

Application No: 15/1886M

Location: WITHINLEE HOLLOW, WITHINLEE ROAD, MOTTRAM ST ANDREW, MACCLESFIELD, MACCLESFIELD, CHESHIRE, SK10 4AT

Proposal: The erection of a single contemporary 2 storey 4 bedroom dwelling with external underground Garage and central Courtyard, all situated in a NorthEast - SouthWest setting within a 0.831 acre (3,364m²) sloping plot. The principle living areas are located on the first floor (at ground level) and bedrooms and home leisure spaces are located within the sub-level (below ground level).

Applicant: Carl Davis, Lingfield Homes & Property Development L

Expiry Date: 18-Jun-2015

SUMMARY

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

The site is positioned within a sustainable location designated as a Low Density Housing Area and wider Predominantly Residential Area of Prestbury.

It is considered that the principle of a new dwelling in the proposed location is acceptable and therefore satisfies the three threads of 'sustainability' as stipulated within the NPPF (2012).

The proposal is commensurately scaled within the plot and appropriately designed to sympathetically integrate with the topography of the land and wider character and appearance of the Low Density Housing Area to which the application site forms part thereof.

The proposed development could be implemented without any detrimental impacts on neighbouring amenity, arboriculture or access onto the main highway which could be achieved without any significantly highway safety issues.

The application meets the three threads of sustainability as stipulated by the NPPF and is therefore recommended for approval.

RECOMMENDATION: Approve, subject to conditions

REASON FOR REPORT

This application has been called in to committee at the request of Cllr Paul Findlow due to the following concerns:

- ☐ The proposal is contrary to policy H12, being in a low density housing area, in that the one acre per plot requirement is not met, no matter how the total plot including the existing house is divided;
- ☐ Design dissonance – The dwelling's modern design is entirely out of character with the locality, its neighbours and the surroundings;
- The shared access arrangements are not of the required standard, and the drive across the plot serves Withinlee Hollow, and is also part of the access to the green belt land to the south thereof, and, therefore, can not count towards the one acre requirement; and
- Potential damage to trees, including those of neighbours, on a quagmire plot with clear drainage issues.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of a sloping plot accessed via an un-adopted driveway linking Withinlee Road to the north with the residential properties of Withinlee Court to the west and Withinlee Hollow to the south. The properties of Withinlee lie to the east whilst the rear curtilage of Clove heights lies adjacent to the northern boundary. As such, the plot is bounded by residential dwellings to all sides.

The site is characterised by an extensive treeline to the boundaries and a grazed central area which is currently used for equestrian purposes. An access track currently runs along the western aspect to the detached property of Withinlee Hollow to the south with gate access to the south-east linking the application site to a field beyond.

DETAILS OF PROPOSAL

The proposal seeks the construction of a two storey detached dwelling house, garaging and associated hardstanding which utilises the topography of the land to appear single storey to the principal (northern elevation) and two storey to the rear (southern elevation)

RELEVANT HISTORY

14/3658M – Withdrawn

Construction of a two storey detached dwelling

Reason for withdrawal:

- Review of the size; and
- Concerns regarding highway safety.

14/2837M - Withdrawn

Construction of a two storey detached dwelling

Reason for withdrawal:

- Insufficient arboricultural information

POLICIES

Macclesfield Borough Local Plan (2004) – 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 (Landscaping)
- DC9 (Tree Protection)
- DC38 (Guidelines for space, light and privacy for housing development)
- DC41 (Infill Housing Development or Redevelopment)
- H1 (Phasing Policy)
- H2 (Environmental Quality in Housing Developments)
- H5 (Windfall Housing)
- H12 (Low Density Housing Area)
- H13 (Protecting residential areas)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

- MP1 (Presumption in Favour of Sustainable Development)
- SD1 (Sustainable Development in Cheshire East)
- SD2 (Sustainable Development Principles)
- SE1 (Design)

CONSULTATIONS (External to Planning)

Arboriculture and Forestry: No objection subject to conditions.

Environmental Protection: No objection subject to conditions.

Highways: No objection.

Landscape: No objection subject to conditions.

VIEWS OF THE PARISH COUNCIL

Prestbury Parish Council: *The Committee strongly object to this application on the grounds that it is 20% larger than the previous design in a low density area. Access is not suitable. All trees are TPO'd and they have concern about the loss of these trees especially the Weeping*

Willow that stabilises the wet, boggy ground. It is totally out of character – a two storey box to be built in an area of traditionally designed properties.

OTHER REPRESENTATIONS

Five letters of representation (four from one resident) have been received objecting to the proposed development on the following grounds. These are available on the website but are summarised below:

- The site is a quagmire (a soft boggy area that gives way underfoot);
- The proposal does not accord with policy H12 of the Local Plan:
 - The site is under the 1 acre threshold;
 - The access drive should not be included;
 - The size measured for the plot is incorrect;
- Arboriculture implications:
 - The access track is dangerously close to the protected trees;
 - Trees have been felled which is contrary to the policy reference document that 'no trees would be pruned or removed without the consent of both the Tree Officer or adjoining neighbours';
 - The assessment made for the Crack Willow should be challenged and is of high amenity value;
 - Issue with the Eduramat protection system suggested;
- Highways implications:
 - The Highways Officer objected to the previous two applications due to poor visibility at the junction;
 - Two cars travelling in opposite directions cannot pass without issue;
 - A transport study submitted in support of the objectors indicates that the access is substandard and the proposal would lead to the material intensification of use on the site from equestrian to residential;
- The site has drainage problems and extensive work would impact the flow of water in the ground and affect the mature trees near the site through root damage and changes in soil and moisture levels;
- It is not understood how the excavations can be disposed of on site;
- The insertion of photovoltaic panels on the flat roof would add to the incongruity of the proposed new house and have an adverse impact on the outlook from neighbouring houses.

OFFICER APPRAISAL

Key Issues

- Principle of development;
- Impact upon Low Density Housing Area;
- Impact upon the amenity of neighbouring properties;
- Arboricultural Implications; and
- Highway safety implications

Principle of Development

Given the site lies within a predominantly residential area the principle of a new dwelling is supported by development plan policies and national guidance. The proposal is therefore assessed against the presumption in favour of sustainable development as set out in paragraphs 11 to 16 of the National Planning Policy Framework (NPPF).

The application site is within a Low Density Housing Area where policy H12 applies. This policy seeks to ensure that any new development does not threaten the low density, high quality character of these established residential areas. To achieve this it requires development to meet the following criteria:

- *The proposal should be sympathetic to the character of the established residential area, particularly taking into account the physical scale and form of new houses and vehicular access;*
- *The plot width and space between the sides of housing should be commensurate with the surrounding area;*
- *The existing low density should not be exceeded in any particular area;*
- *Existing high standards of space, light and privacy should be maintained;*
- *Existing tree and ground cover of public amenity value should be retained; and*
- *In Prestbury both the new housing plots and the remaining plot should be approximately 0.4 hectares.*

Additionally policy DC41 sets out detailed criteria for infill housing development. The criteria are:

- *in areas which enjoy higher space, light and privacy standards than the minimum prescribed standards, then new dwellings should meet the higher local standard;*
- *The proposal should not result in overlooking of existing private gardens;*
- *The proposal should not lead to excessive overshadowing of existing habitable rooms;*
- *The garden space should reflect the typical ratio of garden space within curtilages in the area and the location, size and shapes should be suitable for the intended purpose;*
- *The proposal should not result in excessive amounts of new traffic into a quiet area or on unsuitable roads. within the site the location and amount of vehicle space should not lead to annoyance or intrusion to neighbouring properties;*
- *The proposal should normally enjoy open outlook onto a highway or open space from one elevation. tandem and back land development will not normally be permitted where this would result in substandard outlook, overlooking and disturbance by through traffic;*
- *Car parking should be provided in accordance with the relevant car parking standards; and*
- *Vehicular and pedestrian access should be safe, particularly by the adequate provision of visibility splays.*

Policies BE1 and DC1 set out general design criteria related to new development whilst policies DC3 and DC38 relate to protecting residential amenity and set out appropriate spacing standards between dwellings.

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

ENVIRONMENTAL SUSTAINABILITY

Design, Scale, Character and Appearance

As viewed within the streetscene it is considered that the area is characterised by individual dwellings of varying sizes set amongst mature plots where it is evident that there is no prevailing architectural style.

Further to reviewing the submitted information the site plan indicates that the total plot size for the proposed development would amount to approximately 0.35 hectares. However, taking account of the driveway running through the western edge of the site this could reduce the 'plot' to east to about 0.27 hectares - but this would then also leave a further smaller area on the other side of the driveway. As noted above policy H12 seeks to ensure plot sizes of both the proposed and remaining dwelling are approximately 0.4 hectares and therefore whichever calculation is used, it is acknowledged that the proposed plot would fall short of this requirement. The actual plot size forms part of the assessment and not necessarily the only method of calculating the impact on character which requires an overview of the site rather than a rigid figure to be applied.

It is considered that given the unique site characteristics and spacing standards retained between neighbouring properties the proposed plot would be commensurate with the surrounding buildings and would therefore reflect the general characteristics of the area. In addition, the distances to the neighbouring properties would be substantial, the closest being Withinlee Court at approximately 27 metres away at its nearest point. This would ensure the sense of space that the existing low density housing area seeks to preserve.

In respect to design, Paragraph 58 of the NPPF advises that decisions should aim to ensure that development, *inter alia*:

- *Will function well and add to the overall quality of the area;*
- *Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; and*
- *Are visually attractive as a result of good architecture and appropriate landscaping.*
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However, it is important to reiterate at paragraph 60 of the NPPF:

'...decisions should attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.'

The site is a "back land" plot and as such, and rather importantly, would be screened from Withinlee Road by existing dwellings and mature trees and vegetation. It does not sit within a street-scene as such and therefore the site lends itself to a different design approach which aims to integrate appropriately within the constraints of the site without harming the overall character of the area. This is reinforced by the immediate surroundings not being characterised by a distinctive architectural style.

As noted above, the design of the dwelling addresses the particular site circumstances in that it utilises and is designed around the changing levels across the site and how it would relate to the neighbouring properties. It is therefore considered that the approach taken would provide a better solution and one which follows to the overarching stipulations of paragraph

60 of the NPPF than a pastiche design which would neither preserve nor enhance the openness of the area.

As with any contemporary design the quality of the materials is important and as submitted it is considered that the palette of materials would be appropriate in the context of the design of the dwelling and its setting amongst the plot whereby complying with policy BE1 and DC1 of the Local Plan.

As noted within DC41, the policy seeks to restrict back land development particularly where it would result in substandard outlook. In this regard back land development would not be unusual in this area and there are many existing examples including three immediate neighbours: Withinlee Hollow, Withinlee Court, and Withinlee where this approach has been applied successfully. The proposed development would therefore be reflective of the general pattern of development in the area and substantial space would be retained around buildings with the existing dwelling enjoying a reasonable outlook and light commensurate with the area.

Amenity

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. This is maintained through policy H12 which requires development in low density housing areas to respect the higher standards of space, light and privacy. In respect to the spacing standards, these are set out in the guidance contained within policy DC38.

As indicated on the submitted plans, the proposed dwelling would meet the spacing standards as set out in policies DC38 and H12 of the Local Plan. This is further improved by the design of the dwelling with the northern aspect in effect being single storey with a lower “basement” level taking advantage of the level changes across the site. As a consequence, this minimises the bulk and massing of the dwelling where it is in closest proximity to the neighbours to the west and east and also Clover Heights which is situated a greater distance to the north. As such, it is not considered that the proposed development would be significantly overbearing or overshadow the neighbouring properties.

In addition to the above, site has existing mature trees and vegetation which would help retain privacy between the proposed dwelling and neighbouring properties and help filter visibility of the development as viewed from these occupiers. Notwithstanding this, it is important to note that the visibility of the property from neighbouring occupiers is not a material consideration in the determination of this application.

The proposal is therefore considered to meet the stipulations of policies DC3, DC38 and H12 of the Local Plan and guidance contained within the NPPF.

Highways

Throughout the determination of the application concern has been raised by a number of local residents and previously by the Council’s Highways Officer that the proposed development

could amount to an intensification of use whereby impacting upon highway safety given issues surrounding the lack of visibility when accessing the site from Withinlee Road.

To this end much deliberation and three separate transport assessments have been made, one indicating that there would be a significant intensification of use over an above that of the existing equestrian use, whilst the other two, namely one prepared by the applicant and the other produced by the Council's own Highways Officer subsequent to a traffic survey being undertaken showing various levels of usage on the access.

As shown within the survey results found by the Cheshire East Council, the Highways Officer indicates that *'it is clear that there is some usage associated with the paddock use, once the trips to the existing property have been removed. The residual level of usage in the CEC survey is lower than a new unit would produce although the applicant's survey indicated higher usage of the access'*.

Needless to say, it was confirmed that *'this application would be a clear objection in highway grounds if there were no existing uses other than the residential that are currently using the access. The survey information has shown that there are vehicular trips associated with the paddock and also it is the case that this use could be intensified in the future. In these circumstances, it would difficult to argue that there is an intensification of use for a single unit should the current paddock use cease. Therefore, on balance, I would remove the objections to the application subject to all the equestrian use ceasing on the site.'*

In respect to all equestrian uses ceasing on the site, the applicant has agreed to enter into a Unilateral Undertaking whereby all equestrian uses will cease on the site. It is therefore considered that this obligation will be sufficiently justified and enforceable to ensure the acceptability of the scheme.

The proposal meets the car parking standards as set out in the Cheshire East Local Plan Strategy Submission Version March 2014 (as amended) and complies with policy DC6 of the Local Plan and guidance contained within the NPPF (2012).

Arboriculture and Forestry

Policy DC9 of the Local Plan seeks to ensure the retention of trees or woodland unless the vegetation is no longer of sufficient amenity value, where the removal is in accordance with current arboricultural best practice or where mitigation provides an identifiable net environmental gain.

Through discussion and previous amendment to the scheme to negate the concerns raised by the Council's Arboriculture and Forestry Officer in the determination of the preceding application, it has been concluded that the loss of the trees indicated within the Arboricultural Report is accepted and that sufficient mitigation has been shown to ensure the retained trees are protected in accordance with current best practice BS5837:2012.

To this end, the proposal is considered acceptable and the development complies with the stipulations of DC9 of the Local Plan.

SOCIAL SUSTAINABILITY

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14,617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Consequently, weight is given to the sustainability of the site which is considered to represent '*optimum viable use*' as prescribed in paragraph 134 of the NPPF.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses.

PLANNING BALANCE

Whilst the objections are noted, the presumption in favour of sustainable development is a significant material consideration in the determination of this application and therefore taking into consideration the merits demonstrated above and the compliance with local and national planning policy, the proposed development meets all aspects of sustainable development and is recommended for approval.

It is considered that the site would:

- Preserve the key characteristics of the low density housing area whilst ensuring an appropriate level of development which is located within a sustainable urban location;
- Provide an opportunity to create a more contemporary design approach to suitably address the specific site issues associated with this viable residential plot; and
- Would not significantly or detrimentally impact upon surrounding trees, the amenities of neighbouring occupiers or cause highway safety concerns.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Removal of permitted development rights
2. Landscaping - submission of details
3. Commencement of development (3 years)
4. Landscaping (implementation)
5. Use of garage / carport
6. Levels survey
7. Approved Plans
8. Materials to be submitted
9. Details of Boundary Treatment
10. Details of all hardsurfacing materials
11. Works in accordance with Tree Report
12. Engineering Method Statement
13. Servicing and Drainage Layout
14. Pile Driving

15. Dust Control

16. Floor Floating

17. Noise Mitigation Scheme

18. Contaminated Land

