

Application No: 13/2210M

Location: MEADOW HEY, BOLLIN HILL, PRESTBURY, SK10 4BS

Proposal: Proposed construction of 2 pairs of split level semi-detached dwellings with associated parking and landscape works.

Applicant: Mr J Clarkson, BRADLEY EDGE LLP

Expiry Date: 23-Jul-2013

Date Report Prepared: 16 August 2013

SUMMARY RECOMMENDATION

Approval, subject to conditions

MAIN ISSUES:

- The principle of the development;
- The design of the scheme and its affect on the character and appearance of the area;
- Highway access, parking and pedestrian safety;
- Protection of existing trees, landscaping and ecology implications; and
- Residential Amenity.

REASON FOR REPORT

The application has been requested to go to Northern Committee by Cllr Findlow for the following reasons:

- Over-development of the site, replacing a single dwelling with four homes;
- The modern design is out of character with its immediate neighbours and surroundings, there also being a complete absence of semi-detached properties in the area;
- The filling in and/or diversion of a pre-existing pool as part of the site's complete clearance has already resulted in flooding of the land/garden at the bottom of the precipice, and is in an area with a number of such natural springs/ponds;
- Replacing the former single access with four separate entrances/exits;
- Road safety and obstruction of the highway issues - the number of parking spaces would increase from three to twelve, with vehicles parked in tandem rather than abreast, resulting in excessive and hazardous manoeuvring and parking on the road/footway, endangering road/footway users, and impeding access to the Willowmead estate;
- Bollin Hill is a narrow access road totally unsuitable for accommodating the requirements of 5 above;
- The four bedroom houses would each have only a single flat-roofed garage. The requirement is for a smaller number of accommodation units with proper on-site parking and garaging;

- The technical feasibility of the substantial excavation works envisaged on the precipice area is unproven, and could well exacerbate the flooding already caused by site clearance works as well as endangering the wetland habitat below; and
- A less intensive proposal is required.

DESCRIPTION OF SITE AND CONTEXT

The application site was formally occupied by a large detached dwelling known as Meadow Hey. This property was demolished in 2013.

The application site is 0.24ha (0.6acres) and is orientated East to West with the Western boundary fronting Bollin Hill and East overlooking the Bollin Valley. There is a large, relatively flat plateau following the frontage of Bollin Hill. Beyond this the land drops towards the Bollin Valley.

The application site is with a 'Predominately Residential Area' within the village envelope of Prestbury. The application site is not within a low density housing area as defined by the Local Plan.

The immediate area is characterised by large detached dwellings fronting onto Bollin Hill in a liner patten with large gardens. The density of housing in the area does increase to the south of the site. There are quite high densities in the Prestbury Village Conservation Area and in a few nearby developments such as Bollin Mews and The Shirleys, but consistently low densities by suburban residential standards in the vast majority of the parish.

DETAILS OF PROPOSAL

The application seeks full planning permission for the '*Erection of 4 dwellings*' comprised of two pairs of semi-detached dwellings, each with an attached single garage. There would be 3 levels of accommodation; Lower Ground, Ground and First Floor. The front of the houses would appear as 2 storey and the rear as 3 storey due to the change in ground level.

RELEVANT HISTORY

Following a review of the Council's records the following planning history on the site is considered relevant:-

- Planning Permission was granted in July 2012 for the Demolition of existing dwelling and erection of two new dwellings, under reference 12/1223M. This was a resubmission; and
- Prior Notification was approved in May 2013 for the demolition of the existing property, under reference 13/1435M.

There is no other relevant planning history for the site.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Local Plan Policy:

The application site lies within 'Predominately Residential Area' in Prestbury, therefore the relevant Macclesfield Local Plan policies are considered to be: -

- Policy BE1: Design Guidance;
- Policy NE11: Nature Conservation;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC9: Tree Protection;
- Policy DC38: Space, Light and Privacy; and
- Policy DC41: Infill Housing Development or Redevelopment.

Other Material Considerations

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to "plan positively" and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Supplementary Planning Documents:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPG is relevant and has been included in the Local Development Scheme, with the intention to retain this document as 'guidance' for local planning purposes.

- Prestbury Supplementary Planning Document - Prestbury Village Design Statement (adopted 2007)

CONSULTATIONS (External to Planning)

Highways: No objection subject to conditions.

Environmental Health: No objection subject to conditions.

United Utilities: No objection.

VIEWS OF THE PARISH / TOWN COUNCIL

Prestbury Parish Council: The Committee object to this application on the grounds that the design is out of character with the area as specified in the Village Design Statement and contrary to BE1. It is also an overdevelopment of the site. Traffic and parking would be a problem as there is four accesses on a busy narrow road and on a severe bend. There is concern about the removal of the hedge which is referred to in the Village Design Statement and contrary to DC11. They also have concerns that there appears to be a natural spring on the site and where this would be diverted to?

REPRESENTATIONS

The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly.

Five letters of objections were received from neighbouring residents and one letter of objection was received from the Prestbury Amenity Society. Their comment can be summarised as follows: -

- The designs of the properties are out of character as stated in Prestbury Village design statement;
- There is an over-development of the site;
- There is not adequate parking space on the site for this number of properties;
- Cars will inevitably result in parking on Bollin Hill. Motorists' and pedestrians' safety will be jeopardized;
- We want the hedge protected. The hedge will be damaged by this proposed application and it is a feature of the area. The hedge needs to be retained intact;
- We are concerned about the natural spring and to where it will be diverted and the potential impact, damage to and flooding to neighbouring properties;
- The flat roofs on the garages are not of a design which is in keeping with the other properties on Bollin Hill; and
- Flat roofed garages leave open the possibility of further development above the garages.

APPLICANT'S SUPPORTING INFORMATION

In addition to the plans the following detailed reports were submitted with the application:-

- Design and Access Statement;
- Planning Statement;
- Arboricultural Report;
- Tree Protection Plan;
- Ecology Statement; and
- Protected Species Survey.

OFFICER APPRAISAL

The principle of the development:

The application site lies within the village envelope of Prestbury and is allocated as Predominantly Residential Area and is not subject to any other designation. The proposed site is considered as previously developed and to be in line with Policy H5 of the Local Plan and paragraph 14 of the NPPF as the site utilises a predominantly brownfield site, within a recognised urban settlement in a sustainable location. The definition of previously developed land excludes private residential garden areas and therefore the garden area of the site is not classed as previously developed.

The planning history of this site demonstrates that the principle of the demolition of a single house and the erection of a replacement dwelling (10/3982M) or the erection of 2 dwellings (12/1223M) is acceptable in principle.

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed. Therefore, whilst the principle of residential development on this site is acceptable, development on this site should be assessed against any harm caused to the character or appearance of the area or any other harm.

Character and Appearance of the area:

The application site lies in a residential area characterised by dwellings of individual design standing in relatively spacious plots. Generally the dwellings are near the road with lengthy back gardens laid out both formally and informally. Many of the gardens are bounded by mature evergreen hedges and contain a number of trees which make an important contribution to the overall pleasantness of the area.

That being said, there are other higher design housing areas in close proximity to the application site and the site is NOT in a designated Low Density Housing Area; Conservation Area; Open Space, nor in any other designated environmentally sensitive location which would suggest that development should be specifically constrained beyond the normal considerations which apply to all new development.

It is accepted that new sites identified in Prestbury are extremely limited. This will inevitably produce greater pressures to increasing densities, whether these are new sites, infill or the proposed demolition of large properties on large plots and their replacement with new houses. It is also accepted that increased demand for existing houses to be overdeveloped or large replacement dwellings 'out-of-proportion' to adjoining properties threatens the character of an area.

Turning to each element that illustrates a character in turn it is considered that the application proposals would not adversely harm the character to such a degree that would warrant a refusal of planning permission.

Density:

Amount: The extant permission on the site provides 4,530sqft (421m²) of gross floor space over two units. This application provides 4520sqft (420m²) of gross floor space over four units. This is comparable to the extant permission.

Layout:

Scale: The proposed ridge levels of the new dwellings will be lower than the former property, Meadow Hey, by 600mm and would be 800mm lower than the neighbouring property of Doune Cottage. In addition, given the dormer nature of the front elevation, the eaves level will be much lower than the extant approval.

Appearance:

Garaging: The garages have been designed with flat roof and set back from the dwelling frontages. They have also been set into the site. The garages will not be highly visible from the road and they also increase the separation distances between the dwellings. This will also aid views over the Bollin Valley.

Semi-detached houses: Whilst there is a predominance of detached houses or bungalows in this area, the introduction of semi-detached houses is not necessarily out of character or inappropriate. The pair of semi-detached dwellings have been designed to have the appearance of detached dwelling and are not dissimilar in height, scale, massing and bulk to the approved two detached houses on the site, or the surrounding properties.

Streetscene: Whilst it is regrettable that parts of the front boundary hedge will be lost to form the new pedestrian and vehicle accesses, this removal is not considered to have a detrimental effect on the character or appearance of the street scene. The pluralification of access drives could be argued would negatively impact on the character of an area. However, within the immediate area there are examples of multiple driveways on a similar roadside to that of the application site.

Therefore, whilst the concerns of the local residents and Parish Council are fully understandable and although the scheme will introduce a higher density scheme in the area, this in itself is not considered to harm the character of the area.

Highway access, parking and pedestrian safety:

The proposed layout incorporates four separate access drives to each property. The properties will have an attached single garage, and two off-street parking spaces. This level of parking provision accords with parking standards.

During the determination of the application, revised plans have been submitted that indicate an acceptable visibility splay from each driveway. This level of visibility is acceptable given the speed limit on Bollin Way. This will result in the loss of the majority of the hedge.

The scheme also now provides driveway area turning area for cars within each property, so that cars have the ability to enter and exit the dwellings in a forward gear. It is acknowledged that whilst this increased hardstanding is provided, there is the likelihood that cars may still reverse out of the driveways. That is not, however, a reason to refuse planning permission.

Whilst we appreciate the concern by residents regarding highway access, parking and pedestrian safety issues. The scheme accords with the Council's highway standards and the Council Highways Section have no objections subject to condition providing the visibility splay described above.

Protection of existing trees, landscaping and ecology implications;

An Arboricultural Statement and a Tree Protection Plan are submitted with the application and these have informed the proposal and the landscape scheme. There should be no direct implications in respect of the identified trees to be retained. There requirements in terms of root preservation should not be compromised by development.

The loss of the hedge fronting Bollin Way can be mitigated as part of a specimen planting scheme. The Council's Tree Officer has confirmed that no formal protection of a hedge under the 1997 hedgerow regulations can be considered where such a feature forms part of a domestic garden.

The proposals will comply with Policy DC9 of the Macclesfield Borough Local Plan.

A detailed landscaping scheme has been submitted in support of the application. The Landscape Officer wishes to revisit the site, particularly to consider the alterations to ground levels and the boundary treatments. Additional views will be provided to Members within an update report.

In relation to protected species, a bat and badger surveys have been undertaken at this site in 2010. The house on site has now been demolished and so no further bat surveys are required. The badger survey was considered to be out-of-date and consequently an updated one was submitted, which shows no evidence of active badgers on the application site, although they do continue to be present off site.

In relation to habitats, the slope to the east of the proposed properties supported woodland habitats which included a number of ground flora species characteristic of established woodlands; however most of the trees on the slope have now been removed. Conditions are suggested to ensure that the woodland ground flora species located on the slope at the rear are removed and replanted elsewhere.

The Council's Nature Conservation Officer does not object to the scheme as the proposal will comply with Policy NE11 of the Macclesfield Borough Local Plan.

Residential Amenity:

Local Plan policies DC3 and DC38 relate to amenity. DC38 sets out guidelines for space between buildings which developments should aim to meet. The proposed development is considered to comply with these guidelines.

The Environmental Health Service has considered the application and raises no objection subject to a condition requiring the hours of demolition, construction and deliveries of the site to be restricted.

For the reasons outlined above and subject to the specified conditions it is not considered that the proposed dwellinghouses would have a detrimental effect on the amenity of neighbouring properties or one another and therefore would comply with policies DC3, DC38 and DC41 of the Local Plan.

Other Material Considerations:

Two spring points have been identified towards the base of the slope of the site. It should be noted that no spring points have been identified on the plateau level above the slope. The former pond was a manmade feature with a formed clay and stone base, this being fed by land drains from the surrounding former lawn and landscaped areas. Bearing the above in mind and due to the topography of the site, additional information was requested that outline how the physical works would be undertaken. The developer has stated that the works programme would consist of the following: -

- Kill weeds with approved herbicide spray and remove all arisings;
- Remove all branches and twig debris to achieve a clean soil surface area;
- Lay land drain pipes from the spring points in clean stone trenches. Land drain pipes to lead to the former mill race water course at the base of the slope;
- Along the 114 contour level, construct a gabion wall to 1.0m high up to the 115 contour level, all to the alignments shown;
- Set out the profile of the lower grass terraces to make best use of the undulations and natural contouring of the existing slope;
- Use a system of tanalised timber boards and scaffold pole 'pegs' to create an interlocking ladder of ground reinforcement to receive subsoil up to 600mm deep;
- Lay sub-soil into the reinforced ground to smooth flowing lines. All to achieve level areas within the lower garden areas.
- Lay a geoweb membrane on top of the reinforced subsoil layer and peg in place with steel reinforcing bar
- Supply and lay a screeded topsoil into the geoweb to form a firm layer suitable for turfing; and
- Supply and lay turf and peg in place.

The Council's Highways Drainage Section, United Utilities and Building Control Section have raised no objections to the details of the scheme.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The concerns of the Parish Council and local residents are understandable given that this proposal represents an increased density of housing on the site from a single dwelling to four. It is understandable that this type of development raises concerns in respect of highway safety, the character and appearance of the area and the other factors considered in the report.

However, this proposal accords with the relevant policies of the Development Plan. Those policies are considered to be consistent with the Framework. Paragraph 14 of the Framework

is clear that proposals for development that are in accordance with the development plan should be approved without delay.

Whilst the development provides 4 semi-detached dwellings on the site, the built form and mass of the buildings is very similar to the impact of the extant planning permission for 2 detached dwellings. The technical issues of highway safety have been addressed through the provision of adequate visibility splays.

The proposal will not harm the living conditions of adjoining property and concerns around drainage and land levels have been addressed.

There are no landscaping or ecological issues providing an impediment to planning permission.

The presumption in favour of sustainable development means that the balance of considerations lies in favour of approval of this scheme. Whilst some dis-benefits have been highlighted, these are not sufficiently significant or demonstrable to justify withholding planning permission, and that is the test that should be applied under paragraph 14 of the Framework.

The application is recommended for approval subject to conditions, in advance of the views from our Landscape Officer, which will be provided to Members within an update report.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A03AP - Development in accord with revised plans (Visibility splays)
3. A02EX - Submission of samples of building materials
4. A22GR - Protection from noise during construction (hours of construction/deliveries restricted)
5. A02HA - Construction of access
6. A23MC - Details of ground levels to be submitted
7. Restriction on hours of Pile Driving
8. Visibility splays 2.0m x 43m for each driveway.
9. Pedestrian visibility splays 2.0m x 2.0m at each entrance
10. Works to Trees in full accordance with Cheshire Woodlands Arboricultural Statement
11. Protected Species Mitigation
12. Prior to the commencement of development, submission & approval of a scheme for the translocation of the Bluebell bulbs

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