

Application No: 17/0841M

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 16/4651M.

Applicant: Mr Herring, Herring Properties Ltd

Expiry Date: 12-Apr-2017

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 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:

That Authority is DELEGATED to the Head of Planning (Regulation) in consultation with the Chairman of Northern Planning Committee to APPROVE the application for the reasons set out in the report, subject to;

The submission and approval of an updated Bat Survey and Report;

And Conditions.

REASON FOR REPORT

The application has been called in to Committee by the Ward Councillor, Cllr Rod Menlove, for the following reason:

The scale, mass and bulk is out of keeping with the character of the area and will have a detrimental impact on the street scene.

This site has been considered previously by NPC so it is right and proper that this resubmission should be decided by Members

The previous applications (15/1278M and 16/4651M) were 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.

Whilst the proposed house types are of the same design and appearance as those which were the subject of the previously refused application (16/4651M), the site layout has been revised to maximise the space between the proposed houses.

Highway access arrangements from Harefield Drive have also been revised to provide a shared access point towards the centre of the site frontage. In addition turning areas are proposed on the site frontage to enable vehicles to exit the site in a forward gear.

In order to improve visibility to the proposed access point, the front boundary hedge is required to be removed and replaced with a 1m high brick boundary wall on the site frontage

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.

16/4651- Demolition of detached bungalow and the construction of two two-storey detached dwellings with associated accesses and detached garages (resubmission of 16/1983M)
Refused 30.11.2016

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 complementing the NPPF.

CONSULTATIONS

Strategic Infrastructure Manager- No objection

Environmental Health- No Objection.

VIEW OF THE TOWN COUNCIL

Wilmslow Town Council - Objects on the following grounds:

“Recommend refusal on the grounds of the scale and mass of the proposed development being inappropriate to the location and the proposal being little changed to the previous application.”

REPRESENTATIONS

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

- Issues raised in the appeal decision and refusal reasons of 16/4651 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.
- Overdevelopment of the site
- The proposed properties are still too big. The footprint of the two houses taken together occupies some 50% of the total site.
- The overall bulk of the development remains unchanged, massively increased upon the existing property.

- The scheme should be revised to reflect the scale of development approved (12/2910M) at 116 Gravel Lane, Wilmslow.
- Layout and design is inappropriate for a corner plot, and would be excessively prominent from several viewpoints, undermining the character and appearance of the area
- 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.
- Siting of new house on plot 5 will result in a loss of outlook, daylight and privacy to No 3 Harefield Drive.
- The existing and proposed street scenes are misleading as dwellings are drawn set back from existing properties and therefore look smaller and less obtrusive;.
- Proposed driveways still located close to a bend of a busy road, with increased traffic in close proximity to a dangerous junction of Harefield Drive and Whitehall Close, not addressing highway safety refusal reasons of 16/4651.
- Adverse impact on highway safety particularly for pedestrians given lack of pavements
Inadequate linear parking arrangements will result in vehicles reversing onto the highway in close proximity to a sharp bend
- Harefield Drive is narrow and on street parking is very limited.
- Lack of on- street parking for visitors
- Tree Report is inaccurate/out of date as trees have been removed alongside the site boundary with 3 Harefield Drive. Trees indicated for retention should be protected
- Loss of trees and impact on planting from siting of Plot 5a
Adverse impact on bats and loss of wildlife habitat
- Bat survey completed in September 2014 is now out of date. An updated bat survey is required.
- Local demand for bungalows
- Precedent for future development in this area.
- Disruption and highway safety issues during construction due to delivery & storage of materials and parking of contractors vehicles
- Application fails to meet local and national planning guidelines.

The full content of the objections is available to view on the Council's website.

Wilmslow Civic Trust objects on the following grounds:

Character and Design.

Contrary to Policies BE1 and DC1 of Macclesfield Local Plan.

Little change from the proposals rejected on appeal, with little attempt to satisfy those objections. Does not reflect the NPPF as Inspectors analysis, with adverse effect on the character and appearance of the street scene along Harefield Drive, especially with the proposal to remove the established hedges, characteristic of the Drive.

Access Parking or Traffic.

Turning circle for on site cars minimal or even inadequate, leading to backing out on a blind bend, with visitor parking likely to be forced outside on the road on the blind bend.

Ecology and Natural Environment.

Ecology report calls for the retention of the mature hedging in the interests of retention of biodiverse habitats for the benefit of the on site bats. TIF Bat survey indicated the likely presence of Bats and therefore the requirement for any demolition to be overseen by a Bat Ecologist. Supply Like for like Bat roosting facilities and Bat food Ecology, see retention of Hedging.

Avoid any demolition between May and September inclusive, to prevent interference to the nesting and breeding season.

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.

An appeal relating to the refusal (15/1278M) of a previous scheme for two detached houses on this site was dismissed last year. 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.

A subsequent planning application 16/4651M was refused by Northern planning Committee on 30 November 2016 for the following reasons;

1. *The development by virtue of its scale, massing and bulk will result in an overly cramped and intrusive form of development in the street scene, out of character with the surrounding urban form. The proposal is therefore contrary to policies BE1 and DC1 of the Macclesfield Borough Local Plan 2004 and guidance in the NPPF.*
2. *The development will have an adverse impact on highway safety due to proximity of the new access to the junction of Harefield Drive and also proposed linear parking arrangements will result in cars reversing onto highway at this junction. The proposal is therefore in conflict with policies DC3 and DC6 of the Macclesfield Borough Local Plan 2004.*

As set out below, it is considered that the scheme now proposed is of a layout and design which has addressed and overcome both the concerns raised by the appeal Inspector and the refusal reasons of 16/4561M. Therefore the site can therefore satisfactorily accommodate the pair of dwellings now proposed in accordance with the Local Plan and objectives of the NPPF.

ENVIRONMENTAL SUSTAINABILITY

Design / Character

The revised development is considered to have addressed the Inspectors reasons for dismissing the appeal scheme and the design grounds of refusal 16/4561M.

It is considered that the site is capable of accommodating two dwellings without harm to the character and appearance of the area. Significantly, the Inspector raised no objections to the principle of subdivision of the plot, and as regards the character and appearance of the area it 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 was 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. The dwellings would be well set back from the main site frontage onto Harefield Drive, albeit in positions slightly forward of the existing bungalow.

To address refusal reason 1 of 16/4561M, the spacing between them has been further increased to 7.7m. In addition the distance of the side elevation of dwelling 5A from the southern site boundary with the corner of Harefield Drive should enable much of the existing planting to be retained, albeit this is indicated to be subject to further review. The impact on existing trees and planting is addressed below.

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.

Given the overall reduction in the height, width and depth of the houses in comparison to the appeal scheme, combined with the greater spacing between and around the dwellings which is now proposed, the development would be of a density and appearance that achieves 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. The distance between properties would be commensurate with those of the surrounding area.

The applicant has submitted additional information to demonstrate that the proposed development is significantly more spacious than developments approved elsewhere within the urban area of Wilmslow.

In particular, direct comparison is made with separate developments approved at 116 and 118 Gravel Lane, Wilmslow in October 2012 and 2013, which both concerned the replacement of a detached bungalow with a pair of detached dwellings. This is in response to representations made by local residents that the scheme should be revised to reflect the scale of development approved (12/2910M) in October 2012 at 116 Gravel Lane.

The applicant has demonstrated that the plot sizes of the approved dwellings on both Gravel Lane schemes (12/2910M and 13/3381M) are significantly smaller, whilst the footprints of the Gravel Lane dwellings are either larger or of similar size to those proposed by this application. Consequently the density of the proposed development, and the footprint to plot ratio, are less than the approved developments at 116 and 118 Gravel Lane.

As with Gravel Lane, this application site does not fall within a low density housing area designated by the local plan, and consequently it is therefore considered that the proposed development is of siting and design which would not adversely affect the character of the area.

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.

It is therefore considered that the development is now of a layout and design proposed satisfactorily addresses the appeal Inspectors concerns and the design grounds of the previous refusal. The scheme 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 22m 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 17m 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 or outlook, overbearing impact or overlooking and the scheme accords with policies DC3 and 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.

To further safeguard the amenities of neighbouring properties during construction condition included the submission and approval of a construction method statement prior to the commencement of development are recommended .

Highways

The revised layout incorporates a shared point of access to the development in the approximate position of the existing vehicular access and away from the junction of corner at the junction of Harefield Drive with Whitehall Close. These access arrangements are considered to achieve sufficient visibility for vehicles accessing / egressing the site without resulting in highway safety problems, and consequently the development would accord with local plan policy DC6.

The Council's Highway Engineer has confirmed that the site layout ensures that sufficient space is provided for each dwelling for the provision of off-street parking in accordance with Councils standards. Turning areas are also provided to ensure that vehicles can exit driveways for each dwelling onto Harefield Drive in a forward gear.

The Highway Engineer considers that additional movements associated with one additional dwelling on this site would not pose an unacceptable risk to highway safety along Harewood Drive or the wider highway network .

As result the Strategic Infrastructure Manager has raised no objection to the amended access and parking arrangements, which are considered to have satisfactorily addressed the highway reasons for refusal of the previous application. .

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.

The Tree Officer has advised that the protected Sycamore located in the south eastern corner is not affected by the proposal and the relationship of the development with the protected tree is acceptable

The Tree Officer considers that the position of the dwelling on Plot 5A is likely have an impact upon the group of unprotected Cypress and Cherry alongside the southern boundary of the site (shown as T4-T8 in the accompanying Arboricultural Report). As indicated on the revised planning layout their retention would be subject to review. It is accepted that although this group is not worthy of formal protection by a TPO, it does provide some functional screening. However should their removal be required, this can be adequately compensated by some additional boundary planting, which will be secured through a landscaping condition.

The Tree Officer raises no objections to the proposals subject to conditions including the submission of a Tree Protection Plan relating to retained trees and provision of a landscaping scheme including compensatory planting.

Ecology

The application is supported by a preliminary ecological assessment and bat survey prepared by a suitably experienced ecological consultant. The only likely ecological issues associated with the proposed development relates to the presence of roosting bats and nesting birds.

To safeguard nesting birds, a condition is recommended requiring details of mitigation measures to be undertaken with regard to works involving the removal of vegetation or the demolition of the building.

The report identified the presence of a minor roost of a common bat species. The submitted bat survey was undertaken in 2014 and the report states that the surveys should be updated if development works have not commenced by the following maternity season. The Nature Conservation Officer advises that the bat survey report is consequently out of date. However given the low numbers of bats recorded in 2014 it is possible that the buildings on site no longer support an active roost legally protected roost, but conversely the numbers of bats present may have increased since the survey was completed.

To clarify the position as regards the potential impacts of the proposed development upon protected species in accordance with the Councils Statutory and policy obligations, it is advised that an updated survey should be undertaken and a report submitted prior to the determination of the application. However, it is considered that in this case, this is a technical matter which can be easily resolved. The recommendation therefore requests that the application is delegated back to officers to approve, subject to the satisfactory receipt of an updated bat survey.

Environmental sustainability conclusion

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, highway issues have been satisfactorily addressed, and adverse impacts will not result in respect of 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

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 amended layout has ensured that access and parking arrangements will not have an unacceptable impact in terms of highway safety.

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

RECOMMENDATION

DELEGATE to the Head of Planning (Regulation) in consultation with the Chairman of Northern Planning Committee to APPROVE the application, subject to;

The submission and approval of an updated Bat Survey and Report;

And the following 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 the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning Regulation has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

