

Application No: 22/1445M
Location: The Oaks, 108A, Lacey Green, Wilmslow, SK9 4BN
Proposal: New build house on land lying to the SE of 108 Lacey Green
Applicant: Mr Adam Jenkins
Expiry Date: 14-Jun-2023

SUMMARY

The proposed development seeks full planning permission for a new four bedroom detached dwelling. The site is located within a residential area of Wilmslow, adjacent to a railway cutting with access via a shared driveway off Lacey Green. The proposal is considered acceptable in principle in the key service centre location and impact on neighbouring amenity.

There are concerns raised by the parish council over parking, overdevelopment and not being in keeping with the area. The call in reason relates to the potential for adverse impact cause by noise from passing trains, overdevelopment of the site and parking and access.

Matters of density and design have been considered under relevant policy and in the light of an appeal decision relating to two adjacent dwellings of a similar design. Network Rail has provided comments relating to the protection of their infrastructure, and appropriate conditions and informatives are recommended to address these matters. No objection has been raised by the Highways officer. An acoustic report is required by Environmental Protection, which can be conditioned. Details of landscaping, levels, and other matters can be conditioned.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

This application has been referred to Northern Planning Committee following a call-in from former Cllr Don Stockton for the following reasons:

*“The “Material Considerations” are that of noise and proximity to the railway line
“Cheshire East Council Regulatory Services and Health”*

Quote

"I would therefore recommend that this application be refused. In order to ensure that future occupants of the development / occupants of nearby sensitive properties do not suffer significant adverse impacts caused by noise, the applicant is required to submit an acoustic assessment report detailing the impact of noise from passing trains and the mitigation required."

There is also Overdevelopment of the site and lack of area for the amount of parking and access taking place 22/1445M proposes another 3 cars. Currently there are 12 cars a day, plus visitors plus construction vehicles. This application if approved will increase that to 15

These Material Considerations should be able to be addressed to those making the decision by concerned members of the public and not simply appear to have been ignored by what would otherwise be a probable delegated "Approval" by officers ome both my own and their heads"

DESCRIPTION OF SITE AND CONTEXT

The site is within a suburban residential area, within the Wilmslow settlement boundary, located to the rear of a row of detached properties fronting Lacey Green. To the north west is a railway cutting. It is accessed via a private driveway shared with two other new dwellings which are located to the south east of the application site. To the south of the shared access is a guest house business.

DETAILS OF PROPOSAL

The application seeks full planning permission for a new dwellinghouse.

RELEVANT PLANNING HISTORY

20/4817M Variation of condition 2 to planning approval 17/3908M - Variation of condition 2 on permission 14/4945M - Two new residential dwellings to the land to the rear of 106 & 108 Lacey Green with a new driveway and associated landscape works Approved with conditions 14-Oct-2021

17/3908M Variation of condition 2 on permission 14/4945M - Two new residential dwellings to the land to the rear of 106 & 108 Lacey Green with a new driveway and associated landscape works. Approved with conditions 18 Oct 2017

17/3146M Non material amendment to move windows to face North East on approval 14/4945M Refused 25-Jul-2017

14/4945M Two new residential dwellings to the land to the rear of 106 & 108 Lacey Green with a new driveway and associated landscape works. Refused 10-Apr2015, Allowed at appeal ref APP/R0660/W/15/3067558

POLICIES

Cheshire East Local Plan Strategy (CELPS)

PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy, PG7 – Spatial Distribution of Development, , SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE12 Pollution, Land Contamination and Land Instability, SE13 – Flood Risk Management, SC4 – Residential Mix, SC5 - Affordable Homes, IN1 - Infrastructure, IN2 - Developer Contributions, , EG 5 Promoting a town centre first approach to retail and commerce, CO1 – Sustainable Travel and Transport, Appendix C Parking Standards.

Cheshire East Site Allocations Development Policies Document (SADPD)

PG 9 Settlement Boundaries, GEN1 - Design principles, GEN 5 Aerodrome safeguarding, ENV 1 Ecological Network, ENV 2 Ecological Implementation, ENV7 - Climate Change, ENV12 - Air quality, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, HOU 8 – Space, accessibility and wheelchair housing standards, HOU12 – Amenity, HOU 13 Residential standards, INF3 - Highways safety and access, , INF9 – Utilities,

Wilmslow Neighbourhood Plan (WNP)

LSP1 -Sustainable Construction, LSP2 - Sustainable Spaces, LSP3 -Sustainable Transport, NE3 - Green Links, NE5 -Biodiversity Conservation, NE6 – Development in Gardens and Amenity Space, TA1 - Residential Parking Standards, TA5 - Cycling in Wilmslow, H2 - Residential Design.

Other Material Policy Considerations

National Planning Policy Framework (NPPF) 2023
National Planning Policy Guidance (NPPG)
Cheshire East Residential Design Guide

CONSULTATIONS (External to Planning)

Lead Local Flood Authority – No objection subject to conditions for floor levels and surface water drainage. Further detail to comments can be found within the relevant section below.

Strategic Transport (CEC Highways) – No objections

Environmental Protection (CEC) – A noise report has been requested to determine whether there will be a loss of amenity caused by noise from the adjacent railway line. Informatives and conditions have been requested. Further detail to comments can be found within the relevant section below.

Network Rail – Provide comments relating to the protection of their assets in terms of boundary fencing, risk assessments, encroachment, scaffolding, access to the railway, drainage, earthworks, gaps to the railway boundary, noise, trees and an asset protection agreement.

United Utilities – No objections - advice provided

Wilmslow Town Council – Object on the grounds that parking provision is insufficient, this being contrary to Wilmslow Neighbourhood Plan Policy TA1 Residential Parking Standards whereby all parking should avoid impacting onto surrounding streets and pavements. The proposed development is overdevelopment of the site and out-of-keeping with the surrounding area. The development will result in additional vehicle movements on the narrow inadequate shared driveway raising concerns as to the safety of pedestrians.

OTHER REPRESENTATIONS

Objections also received from Wilmslow Civic Trust and 5 other addresses. Key points are summarised as follows (full comments can be found on the application file):

- Over development of the site
- Out of keeping with the surrounding area
- 3rd new house - overbearing, dominant and oppressive
- Reduces previous soft landscaping plans
- Proximity to no. 110 Lacey Green, new building 4m from boundary,
- 2.5m from boundary of driveway to 108, no acoustic fence, noise from gravel driveway.
- Insufficient parking, contrary to WNP TA1 for parking to avoid impacting surrounding streets and pavements
- 2 parking spaces shown, for the size of house requirements for 3. Parking spaces too small – ref 17/3908M
- Additional vehicle movements on shared drive and Lacey Green
- Overlooking, loss of privacy. Application uses old aerial plans and doesn't reflect additions to 110 Lacey Green.
- Drawings don't represent the plots of new buildings, the site is not flat and rooftops are not shown accurately.
- Urgent review of levels needed prior to planning approval
- Breaches to planning for 106A and 108A – new garage, additional rooms, heights,
- Spoil spread out and not removed, raising the ground level. Concern additional basement spoil will be added, further increasing ground level.
- Construction materials – different to approved
- Drainage – basements flooded during construction, pumped into surrounding land, not drains.
- Landscaping – planning not carried out in accordance with timescales
- Fencing – decking panels/ mesh is not acoustic fencing.
- Previous applications required plans to be amended to compensate for overbearing and privacy issues.
- References to appeal APP/R0660/W/15/3067558
 - Original application for two properties was refused due to overcrowding, now this is a third.
 - Questions over consultation for the appeal
 - Comments from inspector regarding overbearing impact
 - Acoustic fencing condition compliance query
- Finishes facing neighbours is poor
- Tree survey and planting plan is needed.
- Disruption from building work – noise, dust, damage to gate/fence posts from vehicles.

- Concerns over impact on drainage/ watertable in adjacent gardens due to excavation from basements and heavy clay soil.
- Description of location incorrect – NW of 108A rather than SE.
- Original proposal understood to be a bungalow originally.
- None of the new housing is affordable housing
- Unaware of building inspectors visiting previous two houses during construction.
- Driveway doesn't have dropped kerb
- Access is narrower than approved under 14/4945M
- Access road shows no provision for people with a disability – uneven gravel path.

OFFICER APPRAISAL

Principle of development

The site is within a settlement boundary of Wilmslow, which is identified as a Key Service Centre within CELPS PG 2. Whilst the Council can demonstrate a five-year housing land supply, the local plan does accept additional housing through various policies including as infill development and on previously developed land. The development proposed can be accepted in principle as a nominal contribution to the housing land supply in a sustainable location. The construction of a new dwelling within a Key Service Centre is considered acceptable in principle, subject to compliance with other development plan policies.

Design, Character & Appearance

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. Also relevant are policies H2 and NE6 of the Wilmslow Neighbourhood Plan and chapters 12 and 16 of the NPPF.

The proposed new dwelling would be detached, L shaped in plan with a flat roof. It would have three floors, including a lower ground floor/ basement opening onto a sunken terraced area to the rear. Materials would be a dark grey/brown brick and render with dark grey aluminium door and window frames, and timber to the entrance doorway and balcony recesses. The roof is proposed to be a green "sedum" planted roof.

The new dwelling would sit adjacent to two recently constructed dwellings of similar design and sharing the same access. The existing pair were allowed on appeal, ref 14/4945M. The design of these, including the new proposal, are flat roofed in contrast to the more traditional styled pitched and hipped roof dwellings fronting Lacey Green. The Inspector's decision described the surroundings as being a suburban residential area of mixed character, noting the detached and semi-detached dwellings nearby and also the flat roofed apartments at Lacey Court and other variety within the street scene of the surrounding area. The Inspector's decision noted *"Clearly, the proposal would bring something different to what exists in the locality. However, with the variety of character and development I have identified, this does not mean that the proposal would be out of character nor would it necessarily have a negative effect. The*

predominant use in the locality is residential and the proposal respects this. The contemporary nature of the proposal, whilst different, adds to the variety of dwellings in the area. In addition, the secluded position of the scheme, set back from the public highway and its distance from its host properties, means that its appearance and design would have relatively little impact on the wider character of the area. As a result, the proposal would not adversely affect the diverse and mixed character I have identified.” The inspector also noted another three “backland” dwellings which already existed off Lacey Green.

It is noted that the existing form of the two new buildings incorporates some variation to the plans allowed by the Inspector, such as including render to the upper floor and cladding to the lower part, in contrast to the approved plans which indicated the opposite, and additions to the buildings. This is not a matter for the current application, which can only consider the proposals within the red edge of the site. Overall, the existing pair and that proposed within the current application are of a more contemporary design than many of the surrounding buildings and as noted in the Inspector’s decision, the positioning set back from the highway results in little impact on the wider character of the area. The relationship with neighbouring properties in terms of amenity impact is considered later in this report.

Paragraph 124 of the National Planning Policy Framework requires planning policies and decisions to support development that makes efficient use of land, taking into account a number of matters, including the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regenerations, and the importance of securing well-designed, attractive and healthy places. There has been a general policy move away from previous prescriptive policies for low density (which once covered this area), in favour of efficient use of land, subject to certain criteria and considerations. Policy HOU 14 of the SADPD sets out considerations for housing density. Whilst an additional dwelling will increase the density of dwellings in the area to a limited degree, there is not considered to be any significantly adverse impact upon the character of the area arising from it, given its scale and positioning.

SADPD Policy HOU 10 relates to backland development and requires tandem or backland developments to be equal or subordinate in scale to surrounding buildings, particularly those fronting the highway, and that it does not cause unacceptable harm to residents of existing or proposed properties in accordance with HOU 12. Proposals must also be sympathetic to the character and appearance of the surrounding area through its form, layout, boundary treatment and other characteristics. The Inspector’s decision on 14/4945M considered the then remaining gardens to no. 106 and 108 as acceptable in their size, being more typical to that found in the immediate area. The current proposal would reduce the size of these gardens. On site it appears that this subdivision and associated boundaries has already been carried out with fences to the gardens of the adjacent properties to Lacey Green in place. Comments have been received from neighbouring properties with regards to the quality of fencing. Boundary treatment and landscaping can be conditioned in the case of an approval. The resultant plot to the new dwelling would be in area between the plot size of Nos 110 and 108, the properties to which the land originally belonged. The plots in the cluster of dwellings immediately south west of the railway line would be broadly comparable in overall size, with a remaining longer garden to the south, to No. 104. When viewed in the context of the smaller plots north west of Lacey Green and north east of the railway this arrangement would not be out of keeping with the variety of plot sizes and layouts in the area.

Overall, the proposed development is considered to have an acceptable impact upon the character and appearance of area, and complies with the design related policies listed above.

Living Conditions

CELPs Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to loss of privacy; loss of sunlight and daylight; the overbearing and dominating effect of new buildings; environmental disturbance or pollution; or traffic generation, access and parking. HOU 13 along with table 8.2 provides minimum separation distances. Policy HOU 8 requires new residential development to meet the Nationally Described Space Standards.

The proposal is three-storey, however it should be noted that it is partially subterranean, and would appear above ground as part single storey, part two storey. The upper floor element is designed to be furthest from the properties fronting onto Lacey Green. There would be no windows to the upper floor facing towards the properties on Lacey Green. With the position of the first-floor element set in to the south east corner of the site, windows at first floor would not be looking directly over the gardens to 108 or 110. There would be some potential for overlooking of the north garden area to 108A, however this also benefits from private garden space to the south east. Likewise, 108A has windows to the rear which could have potential for some overlooking of the garden to the new property, however given the size of the plot and positioning of these windows alongside the new house, rather than directly overlooking the boundary, it is considered that it would not be significantly harmful to the privacy of new occupiers. The roof can be conditioned not to be used as a roof garden/ terrace.

The proposed floor plan indicates an arrangement which would be in compliance with Nationally Described Space Standards for a four bedroom, three-storey dwelling.

A roof terrace was approved to "plot 1", the closest of the two recently constructed properties, under 20/4817M, located to the far side of the upper part of the roof with privacy screening and as such would not have significant overlooking concerns to the garden of the new development. This "plot 1", now 108A, is the closest property to the site and has a narrow window serving a bedroom which would face towards the blank side of the upper floor of the new property. The bedroom is also served by a larger window to the north of the site, over the garden to 108A and as a secondary window the proximity of the new dwelling to the smaller window is of less significance.

The separation distances at the rear of no 108 to the new development are in compliance with table 8.2 within SADPD policy HOU 13. Comments have been received from neighbours that the submission do not indicate additions to No. 110 Lacey Green. The planning history for no.110 includes extensions approved under ref 18/4189M. The garden to new property would be behind no. 110 and not the house itself. The separation distances would be more than adequate under the distances set out in table 8.2. The flat roof to the ground floor and the set back of the upper floor also help to reduce the impact of the proposal. It is considered that the proposal is positioned and scaled such that it would not conflict with separation distances within HOU 13 and Table 8.2 of this policy, and would not result in an overbearing impact or affect natural light to adjacent properties.

As such it is not considered to present harm to neighbouring residential amenity. Parking matters are considered in the highways and access section below.

Highways and access

Policy CO1 of the CELPS considers matters of highway safety. Appendix C of the Cheshire East Local Plan identifies minimum Parking Standards for residential development in Principal Towns and Key Service Centres and for the remainder of the borough. Policy INF3 of the SADPD refers to highway safety and access, stating development should provide safe access to and from the site for all highway users.

The site is within a Key Service Centre as identified in the CELPS. The development would generate relatively low volume of traffic movements as a single new dwellinghouse, accessed via a private unadopted shared access off Lacey Green. Concerns have been raised in neighbour representations over the parking arrangements and access road. CELPS Appendix C requires a minimum of two parking spaces for dwellinghouses of three or more bedrooms in a key service centre, and as such the proposal complies. The access is a private unadopted road, outside of the red edge of the site and already exists for the two existing houses. The commuter peak hour and daily traffic generation associated the development would not have a material impact on the safe operation of the adjacent or wider highways network. The Head of Strategic Transport has raised no objection to the planning application. It is noted that there is a dropped kerb for only part of the width of the access, the developer should liaise with CEC highways with regards to an appropriate crossing over the footway, under S184 of the Highways Act 1984.

Flood Risk and Drainage

United Utilities have provided comments and advice for the developer. It is recommended that the applicant considers their drainage plans in accordance with the drainage hierarchy outlined within the consultation response from United Utilities. The site is within flood zone 1 (low fluvial flood risk). The Lead Local Flood Authority (LLFA) comments included a note asking residents to raise flood risk/ drainage concerns, submitting any evidence of flooding / impacts on local surface water as part of the current application. Neighbours have had the opportunity to comment on the proposal through the normal consultation process. The LLFA have raised no objections, advising that any groundwater issues discovered during construction phases and which have flood risk implications for the flood resilience of the approved building must be discussed further with the LLFA.

Conditions are recommended for ground levels and finished floor levels, and for submission of a surface water drainage strategy for approval. Due to the proximity to the railway boundary the applicant may not be able to use soakaways as a surface water drainage strategy for the new development. Network Rail have provided requirements within their response for surface water drainage. The drainage strategy required by the condition should seek to ensure the comments from Network Rail are taken into account.

Network Rail

Network rail have provided comments on the application and noted that the 2m high close boarded acoustic fence on the boundary with the railway is not acceptable to them. They state that the fence should be within the applicant's ownership, and further restrictions on the positioning, design and maintenance arrangements can be found within the comments from network rail. It is recommended that all boundary treatment is conditioned to allow this issue to be resolved. Further details are included in the comments with regards to drainage, as referenced above. Network Rail also requires a minimum 3m gap between buildings and structures on the site and the railway boundary. The building and sunken terrace would be in excess of 3m from this boundary as shown on the proposed site plan. Network Rail requires the developer to submit a Risk Assessment and Method Statement (RAMS) directly to Network Rail for all works proposed within 10m of the operation railway. They also request an Asset Protection Agreement is completed prior to the commencement of development. Relevant conditions, as noted above, and informatives are recommended to ensure the applicant is aware of their responsibility with regard to the interface of the development with the railway.

Noise

Policy SE 12 of the CELPS seeks development to be located and designed so as not to result in a harmful or cumulative impact on noise among other criteria. The policy includes that development for new housing or other sensitive development will not normally be permitted where noise levels are unacceptable unless there is no reasonable prospect that these can be mitigated against.

The site is adjacent to a railway line and an objection has been raised by the Environmental Protection team requesting an acoustic report regarding the potential impact from the railway on future inhabitants of the development. It is noted that there are other properties closer to the railway than this proposal. The Environmental Protection consultee has subsequently confirmed that this can be dealt with by condition. Subject to this condition, the proposal will comply with the noise aspects of policy SE12.

Other Environmental Health Matters

Conditions and informatives have been requested with regards to construction works hours of operation, pile foundations and a site-specific dust management plan.

The environmental health consultation response also refers to low emission boilers and electric vehicle infrastructure. Lowering emissions is important and high-level consideration of the contributions of new development on air quality as it relates to land use is covered by planning legislation. However, details such as boiler specifications fall outside of the planning remit and should be considered separately under other legislation, including Building Regulation requirements. Building regulations also include requirements for electric vehicle charge points for parking spaces associated with new dwellings. In accordance with the NPPF, planning conditions should be kept to a minimum and only imposed where they are necessary. Given that these matters are covered by other legislation it is not considered necessary to include them within a planning condition.

Nature Conservation

CELPs policy SE 3 requires that development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and not negatively affect these interests. Development proposals which are likely to have a significant adverse impact on legally protected species will not be permitted except where the reasons for or the benefits of the proposed development outweigh the impact of the development. The site is within the Ecological Restoration Area as identified on the adopted policies map, ENV 1 and ENV 2 of the SADPD are also relevant. Conditions are recommended for the protection of breeding birds and for ecological enhancements to be incorporated into the scheme. Subject to these conditions, no significant nature conservation issues are raised.

Landscape

WNP NE6 requires landscape proposals to meet the 10 Green Biophilic points within policy SP2. Policy (L)SP2 of the WNP states that development which delivers the following provisions will be looked upon favourably:

1. Inclusion of bird boxes as part of the scheme
2. Inclusion of bat boxes as part of any scheme
3. Inclusion of facilities/habitats for providing homes for amphibians and insects
4. That all external space has sufficient soil depth for the growth of vegetation
5. Include a proportion of nectar-rich species suitable for insects and butterflies
6. Include a proportion of planting species which provide fruit or berries for birds/mammals
7. The inclusion of year-round flowering species within any planting mix
8. Areas of un-managed grassland/planting, including areas for natural succession
9. Inclusions of open water features and marginal habitats as part of the landscape proposals
10. Inclusion of in excess of 80% of native planting and tree species

A landscaping scheme can be conditioned in the event of approval. The points relating to ecological enhancements are met through conditions as required by the nature conservation policies (above). Given the scale of the proposal and plot for a single dwelling it is not considered that all of these points can be realistically and reasonably achieved. NE 6 also requires that retention of mature trees and hedgerows, supplemented by new native planting. Additionally that the built form and hard surfaced areas must not exceed 50% of the area of the original plot unless permeable surfacing is used.

The application site has already been severed from the original gardens to no. 110 and 108. Taking into consideration the area that was previously part of the gardens under ref 14/4945M and prior to that application, it is clear that the built form of the resulting houses is significantly less 50% of the original plots to 108 and 110 combined. The extent of hard surfacing of properties already built or subsequently fenced off from the site and in separate ownership is less straightforward to calculate, however given the spaciousness of the remaining plots for each it is not considered that there is a significant concern over the extent of remaining lawn/soft landscaping. Furthermore, application ref 18/4189M relating to extensions to 110 Lacey Green showed a site edged red excluding the area which is part of the current site for the new dwelling. This indicates, along with google earth images that the plot currently under consideration has not been part of a residential garden since at least 2018.

Economic Benefits

The construction of a new dwelling would bring the usual economic benefit to the local shops and services 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 an economic benefit to local services longer term by virtue of new residents spending money in the area, and through employment and the supply chain to support the services provided in the uses in the lower floors, although this is balanced against the previous uses which would have also had economic benefits. Overall it is considered that there would be a gain in economic benefit to the area from the proposals, although limited.

CONCLUSIONS

The proposed development for the construction of one new detached dwelling within a Key Service Centre is acceptable in principle in this location and the proposal raises no issues with regards to the impact on neighbouring amenity, the character of the area, highway safety, ecology or flood risk.

The benefit in this case is provision of an additional residential unit which would make a small contribution to the housing land supply. There are matters which need to be resolved in terms of any mitigation deemed necessary against noise from the railway line, as well as details of landscaping and drainage which can be by condition. The proposal, subject to conditions, is deemed to be in accordance with relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application. Therefore a recommendation of approval is made, subject to conditions.

Approve subject to following conditions:

- 1. Time period for implementation – three years**
- 2. Development to be in accordance with approved plans**
- 3. Materials as application**
- 4. Acoustic survey to be submitted and mitigation implemented as required**
- 5. Existing and proposed ground levels and floor slabs to be submitted**
- 6. No use of flat roof as terrace/roof garden**
- 7. Drainage strategy to be submitted**
- 8. Boundary treatment details to be submitted**
- 9. Landscaping scheme to be submitted**
- 10. Approved landscaping scheme to be implemented**
- 11. Protection of breeding birds – survey to be submitted**
- 12. Ecological enhancements to be submitted**

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 Chair (or in their 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.

