

Application No: 23/3385M
Location: Land adjacent to 17, AVONSIDE WAY, MACCLESFIELD, SK11 8BY
Proposal: Proposed new dwelling, formation of a new driveway and landscaping
Applicant: Mr Jon Wynne
Expiry Date: 22-Mar-2024

SUMMARY

The application site lies within the settlement boundary of Macclesfield. Macclesfield is identified as a Principal Town in the CELPS, where residential development is deemed acceptable subject to compliance with other policies within the development plan. The development accords with Policies PG 2 and SD 2 of the CELPS.

The development is considered to be acceptable in terms of its impact upon the residential amenities of the neighbouring residential properties surrounding the site. There is no significant conflict with Policy HOU 8, 11, 12 or 13 of the SADPD in this regard.

The site is within a sustainable location and is in easy walking distance of public transport links, schools and local facilities.

The design of the proposed development is considered to be acceptable and would not result in significant harm to the character or appearance of the area. There is no significant conflict with policies SE1, SD2 of the Cheshire East Local Plan Strategy and policy GEN1 of the SADPD and the Cheshire East Design Guide.

The development is considered to be acceptable in terms of its impact upon the highway safety and parking provision. The development complies with SADPD policy INF 3 and Appendix C of the CELPS.

The proposal is deemed acceptable in ecological terms and subject to condition the development should help safeguard biodiversity in accordance with the NPPF and Local Plan Policy SE3.

Subject to conditions the development, which is in flood zone 1, is in accordance with policy SE13 and ENV16 with regard to flood risk and water management.

The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocations and Development Plan Document and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

SUMMARY RECOMMENDATION

Approve subject to conditions.

REASON FOR REFERRAL

This application has been called-in to be determined by the Northern Planning Committee by the local Ward Member, Cllr Liz Braithwaite, for the following reasons:

“I have several significant concerns with this application including the following:

Overdevelopment of the site

Proposed 4-bedroom house over 3 storeys is not in keeping with the predominately 2-bedroom 2 storey neighbouring properties and is overbearing

Potential overlooking of houses on Mayfield Avenue from the rear with loss of residential amenity

Minimum separation distances with potential loss of residential amenity for neighbouring properties

The proposed driveway for no 17 and the new property is located close to a busy pedestrian walkway at the end of a cul-de-sac and may not meet Highways requirements including for visual splays. It is noted in the application that parking for no 17 is off site. (At the time of writing this request there is no Highways submission for the application).

I feel that the significant impact on the area of this application warrants consideration by the planning committee.”

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an open plot of grassed land at the head of a cul-de-sac and forms part of the garden area of 17 Avonside Way. Some works (fencing and hardstanding) have recently taken place at the site. The site is located within the settlement boundary of Macclesfield, an aerodrome safeguarding area and ecological network core area.

17 Avonside Way is a two bed, two storey dwelling and has one allocated parking space located to the west of the site on a designated car park. 17 Avonside Way's frontage was formerly grassed and contained a pedestrian access to the front door, no second parking space was provided for the existing dwelling.

The local vernacular of dwellings on Avonside Way are similar in design and are an assortment of terraced, link attached, semi-detached or detached dwellings. Building lines in parts are staggered. Houses in the immediate vicinity have retained their brick façade and the ridge heights are relatively consistent, but there are changes between adjoining properties. Marlowe Court runs off Avonside Way, resulting in two side gables fronting Avonside Way.

In-between 15 Avonside Way and the application site is a pedestrian footpath leading to Hathaway Drive. To the east of the site is a further footpath serving the rear gardens of dwellings on Hathaway Drive.

DETAILS OF PROPOSAL

This application seeks full planning permission for a new dwelling, formation of a new driveway and landscaping. Solar panels are to be located on the roof to the rear.

Relevant Planning History

25055P 2 FURTHER HOUSES TO EXISTING DEVELOPMENT (2 PLOTS BETWEEN PL RIDGE VIEW (AVONSIDE WAY) OFF RYLES PARK RD. Refused 30-Mar-1981

CONSULTATIONS (EXTERNAL TO PLANNING)

Environmental Health – No objection, however informatives and conditions requested

United Utilities – No objection, however informatives requested

Head of Strategic Transport – No objection

Macclesfield Town Council – would like the planning officer to check this isn't overdevelopment of the piece of land and also ask that the following polices from the Cheshire East Local Plan- Site Allocations and Development Policies Document are checked:

- Policy HOU12- Amenity relating to loss of sunlight or daylight, and traffic generation, access and parking
- Policy HOU13- Residential standards.

REPRESENTATIONS

9 letters of representation have been received objecting to the proposal on the following grounds (comments in full can be viewed on application file):

- restrict natural light for neighbouring properties
- overlook the pre-existing properties and reduce privacy
- un-neighbourly behaviour
- shared pathway that already exists down the east boundary of the property is missing. New construction of fencing along the east boundary clearly obstructs the pathway. The path was 1.2 metres wide, this is now 0.6 metre
- Overdevelopment

- the design of this new building is incongruent with the properties in the surrounding area.
- No 3-storey properties exist on the current development.
- Construction Before Permission
- The roof line of the proposed building is more than 1 metre above any of the houses.
- Materials not in keeping
- Rear balcony causing amenity issues
- Landscape already negatively impacted with trees, bushes and hedges on the garden area of 17 Avonside Way been taken out
- Loss of habitats and biodiversity
- Proposed tarmacked 4 parking spaces will result in traffic increase
- Footpath leading from Hathaway Drive to Avonside way is a playing area for children and concerns are raised with regards to safety
- Cast shadow on 22 Hathaway Drive particularly on the North facing extension room and West facing main house external wall.
- 22 Hathaway Drive will be no longer able to insert renewable Solar Cell panels on the extension roof which gets sun from 11am till the sunset
- Proposed 2nd floor window overlooks 22 and 24Hathaway Drive window
- Sound pollutions due to excessive glazing
- East facing windows and door must be non-opening type, preferably with obscure glasses to maintain the good neighbourly relationship.
- Overlooking on the properties to Mayfield Avenue
- No evidence that this proposal will achieve a Biodiversity net gain
- Concerns over the extensive renovation work already undertaken to the existing building's kitchen area
- Concerns over construction / workers vehicles
- Statement incorrect as refers to a two storey dwelling when in fact it's three storey

POLICIES

Cheshire East Local Plan Strategy

- MP1 Presumption in Favour of Sustainable Development
- SD1 Sustainable development in Cheshire East
- SD2 Sustainable development principles
- SE1 Design
- SE2 Efficient use of land
- SE3 Biodiversity and Geodiversity
- SE4 Landscape
- SE5 Trees, Hedgerows and Woodland
- SE8 Renewable and low carbon energy
- SE9 Energy Efficient Development
- SE12 Pollution, Land Contamination and Land Instability
- SE13 Flood Risk and Water Management
- IN1 Infrastructure
- PG1 Overall Development Strategy
- PG2 Settlement Hierarchy

PG9 Settlement Boundary

Appendix C Parking Standards

Site Allocations and Development Policies Document

GEN 1 Design Principles

GEN 5 Aerodrome Safeguarding

ENV 2 Ecological implementation

ENV 3 Landscape Character

ENV 5 Landscaping

ENV 6 Trees, hedgerows and woodland implementation

ENV 7 Climate Change

ENV 10 Solar Energy

ENV 16 Surface water management and flood risk

HOU 11 Extensions and alterations

HOU 12 Amenity

HOU13 Residential standards

INF 3 Highway safety and access

Other Material Considerations

- National Planning Policy Framework
- National Planning Practice Guidance
- Cheshire East Borough Design Guide SPD
- Technical housing standards – nationally described space standard

OFFICER APPRAISAL

Design and impact on the character and appearance of the area

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. There are also further references to design within policies; SD1, SD2 and SE3 of the CELPS.

Policy SD2 of the Cheshire East Local Plan states that all development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials, and external design features. In addition, in terms of its relationship to neighbouring properties, the street scene and wider neighbourhood.

Policy GEN 1 is in line with LPS policies SD 2 'Sustainable Development Principles' and SE 1 'Design', development proposals should:

- 1. create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions where they do not establish and/or maintain a strong sense of quality and place;*
- 2. create a sense of identity and*

legibility by using landmarks and incorporating key views into, within and out of new development; 3. reflect the local character and design preferences set out in the Cheshire East Borough Design Guide supplementary planning document unless otherwise justified by appropriate innovative design or change that fits in with the overall form and layout of their surroundings.

The initial proposal contained a 1.8m high fence and gates around the perimeter of the site. The proposed fence which has already been erected would result in a poor outlook for future occupiers and sits at odds with landscaping traditions of the area. Additionally, there is a risk that it creates an area which could encourage antisocial behaviour with the formation of an enclosed alley along the existing footpath. Revised plans were therefore secured reducing the height of the fence to the front and removing the access gates. This will help retain some of the open feel of the landscaping.

Layout

The application proposes the erection of a two storey, 3-bed, detached dwelling within a site measuring approx. 9.5m x 28.3m in size (the site widens towards the front). The dwelling is to occupy a corner plot which was the side garden of 17 Avonside Way. Whilst the dwelling is to be at the head of a cul-de-sac, the dwelling will not be overly prominent when heading south along Avonside Way as it occupies a corner plot and the built form is set back from the road.

The proposed three parking spaces to the front boundary of the proposed site are in keeping with the character and appearance of the area.

This overall layout and density of plot development is deemed to be reflective of the surrounding character and considered acceptable.

Form

The detached dwelling proposed is in keeping with the character and appearance of the area. Avonside Way is comprised of a mixture of detached, semi-detached and terraced properties. As such, the provision of a further detached dwelling would not appear incongruous.

Scale

The revised design of the detached dwelling now results in the dwelling measuring approx. 6.7m to the ridge and 8.1m wide (not including the overhang). The dwelling is to be 6.8m deep at two storey and approx. 13.7m deep at ground floor. The revised design and reduced height is now in keeping with the character and appearance of the area. The proposed footprint is also in keeping with the area. As such, subject to a levels condition in the event of approval, the scale of the development is deemed to be acceptable.

Appearance

The objections on design grounds have been noted from neighbours. The initial design of the dwelling was deemed unacceptable in terms of its appearance and would have had a detrimental effect on the character and appearance of the area. The revised scheme has reduced the height of the dwelling, removed the dormer window, and overall reconfigured the massing of the dwelling, and scaled back the timber detailing on the front elevation. The reduction in scale is positive, helping to reduce the impact the proposed has on the surroundings. In particular, the replacement of the two-storey front 'extension' with a single-storey element resolves the concerns regarding the dominant feature and better responds to the context. The front elevation better responds to the context with regards to its character, and overall the proposed sits better within the surroundings.

Overall, the scale, form and appearance responds well to character and appearance of the area. As such, it is deemed that the design of the proposed development is acceptable, adhering with the relevant design policies of the Development Plan. The revision has been assessed by Cheshire East Councils Design Officer who confirms on balance there are no objections, however further changes to incorporate soft landscaping to the front boundary would be welcome.

Bearing the above points in mind and subject to landscaping conditions, the revised scheme is deemed to be in accordance with policy SE1, SD2 of the Cheshire East Local Plan Strategy and policy GEN1 of the Site Allocations and Development Policies Document and the Cheshire East Design Guide.

Living conditions

As detailed above, objections and concerns have been raised by interested parties regarding the impact of the proposal upon the living conditions of neighbouring properties.

As noted previously, revised plans have been secured during the course of the application reducing the height of the dwelling from a three-storey dwelling to two storey and removing the balcony from the rear. These amendments help reduce any substantial amenity issues. The initial proposal also contained a first-floor side window facing dwellings on Hathaway Drive, which has also now been removed. Concerns are noted with regards to second floor windows causing overlooking issues and the revised scheme contains no second-floor windows.

In terms of the potential overlooking of the properties on Mayfield Avenue, number 55 Mayfield Avenue is directly to the south of the proposed dwelling. As the rear boundary treatment for the proposed dwelling contains a 1.8m high timber fence and as the rear boundary contains planting/shrubs / hedges, there is no substantial amenity concerns with the ground floor development due to substantial screening. The proposed two storey development is to be approx. 20.6m between the proposed two storey element and the built form at 55 Mayfield Avenue and there is approx. 23.5m between both rear two storey elements. As policy HOU13 of the SADPD suggests 21m back to back for a two storey dwelling. The proposed distance and taking into account the boundary treatment to the closest dwelling on Mayfield Avenue, is deemed in accordance with policy at two storey and acceptable at ground floor due to the particular circumstances of the site.

The proposed west elevation is to contain just one door which contains a large window. As the window faces a blank elevation at ground floor 17 Avonside Way, this raises no significant amenity issues.

Number 17 Avonside Way contains a first-floor window facing the proposed development. This window serves the stair / landing area and is therefore a non-habitable room. As this room is non-habitable and is to face a blank gable the relationship raises no concerns.

The adjacent property to the east, 22 Hathaway Drive, contains a first floor west facing side window. According to planning application 08/0496P at 22 Hathaway Drive, the first-floor window serves a non-habitable room (stairs / landing). Application 08/0496P also confirms at ground floor there is a side door. As there are no side habitable room windows facing the

proposed development and also taking into account the orientation of the dwellings, this relationship is considered to be acceptable.

The concerns of the occupiers of 22 Hathaway Drive are noted regarding the development casting a shadow and restriction of natural light. The revised plans have reduced the height of the proposed dwelling which will reduce impact. In addition, taking account of the sun rising to the east, whilst it is acknowledged that there will be some element of shade cast later on in the day depending on the time of the year, due to the orientation of the dwellings and sun direction, it would not be so substantial to justify a refusal of planning permission.

Policy HOU 13 refers to the 45-degree rule, which is a well-established rule of thumb that is used to make sure development does not have an unacceptable impact on outlook and light to principal and habitable room windows. A site layout diagram has been submitted with the application evidencing the 45-degree line of sight from first and ground floor windows at both 17 Avonside Way and 22 Hathaway Drive. Whilst it's noted at ground floor the line of sight from 22 Hathaway Drive is slightly breached on plan, taking into account the proposed 1.8m high fence and pathways separating the two properties, no significant impact is anticipated.

The side elevation of number 15 Avonside Way sits to the north (front) of the proposed dwelling. This building contains one first floor window which appears to be obscurely glazed and will face the proposed development, with a separation distance of approx. 14m thereby meeting the recommended separation distances in policy HOU13 of the SADPD.

Concerns are noted from objectors with regards to the east facing windows and door. The submitted plans evidence the east facing ground floor window to the front of the dwelling is to be obscurely glazed, this is to serve a bathroom and is not anticipated to cause any substantial amenity issues. The two further ground floor east facing windows to the rear of the proposed dwelling are to be set in from the site boundary by approx. 4m. Due to the distance from the boundary line, as the boundary fence is to be 1.8m high and as there is a footpath separating the boundaries of the proposed site and 22 Hathaway Avenue, these proposed windows are not considered to raise any significant impact upon the living conditions of the neighbour.

Conditions are recommended preventing the insertion of additional windows and to prevent the use of the flat roof as a balcony / roof terrace, in order to protect the living conditions of neighbours.

Nationally Described Space Standard (NDSS)

Policy HOU8 of the SADPD confirms *'Proposals for new residential development in the borough should meet the Nationally Described Space Standard'*.

The proposed 2 double bed and 1 single bed (5 person) dwelling requires 93sqm as a minimal internal floor area and storage. The proposed dwelling meets this requirement. The proposed bedrooms also meets the floor area required per bedroom. Therefore, the proposal is in accordance with the NDSS and policy HOU8 of the SADPD.

Bearing the above points in mind, the proposed development is deemed in accordance with Policy HOU8, HOU11, HOU12 and HOU13 of the SADPD and the NPPF.

Highways

The Town Council and neighbour concerns have been noted with regards highway safety. Cheshire East Councils Highways Officer has assessed the proposal and confirmed the access, which is at the end of the turning head is deemed acceptable.

Looking at historic aerial imagery, 17 Avonside Way did not contain a parking space to the front of the dwelling, therefore the only space allocated to this dwelling was in the communal parking area, where this one allocated space is to be retained. The retention of just one parking space for number 17 Avonside way is therefore deemed acceptable in this instance.

The proposed dwelling contains 3 parking spaces. Appendix C of the Cheshire East Local Plan confirms a 2+ bed dwellinghouse in this area requires 2 parking spaces per dwelling. Each standard parking bay should be at a size of 4.8m x 2.5m. Therefore, as the proposed dwelling is to contain three parking spaces the proposed site is deemed in accordance with Appendix C of the Cheshire East Local Plan parking standards.

Concerns have been noted with regards to the proposed driveway being located close to a busy pedestrian walkway at the end of a cul-de-sac and thus highway safety concerns. Revised plans were sought removing the 1.8m high access/egress gates and the north boundary fence has been reduced to a 0.9m high fence, this has improved visibility. Having looked at historic aerial images, the turning head directly in front of 17 Avonside Way for many years has been used as a parking space and said vehicles have therefore been blocking the pedestrian walkway, it is therefore presumed that the proposed driveways will therefore prevent this unwelcomed parking in the turning head which could improve pedestrian safety.

Concerns have been noted with regards construction / workers vehicles. Due to the size and scale of the development there is no substantial concern in this instance. The applicant / agent should ensure no obstruction is caused. If obstruction does take place, this may be a matter for the police.

Bearing the above points in mind the development is considered to be acceptable in terms of its impact upon the highway safety and parking provision. The development complies with SADPD policy INF 3 and Appendix C of the CELPS.

Trees

The application has been assessed by Cheshire East Councils Arboricultural officer, who confirms the development of this plot is not considered to arise in any significant arboricultural implications. Notwithstanding this it's noted that some hedge and shrub removal has already taken place.

Local Plan Policy SE 5 requires that all developments should ensure the sustainable management of trees, woodlands and hedgerows including the provision of new planting within new development to retain and improve canopy cover, enable climate adaptation resilience and support biodiversity and this planning application provides an opportunity to incorporate new planting.

Therefore, if planning permission is granted, a condition will be used which requires the submission of a landscape scheme to meet the requirements of this policy. Subject to said

condition, the proposal is deemed in accordance with policy SE 5 of the Local Plan and the NPPF.

Nature Conservation

The application site falls within the CEC ecological network which forms part of the SADPD. Policy ENV1 therefore applied to this application. Policy SE3 and ENV2 also require development proposals to deliver a gain for biodiversity. The application has been assessed by Cheshire East Councils Nature Conservation Officer who has no objection subject to conditions.

As the application sites opportunities for ecological enhancement are limited, a condition is recommended requiring the submission of a strategy to enhance the biodiversity value of the proposed development.

A condition was also been recommended by the nature conservation officer requiring a nesting bird survey prior to the removal of vegetation or the demolition, extension or conversion of buildings between 1st March and 31st August in any year. However, in this instance, as the site had already been cleared and therefore this condition unnecessary.

Bearing the above points in mind, the proposed is acceptable in ecological terms and this condition will aim to enhance biodiversity in accordance with the NPPF and policies SE3 and ENV2.

Flood Risk and Drainage

The application site is located in Flood Zone 1 and is not at a high risk of flooding. Consequently there is no requirement for a Flood Risk Assessment.

In consideration of drainage, United Utilities (UU) advised that they have no objections, however information has been provided by UU regarding sustainable drainage and surface water and applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site.

In accordance with policy SE13 and ENV16, if the application is to be approved then a condition is recommended to ensure that prior to the development commencing a sustainable drainage management and maintenance plan for the lifetime of the development is submitted to the local planning authority and agreed in writing.

To prevent any substantial flooding issues, it is suggested that the sustainable drainage management and maintenance plan should ensure the approved drive/area for parking as detailed on the proposed site plan, shall be surfaced with either a porous material, or provision is to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

As such, subject to conditions, the application is deemed to adhere with Policy SE13 of the CELPS and ENV16 of the SADPD and the other drainage policies of the development plan.

Aerodrome Safeguarding

The site is within an aerodrome safeguarding area, and therefore policy GEN 5 of the SADPD confirms, development that would adversely affect the operational integrity or safety of any officially safeguarded civil aerodrome or associated aerodrome navigation aids, radio aids or telecommunications systems will not be permitted.

In this instance, due to the scale and location of the new dwelling, it's not anticipated the development will cause any significant issues in terms of aerodrome safeguarding in this instance.

Whilst it is also noted that the proposed development includes solar panels to the roof on the rear elevation, which in some circumstances can result in unacceptable glare, due to the scale and location and taking into account that solar panels can be erected in certain circumstances under permitted development, this aspect is also deemed acceptable.

The proposal is therefore considered in accordance with policy GEN 5 of the SADPD.

Other Matters

The Environmental Health Section suggested a condition requiring the submission of information confirming that all installed gas-fired boilers shall be in accordance with EN15502 Part 1 2015 Class 6, and requiring Electric Vehicle Charging points. Planning decisions should not duplicate the function of other regulatory bodies or controls, and therefore as the provision of a particular boiler and EV charging points are covered by Building Regulations, such conditions are not necessary.

Concerns are noted from objectors regarding the shared pathway along the eastern boundary of the property. Revised plans have been requested to show the walkway as was not previously identified on the plan. The declaration on the application form has been signed by the agent to confirm the information submitted is believed to be true and certificate A has also been completed to confirm the applicant is the sole owner of the site. The agent has confirmed the location of the fence along the east boundary is in the correct location. Bearing the above point in mind, the concerns with regards to the proposed fence taking some of the pathway needs to be dealt with as a civil matter and is not a matter requiring further consideration as part of the planning application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application site lies within the settlement boundary of Macclesfield. Macclesfield is identified as a Principal Town in the CELPS, where residential development is deemed acceptable subject to compliance with other policies within the development plan. The development accords with Policies PG 2 and SD 2 of the CELPS.

The development is considered to be acceptable in terms of its impact upon the living conditions of the neighbouring residential properties surrounding the site. There is no significant conflict with Policy HOU 8, 11, 12 or 13 of the SADPD in this regard.

The site is within a sustainable location and is in easy walking distance of public transport links, schools and local facilities.

The design of the proposed development is considered to be acceptable and would not result in significant harm to the character or appearance of the area. There is no significant conflict with policies SE1, SD2 of the Cheshire East Local Plan Strategy and policy GEN1 of the SADPD and the Cheshire East Design Guide.

The development is considered to be acceptable in terms of its impact upon the highway safety and parking provision. The development complies with SADPD policy INF 3 and Appendix C of the CELPS.

The proposal is deemed acceptable in ecological terms and subject to condition the development should help enhance biodiversity in accordance with the NPPF and Local Plan Policy SE3.

Subject to conditions the development, which is in flood zone 1, is in accordance with policy SE13 and ENV16 with regard to flood risk and water management.

The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocations and Development Plan Document and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

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.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A01HP - Provision of car parking spaces prior to occupation
5. A09GR - Prevention of use of flat roof as balcony
6. A06GR - No windows to be inserted - east side facing elevation.
7. A02LS - Submission of landscaping scheme
8. A04LS - Landscaping (implementation)

9. Strategy to be submitted to enhance the biodiversity value of the proposed development.
10. Sustainable drainage management and maintenance plan to be submitted
11. Details of the existing ground levels, proposed ground levels and the level of proposed floor slabs to be submitted

