

Application No: 16/4651M

Location: 5, Harefield Drive, Wilmslow, Cheshire, SK9 1NJ

Proposal: Demolition of detached bungalow and the construction of two two-storey detached dwellings with associated accesses and detached garages (resubmission of 16/1983M)

Applicant: Herring, Herring Properties Ltd

Expiry Date: 17-Nov-2016

SUMMARY

The proposed scheme is considered to have addressed the reasons for the refusal of the previous application and the subsequent appeal which was dismissed. The proposals constitute an appropriate development that would be of a design and scale which would have an acceptable impact on the character and appearance of the locality. The development would not have an adverse impact on neighbouring amenity, the highway network, trees or protected species, subject to conditions. The proposed development plan complies with the relevant development plan policies and is considered to be sustainable in the social, environmental and economic sense. The application is therefore recommended for approval.

MAIN ISSUES

- Principle of Development
- Design/ Scale/ Impact on the character and appearance of the locality
- Highway Issues
- Arboricultural Implications
- Ecology
- Sustainability

SUMMARY RECOMMENDATION:

Approve subject to conditions

REASON FOR REPORT

The application has been called in to Committee by the Ward Councillor due to concerns of overdevelopment of the site and the proposals being out of keeping with the established

character of the area with a significant adverse impact on the streetscene. The open aspect of this established residential area will be reduced with inadequate space separating the properties,

The previous application (15/1278M) was considered by the Northern Planning Committee.

SITE DESCRIPTION

The application site relates to a large corner plot occupied by a detached bungalow. It is located within a predominantly residential area of Wilmslow. The locality is characterised by dwellings of a variety of architectural styles and scale, with bungalows on the opposite side of the street, and two storey dwellings adjacent and on nearby roads.

PROPOSAL

The proposed development is for the demolition of the existing 7.2m high bungalow and the erection of a pair of two storey detached dwellings, with the formation of an additional access, hardstanding and landscaping.

As requested by Highways, in order to improve visibility the front boundary hedge is required to be removed and replaced with a 1m high brick boundary wall to the front of the site.

RELEVANT HISTORY

15/1278M - Demolition of existing bungalow and the construction of two two-storey detached dwellings with accesses. Refused and appeal dismissed 29.06.2016

16/1983M - Demolition of existing bungalow and the construction of two two-storey detached dwellings with associated accesses (resubmission of 15/1278M) Withdrawn.

LOCAL AND NATIONAL POLICY

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. This is repeated in the NPPF (para 2).

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 Plans (January 2004).

Macclesfield Borough Local Plan (2004)

Since publication of the NPPF 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 saved Local Plan policies considered to be most relevant are outlined below

BE1 (Design Guidance)

H2 (Environmental Quality in Housing Developments)
H5 (Windfall Sites)
H13 (Protecting Residential Areas)
DC1 (Design & Amenity – New Build)
DC3 (Design & Amenity – Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC35 (Materials and Finishes)
DC37 (Landscaping)
DC38 (Space, Light and Privacy)
DC41 (Infill Housing Development or Redevelopment)

Cheshire East Local Plan Strategy – Submission Version (CELP)

Policy SD1 (Sustainable Development in Cheshire East)
Policy SC2 (Sustainable Development Principles)
Policy SE1 (Design)
Policy SE2 (Efficient Use of Land)
Policy SE4 (The Landscape)
Policy SE5 (Trees, Hedgerows and Woodland)
Policy SE9 (Energy Efficient Development)
Policy SE12 (Pollution, Land Contamination and Land Instability)
Policy IN1 (Infrastructure)
Policy PG1 (Overall Development Strategy)
Policy PG2 (Settlement Hierarchy)

National Policy

The National Planning Policy Framework (NPPF) (2012) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

7 (Achieving Sustainable Development)
14 (Presumption in Favour of Sustainable Development)
17 (Core Planning Principles)
32 (Promoting Sustainable Transport)
47-50 (Wide Choice of Quality Homes)
56-68 (Requiring Good Design)
69-78 (Promoting Healthy Communities)
109-11 (Conserving and Enhancing the Natural Environment)

National Planning Practice Guidance (NPPG)

The NPPG came into force on 6th March 2014, replacing a range of National Planning Policy Guidance Notes and complimenting the NPPF.

CONSULTATIONS

Strategic Infrastructure Manager- No Objection - Amended plans have ensured that the driveway accesses from Harefield Drive are of sufficient width and each have sufficient visibility ensuring there would be no highway safety issues as a result of the development.

Environmental Health- No Objection.

Nature Conservation - No objection subject to conditions regarding mitigation for bats and nesting birds.

Tree Officer- No Objection subject to tree protection conditions.

VIEW OF THE TOWN COUNCIL

Wilmslow Town Council - Objects on the following grounds:

Recommends refusal of this application on the grounds of the proposal being out of keeping with the street scene and character of the neighbourhood, on the grounds of the resultant loss of privacy to neighbours, the unnecessary loss of hedging detrimental to the character of the neighbourhood and on the grounds of the creation of an additional driveway and its proximity to a blind bend.

REPRESENTATIONS

22 objections have been received. The planning related objections are on the following grounds:

- Issues raised in the appeal decision and refusal reasons of 15/1278m have not been addressed
- The scale, bulk and form of the houses would significantly detract from the character and appearance of the street scene along Harefield Drive, contrary to Local Policies BE1 and DC1, the emerging local plan and the NPPF.
- Loss of boundary hedge and replacement with boundary wall out of keeping with the character and appearance of the street scene
- The proposal fails to maintain the established standards of Harefield Drive with regard to space between properties and privacy.
- Trees have been removed alongside the site boundary and this will result in a loss of privacy to No.3 Harefield Drive due to overlooking from upper floor windows of plot 5
- To prevent overlooking of No.3 Harefield Drive, windows to landing and bedroom four in of plot 5 need to obscure glazed
- The existing and proposed street scenes are misleading as dwellings are drawn set back from existing properties and therefore look smaller and less obtrusive;.
- Development will result in increased noise to neighbours
- Details of boundary fencing is not provided
- Inadequate parking arrangements
- Proposed driveway to Plot 5A will exit on to a bend of a busy road, and increase traffic in close proximity to a dangerous junction on a corner plot
- Adverse impact on highway safety particularly for pedestrians

- Harefield Drive is narrow and on street parking is very limited. The positioning of two new drives will result in the loss of at least one marked parking bay
- Loss of trees
- Adverse impact on bats and loss of wildlife habitat
- Precedent for future development in this area

Wilmslow Civic Trust objects on the following grounds:

- Little difference from application which was refused and dismissed on appeal
- This proposal still fails to satisfy the requirements of policies BE1 and DC1 of the local plan, and the NPPF
- Adverse effect on the character and appearance of the streetscene along Harefield Drive, especially with the removal of the high hedges
- Vehicular accesses too near the corner apex will result in reduced road safety.
- Limited off street parking.
- Difficulties will result from occupants 'Swapping cars' for priority exiting, with temporary parking on the apex and visitor parking likely to be roadside.

APPRAISAL

Key Issues

- Principle of development;
- Design considerations/ Character of the area
- Impact upon amenity of neighbouring properties
- Highway Safety Implications
- Ecology Implications
- Arboricultural Implications
- Sustainability

Principle of Development

The application site lies within an area designated as predominantly residential (as defined by the Macclesfield Borough Local Plan, 2004). Within this designation, the principle of development is considered acceptable by the development plan and national policy. The NPPF strongly emphasises, at paragraph 14, there is a "presumption in favour of sustainable development" and that this is vital in decision-taking. With reference to decision-taking, this means approving development proposals that accord with the development plan without delay, unless there are significantly adverse reasons for doing so.

A recent appeal relating to the refusal (15/1278M) of a previous scheme for two detached houses on this site was dismissed. The appeal Inspector's concerns principally related to the scale and appearance of the proposed dwellings and their impact on the character and appearance of the street scene along Harefield Drive. The Inspector concluded;

The site is located in a convenient position with ready access to an extensive range of services and other facilities. To that extent it is a sustainable location for people to live and an additional house would be a contribution, albeit limited, to the current shortfall in the area of land for housing. However, these factors do not outweigh my concerns that the scale and form of the houses would significantly detract from the character and appearance of the street scene along Harefield Drive, contrary to LP Policies BE1 and DC1 and NPPF.

As set out below, it is considered that the proposed scheme is of a design which has addressed and overcome the concerns raised by the appeal Inspector and consequently the site can satisfactorily accommodate the pair of dwellings now proposed in accordance with the Local Plan and objectives of the NPPF.

ENVIRONMENTAL SUSTAINABILITY

Design / Character

The objections from neighbours and the Town Council and Wilmslow Civic Trust have all been carefully considered. However, the revised development is considered to have addressed the Inspectors reasons for dismissing the appeal scheme, and accords with all national and local planning policy objectives regarding the requirements for good design.

It is considered that the plot is capable of accommodating two dwellings without harm to the character and appearance of the area. The Inspector raised no objections to the principle of subdivision of the plot, and as regards the character and appearance of the area its was concluded that;

“Harefield Drive serves a small residential area that has developed over the years, and leads into Whitehall Close. It also leads to older buildings connected with Fulshaw Hall and Harefield Farm. The incremental nature of the enclave is reflected in the variety of property in the area with bungalows and houses, detached and semi-detached, of differing size, scale, architectural style and design. The layout of the more modern development is informal with dwellings grouped along winding access-ways. Directly opposite, across Harefield Drive, is a row of bungalows, whilst No 3 Harefield Drive, next door, is a detached house.”

It is therefore accepted that an important characteristic of the locality is the variety of houses types of different size and design. Therefore the replacement of the existing bungalow with a development of two detached houses would not in itself be out of keeping with the appearance and character of the locality. The principal concerns raised in the inspector's appeal decision with regard to the scale and design of the previous scheme were that;

The houses, reflected in their height, width and depth and their relative closeness to the boundaries on either side, would be seen as an uncharacteristically bulky and substantial block stretching across the plot. The development would have a cramped appearance at odds with the attractive and generally low density, spacious environment of the small enclave of properties served by Harefield Drive.

Whilst the proposed development application still relates to two detached houses with a similar alignment and orientation to Harefield Drive, in comparison to the appeal scheme they are of reduced scale, massing, and footprint. This has resulted in the spacing between them being increased to 4m. In addition the distance of the side elevation of Dwelling 5A from the southern site boundary with the corner of Harefield Drive has been increased to over 7m, which also enables existing trees to be retained. The dwellings would also be well set back from the main site frontage onto Harefield Drive, albeit in positions slightly forward of the existing bungalow.

Furthermore when compared to the appeal scheme, the proposed dwellings have been individually designed to be of different scale and appearance, including the use of different materials (one being in brick and the other in render). Plot 5, would have a ridge height that would be identical to that of No.3 Harefield Drive but would incorporate a lower eaves height. Plot 5A would have a ridge height about 0.6 metres lower than Plot 5 and also have a correspondingly lower eaves height. Plot 5A is designed to utilise the roof space at first floor level and include dormer windows, which is characteristic of several properties in the area.

It is considered that the overall reduction in the height, width and depth of the houses, and the greater spacing between and around the proposed dwellings, ensures that the development would be of a density and appearance which would achieve an acceptable relationship adjacent properties. Revised street scenes and comparative drawings have been submitted which demonstrate that the development would not be of cramped appearance or constitute an overdevelopment of the site and is therefore be in keeping with the character of Harefield Drive.

Furthermore, whilst the loss of the hedge is noted, which is a relatively uniform characteristic of the boundary treatment in the locality, it is noted that boundary trees would remain and that in any case a 1m high wall could be built along the site frontage without the need for planning permission.

Conditions are proposed to remove Permitted Development Rights to ensure that extensions, dormers or other large roof extensions cannot be achieved without planning permission. This will prevent any significant harm to the character of locality.

All things considered, on balance, the revised development addresses the appeal Inspectors concerns and accords with all design objectives within this predominantly residential area as designated in the local plan in accordance with policies BE1, DC1 and DC41 of the local plan.

Residential Amenity

The objections have been considered. The nearest property opposite the development is a bungalow at No.8 Harefield Drive. A distance of approximately 23m would remain between the front elevation of No 8 and the proposed houses. Taking into account the difference in height between the buildings, this would still allow a commensurate degree of space, light and privacy to remain between the properties in accordance with policy DC38.

The side elevation of dwelling 5a would be approximately 20.4m away from the front elevation bedroom window to 10 Harefield Drive, which would be the only window affected on this

property. This, coupled with the orientation of the respective properties in relation to the sun's path, would mean that there would not be an adverse impact in terms of overshadowing to this bedroom that would be substantial enough to warrant refusal of the development.

The gable end of Plot 5 is sited in front of existing windows within the side of No.3 Harefield Drive which serve a lounge. However, this room is served by a larger window within its rear elevation, and consequently these windows are secondary, ensuring that the development would comply with Policy DC38.

The proposed dwelling on Plot 5 is of a siting and design which would not be unduly dominant or overbearing, when viewed from habitable windows or rear garden of No.3 Harefield Drive. Furthermore, given the positioning of the new dwelling, any potential overlooking of the rear garden of No.3 from its upper floor windows would not result in an unacceptable loss of privacy.

Overall the development would not have an adverse impact in terms of loss of light, overbearing impact or overlooking and the scheme accords with policies DC3, DC38.

Sufficient amenity space for the occupiers of the proposed dwellings would exist and the development would not result in an adverse impact in terms of overlooking of neighbouring gardens in accordance with policy DC41.

Highways

The objections regarding highway safety are noted. However the revised plans are considered to achieve sufficient visibility for vehicles accessing / egressing the site and the development would accord with local plan policy DC6. Sufficient on-site parking would be provided and at least 3 spaces would be provided for each dwelling.

The Strategic Infrastructure Manager has been consulted and raised no objection to the proposed access and parking arrangements as amended.

Arboricultural Implications

The application is supported by a Tree Survey Report providing information on the number, status and quality of trees within the application site. The Tree Survey has identified trees within the site, of which one, a Sycamore is protected by the Macclesfield Borough Council (Wilmslow - Harefield/Fulshaw Hall) Tree Preservation Order 1975 to the south east corner of the site.

The application proposes the removal of a number of unprotected trees (predominantly Cypress) along the northern boundary of the site, with the majority of trees along the southern boundary, including the protected Sycamore to be retained.

Whilst trees have been removed alongside the boundary with No.3 Harefield Drive these were not protected.

As with previous application, the Tree Officer has advised that the protected Sycamore is not directly affected by the proposal and the relationship/ of the development with the protected tree is acceptable

The Tree Officer raises no objections to the proposals subject to conditions including the submission of a Tree Protection Plan relating to retained trees would be required.

Ecology

The Nature Conservation Officer has reviewed the submitted Ecological Appraisal and Bat Surveys Report and is satisfied with their findings including the assessment of risks to protected species.

Evidence of limited bat activity in the form of a minor roost of a relatively common bat species has been recorded within the bungalow. The demolition of the building will result in the loss of the roost, and an application to Natural England for a European Protected Species Licence is required.

In these circumstances the Nature Conservation Officer is satisfied that should such a licence application will be made it would be approved. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The demolition of the existing dwelling and erection of a pair of dwellings would make some contribution to the Borough's housing supply. There are no suitable alternatives.

Mitigation measures to avoid harmful disturbance to bats and provide new roosting opportunities are proposed and is likely to reduce the potential adverse impacts of the development to a negligible level. The submitted report recommends the installation of bat boxes on the nearby trees and a replacement 'bat loft' as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The Nature Conservation Officer has raised no objections, subject to conditions regarding the implementation of bat mitigation methods as detailed in the submitted survey and regarding nesting birds.

The development accords with Policy NE11 of the Local Plan.

Sustainability

Environmental sustainability

Taking into account the above sections the proposal is considered to represent an appropriate form of development in the context of the area, and one which would preserve the

environmental merits of the immediate and wider locality and uphold the existing residential amenities. The visual amenities which contribute to the street scene would be preserved and There would be no significant highway issues, harm to the wellbeing of any significant trees, or harm to the biodiversity of the area. The scheme is therefore deemed to be environmentally sustainable.

SOCIAL SUSTAINABILITY

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The Council currently remains unable to demonstrate a 5 year supply of housing land.

Further to this, the NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicated development should be restricted.”

The key issue of this scheme, is therefore, whether there are any significantly adverse impacts that would weigh against the presumption in favour of sustainable development or whether specific policies in the Framework indicate development should be restricted.

It is recognised that the provision of one additional house within the site would provide a small social benefit and a small contribution to the housing requirements of the Borough. The scheme would help to provide family housing with Cheshire East, which both locally and nationally is shown to be in demand.

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 some 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

On balance, whilst the objections are noted the proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the mixed residential character of the

area, would not harm neighbouring amenity and appropriate landscaping, protected species mitigation is provided. The highway safety concerns are also noted, however the revised scheme would have an acceptable impact in terms of highway safety.

Overall, the scheme is considered to represent a sustainable form of development in environmental, social and economic terms.

The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

Approved subject to conditions:

1. Standard Time Limit (3 years)
2. Development to be carried out in accordance with approved plans
3. Details of Materials
4. Levels details to be submitted
4. Removal of Class A and B Permitted Development Rights
5. Bird Nesting
6. Bat Mitigation
7. Parking to be provided and made available prior to occupation
8. Landscaping to be submitted
9. Landscaping Implementation
10. Details boundary treatment
11. Drainage Scheme to be submitted
11. Tree Protection
12. Tree Retention
13. Construction Method Statement
14. Piling details to be submitted
15. Dust control measures to be submitted

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) of the 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.

