

Application No: 18/6202M

Location: BLACKFORD, WILMSLOW PARK NORTH, WILMSLOW, SK9 2BA

Proposal: Residential Development comprising 4, 2-storey dwellings with accommodation in roofspace following demolition of the existing dwellinghouse, Blackford.

Applicant: Wilmslow Park (GB) Limited

Expiry Date: 14-Mar-2019

SUMMARY

It is considered that the proposal is environmentally, socially and economically sustainable and would accord with the Cheshire East Borough Design Guide, development plans and the Framework. The site is located in a relatively sustainable location within the settlement of Wilmslow and the proposal is considered to represent an efficient use of land.

The principle of the proposed development is acceptable subject to there being no significant adverse impacts arising from the proposal.

It is considered that the impact on Wilmslow Park and other ecological interests has been assessed by the design officer and is acceptable. The proposal is considered to accord with the Wilmslow Parks SPD, The Cheshire East Borough Design Guide, relevant policies in the local plan and national guidance in the Framework. The proposals are considered to be acceptable in design and layout, visual, highway safety, amenity, arboriculture, and nature conservation terms.

SUMMARY RECOMMENDATION: Approve subject to conditions

REASON FOR REPORT

The application has been called in by Councillor Fox for the following reason(S);

“Plot 1. Insufficient parking - 2 space for a 4 bedroomed house. DC6. Circulation and Access. No swept path analysis for refuse vehicles. Insufficient daylight amenity within the site. Excessive loss of trees on site. Plots 3 & 4 with accommodation in the roof space close to neighbouring boundaries and impact on neighbours privacy. Impact on street scene from the protected Bollin Valley - street scene should be submitted. Cross sectional drawing demonstrating relationship with neighbouring properties; Oak House, Woodbank and Garth Heights should be submitted as they are significantly lower than the site. Distances from Plots 2 & 3 to Flats 7 & 14 of Garth Heights should be clarified. Similarly the distances between Plot 1 and Woodbank. Contrary to The 3 Wilmslow Parks SPD - out of character and appearance of the area. Height, mass, bulk and density would be an overly cramped, incongruous, discordant, alien feature in this location and be detrimental to the visual amenities and character of the area.”

DESCRIPTION OF SITE AND CONTEXT

The site is situated on Wilmslow Park North within the Wilmslow Park area of Wilmslow as designated by an adopted SPD. The site presently accommodates a single detached house constructed in the 1930's that is surrounded and framed by mature trees and vegetation in a topographically elevated position above the road. The site is approximately 0.46 hectares.

DETAILS OF PROPOSAL

It is proposed to demolish the house and build four new detached houses of variable size. Plot one would be smaller than the other three as the first house on the approach into the site. The houses would take access from Wilmslow Park North as existing with a wider internal route leading to a central courtyard space. The houses would connect to the landscaped courtyard with the individual driveways.

RELEVANT HISTORY

17/3115M - Residential development comprising 6 dwellings – *Not determined – Appeal Dismissed 27/02/18*

POLICIES

National Planning Policy

National Planning Policy Framework

Local Plan Policy

CELPS

MP1 (Presumption in Favour of Sustainable Development)

PG2 (Settlement Hierarchy)

SD2 (Sustainable Development Principles)

SE1 (Design)

SE2 (Efficient Use of Land)

SE3 (Biodiversity and Geodiversity)
SE4 (The Landscape)
SE5 (Trees, Hedgerows and Woodland)

MBLP

DC3 (Amenity)
DC6 (Circulation and Access)
DC9 (Tree Protection)
DC38 (Space, Light and Privacy)
DC41 (Infill Housing Development or Redevelopment)
NE11 (Nature Conservation)

Other SPD and Material Considerations

Cheshire East Borough Design Guide 2017

The Three Wilmslow Parks 2004

Wilmslow Neighbourhood Plan at Regulation 17 – Examination relevant emerging policies

SP1 Sustainable Construction
SP2 Sustainable Spaces
TH4 The Three Wilmslow Parks
TA1 Residential Parking Standards
H2 Residential Design
H3 Housing Mix

CONSULTATIONS RECEIVED

Strategic Highways Manager – No objections

Environmental Protection – Request pre- commencement condition in respect of a construction management plan and other conditions regarding sustainability matters and contamination

Manchester Airport - The proposed development has been examined against aerodrome safeguarding measures; it does not conflict with safeguarding criteria so have no objections, but it is advised that the applicant follows guidance for tall equipment permits.

United Utilities – Request condition

VIEWS OF THE PARISH/TOWN COUNCIL

Wilmslow Town Council's Planning Committee recommend refusal on the grounds of overdevelopment of the site in terms of the proposed scale and height and therefore overbearing on neighbouring properties. The proposed development is out of character with

the area and contrary to the Wilmslow Three Parks Planning Guidance document. The scale of the proposed loss of trees would also have a detrimental impact on the character of the area.

OTHER REPRESENTATIONS

Over 90 individual letters of objection from neighbouring properties and the local area have been received including others from the local MP, Garth Heights Residents Association and Wilmslow Park Road Users Association. The points raised can be summarised as follows:-

- Alien, out of character and not compliant with SPD and the street scene
- Mass of built development
- Out of keeping
- Adverse affects amenity, overlooking and privacy
- Parking on road would result and road damage
- Road inadequate due to blind bend
- Contrary to draft neighbourhood plan
- Contrary to Inspectors findings and original objections still apply
- Too many for the plot that can only fit 2 houses
- Overdevelopment/cramped
- No need for more houses in the area
- Adverse impact of landscaping, wildlife and trees
- Loss of trees
- Sets dangerous precedent
- Affect views from Bollin Valley
- Affect on drainage

The full contents can be viewed on the CEC website

ISSUES

Principle of Development

The site is within a settlement and therefore the principle of infill redevelopment of the site is acceptable. However, any redevelopment must conform to extant and relevant National and Local Planning Policy. The main policy tests in this case would be compliance with SD2, SE, SE2 and SE5 of the Cheshire East Local Plan Strategy; saved policies DC3, DC6, DC9, DC38 and DC41 of the Macclesfield Local Plan and the overarching umbrella of the Wilmslow Parks SPD and the Cheshire East Borough Design Guide. That was not the case with the appeal scheme (6 units) as but it is now considered that, on balance, the new application (4 units) addresses the issues.

Character

This area was historically characterised by private parkland with a select number of large Victorian residences set in generous grounds on the edge of the Bollin Valley. In more recent times those plots have been re-developed with more intensive forms of housing development, including some cul-de-sacs. There is a variation in density across the wider area, in relation to

the appeal site and the area around it, but generally with generous plots and substantial properties. The Design Guide for Wilmslow Park SPD states in terms of general character that *“Wilmslow Park is a heavily wooded area that is purely residential. It has a mixture of developments from several periods of the 19th and 20th centuries. Most dwellings are medium to large detached houses on plots of varying sizes...”* Further it states that *“the density of landscaping within each development varies enormously, but the overall character is of being surrounded by mature, dense greenery.”*

The proposed dwellings are relatively large, but it is considered they would be situated on plots that would be commensurate to the dwelling size, and overall would be in the context of the wider Wilmslow Park Area. Clearly the development will result in a higher density of development that currently exists on the site, but the proposal represents a development density of 8.7 dwellings per hectare. It is considered that this new proposal is at ease with the lower density character of the Wilmslow Park area and addresses the issues identified by the Inspector on the dismissed scheme. The Design Officer has also been involved in advising on the proposals throughout.

The NPPF para advises at paragraph 60 that *“Planning policies and decisions should not 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. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

Paragraph 61 reinforces this by explaining that good design goes beyond aesthetic considerations and *“should address the connections between people and places and the integration of new development into the natural, built and historic environment.”* Paragraph 64 goes on to stress that poor design that fails to take opportunities to improve the character and quality of an area should be refused.

Policy SD2 of the Cheshire East Local Plan, reflecting the NPPF, requires that new developments *“contribute to an areas character and identity, creating or reinforcing local distinctiveness in terms of a. of height, scale form and grouping.....”*

Policy SE1 of the Cheshire East Local Plan, reflecting the NPPF, requires that new development achieve a high quality of design and that development proposals make a positive contribution to their surroundings, identifying achieving sense of place as one of the principal objectives, in particular criterion I *“...by protecting and enhancing the quality, distinctiveness and character of settlements”*

The Cheshire East Residential Design Guide SPD Vol 2 ii/55-59 identifies that the density of new development should relate to the character of the area and the position of the site within a settlement, emphasising that residential areas adjacent to open space or the countryside would have a reduced density and less formal character.

Although the design of a unique house type is encouraged within the Design Guide, reference to the local vernacular and architectural details is sought together with the use of the existing topography to ensure a diverse roofscape. This is addressed by the scheme as the houses

are of an individual design and would utilise the leafy raised character of the site and create an interesting layout.

The Wilmslow Park SPD in considering future development states in its general considerations that *“Any development should reflect the characteristics of the specific area...This applies to every aspect from the density of building on a particular site to the type and pitch of the roofing material.”* (p 24) This site relates directly to open space and countryside, formed by the Bollin Valley, defining the character and setting of Wilmslow Park and creating a green finger of countryside linking the town to surrounding countryside. This sylvan, countryside edge character is a major contributor to Wilmslow’s landscape character and a distinct component of the area’s local distinctiveness. It is considered that this new application observes these parameters and is within character to the wider setting. The proposals show the development in context with regard to densities, and show the height in relation to the existing adjacent built structures, and also the proposed buildings in relation to one another within the site (in addition to the site plan). The Inspector found fault in the 6 unit appeal scheme in that it would *“introduce a mass of built development which would be clearly at odds with the prevailing street scene and detract from its spacious and rural qualities”*. This scheme reduces the density of development and very clear breaks to the frontage of the site and it would face the road as prescribed by the Inspector. It no longer would present a “consolidated bulk” as was identified by the Inspector on the appeal scheme. This is vital factor in rendering the proposed scheme as acceptable as this more spacious approach is considered to be achieved in the street scene as now only 2 detached dwellings would be visible creating a better rhythm than the appeal scheme. Thus, this application is now considered to comply with the SPD and emerging policies TH4 and H2 of the Wilmslow Neighbourhood Plan.

Design, Scale and Massing

The proposed houses would be two storeys with front gable features. It is considered that the scale and massing is in keeping with the surrounding area which is mainly two storey residential dwellings of substantial size. The initial plot is smaller than the other three to replicate a gate house feature as advised by the Design Officer. The proposed submission materials are a combination of facing brickwork in a red tone of Cheshire Brick, natural slate roofing, leadwork facing and flashing, natural stone detailing, timber doors and facia, and aluminium coated windows so ensuring that the ultimate palette of materials that is used is now sympathetic to the area and has the support of the Design Officer. The proposal conforms to the Design Guide requirement of new dwellings which: *‘must respond to the existing massing and built form in the area to ensure the development is not incongruous and jarring with its context’*

Infill Housing Development

It is considered that the scheme would be compliant with all criteria of saved policy DC41 of the MBLP in that it is situated in an area that enjoys higher, space, light and privacy standards than the minimum prescribed. It is considered that the plots proposed in the scheme reflect the character within the area and the scheme now crucially addresses with a front facing an outlook toward a highway (Wilmslow Park North) from two elevations of plot one and plot two and thus complies with the recommendations of the previous Inspector. The proposals would not result in undue overlooking of private gardens by way of the proposed offset positioning of

the houses nor would it directly overshadow any existing habitable rooms nearby. It is considered the garden sizes are commensurate with the majority of plots as shown by the plan showing the houses within the context of the wider area within Wilmslow Park. The net increase of three houses would not lead to excessive amounts of new traffic in a quiet area and the submission demonstrates that the any increase in movements would not be at all significant. The proposal as described earlier would result in two houses enjoying an open outlook and plots 3 and 4 would not be directly tandem or backland as part of this overall redevelopment of the site. The proposed car parking provision would comply with the adopted standards in CELPS and it is considered that vehicular and pedestrian access would be safe as confirmed by the response of the Highways officer. In order to maintain the space light and privacy standards in perpetuity it is considered that permitted development rights should be removed by condition to maintain control over any future proposals to extend the houses.

Residential Amenity

It is important to consider the impact of the proposals on the amenity of the existing occupiers of residential property that surround the application site as well as the amenity for future occupiers of the proposed development. In both respects that proposal is considered to allow for an acceptable standard of amenity that one would expect in a residential area, with appropriate interfaces internally within the proposed development and externally to adjoining residential properties.

It is considered that the scheme would be compliant with saved policy DC38 of the MBLP in all respects apart from the proposed distance between proposed plots 1 to 2; between a blank gable and habitable rooms that is shown at 12 metres when set against the DC38 guideline of 14 metres.. In this scheme the windows in the front elevation of unit 1 would face south towards the rear elevation of plot 2 that contains no habitable room windows but would have full aspect to the rear and would not be overbearing. The result is an acceptable standard of space, light and privacy between the dwellings.

It is noted that the internal interface standards in this proposal are improved from the previous appeal decision and that the Inspector considered that aspect of the proposal to be acceptable. The Inspector concluded on the previous appeal scheme, whereby a more clear transgression involving habitable facing windows would have occurred, that this type of juxtaposition would be acceptable stating that *“the explanatory notes (of DC38) make it clear that the distances outlined are for guidance only and can be varied should the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of privacy/light between buildings”*.....and *“in these circumstances I am satisfied that there would be adequate space between the buildings to secure privacy for future occupiers. Furthermore, future occupiers would have a choice over their proposed living conditions.”*

There are level changes around the site that need to be taken into account when considering the impact on surrounding properties. The drop in land level would be approximately 2.5 metres to Oak House to the rear. The relationship of plot 3 to Oak House would be at an offset angle (not directly facing) variable between 22m to a blank gable in Oak House and to 25m to windows in Oak House. A non habitable kitchen side window in the annexe of Oak House would again be at an offset angle and approximately 15 metres from windows in plot 3. All these distances are considered to comply with guidelines contained within policy DC38.

The separation distances to Garth Heights are from secondary windows in plots 3 and 2. Again these are at an offset angle and range between over approximately 30 metres to 19 metres and are in compliance with the guidelines set out in DC38. There are no examples of directly facing principal windows with any of the neighbouring properties and all the relationships are negated further by the oblique angles. It is considered that the relationships to Woodbank are acceptable and no undue overlooking or overbearing effect would result thus complying with DC3.

Plots 1 and 2 would be set back varying between 28 to 22 metres with Wilmslow Park South which is in character and commensurate with the area. The neighbouring houses would vary between approximately 25 to 22 metres thus very similar in relationship to Wilmslow Park South. Garth Heights is much closer to Wilmslow Park North.

In response to the issues raised in the call in to committee the applicants have produced drawings and sectional evidence that all other external distances to neighbouring properties would observe and be in excess of those prescribed by DC38. It is considered that the scheme is now acceptable in residential amenity terms and would not be overbearing or compromise issues of privacy and overlooking. Accordingly it is considered to comply with policies SD2, DC3 and DC38.

Access and Parking

The four houses would be served by a private drive access from Wilmslow Park North and each house would have a policy compliant 3 parking spaces accommodated in a combination of garage and in curtilage spaces off the private drive.

As a result of the initial comments of the Strategic Infrastructure Manager the applicants submitted drawings that show the Plot 1 driveway widened to 5m and to allow 2 cars to be parked in front of the garage. Plot 1 now has 3 parking spaces to accord with the Council's parking standards.

The proposal is for 4no dwellings and includes a bin collection point located at the entrance to the site and it is envisaged therefore that the refuse vehicle would stop on street to collect the bins, empty them and return them to the bin store. As such there is no requirement for the refuse vehicle to enter the site and therefore there should be no requirement to undertake any swept path assessment. The width of the access road has been adjusted to 4.8m in order to ensure two cars are able to pass side by side on the private access road. The gate width has also been enlarged in line with the widened driveway width. The access road is designed as a private driveway however there are rumble strips placed in two locations along the drive which would help to reduce vehicle speed. The driveway is 40m long (from the gates to the square) and therefore speeds are anticipated to be low.

The Strategic Infrastructure Manager now has stated that further information has been provided in response to the previous comments submitted.

The access road has been widened to accommodate two way flow and refuse vehicles will not now enter the site with collections taking place from a bin store. Parking for the plots has been provided in accordance with CEC standards.

The visibility splays have been checked to ensure that they can be achieved, especially in the leading direction where there is banking.

Therefore, the highway issues have been resolved and the application is considered acceptable in that it accords with policy DC6 of the MBLP and SE1 and Appendix C (Parking standards) of CELPS.

Trees and landscape

Trees within the site are protected by the Macclesfield Borough Council (Wilmslow - Blackford, Wilmslow Park) Tree Preservation Order 1991 and The Wilmslow Urban District Council (Wilmslow Park) Tree Preservation Order 1965. The application is supported by an Arboricultural Report (Murray Tree Consultancy Ref PM/FUL/04/12/18 dated December 2018) , which includes an 'Implications Assessment' outlining proposed tree losses, impact on Root Protection Areas (RPA) of trees and trees for retention.

A separate shadow assessment has been provided Barnes Walker Dwg M2808.10C dated 09/17 Revision C and Barnes Walker (Dwg M2808.05E Tree Constraints and Woodland Management Plan Revision E)

The issue of shading is raised in BS5837:2012 Section 5.3.4 and is a key factor to be factored into the design to reduce the risk of requests for felling and / or sever pruning by future occupiers. Such applications are difficult to defend at appeal should they be refused when trees are retained in such close proximity as to cause shading to a large part of the plot. The problems related to buildings and spaces around them having low daylight and sunlight levels is well known and has been the subject of specific guidance in; government circulars; Chartered Institute of Building Service Engineers (CIBSE), British Standards Institute (BSI) and Building Research Establishment (BRE) guidance. All the guidance as a whole points to the need to have sufficient daylight and sunlight both within and around buildings and that this should be part of the site planning for development

The submitted shadow assessment illustrates two scenario's, an average extent of shadow from trees based upon the 45 degree rule in BS5837 (Note 1 para 5.2.2) and canopy shadow based upon calculations at mid summers day (1pm) when the sun is at its maximum angle (shortest shadow).

On the basis of average shadow length (45 degree rule) the section A-A through Plot 2 shows the majority of the rear garden in shade, with the shadow extending to within 2.7 metres of the rear elevation. At mid summer, the shadow from trees decreases with a maximum shadow extending to 7.3 metres of the rear elevation of plot 2.

The Inspectors comments on the 2018 Appeal makes similar reservations regarding the amount of shading that would occur within the rear gardens of Plots, although the Inspector commented that this was not a determinative factor and was satisfied that the proposed development, including mitigation with replacement planting and a woodland management plan would not have a significantly harmful effect on protected trees and the overall landscape character of the area would not be diminished. The footprint of Plots 1 and 2 fronting

Wilmslow Park North, appear not to be substantially closer to the group of protected trees than on the previously submitted scheme, and with regard to Plot 1 is angled in such a way as to provide a slightly improved relationship.

The application will require the removal of some 31 individual trees and four groups for development of which 23 individual trees and three groups are internal within the site and are not protected by the TPO. Of the 8 individual trees and 1 group protected by the TPO, two individual trees are Moderate (B) category specimens, with the remainder low (C) category trees. The largest protected tree identified for removal is an early mature Horse Chestnut (T39) located adjacent to the interface between the access driveway and Wilmslow Park Road North. The tree displays several included unions and there is evidence of Horse Chestnut Bleeding Canker and consequently has reduced future life expectancy.

The Assessment also identifies a further six trees, three of which are within the TPO which will require removal irrespective of development due to their poor condition. Proposed tree losses both by virtue of development and condition are similar to the previously submitted scheme and are considered acceptable.

The application is supported by a Woodland Management Plan which includes provision for the planting of Beech trees, 2 Oak either side of the proposed entrance to mitigate the loss of the Horse Chestnut and understorey of Holly and Yew and native woodland flora. A 2 metre beech hedge is proposed to be planted at the top of the slope as a boundary to the gardens of Plots 1 and 2.

The indicative woodland management plan proposes that the wooded area be maintained as woodland in the long term. . Whilst the proposed woodland management was welcomed, the separation between domestic garden and managed woodland required clarification in planning terms. This Has been addressed by the applicants and the Forestry Officer has now confirmed the woodland management plan would be acceptable.

The Forestry Officer has also now confirmed that the revised AIA (PM/FUL/11/06/19 dated June 2019) now shows the retention of Trees T11 and T12 which are located offsite to the north within Oak House. There is some minor intrusion into the Root Protection Area (RPA) of tree T12 for a proposed patio, however I am satisfied that any impact on tree roots can be dealt with by a condition requiring a construction specification/method statement.

The Forestry Officer has requested four conditions be attached to cover these issues.

Nature Conservation

Appropriate ecological surveys have been undertaken. Notably the surveys conclude that the site is not suitable for roosting bats.

The Nature Conservation Officer is satisfied with the information submitted and has requested conditions in respect of breeding birds and hedgerow retention/enhancement. There is no conflict with policy SE3 of the CELPS or NE11 of the MBLP.

Air Quality

On the recommendation of Environmental Protection Officer a condition is attached requiring the provision of vehicle charging points in order to contribute to improvements in air quality and sustainability within the area and comply with policy SE12.

Contamination

The Environmental Protection Officer has requested a condition for testing for contamination and although unlikely in such an area the condition is attached for completeness to comply with the NPPF.

Other matters

The comments of Environmental Protection are noted and the applicants have agreed to the imposition of a pre-commencement condition that would require the submission and approval of such a plan prior to any development commencing including demolition.

COMMENTS ON REPRESENTATIONS

The key points of objection that have been received on planning grounds have been noted and addressed in the main body of the report. It is considered that the scheme respects the Inspector's findings and is a windfall site that does not set any future precedent for Wilmslow Park as all sites are judged on the individual merits. It is not considered that the development would be unduly prominent or harmful in views from the Bollin Valley. As stated in the SPD *"The relationship between the natural and manmade landscape is very important. The landscaping blocks out the view of the surrounding dwellings from the river valley. This encourages an atmosphere of seclusion when in the Bolin Valley,"*

Although, of yet, limited weight, it is considered that the scheme would comply with the emerging policies of the Neighbourhood Plan and particularly policy TH4 that describes Wilmslow Park as consisting *"medium to large detached houses, semi-detached Victorian 3.5 storey houses, detached bungalows and purpose built apartment blocks"*

It is also considered that the level of information submitted is now acceptable and addresses the information issues raised in by the call in to Committee. An acceptable woodland management plan has been received and a drainage plan is anticipated prior to the date of Committee.

CONCLUSION

The issues raised in representation have been duly considered however the proposals are considered to comply with National and Local Policy. The application is considered to address the issues raised in the Inspectors decision and crucially the visual relationship to Wilmslow Park North. It is considered to comply with policies SD2, SE1, SE2, SE3 and SE5 of the Cheshire East Local Plan Strategy; saved policies NE11, DC3, DC6, DC9, and DC41, of the Macclesfield Local Plan and the overarching umbrella of the Wilmslow Parks SPD and the Cheshire East Borough Design Guide. The very minor shortfall in respect of DC38 and the

internal spacing within the scheme is acknowledged but a good standard of amenity for existing and future occupiers will be achieved.

Policy MP1 of the CELPS states that *“Planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.”*

Accordingly the application is recommended for approval subject to conditions.

In the event of any changes being needed to the wording of the Committee’s decision (such as to debate, 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.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of materials to be submitted
4. PD removed
5. Electric Vehicle Charging Point
6. Drainage
7. Construction Management Plan
8. Survey for nesting birds
9. Breeding Birds
10. In accordance with arboricultural report
11. Arboricultural clerk of works
12. Tree Protection
13. CEMP for bin store and patio
14. Contamination

