

Application No: 13/1008M

Location: LAND SOUTH OF, 3, LAND LANE, WILMSLOW, CHESHIRE

Proposal: Erection of three detached dwellings

Applicant: P.E. Jones

Expiry Date: 30-Apr-2013

Date Report Prepared: 20.06.2013

SUMMARY RECOMMENDATION

APPROVE, SUBJECT TO CONDITIONS

MAIN ISSUES:

- Impact on the green belt
- Design/impact on the character and appearance of the area and the street-scene
- Impact on the amenity of neighbouring properties
- Highways safety
- Forestry/landscaping/ecological issues
- Housing policy and supply

REASON FOR REPORT

The application has been presented to committee for determination in line with the constitution. Part of the site lies within the green belt. The proposed constitutes a departure from policy and a recommendation of approval is made.

DESCRIPTION OF SITE AND CONTEXT

The site to which the application relates is a wedge of 'residual land' measuring approx. 0.2 hectares, located between the A538 bypass/Prestbury link road, Land Lane, Wilmslow, and residential properties on Land Lane, Thorngrove Road and Thorngrove Hill. The site is situated at the east of the turning head at the end of Land Lane. A planted embankment screens the site from A538. High hedges screen the development from properties on Thorngrove Hill. The embankment is slightly elevated above the site.

The site is situated approx. 0.7k south east of Wilmslow Town Centre on the edge of a Predominantly Residential Area, as defined in the Local Plan. A strip of land covering approx. a third of the site along its southern boundary technically lies within the green belt. A footpath leads from Land Lane with a footbridge over the bypass giving access to Wilmslow Town

Centre (and all its amenities/facilities) and the Bus and Railway stations. Hence, the site is considered to be in a reasonably sustainable location.

The area is characterised by two-storey detached dwellings. A mix of architectural styles exists. Opposite the site is a modern 1990's estate developed by the same developer. Immediately adjoining the site is an older (1970's) development of two-storey detached dwellings, also built by the same developer. Brick is the predominate building material, though recently properties with extensions/renovations have included more render on the external walls, renovations have included more render on the external walls, and the plots within which the houses sit are generally generous – with the exception of the more modern houses opposite, which have smaller plots than the 1970's dwellings.

The planning history shows that there have been a number of applications on the site, the most recent of which was approval for a single dwelling in August 2010. It is noted that the current application is virtually identical to the 08/2492P withdrawn application, the key issue identified at that time was the green belt issue. Since 2004 there has been an exchange of communication between the Council (Planning & Legal Depts) and The Emerson Group, in particular following the withdrawal of the 08/2492P application, regarding the issue of whether or not part of the site does lie within the green belt following a change in Local Plans from 1997 to 2004. A letter from the Council's Legal Services to The Emerson Group dated 29.07.2009 is significant in that it concludes that there was a cartographical error in the production of the 2004 Proposals Map which differed to the 1997 Proposals Map regarding the green belt boundary of relevance to this application. Thus, apparently there was a difference in the green belt boundaries shown on the 1997 and 2007 proposals maps – on the 2004 map there was a "*small extra parcel of land*" identified as being within the green belt.

Notwithstanding the above, it appears that some of the land to which the application relates was still in the green belt on the 1997 proposals map. It is also noted that the Spatial Planning department are taking this into account in drawing up the proposals map for the emerging Local Plan.

DETAILS OF PROPOSAL

The proposed seeks full planning permission for erection of three detached dwellings.

A revised site plan has been received which includes a) a timber fence along the northern boundary of plot 1 and b) removal of the entrance gates to plots 2 and 3 (which provides a layout akin to a cul-de-sac rather than plots 2 and 3 being "gated").

The proposed dwellings are all two-storey and range in height from approx. 7.4m to 8.1m. The design of each varies a little, though they are fairly typical of detached, family type homes erected on modern housing estates. The materials will broadly be red brick with brick detailing, render and hanging tiles in the rooflines of the bays/gables. Plot 1 fronts the turning head at the head of Land Lane; it will have a separate driveway giving access to an attached double garage. Plot 2 is set towards the rear of the site and is served by a joint access for plots 2 and 3. Plot 2 has a detached double garage. Plot 3 is also to the rear of the site and is located at the head of the access shared with plot 2. Plot 3 also has an attached double garage projecting off the front elevation. The access driveways will be constructed in water

permeable brick pavements. Waste bins will be stored within the curtilages of each of the dwellings and placed on the pavement on Land Lane on collections days.

RELEVANT HISTORY

- 10/2111M Erection of 1 No. detached dwelling.
Approved, 19.08.2010
- 08/2492P Erection of 3 No. detached dwellings.
Withdrawn, 16.02.2009
- 08/0816P Erection of 8 No. apartments and ancillary development.
Withdrawn, 10.07.2008
- 5/30818 Eight flats in a single block.
Refused, 01.09.1982

POLICIES

Macclesfield Borough Local Plan – saved policies

- BE1 (Design principles for new developments)
- DC1 (High quality design for new build)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
- DC8 & DC37 (Landscaping)
- DC9 (Tree protection)
- DC35 (Materials)
- DC38 (Guidelines for space, light and privacy for housing development)
- DC41 (Infill housing development or redevelopment)
- H13 (Protecting residential areas)
- H1 (Housing phasing policy)
- H5 (Windfall housing sites)
- NE11 (Protection and enhancement of nature conservation interests)
- GC1 (New buildings in the green belt)

Policies BE1, H13 and DC1 seek to ensure a high standard of design for new development and that new development is compatible with the character of the immediate locality of the site; DC35 seeks to ensure appropriate materials are used. Policies H13, DC3, DC38 and DC41 seek to protect the residential amenities of adjoining properties and ensure adequate space, light and privacy between buildings. Policies DC8 & DC37 seek appropriate landscaping of new development and policy DC9 exists to ensure the long-term welfare of trees of amenity value. Policy DC6 seeks to ensure that there is safe access/egress from the site for all users and appropriate levels of parking. Policies H1 and H5 relate to phased housing development and windfall housing sites. Policy NE11 seeks to protect and enhance nature conservation aspects and policy GC1 seeks to ensure that there are no new buildings in the green belt other than the listed exceptions.

National Planning Policy Guidance

National Planning Policy Framework

CONSULTATIONS

Spatial Planning:

The comments from Spatial Planning are reproduced below, as they are significant re the assessment and determination of the application. Thus:

“...we came to the conclusion that the Green Belt boundary shown in the 1997 Local Plan was the correct one. Between 1997 and 2004, the OS Map base used for the proposals map changed slightly in this vicinity. When the 2004 Proposals Map was produced, it seems that the Green Belt boundary was altered to fit the new base map. However, the 2004 Local Plan did not consider any changes to the Green Belt and did not propose any amendments to it at any stage. Therefore, it is clear that it should not have been changed.”

An appreciation of the legal position is outlined in the solicitor's letter (referred to above) – copy submitted with the application dated 29.07.2009.

Heritage & Design – Forestry:

No objections, subject to conditions related to tree retention, tree protection and landscaping.

Heritage & Design – Landscape:

No objections subject to conditions re landscaping details to be submitted and implemented accordingly.

Environmental Health

No objections, subject to conditions related to restrict hours of operation, require details of pile driving and floor floating (if required), details of dust control and a contaminated land risk assessment.

Heritage & Design – Nature Conservation:

The Nature Conservation Officer is satisfied that the proposed will have no significant ecological impact and recommends a condition to enhance nature conservation (provision of facilities for bats and birds).

Highways:

The Strategic Highways Manager raises no objections, subject to a S184 for the provision of foot-crossovers.

United Utilities:

No objections, subject to informatives related to discharge of surface water, meter supply, connection to water mains/public sewers

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council:

Recommend refusal on grounds of overdevelopment of the site.

OTHER REPRESENTATIONS

Representations have been received from the occupants of 9 No. neighbouring properties. Details can be read on file; a summary of the points raised is provided below:

- Unresolved greenbelt issue/impact on the green belt
- Over development of the site
- Out of character with surrounding plots
- Out of keeping with the area
- Drainage/sewage problems
- Wish to ensure no further loss of light from planting
- Insufficient levels of parking
- Impact on existing boundary hedge - request to ensure high conifer hedge along boundary with 13 Thorngrove Road is retained
- Infrastructure cannot cope with 3 additional homes
- Over provision of housing in the area
- Driveway too close to 3 Land Lane and wall proximity compromised
- Safety of children playing in the area during construction phase
- Poor access/egress to site for construction purposes
- Impact on house values
- Plot 3 boundary unclear
- Lack of sunlight to resultant plots
- Unneighbourly
- Fence along the boundary with 45 Thorngrove Road was agreed as part of the approved application 10/2111M; this should be reinstated
- Suggested that land is only suitable for 2 No. dwellings

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a '*Planning Statement*', '*Design & Access Statement*', '*Extended Phase 1 Habitat Survey*', '*Tree and Hedge Survey*' and a '*PPS3 Housing Self Assessment Checklist*', details of which can be read on file. A summary of some key points presenting the case for the development (outlined in the '*Planning Statement*') is provided below:

- The site forms residual land created by the construction of houses and the Prestbury Link Road
- The eastern boundary backs onto to the rear gardens of dwellings on Thorngrove Hill and there is a substantial conifer hedge on the boundary; the northern boundary is

hedged and fenced along the garden boundaries of two detached dwellings; the western boundary abuts the turning head.

- The site is within a reasonably sustainable location – previously assessed as being ‘good’ in terms of the North West Sustainability Checklist (no longer available)
- Car parking for 4 No. cars per dwelling will be provided
- Development represents the general density (taking account of the shape of the site), scale and size of existing dwellings in the area; materials would be commensurate with the residential area
- Appropriate landscaping and boundary treatments will be provided
- Outline of relevant sections of the NPPF is provided, eg. especially presumption in favour of sustainable development, green belt issues, delivering a wide choice of high quality homes
- Noted that permission exists on site for 1 No. dwelling (10/2111M)
- Application meets all normal standards of new residential development. The site is an infill plot bounded along 3 sides by residential development and makes efficient and effective use of land, contributing to the housing needs of the area. The issue of Green Belt is outlined further below
- It has been shown, and the Council has accepted, that there was an error in printing the 2004 Proposals Map re Green Belt boundary adjacent to the site. Regardless of issues that may still be debated surrounding this matter, the case is presented in favour of the proposed on the Green belt land
- Thus, the embankment along the southern boundary of the site reduces and eliminates visibility of the residential area from the Green belt lying to the south and there would be very little views of the proposed development from the Green Belt. Consequently the impact on openness would be minimised.
- The proposed would not impact on the 5 purposes of including land within the Green Belt
- Hence, there would be no impact on the fundamental aims of the Green Belt - preventing urban sprawl and retaining openness
- Para 85 of the NPPF states that Green belt land should not include land which it is unnecessary to keep permanently open. It is asserted that the area of the site which falls within the Green belt falls within this category.
- *“On balance, given the history of part of this sites inclusion in the Green Belt, and the fact that it contributes little or nothing to the openness of the Green Belt nor fulfils any of the purposes of Green Belt land , the benefits of developing this land outweigh any harm that could conceivably be identified to the Green Belt”.*

OFFICER APPRAISAL

Principle of Development

The principle of the proposed is contrary to policy – new building in the green belt.

Policy

The relevant policies are listed above and relate to the issues identified.

Impact on the Green Belt

The proposed development consists of new buildings in the Green Belt and as such the proposed development constitutes inappropriate development within the green belt.

The proposed development is considered to cause other harm to the Green Belt in the form of (albeit limited) impact on the openness of the Green Belt. Given the physical delineation of the embankment it is not considered that the proposal leads to encroachment into the countryside.

The applicant has presented various material factors in favour of the development and asserts that these outweigh the harm to the Green Belt identified – i.e. the cartographical errors, the nature of this particular section of Green Belt (limited views in to the site/limited views out of the site, therefore limited impact on openness of the Green Belt, purposes of including land within the Green Belt not threatened, no impact on fundamental aims of Green Belt (preventing sprawl and retaining openness), the area of land falls within the category identified in para 85 of the NPPF (i.e unnecessary to retain in the Green Belt), the proposed development is in a sustainable location and would contribute to the housing needs of the area.

It is considered that the material considerations presented in favour of the development, in this instance, given the history of the Green Belt boundary issue, the acknowledgment from the Council's Legal Dept and Spatial Planning team that errors have occurred re mapping the Green Belt boundary and the fact that the Spatial Planning team are reviewing the boundary of the Green Belt next to this site in the forthcoming Local Plan, and the lack of visual and landscape harm arising from the proposal, combine to offer a compelling argument for amounting to considerations that clearly outweigh the harm to the Green Belt identified. Hence, it is considered that there are very special circumstances that clearly outweigh the harm.

Design/impact on the character and appearance of the area and the street-scene

As noted above, the proposed dwellings are all two-storey and range in height from approx. 7.4m to 8.1m. The design of each varies a little, though they are fairly typical of detached, family type homes erected on modern housing estates. The materials will broadly be red brick with brick detailing, render and hanging tiles in the rooflines of the bays/gables. Plot 1 fronts the turning head at the head of Land Lane; it will have a separate driveway giving access to an attached double garage. Plot 2 is set towards the rear of the site and is served by a joint access for plots 2 and 3. Plot 2 has a detached double garage. Plot 3 is also to the rear of the site and is located at the head of the access shared with plot 2. Plot 3 also has an attached double garage projecting off the front elevation. The access driveways will be constructed in water permeable brick pavements. Waste bins will be stored within the curtilages of each of the dwellings and placed on the pavement on Land Lane on collections days. The proposed layout is that of a cul-de sac.

The design is considered to be acceptable as is the impact on the character and appearance of the area and relationship with the street-scene. Hence, the proposed accords with policies BE1, H13, DC1 and DC35 of the Local Plan.

Impact on neighbour amenity

The site is located on the southern boundary of a housing estate which is adjacent to a Low Density Housing Area (as defined in the Local Plan). The proposed density and distances between properties is commensurate with surrounding neighbouring properties and the area. The distances between the proposed dwellings themselves and the neighbouring properties meet the distance standards outlined in policy DC38, as such the proposed dwellings would not be overbearing nor would they have any significant impact on privacy or outlook from neighbouring properties. Given the siting of the dwellings, their orientation and the distances from neighbouring properties it is considered that there would be no significant impact on existing levels of daylight and sunlight. Existing boundary treatments and the boundary treatments proposed contribute to ensuring appropriate levels of privacy are maintained and created. It is also considered that, given the layout, orientation, boundary treatments and distances between properties the proposed would not result in any significant noise disturbance. Hence, the proposed is considered to have an acceptable degree of impact on the amenities of neighbouring properties and therefore accords with policies DC3, H13 and DC41 of the Local Plan

Highway safety

The strategic highways manager raises no objections to the proposed. The proposed development site is located at the head of a cul-de-sac, and Land Lane is of sufficient dimension to accommodate three dwellings without material impact upon its safe operation. Appropriate levels of off-street parking are provided with each of the proposed dwellings. As such it is considered that there are no highways safety/parking issues arising from the application.

A condition could be attached to any approval requiring a construction method statement to ensure that vehicle movements associated with construction will be undertaken safely.

The applicant will be required to enter into a Section 184 agreement under the 1980 Highways Act for the provision of a footway crossover to serve plot 1, and a separate footway crossover to serve plots 2 & 3.

Bearing these points in mind it is considered that the proposed accords with policy DC6 of the Local Plan.

Forestry/landscaping/ecological issues

The Arboricultural Officer considers there to be no major implications for trees resulting from the proposed development. It is noted that an offsite Oak overhangs the site by 4 metres with a ground clearance of 7 metres. The position of the garage to Plot 2 is shown slightly beneath the canopy of this tree and close to an adjacent suppressed 'C' category Oak, located close to the site boundary. The Arboricultural Officer is satisfied that the position of this Plot satisfies the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction.

The site layout is provided on the site plan with the access driveways clearly indicated and the existing and proposed boundary treatments noted. The layout is considered to be a logical extension of the existing estate at the head of the existing cul-de-sac – the site layout

creating an off-shoot cul-de-sac from the existing turning head. Each plot is provided with a domestic curtilage. The Landscape officer raises no objections, subject to conditions requiring a detailed landscaping plan and implementation of the approved details.

Nature Conservation Officers does not anticipate there being any significant adverse ecological impacts associated with the proposed development. He notes that the adjacent wooded embankment does support a number of common native species and therefore would seek to ensure that this is retained. As the embankment falls outside the site edged red there are no alterations to this area. In order to enhance the value of the development site for bats and breeding birds (thereby leading to a biodiversity gain as required by NPPF) artificial bat roosts and features for breeding birds should be incorporated into the design of the new buildings. This can be achieved via a condition.

Bearing the above comments in mind it is considered that the proposed accords with policies DC8, DC9, DC37, BE1 and NE11 of the Local Plan.

Housing policy and supply

It is considered that the proposed would contribute to the housing needs of the area and comply with all relevant housing policy.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, the points raised in objection have been borne in mind. The design of the proposed is considered to be acceptable and to have an acceptable impact on the area and relationship with the street-scene. The proposed is considered to have a limited and acceptable degree of impact on the amenities of neighbouring properties. There are no significant highways, landscape, forestry or ecological issues arising from the application. There are no significant environmental health matters arising from the application. The proposed would contribute to the housing needs of the area. The proposed does constitute inappropriate development in the Green Belt. It is also considered that the proposed causes additional harm to the Green Belt by virtue of impact (limited) on openness of the Green Belt. Very special circumstances have been presented and it is claimed that these outweigh the harm to the Green Belt identified. It is agreed that the unusual factors of this case, specifically the evidence that the designation as green belt has resulted through a cartographical error, the physical characteristics of the site and the lack of visual harm to the green belt combine to clearly outweigh the identified harm to the green belt.. It is considered that very special circumstances exist and the application be approved, subject to conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Developemnt within 3 years
2. In acordance with plans
3. Materials to be submitted

4. Landscape details to be submitted (inc. boundary treatment)
5. Implementation of landscape details
6. Tree protection details
7. Trees to be retained
8. Restrict hours of construction
9. Dust control details
10. Pile driving details
11. Contaminated land Phase I report
12. No gates across drive to plots 2 and 3
13. Submission of construction method statement
14. Submission of details within scheme for roosting bats and breeding birds

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