribution to the farm steading of the past. The historic core of the building will still be retained and put into active use (albeit ancillary) for enjoyment of one of the properties on this site. It is therefore considered that the changes proposed for this building will help to reveal the past by removing the modern additions and would result in an improvement to the external appearance of the building. No heritage concerns are therefore raised.

Living Conditions

Policies HOU12 (amenity), HOU13 (Residential Standards) and SE1 (Design) set out that development should ensure an appropriate level of privacy for new and existing residential properties and convey that proposed development shouldn't generally result in any unacceptable impact to neighbouring residential amenity.

The objections have been carefully considered. To the north of the proposed dwelling the distance to Mallard House is over 30m at its closest point. Together with the lower ground level of the proposal no objections are raised in relation to this property.

To the west number 47 is positioned at a higher level than the application site, a distance of over 30m between the two dwellings and no habitable windows on the side elevation overlooking the application site, meaning that no objections are raised in relation to this property.

Although the properties to the south on Elm Rise are positioned at a lower level than the proposed dwelling a minimum distance of 44m separates these dwellings from the proposal.

A distance of approx. 20m would lie between the new eastern dwelling and number 39 Castle Hill, however the angle between the two properties is oblique and not directly facing each other.

These distances are in excess of the distances outlined in policy HOU13 and would be commensurate to the distances separating dwellings in the area. As such, it is not considered that the proposed development would be significantly overbearing or overshadow the neighbouring properties.

In addition to the above, the site has existing mature trees and vegetation which would help retain privacy between the proposed dwelling and neighbouring properties and help filter visibility of the development as viewed from these occupiers.

The Inspector concluded the following in relation to the impact on the neighbouring dwelling:
Taking into account the proposed land levels and separation distances involved from surrounding residential properties, coupled with existing/proposed boundary landscaping, I am satisfied that the proposed dwelling would not have a significantly detrimental impact upon the occupiers of such dwellings in terms of levels of light, privacy and outlook. I acknowledge that the proposed dwelling would be visible from some surrounding properties, particularly in the winter/autumn months when the trees are without leaf, but the courts have held that the loss of a view is not a material planning consideration.

The proposal is therefore considered to meet the stipulations of policies HOU12, HOU13 and SE1 of the Local Plan and guidance contained within the NPPF.

Highways

It is proposed that pedestrian and vehicular access to both dwellings will be from an existing shared private driveway, which presently serves a number of dwellings including Brundred Farm.

The proposal for use of the existing site access to serve the two dwellings is acceptable. It is noted that lateral visibility associated with the existing site access, along Castle Hill, does not appear to conform to current design guidance; however, as the proposal is limited to two dwellings and the access already serves a number of dwellings, this is not considered to be a sustainable reason for refusal.

There is sufficient space within each plot for off-street car parking provision to be in accordance with CEC parking standards. The commuter peak hour and daily traffic generation associated with two additional dwellings would not be expected to have a material impact on the safe operation of the adjacent or wider highway network.

The commuter peak hour and daily traffic generation associated with two additional dwellings would not be expected to have a material impact on the safe operation of the adjacent or wider highway network.

The Head of Strategic Transport has no objection to the planning application. No significant highways issues are therefore raised.

Drainage

The proposed scheme has been assessed by the Council's Flood Risk Team and subject to appropriate conditions no objections are raised to the proposal.

Arboriculture and Forestry

Policy SE 5 of the CELPS states that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

SADPD policy ENV 6 sets out a range of policy requirements relating to trees and hedgerows. Amongst other matters, it states that development should retain and protect trees, with the proposed layout being informed and supported by an appropriate arboricultural assessment.

The application is supported by a detailed Arboricultural Statement, which identifies the removal of a single tree T6 and the western section of Area A1 and A2; these trees have been categorised as low value (Cat C) specimens. This designation is agreed by the Council's Forestry Officer.

The proposed development and associated hard standing respects the Root Protection Areas (RPA) of the retained trees and in particular those identified as G3, which includes some specimens located off site. The value of the retained group has been diminished by the tree felling previously undertaken on site. The more mature trees have been left exposed in an etiolated form, and this, combined with an absence of public views from outside the site, precludes their consideration for formal protection.

The addition of a suitable landscaping condition will ensure that satisfactory landscaping of the site is achieved. No objections are raised by the Council's Arboricultural Officer subject to a suitable tree protection condition. The proposals are therefore considered to comply with policies SE5 and ENV6 of the Local Plan.

Nature Conservation

CELPS policy SE 3 sets out the main policy requirements in relation to development proposals that would have an impact on the borough's biodiversity and geodiversity. Development proposals which are likely to have a significant adverse impact on a site with the local or regional designations, habitats or species specified in the policy will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.

All development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests to comply with policy SE 3. SADPD policy ENV 2 provides further requirements when considering the ecological impact of a proposal. It expects all development to provide a net gain in biodiversity, and states that planning applications should be supported by an ecological assessment.

The following ecological matters are relevant to the current proposal:

Great Crested Newts

The nature conservation officer advises that it is unlikely that the condition of the neighbouring pond will have changed since the last survey, and as such no update regarding Great Crested Newts is required in support of this application.

Bats

An updated set of surveys has been carried out on the property which found the section of existing building proposed for works does not contain a legally protected roost. No further survey effort is required in respect of bats for this application.

Breeding Birds

If planning consent is granted, the addition of a suitable worded condition is required to protect breeding birds.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. The Council's Nature Conservation Officer therefore recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Subject to conditions, the proposal is considered to comply with policies SE3 and ENV2 of the Local Plan.

CONCLUSIONS

Whilst the comments received in representation are acknowledged, the site is located in the settlement boundary of Prestbury and would make efficient use of land in an accessible location. It would add to the stock of housing and its construction and occupation would result in social and economic benefits.

The proposed dwellings preserve the key characteristics of the area whilst ensuring an appropriate level of development which is located within a sustainable urban location. The proposal would also not significantly or detrimentally impact the amenities of neighbouring occupiers.

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

RECOMMENDATION: Approve subject to the following conditions:

- 1. Commencement of development (3 years)**
- 2. Development in accordance with approved plans**
- 3. Materials as application**
- 4. Landscape scheme to be submitted**
- 5. Implementation of approved landscape scheme**
- 6. Removal of Permitted Development rights**
- 7. Arboricultural works to be carried out in accordance with Arboricultural statement**
- 8. Tree protection**
- 9. Nesting birds survey**
- 10. Ecological enhancement**
- 11. Details of boundary treatment to be submitted**
- 12. Surface water drainage scheme to be submitted**
- 13. Prevention of birds during construction – details to be submitted**
- 14. Prevention of birds post construction – details to be submitted**
- 15. No upward light spill on exterior lighting**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice and in the event of any subsequent appeal.

