

Application No: 17/0181M

Location: Brundred Farm, 45, CASTLE HILL, PRESTBURY, SK10 4AS

Proposal: Erection of 1no. detached dwelling; extension of existing private road to form new access to the proposed dwelling and associated external works

Applicant: Mr Andrew Hall, HC Development Co 7 Ltd.

Expiry Date: 14-Mar-2017

SUMMARY

This application seeks full planning permission for the construction of a detached two and a half 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 dimensions of 'sustainability' as stipulated within the NPPF (2012).

The proposal is commensurately scaled within the plot and appropriately designed to sympathetically integrate with the 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.

RECOMMENDATION: Approve, subject to conditions and Highways and Nature Conservation comments

REASON FOR REPORT

The application is to be presented at Northern Planning Committee because it has been 'called-in' to committee at the request of Cllr Paul Findlow on the 8th February for the following reasons:

"Widespread local concern referable to:

- 1. Policy H12 - this is in a low density housing area, and the plot size is 0.17 hectare when 0.4 is required by the policy, which has recently been upheld on appeal nearby at The Paddock, Withinlee Road.*

2. *The access and parking arrangements are dangerous, unsatisfactory and contrary to road safety.*
3. *Drainage issues in the area are not addressed.*
4. *Over-development and out of character with the area.*
5. *The necessary surveys have not been completed as required, albeit the site has been devastated and reduced to near scrub land.*
6. *The proposal is un-neighbourly, and contrary to residential amenity.”*

DESCRIPTION OF SITE AND CONTEXT

The application site consists of an area of land within the rear garden of Brundred Farm, 45 Castle Hill, Prestbury. Residential properties surround the site to all sides. The levels within the plot differ, with the site at a lower level than the unadopted road which is used to access it. The plot slopes from north to south with the site also lower than the adjacent 47 Castle Hill and Brundred Farm.

The existing section of garden relating to the application site is overgrown and in the main disused. The surrounding properties consist of a variety of house types and plot sizes, with the more traditional Brundred Farm and number 41, a former agricultural barn, along with the more recent development to the north, west and south.

The boundaries contain mature trees with a large boundary hedge situated on the front boundary. The site is within a Low Density Housing Area and Predominantly Residential Area, as allocated in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

Full planning permission is sought for the division of the existing domestic curtilage into two and the construction of a new two and a half storey dwelling in the rear section of the garden of Brundred Farm with the front elevation facing onto an unadopted track leading to number 47 Castle Hill.

RELEVANT HISTORY

16/5155M Retention of the existing dwelling and the erection of 2no. new detached dwellings; extension of existing private road to form access to new proposed new dwellings and associated external works.
 Withdrawn – following concerns from the case officer as to the impact of two new dwellings on the character of the area.

POLICIES

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)
 DC1 (High quality design for new build)
 DC2 (Design quality for extensions and alterations)
 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)
Prestbury Village Design Statement
Prestbury Supplementary Planning Document

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 1, 4, 5, 6, 7, and 10.

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 objections

United Utilities: no objections

VIEWS OF THE PARISH / TOWN COUNCIL

Prestbury Parish Council:

“The Committee strongly object to this application on the grounds that it contravenes H12 - low density housing. As it is only 0.34 hectares which is well below low density housing for Prestbury. The access onto Castle Hill is very dangerous. It is a gross over development. No surveys have been completed for bats and newts. There would be a massive loss of trees. It is a very un-neighbourly as the houses will overlook Elm Rise.

It contravenes the Village Design Statement, in that it states that any new development should –

- Include appropriate tree/and or hedge planting in keeping with the established character of the area*
- Consider the relationship between the size, form and mass of a building, as well as space surrounding it*
- Consider its impact on neighbours to maintain the quality of a particular environment*
- Avoid over-development of the site, which contrasts poorly with the characteristics of the area and is out of proportion with nearby properties.*

If approved they would like the Beech hedge retained, substantial screening to be erected, mature trees to be retained, materials to be approved and permeable surfacing to be used as this is a very wet area.

They would like to see the original farmhouse retained as it is part of the heritage of Prestbury and they feel that investigations should be made to this building becoming listed.

The new ecological appraisal was completed in January when it should have been completed in April.

They are also very concerned about drainage of the site.”

OTHER REPRESENTATIONS

Representations from 17no. different properties and the Prestbury Amenity Society have been received. A summary of the relevant points can be viewed below:

- Conflict with policy H12 of the Local Plan which states that new housing plots and the remaining plot should be approx. 0.4 hectares (1 acre).
- Adverse impact on wildlife.
- Access substandard, not compliant with policy DC6 of the Local Plan.
- Does not comply with DC1 and BE1 due to scale/appearance in relation to existing properties
- Tree felling has a negative impact on the character of the area
- Ecological report invalid, additional surveys should be completed for protected species
- Loss of privacy to neighbouring properties.
- The clearance of the trees has had a detrimental impact on the character of the area.
- The proposed 1.8m high fence would lead to a loss of light to the rear of Brundred Farm.
- Drainage is an issue in the area which would be exacerbated by the development.
- The proposal contravenes the Prestbury Village Design Statement.
- The dwelling is not located centrally within the plot and is blatantly just a first stage at getting the three dwellings that were originally proposed.

OFFICER APPRAISAL

Key Issues

- Impact on the character of the area,
- Impact on trees,
- Impact on the amenity of neighbouring properties,
- 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 and Impact on Character of the Area

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.

The total existing plot size equates to approximately 0.34 hectares, which split in half would make each plot approximately 0.17 hectares. Obviously this falls well below the 0.4 hectares set out in policy H12 of the Local Plan. A couple of recent appeal decisions have explored this policy, with the most recent decision located around the corner from the application site on Withinlee Road (APP/R0660/W/16/3155983) and so is a material consideration when assessing the impact of this development.

The inspector in the Withinlee Road decision mentioned that *“plot size is only one part of the assessment of the effect of a scheme on the character of an area, and that this figure should not be applied rigidly”*. This was considered to be particularly so when considering the variation in plot sizes in the area. However the immediately adjacent plots were all considerably larger than the proposed plot and the requirement of Policy H12 that *“development should have high standards of space and commensurate plot widths and spaces between the sides of dwellings to that of the local surrounds”* was not considered to have been adhered to by the development. The proposed development would have covered a significant proportion of the plot itself, in addition to an access road running directly through the middle of the site.

While the appeal was dismissed and policy H12 was quoted in the reasons for the dismissal the reason was not because the site was less than 0.4 hectares it was because the development did not *“reflect the local character of buildings and their settings”*. Rather than dismissing the development outright, due to the conflict in the plot size referenced in policy H12 the inspector assessed the impact of the proposal on the character of the surrounding area.

The other recent appeal decision referring to policy H12 of the Local Plan relates to a proposal on Beechfield Road in Alderley Edge (APP/R0660/W/16/3143118). The inspector dealing with this appeal dismissed policy H12 because the Council could not demonstrate a five-year supply of deliverable housing sites stating *“the policies of the Macclesfield Borough Local Plan 2004 (the Local Plan) relating to the supply of housing, including Policy H12 which relates to Low Density Housing Areas, cannot be considered up to date”*. The appeal was, however, dismissed because of the impact on the character of the area with the subdivision of the plot. For consistency purposes the current application should not simply be dismissed because it falls below the 0.4 hectare requirement listed in policy H12, an assessment of the

impact on the character of the area should be made, which, because the site is within a low density housing area the character is more spacious than most and should be accounted for.

The site would be accessed from an existing unadopted road, known locally as Robin Hill, and is bounded by a large hedge to the front elevation. The existing property, Brundred Farm, is positioned in the north-east corner of the site, in close proximity to the former agricultural barn, 41 Castle Hill. The layout and positioning of the property is unusual and does mean that the remainder of the garden is open with a lot of space from the building to the furthest western boundary.

The inspector in the Withinlee Road appeal gave a lot of weight to the character and plot sizes of the immediately adjoining properties. A plan has been provided by the applicant containing the plot sizes of all of the surrounding properties. From this it can be seen that there are eleven properties that immediately adjoin the application site and positioned along the same road. Below is a table of the plot sizes:

Address	Plot size (hectares)
41 Castle Hill	0.169
39 Castle Hill	0.194
12 Elm Rise	0.172
14 Elm Rise	0.146
Robin Hill (47 Castle Hill)	0.382
Highfield	0.243
Mallard House (47A Castle Hill)	0.228
Pond House (49 Castle Hill)	0.199
Oakmere (43 Castle Hill)	0.319
The Mount (51 Castle Hill)	0.104
High Beeches (53 Castle Hill)	0.163
Average	0.211

The average plot size of 0.211 hectares for properties is less than the average plot size detailed in the Prestbury Village Design Statement (2007) for the area including Castle Hill, Saddleback, Withinlee Rd. (south side), Tudor Dr. & Holmlea Way which covers the application site. This lists the average plot size at 0.22 hectares.

There are a number of plots nearby that are similar or smaller than the proposed plot size and the average above is slightly skewed by the two larger plots at 43 Castle Hill and 47 Castle Hill. The plots along Elm Rise have been included in the comparison of the area because they adjoin the site, and although it has been pointed out in the comments that they do not form part of the designated 'low density housing area' they do contribute to the character of the area and must be considered.

Although the site area was greater in the dismissed appeal at Withinlee Road than the current proposal at approx. 0.35 hectares the appeal site was an irregular shape and was reduced significantly by the access road running through the site to approx. 0.27 hectares of useable area. The amount of the plot that was covered by dwelling, garage and hardstanding would have been significantly more than the current proposal.

As mentioned above the application site is unusual in the positioning of the current dwelling in the far north-east corner of the site, meaning that there is a lot of space and distance to the proposed dwelling from the existing property. The distances between the proposed dwelling and the surrounding dwellings would be commensurate to the other properties in the area and better than most. The spacious landscape setting of the area would be maintained by the proposal.

The dwelling would not be visible from public vantage points with the site positioned along an unadopted, private road with good screening to the front in the form of a tall boundary hedge and with a site that slopes away from the access road. On balance, the positioning of the existing dwelling enables the addition of a new dwelling without adversely affecting the spacious character of the area.

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.*

There are many different styles of property in the immediate vicinity with the older farmhouse and converted barn to the east of the proposed dwelling and the newer development to the north, west and south. It is not highly visible and the sloping site would allow the two and a half storey dwelling to not be overly dominant within the street scene. The proposal is considered to respect the form and character of the area and no objections are raised in terms of design.

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.

The objections have been carefully considered. To the north of the proposed dwelling the distance to Mallard House is 25m at its closest point, however this is the single storey garage element with the distance to the two storey element a minimum of 35m. With the lower ground level of the proposal no objections are raised in relation to this property.

To the west number 47 is positioned at a higher level than the application site, a distance of 34m between the two dwellings and no habitable windows on the side elevation overlooking the application site, meaning that no objections are raised in relation to this property.

Although the properties to the south on Elm Rise are positioned at a lower level than the proposed dwelling a minimum distance of 49m separates these dwellings from the proposal with 41m separating the proposal from number 39 Castle Hill. These distances are well in

excess of the distances outlined in policy DC38 and would be commensurate to the distances separating dwellings in the area. As such, it is not considered that the proposed development would be significantly overbearing or overshadow the neighbouring properties.

In addition to the above, the 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.

An amended plan has been received showing a 1m high fence adjacent to the rear of Brundred Farm which addresses the comments raised in relation to the impact on this property.

The proposal is therefore considered to meet the stipulations of policies DC3, DC38, DC41 and H12 of the Local Plan and guidance contained within the NPPF.

Highways

The proposal does include sufficient parking on site. Concerns have been raised relating to the 'unsafe' access onto Castle Hill. This is an existing access that serves 4no. properties and the addition of one property is not thought to have a significant impact on the access. This was confirmed with the last application, which was for two additional dwellings rather than the one proposed.

However no comments have been received from the Strategic Infrastructure Manager.

With this in mind it is not anticipated that any objections would be raised in terms of highway safety, however this will be confirmed in an update.

Drainage

A number of residents have mentioned the impact of the proposal on the drainage of the area. United Utilities have commented and no objections are raised. A suitable drainage condition can be included on any approval.

Arboriculture and Forestry

The application is supported by a detailed Arboricultural Statement by Cheshire Woodlands (Ref CW/8339-AS1) dated 4th January 2017.

Subsequent to the submission of the previous application (16/5155m) on this site, and prior to an inspection taking place at Brundred Farm, the wider proposed development site had been subject to extensive tree felling. Approximately 20 trees had been felled, with the arisings left in a tangled mass, retaining only scattered trees around the periphery of Brundred Farm's garden; none of the felled trees were formally protected and are therefore outside of planning control.

The development proposals identify the removal of a single tree T6 and the western section of Area A1 and A2; these trees have been categorised as low value (Cat C) specimens. This designation is agreed by the Council's Forestry Officer.

The proposed development and associated hard standing respects the Root Protection Areas (RPA) of the retained trees and in particular those identified as G3, which includes some specimens located off site. The value of the retained group has been diminished by the tree felling previously undertaken on site, the more mature trees have been left exposed in an etiolated form, this combined with an absence of public views from outside the site precludes their consideration for formal protection.

There are noteworthy levels changes associated with this site; however it is not clear if there will be any adverse impact on retained trees which the arboricultural statement identifies as being able to be protected during construction in accordance with current best practice BS5837:2012. The addition of a suitable landscaping condition should ensure that the landscaping of the site is acceptable.

Nature Conservation

No comments have been received from the Nature Conservation Officer and these will be confirmed as an update before the committee.

SOCIAL SUSTAINABILITY

Housing Land Supply

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be

attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

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. However, it is only for one dwelling and therefore the impact is limited.

PLANNING BALANCE

Whilst the objections are noted, the site is located in a predominantly residential area and would make an efficient use of land in an accessible location. It would add to the stock of housing and its construction and occupation would result in social and economic benefits.

On balance, the proposal preserves the key characteristics of the low density housing area whilst ensuring an appropriate level of development which is located within a sustainable urban location. The proposal would also not significantly or detrimentally impact the amenities of neighbouring occupiers.

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

RECOMMENDATION

Approve subject to conditions, and the receipt of outstanding consultee responses.

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 his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Full Planning

RECOMMENDATION:

1. Time limit
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Protection from noise during construction (hours of construction)
5. Tree protection
6. Details of ground levels to be submitted
7. Submission of landscaping scheme
8. Landscaping (implementation)
9. Details of drainage
10. Submission of construction method statement
11. Dust control
12. Pile foundations
13. Electric Vehicle Charging Sockets
14. Trees
15. Imported top soil to be tested
16. Contaminated Land

