

Application No: 20/1866M

Location: Fairways, 70, Macclesfield Road, Prestbury, SK10 4BH

Proposal: Demolition of existing dwelling and construction of replacement building comprising 6 apartments

Applicant: Mrs Brenda Crothers

Expiry Date: 30-Jun-2020

SUMMARY

The application site comprises an existing dwelling with its surrounding garden and driveway in a sustainable location with good access to local services and facilities. The proposed development would add to the stock of housing in the local area.

The proposal provides a modern but locally distinctive design which also raises no significant highways safety, ecological or flood risk concerns and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours. The comments from neighbours and the Parish Council are considered within this report, however the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore given that there are no material considerations to indicate otherwise in accordance with policy MP1 of the CELPS, the application should be approved without delay.

RECOMMENDATION

Approve subject to conditions and the prior completion of a s106 agreement

REASON FOR REFERRAL

The application has been called to Committee at the request by Cllr Sewart who is making the request for a call in on behalf of the Prestbury PC as a neighbouring ward member for the following reasons;

“The proposal would be in contravention of the extant HS12 low density housing policy in the Macclesfield Borough Local plan.; It would be significantly greater in mass than the existing one; The development would be at odds with CE Council's decision in respect of application

19/1955M- land adjacent to Withinlee Hollow, Withinlee Road; It would increase traffic flows on Macclesfield Road to those expected once the new King's School is opened as there would be traffic generated by 6 households instead of one.

DESCRIPTION OF SITE AND CONTEXT

The application site currently contains a large dwelling house located to the north of its entrance. The land rises to the north of the site and the house is therefore clearly visible from the entrance. The house is two storeys high

The site lies within a predominantly residential area and a low density housing area. It is accessed from the access road to Prestbury Golf Club which lies within the Green Belt. The site is the subject of a TPO - The Macclesfield Borough Council (Prestbury - Land West of Macclesfield Road) Tree Preservation Order 1997.

The application site is located approximately 145m along the private drive to the west of Macclesfield Road and is located on a ridge of higher land that slopes to the west towards Spencer Brook, located to the western side of the golf course at a distance of approximately 300m, and eastwards to the River Bollin approximately is 530m to the east. The site itself covers an area of approximately 0.6 hectares and the existing dwelling is located approximately towards the central part of the site, which has mature vegetation along the site boundaries.

Three Public Rights of Way are close to the site - Footpath 36 Prestbury follows a route along the private drive to the front of the property, Footpath 16 Prestbury follows a route off the drive in a north easterly direction along the eastern site boundary and Footpath 23 Prestbury follows a route off the drive in a northerly direction immediately to the west of the site

Land to the west of the site is Green Belt land occupied by Prestbury golf club.

DETAILS OF PROPOSAL

This application seeks full planning permission to demolish the existing dwelling on site and erect a replacement building comprising 6 apartments. It would be located on a similar footprint to the existing building but due to an increase in the scale of the building's footprint, it would be set slightly forward of the existing building. The new building would have a basement containing parking bays and storage areas and three floors above with two apartments on each floor. It would measure 19m deep with an overall width of 36m and be between 14m – 15m high. It be constructed from Cheshire brick with glazed balustrades and timber louvres and brick chimney structures

The front elevation would be broken into vertical and horizontal blocks and contain recessed windows and balconies. The entrance to the car park would be set down to the right-hand side of the building when viewed from the access to the site. The garden area would be managed as a communal amenity space under a management agreement.

RELEVANT HISTORY

18/5917M

Demolition of an existing dwelling and the erection of 16 no apartments with associated landscaping and infrastructure

Refused 15.3.2019 for following reasons:

1. *The approval of the development proposed would be contrary to policies SE1 and SE4 of CELPS and guidance contained with Prestbury Village Design statement due to its scale, design and density and would thereby cause harm to the objectives of those policies by virtue of being overly large in this location.*
2. *There is evidence of bat activity the form of minor roosts within the house which would be lost as a result of the proposed development. The loss of the buildings on this site in the absence of mitigation is likely to have a low impact on bats at the local level and a low impact upon the conservation status of the species as a whole. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE 11 of the saved Macclesfield Borough Local Plan and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the National Planning Policy Framework.*
3. *Insufficient information has been submitted with the application relating to the impact of the proposal upon the loss of protected trees in order to assess adequately the impact of the proposed development having regard to loss of amenity. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.*

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

IN1 Infrastructure

IN2 Developer Contributions

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient development

SE12 Pollution, Land Contamination and Land Instability
SC4 Residential Mix
SC5 Affordable homes
SE13 - Flood risk and water management
C01- Sustainable travel and transport

Appendix C – Parking Standards

Macclesfield Borough Local Plan (MBLP)

Policy DC3 - Amenity
Policy DC6 - Circulation and access
Policy DC8- Landscaping
Policy DC9 Tree protection
Policy DC35 Materials and finishes
Policy DC37 Landscaping in housing developments
Policy DC38 - Space, light and privacy
Policy DC41 - Infill housing development or redevelopment
Policy NE11 - Nature conservation
Policy H12 - Low density housing
Policy DC41 - Infilling housing or redevelopment

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
Cheshire East Design Guide
Cheshire east Parking standards – Guidance note
Prestbury Village Design Statement
Prestbury SPD

*There is no Neighbourhood Plan for Prestbury

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are Chapters 2, 4, 5, 6, 8, 9, 11, 12, 15.

CONSULTATIONS (External to Planning)

Environmental Health - No objection subject to conditions and informatives relating to hours of construction, dust management, contamination, electric vehicle points

United Utilities - No objection subject to conditions relating to surface and foul water drainage

Strategic Housing Manager – No objection

Head of Strategic Infrastructure – No objection

Public Rights of Way Team -No objection subject to advice note to keep the adjacent public footpaths FP23 FP36 and FR16 clear during construction

Prestbury Parish Council – Object on the following grounds :

- The development would be in contravention of the extant HS12 low density housing policy in the Macclesfield Borough Local Plan which will continue to apply unless it is changed through Part 2 of the Cheshire East Local Plan, the Site Allocations and Development Plan Document.
- Would be very significantly greater in mass than the existing one, it would spread over a significantly larger area than the existing property, possibly by as much as 100% and it would be higher as well as bulkier.
- It would also consist of four storeys - a basement (hewn into sandy soil) and three storeys above ground, as opposed to two storeys at present.
- It would be at odds with Cheshire East Council's decision in respect of application no.19/1955M – Land adjacent to Withinlee Hollow, Withinlee Road, Prestbury, which was refused for the following reasons: *“The proposed development would be contrary to policy H12 of the Macclesfield Borough Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy by virtue of the development not being commensurate with the surrounding area in terms of the size, form and mass of the building within its plot”*.
- Would further increase traffic flows on Macclesfield Road to those expected once the new King's School is opened as there would be traffic generated by six households instead of one.

OTHER REPRESENTATIONS

One letter of representation has been received signed by the occupants of 4 apartments in the adjacent apartment building at Fallibroome House which states that they have no objection in principle but raise the following concerns:

- Footprint considerably larger than the present one.
- Ground levels appear to be disproportionately altered to facilitate a new basement.
- 6 flats is excessive given the area of the site and is out of keeping with the densities of this particular Prestbury location.
- Damage to protected trees. Building is far too near those facing the golf course (West) to avoid future tree loss.
- Two substantial properties would be more in keeping.
- Any approval should be specific to be cover permitted normal working hours and deliveries etc.

OFFICER APPRAISAL

Principle of Development and impact on character of the area.

The site lies in a predominantly residential area which is also a low density area as defined in the MBLP.

A previous proposal for the erection of two separate apartment blocks containing 16 apartments was refused on 15.3.2019 due to the scale, design and density of the development, the lack of information regarding the impact upon protected species and insufficient information relating to the impact of the proposal upon the loss of protected trees.

This submission has sought to deal with the previous reason for refusal and address below and was the subject of pre-application discussions.

Density

Saved MBLP Policy H12 relating to Low density housing areas states that within low density housing areas *“new housing development will not normally be permitted unless the following criteria are met:*

- *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 sides of the 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 (1 acre)”*

It is considered that the proposal is sympathetic to the character of the area. The proposed building would be on a similar, albeit slightly larger footprint as the existing house. The plot width would remain the same as existing and the space between dwellings remains commensurate as the surrounding area. The existing high standards of space light and privacy would be maintained and the existing tree and ground cover of public amenity value still available to public view from the road frontage and the adjacent Public rights of way. The size of the plot would remain at 0.58 ha which is slightly bigger than the 0.4 noted as being appropriate for Prestbury.

The Prestbury Village Design Statement states “that within this area (Dale Head Road and Squirrels Chase and part of Macclesfield Road in the vicinity) the average plot size is 0.25 ha with an average density of 4 dwellings per hectare. However Cheshire East Design guide states “the average of 5 dwellings per hectare is typical of this area of Prestbury.

The density of the proposal would be 10 dwellings per hectare. However the 6 apartments would be in one single building, not spread across a site, thereby significantly reducing the impact upon the character of the area. In addition the proposed parking would be at basement level avoiding the spread of built development across the site. This allows for the retention of existing mature landscaping and the protection of the TPO trees, which are part of the existing character of the area.

In this respect the proposed development would be very similar to the 6 apartments at Fallibroome House immediately adjacent to the site. This site is very well screened but much closer to the road frontage than Fairways. The retention of the large open area to the front of the site would assist with retaining the character of low density housing.

Design / Character

NPPF paragraph 127 notes that planning decisions should ensure that developments are: visually attractive as a result of good architecture and layout; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. Paragraph 130 notes that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area.

CELPs Policy SD2 notes that development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials, external design features, massing of development, and relationship to neighbouring properties, street scene and the wider neighbourhood.

Policy SE1 of the CELPs notes that development proposals should make a positive contribution to their surroundings by:

- Ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements
- Encouraging innovative and creative design solutions that are appropriate to the local context

Saved Macclesfield Local Plan policy DC41, relates to infill housing or redevelopment and requires development to have appropriate space light and privacy standards; not result in overlooking of existing private gardens or excessive overshadowing; have reflect the typical ratio of garden space in the area suitable for the intended purpose; not introduce excessive amounts of new traffic into a quiet area; enjoy an open outlook onto a highway or open space from one elevation; not result in tandem or backland development; have sufficient parking and have safe vehicular and pedestrian access

In respect of this saved policy it is considered that the proposal would continue to enjoy a higher space light and privacy standard due to the apartment block being sited in a similar position to the existing large dwelling. There would be no overshadowing or overlooking of existing private gardens or neighbouring properties resulting from the development. The garden space would remain similar to that which currently exists and the adjacent properties. There would not be excessive amounts of traffic and there would be adequate parking and turning space within the site for resident's vehicles.

It would not result in backland or tandem development and the vehicular and existing access would remain safe.

In respect of the design of the proposed building, detailed discussions took place with the councils design officer and it was requested that reference be taken from the buildings in Prestbury village as well as the immediate context. There is a wide variety of residential

buildings on Macclesfield Road with variable styles, including large houses immediately adjacent to the site and a large apartment block to the south east.

The proposed building includes traditional eaves, chimneys, projecting gables, a front door and an articulated frontage to create an interesting frontage more akin to a dwelling rather than an apartment “block”.

Therefore, it is considered that the proposed development now provides a modern but locally distinctive design, which is in keeping with and will make a positive contribution to, the character of the area and is in accordance with policies SE1 and SD2 of the CELPS, and the Cheshire East Design Guide.

Residential mix

Policy SC4 of the Cheshire East Local Plan states that *“New residential development should maintain, provide or contribute to a mix of housing tenures and types and sizes to help support the creation of mixed, balanced and inclusive communities”*.

The creation of six 2 bed apartments within this residential area would contribute to the mix of housing types and sizes and would complement the existing provision in the area, in accordance with SC4 of the CELPS.

Affordable housing

Policy SC 5 of the CELPS requires In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable.

In this case the proposed development of 6 apartments lies within a site of 0.58 ha in the local service centre of Prestbury. The gross internal floor space exceeds 1,000sqm. Therefore 30% of the units (1.8 units) should be affordable units.

The applicant has submitted an affordable housing statement that states that the payment of a financial contribution in lieu of the provision of affordable units on site is the only practical means by which the requirement to provide affordable housing can be addressed in connection with the subject site. Due to the nature of the type of accommodation and the ongoing maintenance costs associated with the site management.

Additional information was submitted which detailed how the applicant has approached three Registered Social Housing providers who all confirmed that they would not be willing to take the units proposed on site as affordable dwellings for social rent or intermediate housing.

Therefore, a financial contribution of £106,917 is proposed which would be secured through a suitably worded planning obligation sufficient to secure the delivery of 1.8 affordable dwellings off-site. The contribution has been calculated by estimating an open market value of 2 x 1 bed apartments based on the residential sales price adopted for viability testing in the “Prime “ are of Cheshire East (which includes Prestbury) in the Council’s CIL Viability Study. The price that a Registered Provider would pay for the two affordable units is then deducted from

the open market values to calculate the contribution, which is then adjusted to relate to a 30% contribution (1.8 dwellings) as opposed to a 33% contribution (2 dwellings).

Following this additional information being submitted, the Strategic Housing Officer has withdrawn their initial objection, is satisfied with the financial contribution, and the proposal is considered to comply with policy SC5 of the CELPS.

Arboriculture and Forestry

Policy SE 5 of the CELPS outlines that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

The site is the subject of The Macclesfield Borough Council (Prestbury - Land West of Macclesfield Road) Tree Preservation Order 1997 protects a number of trees within the site and a linear group off site to the east which are considered to be a material consideration.

The submitted arboricultural report states that the proposal would require the removal of some mainly low quality trees and most of the higher quality trees can be retained and protected during construction. Some works are proposed within the RPAs of three of the retained trees but given the minor nature of the incursions the risk of long term damage is low. The proposed relationship of the development with the retained trees is no worse than the current situation and details can be resolved by planning condition.

Comments are awaited from the Council's Tree officer to confirm this position and will be reported as an update.

Landscaping

Policy SE 4 relates to the landscape and requires all development to conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

The proposal has been submitted with a detailed landscaping scheme to ensure the development is integrated within the existing landscaping to maintain and retain existing trees and shrubs within the site and ensure an appropriate transition from the residential plot to the surrounding green belt.

The existing views of the site from the adjacent Fairways are restricted and appropriate conditions to ensure the implementation of the suggested landscaping scheme would ensure the plot remains well screened and appropriate to its location. It is therefore considered that the proposal would comply with policy SE4 of the local plan.

Amenity

Saved Macclesfield Borough 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 with guidance on space distances between buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

The proposed eastern elevation of the new building would contain balconies and habitable room windows but they would be 49m way from the eastern boundary of the site and 115m away from the nearest point of Fallibroome House located to the south east. In addition there is a significant amount of landscaping along the boundary which would be retained and a Public footpath running between the two sites with further landscaping either side of the path.

The southern elevation would be 102m from the southern boundary of the site and the access road serving the golf club. There are no properties to the north or west of the site as this land from part of the golf club fairways.

The proposed development is therefore considered to provide a satisfactory level of space light and privacy, and does not significantly injure the living conditions of adjoining properties, in accordance with policies DC3 and DC38 of the MBLP.

Air quality

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

This proposal is for the residential development of 6 apartments. Whilst this proposal is small scale, and as such does not require an air quality impact assessment, there is a need to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Conditions relating to travel information packs for residents and electric vehicle charging are therefore recommended, and to ensure compliance with the air quality objectives of policy SE12.

Contaminated Land

Policy DC63 of the MBLP and policy SE12 of the CELPS also seek to ensure that development for new housing or other environmentally sensitive the development is not located on areas of contaminated land. In this case, the application is for a proposed use that would be particularly vulnerable to the presence of contamination.

The Contaminated land officer raises no objections to the proposal, and whilst no Contamination report has been submitted, they draw the applicant's attention to their duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land via an informative.

Flood Risk

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

United Utilities raise no objection subject to appropriate conditions regarding the drainage of surface and foul water details being submitted and agreed.

Therefore subject to this condition the proposal will comply with policy SE13 of the CELPS.

Highways

The existing access lies adjacent to the public footpath which runs alongside Prestbury golf club and it would be reused and not relocated.

The parking standards within the CELPS require 2 parking spaces to be provided for each of the 6 dwellings, which are shown on the latest site plan, thereby meeting the relevant parking standards. 14 parking spaces are proposed.

It is also recommended that the provision of cycle storage is the subject of a condition to encourage alternative transport to the private car. There are no objections to the application raised by the Head of Strategic Infrastructure, and therefore no highway safety issues are raised.

Public Rights of way

The property is adjacent to public footpaths Prestbury Nos. 23, 36 and 16.

The footpaths remain unaffected and no objection is raised by the Public Rights of Way team but request an advice note to make the applicant aware of their obligations.

Nature Conservation

Policy SE3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

In addition, Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy

Bat surveys were carried out in 2018 and evidence of bat activity in the form of a minor roost of a relatively common bat species was recorded within the house. An updated survey was carried out and no bat roosts were identified. The report concluded that that property likely no longer contained a legally protected roost therefor a mitigation licence is not required. But conformity with the submitted reasonable avoidance measures detailed within the provided *Bat Activity Survey* report is suggested as a condition.

Should there be any loss of hedging a bird nesting survey is required. And is suggested as a condition..

Subject to these conditions, the proposal will comply with policy SE3 of the CELPS.

Heads of Terms

If the application is approved a Section 106 Agreement will be required, to secure a financial contribution in lieu of onsite provision of affordable housing of £106,917.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of an affordable housing contribution is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

CONCLUSION

The application site comprises a previously developed site in a sustainable location, with good access to a range of local services and facilities. The proposed development would add to the stock of housing in the local area.

The proposal provides a modern, but locally distinctive design, which also raises no significant highway safety, ecological or flood risk concerns, and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours.

The comments from the neighbours and Parish are acknowledged and have been considered within this report; however the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay,

RECOMMENDATION: Approve subject to the following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans

3. Submission of samples of building materials
4. Implementation of submitted landscape scheme
5. Nesting bird survey to be submitted
6. The implementation of reasonable avoidance measures detailed within the provided *Bat Activity Survey* report (Rachel Hacking Ecology, 2020).
7. Foul and surface water shall be drained on separate systems.
8. Surface water drainage details to be submitted
9. Electric vehicle infrastructure to be provided
10. Car parking spaces to be provided and retained at all times thereafter (including garages)
11. Details of proposed finished floor levels and land levels to be submitted
12. Cycle storage to be provided

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, in consultation with the Chairman (or in his absence the Vice Chairman) 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.

