

Application No: 12/2578M

Location: OAKDEAN COURT, WILMSLOW, SK9 4ED

Proposal: Demolition of existing redundant sheltered housing block and construction of 29 no dwellings, consisting of 6no bungalows, 6 no 2 bedroom houses & 17no 3 bedroom houses.

Applicant: Rachel Hollins, Equity Housing Group

Expiry Date: 17-Oct-2012

**SUMMARY RECOMMENDATION - Approve subject to conditions and the satisfactory completion of a S106 Agreement**

**MAIN ISSUES**

- Housing policy and supply
- Affordable Housing Provision
- Accordance with the Development Brief
- Impact of character and appearance of the area
- Impact on residential amenity
- Impact on trees
- Implications for education infrastructure
- The Heads of Terms for the S106 Agreement

**REASON FOR REPORT**

This application is brought before Members in line with the Council's Constitution, that any major development on a Council owned site should be determined by Committee. The application seeks permission for 29 dwellings.

**DESCRIPTION OF SITE AND CONTEXT**

The site lies within the predominantly residential area of the Lacey Green housing estate. Presently the site comprises a dominating, vacant 3 storey building which was previously in use as sheltered accommodation for the elderly. The building has been vacant and boarded up for approximately 4 years. Presently Oakdene Court is accessible to vehicular traffic via Egerton Road and Nightingale Close and there is pedestrian route into the site via Mount Pleasant to the south.

There are a number of mature trees set throughout the site, which are considered to contribute to the general amenity of the area and screen views into the site. A number of trees on the boundary are subject to Tree Preservation Orders.

## **DETAILS OF PROPOSAL**

The scheme proposes a housing development of the site comprising of 29 residential units arranged off a cul –de-sac. The scheme is intended as 100% social rented accommodation. The Borough Council will remain in freehold ownership of the site, however, Equity Housing Association will develop and thereafter manage the site on a long leasehold.

The residential mix is :

Six no 2 bedroom bungalows

Six no 2 bedroom houses (2 storey)

Seventeen no 3 bedroom houses (2 storey)

The main vehicular access will be via Egerton Road, as was previously the case for Oakdean Court, however, two bungalows will be accessed via Nightingale Close. The existing pedestrian route via Mount Pleasant will be closed. The 6 no Bungalows will be arranged around a central courtyard , adjacent to the remaining area of open space on Nightingale Close. The other houses will be arranged in a linear street formation in generally pairs of semi-detached properties, with the exception of the main entrance which anchors the development with a terrace of properties on either side of the street.

## **RELEVANT HISTORY**

04/2568P - Alterations & change of use of existing 3 storey 58 dwellings for persons over age 60, to 31 dwellings for elderly/special needs & extra care facilities – Permission granted 14-12-2004 – Not implemented

## **POLICIES**

### **The National Planning Policy Framework (NPPF)**

Paragraph 215 of the Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with the NPPF.

### **Regional Spatial Strategy**

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Make the Best Use of Existing Resources and Infrastructure

DP7 Promote Environmental Quality

L2 – Understand Housing Markets

L4 – Regional Housing Provision

L5 Affordable Housing  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM18 – Decentralised Energy Supply

### **Local Plan Policy**

NE11 Nature Conservation  
BE1 Design Guidance  
H1 Phasing Policy  
H2 Environmental Quality in Housing Developments  
H5 Windfall Housing Sites  
H8 Affordable Housing  
H13 Protecting Residential Areas  
DC1 New Build  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC9 Tree Protection  
DC35 Materials and Finishes  
DC37 Landscaping  
DC38 Space, Light and Privacy

### **Cheshire Replacement Waste Local Plan (Adopted 2007)**

Policy 10 (Minimising Waste during construction and development)  
Policy 11 (Development and waste recycling)

### **Other Material Considerations**

Interim Planning Policy Statement – Affordable Housing  
Interim Planning Policy Statement on the Release of Housing Land  
Strategic Housing Land Availability Assessment (SHLAA)

By Design – better places to live; Safer Places – the Planning System and Crime Prevention  
– A Companion Guide to PPS1

Oakdene Court Development Brief 2008 (revised)

### **CONSULTATIONS (External to Planning)**

**Highways:** No objection subject to conditions.

**Environmental Health (Contaminated Land)** - No objection is raised, subject to a condition requiring a Phase II investigation, and a remediation scheme if necessary.

**Environmental Health (Noise and Amenity)** – No objection subject to conditions regarding hours of work/deliveries and the incorporation of measures to minimise dust during construction.

**Nature Conservation (Ecology)** – No objection. Survey information is accepted and demonstrates no implications for protected species.

**Housing Strategy Manager** – No objection. The SHMA 2010 shows that for Wilmslow there is a requirement for 255 units between 2009/10 – 2013/14, this equates to a requirement for 51 new affordable units per year, this is made up of need for 2 x 1bed, 17 x 2bed, 17 x 3bed, 9 x 4bed and 6 x 1/2 bed older persons units.

Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 299 applicants who require rented accommodation in Wilmslow. The number of bedrooms these applicants require are 80 x 1bed, 113 x 2bed, 73 x 3bed, 7 x 4bed (26 applicants have not specified how many bedrooms they require).

**Manchester Airport (Safeguarding):** No reply at the time of preparation of report.

**Leisure Services** - No objection subject to the provision of a commuted sum of £45000 required for children's play off site. The amenity element of the open space requirement is being provided on site

**Education** - 29 family sized units will generate 5 primary aged pupils and 4 secondary aged pupils. There is sufficient capacity within the primary sector but there will be a requirement for secondary provision comprising 4 additional spaces. This equates to a S106 requirement of 4 x £17,959 = £65,371.

**United Utilities** – No objection subject to the site being drained on a separate system

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Wilmslow PC - Support the proposal and recommend approval

## **OTHER REPRESENTATIONS**

One representation raising objections and concerns to the scheme on grounds of –

Development is closer to 44 Mount Pleasant than the previous block and people will be able to see the occupiers of that property. Layout turning heads to accommodate refuse vehicles could be amended.

Two occupiers of Mount Pleasant consider that there should be no access to the site via Mount Pleasant, which has a current footpath access and vehicles have parked up in Mount Pleasant to visit Oakdean Court and blocked residents in.

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted in support of the application:

- Supporting Planning Statement
- Design and Access Statement

- Ecological Assessment (Bat Report)
- Arboricultural Impact assessment
- Affordable Housing Statement
- Draft Heads of Terms

All of these documents are available in full on the planning file, and on the Council's website.

## OFFICER APPRAISAL

### Principal of Development

#### National Planning Policy Framework

Members will be aware that The National Planning Policy Framework published in March 2012 superseded a number of National Planning Policy Statements and consolidates the objectives set within them. The Framework sets out a presumption in favour of sustainable development.

Paragraph 49 advises 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”*

Members will be aware that the Council do not currently have a 5 year supply of housing for the Borough and therefore attention should be had to the requirements of paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

*“Approve development proposal that accord with the development plan without delay, and*

*Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;*

- ***any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or***
- *Specific policies in this framework indicate development should be restricted”*

Notwithstanding this requirement, this scheme which is located within an existing residential area, with Wilmslow Railway Station being circa 1500m to the south-east having access to a range of local amenities the site is considered to be in a highly sustainable location. The proposal also involves the redevelopment of a previously developed site within the existing urban area. As such, the proposal comprises sustainable development in NPPF terms.

The application therefore turns on whether there are any adverse impacts that would so significantly and demonstrably outweigh the benefits of the proposal.

These issues are considered below.

### **Impact of character and appearance of the area**

Local Plan policies BE1, H2, H13, DC1 and DC35 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy H2 requires new residential development to create an attractive, high quality living environment. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

This proposal comprises a small development of mainly semi-detached, two storey dwellings that are in keeping with the area, which itself has a mixed residential character, with modern older persons flats within Nightingale Close, and older two storey semi-detached dwellings located to the west of the main road frontage.

The cul-de-sac layout of houses would be broken-up by changes in roof pitches of the dwellings, parking is set generally behind the building lines and corner properties are designed to address both frontages.

The creation of the footpath link through the site adds to social inclusion by virtue of facilitating direct foot access through the site from Nightingale Close to Egerton Road. The use of block paving as traffic island at the entrance indicates to drivers that they are entering a pedestrian priority area.

Whilst this development incorporates greater coverage of the site than the existing building and areas of hardstanding/parking, a considerable number of mature trees to the periphery and an established area of open space within Nightingale Close will be maintained. Whilst some trees/ shrubs within the development area are removed, replacement planting is proposed which will safeguard the amenity of the area.

The height, scale, massing and coverage of the proposed dwellings is considered appropriate having regard to the similar heights and scale of surrounding properties.

It is considered that the proposed development would reflect local character and the overall scale, density, height, mass and materials of the dwellings would be sympathetic to the character of the local environment and would comply with policies BE1 and DC1 of the Local Plan.

### **Trees**

An Arboricultural Tree Survey was submitted with the planning application. A number of Protected trees are located either on the boundary of the site or in neighbouring gardens.

The scheme has been revised during the course of the application to address social proximity concerns expressed by the Arborist with specific regard to Plots 5,6 and 7. The Arborist is now satisfied that the revised layout can be achieved without damaging important trees either within or adjoining the site. None of the trees to be removed are protected and a significant

belt of trees will be retained to the site periphery. The Council's Arborist has considered the proposals and raises no objection to the scheme

### **Compliance with the Development Brief**

The proposal is not strictly in full accordance with the Development Brief for the site. The first priority within the 2008 Development Brief for this site was to either re-use the existing building or re-develop the site for affordable housing purposes for key workers and priority purchasers. This scheme is 100% for affordable rent with local people on the current Homechoice waiting list being the likely occupiers.

The Brief advises that a mixed scheme of 2 and 3 bedroomed units (in the ratio of 10:1 between the 2 bed as opposed to the 3 bedroomed. The Brief also envisaged the site being part of the Resale Covenant scheme, rather than a 100% affordable rented development. The majority of the units are 3 bedroomed units rather than the 2 bedroomed units indicated as being preferred in the Brief

The Brief considered that up to 38 units would be appropriate level of density on the site, however, this would have been likely to have been achieved in a flatted type of development of up to the 3 storeys, as in the case of the present building on site. Areas of garden/ private open space within the site were also considered to be areas where the Brief did not envisage development. The ideal type development envisaged by the Brief could only be accommodated by a similar development of conversion of the building presently in situ. With the exception of the Open Space on Nightingale Close, which is retained within the development as Public Open Space, the areas of private garden space have been developed within the current scheme of family sized dwellings.

It is considered the policy context and the housing need within this area has moved on since the Brief was adopted and that the weight to be given to the Brief as a material consideration is outweighed by the requirements of the NPPF to deliver sustainable housing development.

### **Education**

Members will note that the Education Department have requested a financial contribution for education provision as a result of their calculations of the infrastructure implications of this development. They advise that Wilmslow High School is currently over capacity and the forecasts predict that this will remain the case for the foreseeable future.

The CIL Regulations, however, require such contributions to be fair and reasonable and must pass the test to make the development acceptable in planning terms.

This application differs from most applications recently received in the Wilmslow area in that it concerns the provision of 100% affordable rented accommodation within Wilmslow. As Members can see from the Housing Strategy Manager's advise above, the Homechoice waiting list for family sized accommodation in Wilmslow , for people who currently reside in Wilmslow is 299 families.

The 29 units provided within the scheme are entirely likely to be allocated to local residents who already reside in Wilmslow and who already utilize local education provision and whilst there may be existing local accommodation freed up by the new residents vacating it, which

in turn will become available to other residents on the Homechoice waiting list, those residents would need to comply with the Homechoice selection criteria. On this basis, this application is not considered to be likely to result in any additional demands being placed on Wilmslow High School, particularly given the size of the Homechoice waiting list.

This can be controlled via S106 Agreement concerning the cascade provision for the allocation of the units. In these circumstances, it is not considered that the additional pupil numbers predicted by the Education department are likely to migrate into the area as a consequence of this development and in these particular, unique circumstances, the education commuted sum payment is not considered to be fair and reasonable.

## **Highways**

The site is directly adjacent to the public transport network, it is a sustainable location being located close to the bus stops on Lacey Green and Styal Road. Wilmslow town Centre is within reasonable walking distance.

Paragraph 39 of the NPPF advises that;

In setting local planning standards for residential development and non residential development local planning authorities should take into account:

- The accessibility of the development
- The type, mix and use of the development
- The availability of and opportunities for public transport;
- Local car ownership levels; and
- An overall need to reduce the use of high emission vehicles

The proposal incorporates off road car parking for each dwelling, the larger units having 2 car parking spaces. This is considered to be in accordance with the objectives of policies DC6 and DC57 of the local plan.

There are no highway objections raised to the application subject to conditions.

## **Amenity**

### Relationship with Nearby Dwellings

Interface distance standards as expressed in Local Plan Policy DC38 are generally adhered to by careful siting and positioning of windows within each individual plot. Mainly, neighbouring buildings are offset and not directly overlooking the proposed dwellings. Accordingly, the layout within the site does not result in any direct overlooking.

Concern was raised initially with the relationship of plots 6 & 7 with nos 9, 11 and 13 Egerton Road. However, revised plans have been received which are considered to provide an acceptable interface with these properties. In this regard, the plots are respectively located between 22m and 24m from the rear habitable windows in the proposed development. The interface standard for back to back relationships within the Plan is normally 25m. Noting that a good distance of over 20 metres will be maintained which is consistent with the spacing standards of surrounding properties, it is not considered that a significant or harmful loss of privacy would result and the proposal is therefore in accordance with policy DC3 of the Local

Plan. It is recommended that permitted development rights for extensions are removed to ensure that an adequate privacy distance is maintained in the future.

### Internal Relationships

The layout of the scheme in the main satisfies spacing standard guidance and it is considered that there would be no significant harm on the amenity of future occupants of the scheme through overlooking, overbearingness, daylight or privacy. However, there are some breaches of spacing standards between some facing principal elevations, particularly the relationships between the entrance blocks comprising plots 1 to 4 and 28 to 30. Notwithstanding this, it is considered that this would not result in an unacceptable level of amenity for future occupants. It should also be noted that the layout has been designed and informed by the principles of Manual for Streets, and Secure by Design principles which can often result in lower spacing standards, at the expense of improved public realm and greater surveillance and proximity of built development to the back of pavement at a critical locations. Overall, it is considered that the relationships at the entrance point would not be so injurious to future amenity to justify refusal in this instance.

### **Renewable energy**

Policy EM18 of the Regional Spatial Strategy deals with decentralised and renewable energy supply. In advance of local targets being set through the Cheshire East Local Development Framework, EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable. The applicant has not demonstrated that this is not feasible and the Design & Access statement has not considered the incorporation of such measures. No information is submitted in support of this application in respect of renewable resources however this could be dealt with by planning condition.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby and has good public transport links.

The scheme is considered to be a sustainable development of a brownfield site where there is a presumption in favour of the development. For the reasons outlined above; the scheme, in the main, complies with relevant Development Plan policy. The design of the scheme is acceptable and sympathetic to the existing urban environment. The impact of the development on adjoining land uses and the living conditions of neighbours is within acceptable standards and can be controlled by condition.

The proposal will have no adverse impact in terms of highway safety, trees, landscape or ecology.

Whilst there is some conflict with the Brief, overall, the numerous benefits and this schemes contribution to the housing need, particularly the need for affordable rented family sized accommodation in this part of the Borough is considered to outweigh the requirements of the Brief.

## **RECOMMENDATION**

Grant Conditional Planning Permission:

### **SUBJECT TO**

The satisfactory completion of a S106 Legal Agreement comprising:

### **HEADS OF TERMS**

- Provision of commuted sum in lieu of on site provision of Childrens off site Play - £45,000
- Provision of a Cascade for the occupation of the dwellings -
  - 1 Wilmslow,
  - 2, Former borough Macclesfield boundary,
  - 3, From within Cheshire east .

### **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 commuted sum in lieu of children's play space is necessary, fair and reasonable, as the proposed development will provide 29 family sized dwellings of different sizes, the occupiers of which will use local facilities as there is no children's play being provided as part of the scheme, as such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

Application for Full Planning

**RECOMMENDATION:** Approve subejct to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)

2. A04AP - Development in accord with revised plans (numbered)
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A05EX - Details of materials to be submitted
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A03TR - Construction specification/method statement
9. A12LS - Landscaping to include details of boundary treatment
10. A06NC - Protection for breeding birds
11. A22GR - Protection from noise during construction (hours of construction)
12. A23GR - Pile Driving
13. A32HA - Submission of construction method statement
14. dust control
15. phase ii contaminated land survey
16. removal of pd rights - extensions
17. 10/% renewable energy provision

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