

Application No: 13/3100M

Location: LAND AT LANGLEY MILL, LANGLEY ROAD, LANGLEY, SK11 0DG

Proposal: Demolition of existing buildings and erection of a terrace of 3 two storey dwellings

Applicant: Steve Hopkins

Expiry Date: 18-Sep-2013

**Date Report Prepared: 08 May 2014**

### **SUMMARY RECOMMENDATION**

Approve, subject to conditions.

### **MAIN ISSUES**

- The principle of the development (Green Belt);
- Impact on openness to this part of the Green Belt;
- Sustainability;
- Impact of the design and character and appearance of the street scene;
- Residential Amenity Implication;
- Highways Access, Parking, Servicing and Pedestrian Safety Issues;
- Arboricultural implications;
- Ecology Implication;
- Contamination Issues; and
- Flooding Issues.

### **REASON FOR REPORT**

The application has been requested to go to Northern Committee by Councillor Gaddum (*Sutton Ward*) for the following reasons:

- No objection to residential use in principle;
- Concerns of highways access and egress;
- Details of levels are very important as they could have a disproportionate effect on other dwellings;
- Lack of second door (only french windows from the dining area);
- Front doors of houses apparently opening directly onto the highway; and
- Concerns over the disparity in heights of walls, and the apparently unallocated land which is part of the holding.

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a vacant commercial building located within the village of Langley. The site is bounded by Langley Road to the north, a tributary to the River Bollin to the south, and residential properties to the west and east.

The land at the application site falls away from Langley Road down towards the river to the south, thereby resulting in a building that is single storey to the road frontage and two-storeys to the rear.

The application site is located in an Area of Special County Value and the North Cheshire Green Belt, whilst TPO protected trees are located off-site on the opposite side of the river bank.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the demolition of the existing mill building and the erection of three dwellings.

The revised layout shows three terrace properties with direct access directly onto Langley Road. Each of the dwellings would have active frontage to Langley Road. The boundary of Langley Road would be defined by a new low wall behind which would be the front gardens to 3 properties. Pedestrian access would be provided from Langley Road to each dwelling in the form of gates.

Vehicular access would be provided in the eastern part of the site to a block of rear garaging provided at the lower level of the site. Stepped access to the rear gardens from the garage and courtyard would be provided.

## **RELEVANT HISTORY**

Planning permission was refused on 18 November 2011 for the demolition of part of the existing commercial building, to convert the remainder of the building to one dwelling and the erection of three dwellings on the remainder of the site, under reference 11/1950M.

## **POLICIES**

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.

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 Plan (January 2004).

### **Local Plan Policy:**

The application site lies within the Green Belt as defined by the Macclesfield Borough Local Plan (MLP), therefore the relevant Local Plan policies are considered to be: -

- NE11 Nature Conservation
- BE1 Design Guidance
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments
- H5 Windfall Housing Sites
- H13 Protecting Residential Areas
- GC1 New Buildings in the Green Belt
- DC1 New Build
- DC3 Amenity
- DC6 Circulation and Access
- DC8 Landscaping
- DC9 Tree Protection
- DC38 Space, Light and Privacy
- DC63 Contaminated Land Including Landfill Gas

### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Policy CS3 outlines the intended Green Belt policy for the area. Policy CS3 repeats the purposes of including land within the Green Belt listed in the Framework and sets out that permission will not be granted for inappropriate development in accordance with national policy. It should be noted here that paragraph 5.95 of the Framework states that “to achieve sustainable development, over a period of several decades the council recognises that some development may be necessary within the Green Belt in both the north and south of the Borough, however a review of Green Belt also allows the potential of new Green Belt to be explored”.

## **Other Material Considerations**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, 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 Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight. The relevant Sections include:-

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

**Highways:** No objection subject to conditions

**Environmental Health:** No objection subject to conditions

**Environment Agency:** No objection subject to conditions

**Building Control:** No objection

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

**Sutton Parish Council** – That the Parish Council support, in principal, the development of this site for residential purposes but have serious reservations in respect of the following matters:-

- The pedestrian front access directly onto the highway presents a potential danger to both residents and highway users. An open service area by way of a pavement or grass verge should be provided between the boundary wall and the highway.
- The vehicular access should provide for visual splays to provide adequate vision and turning space especially when turning left towards Sutton Lane Ends. This would also require an open space beyond the boundary wall to achieve adequate vision.
- The proposed width of the vehicular access (approx 2.5m.) does not provide adequate provision for uninterrupted access/egress at all times.
- The width of pedestrian access around the properties appears to be limited between (0.45m to 0.50m) which is less than the average walkway required for access purposes.
- There does not appear to be any provision for the storage and collection of waste bins which again is restricted by the width of the access between properties.
- There does not appear to be adequate provision for car parking other than within the garage complex. Homes with more than one car may experience parking difficulties.
- There does not appear to be a rear access to the properties other than by French windows directly into the Dining Room.
- There appears to be some confusion over the height of the front boundary wall in so far that drawing 12/1284/3 states that a 600mm high brick screen wall is to be erected, whereas the Design and Access Statement indicates a boundary brick wall of 1.8m in height.

- The 3m high retaining screen wall to the rear of the properties, together with a 1,800mm high post and rail fence on top will create an overbearing appearance which may, in the future, be visually detrimental to the open space beyond the water course. There are serious concerns in connection with the construction and use of such a high retaining wall.
- There are areas within the development site which do not appear to have been earmarked or identified for any specific purpose associated with the proposed development which may be detrimental to adjoining properties. Use of such areas should be confirmed.

## **REPRESENTATIONS**

The application has been duly advertised on site by the means of a site notice and six neighbouring properties have been written to directly.

Eight letters of objections were received from five neighbouring residents and their comment can be summarised as follows: -

- No objection in principle to the redevelopment of the mill;
- Insufficient information in the application to enable us to assess the impact on 74 Langley Road;
- The entrance to the driveway is too narrow and has no radius for vehicles to turn into;
- The gates at the road side of the properties open right onto the road which seems incredibly dangerous;
- Where would bins be left for collection?
- Query about the height of the wall on the road side;
- The access road planned for the East side of the site will need to be a gradual incline for cars to gain access. Significant landscaping will be necessary. However more detail is needed to understand how this will affect the boundary of No. 4 The Orchard;
- Like assurances that No. 4 The Orchard will not be overlooked by the access road and the gardens that will be elevated adjacent;
- Like to understand how the site drainage will be managed;
- Like clarification on how the potentially polluted material detailed in the phase 1 environmental study will be tested, monitored and removed from the site (where necessary) and not used as back fill in elevated areas;
- How will cars access the site in snow and ice as the access road will be quite steep and there is no space for on-road parking if the access road is not safe? And
- Query about addresses of neighbouring address that notification letters have been sent.

*A full copy of all the comments made by the local resident toward this application as summarised above, can be viewed on the electronic file on the Council's public access website.*

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted a *Design & Access Statement, Tree Survey Report, Demolition Statement, an Extended Phase 1 Ecological Survey, a Transport Statement, a Phase 1 Contamination Desk Study, a Planning Statement, and a Design Analysis* were submitted in support of the planning application, details of which can be read on file.

## **OFFICER APPRAISAL**

Having considered this application, it is the considered view that the main issues in this case are:

**The principle of the development (Green Belt):**

Policy GC1 of the Macclesfield Local Plan states that within the Green Belt approval will not be given, except in very special circumstances, for the construction of new buildings unless it is for a range of purposes including agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension or alteration of existing dwellings; limited infilling within identified settlements; limited affordable housing for community needs; and development within major developed sites.

However, since the publication of the Local Plan, the Framework has been published which supersedes existing policies within the Local Plan. The Framework provides additional circumstances where development is considered to be appropriate over and above those previously provided under policy GC1.

The Framework now states that the limited infilling or partial and complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including development within it that the existing development would not be inappropriate development.

Paragraph 89 does not stipulate uses of land that are appropriate or inappropriate on previously developed land. As such, it is considered that the demolition of the existing mill building and redevelopment of the site with the erection of 3 dwellings would be acceptable development in principle, so long as the proposed development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it.

**Impact on openness to this part of the Green Belt:**

The application proposals would result in the erection of three dwellings and a garage block. Each of the dwellings measures 10.6m in depth, 6.5m in width and 7m in height. The garage block measures 9.8m in width, 6.2m in depth and 4.9m in height. In terms of scale, a comparison of the existing and proposed built form on site notes that while the proposed dwellings present a higher frontage to Langley Road that frontage is now broken up (whereas the existing frontage is continuous). Plot coverage is also substantially reduced such that the bulk and form of development on site is substantially less than that of the existing building. The volume of the proposed buildings compared to the existing building on site represents a substantial reduction from 3,182 cubic metres to 1,324 cubic metres (a reduction of 38%). Floorspace also reduces substantially from 653sq metres to 245sq metres (a reduction of 62%).

Taking all of the different factors into account it is considered that the proposed buildings would have a comparable impact on the openness of the green belt when measured against the existing buildings on the site. The buildings would not have a greater impact on the openness of the green belt. It is considered that the proposed development does not threaten any of the purposes of including land within the Green Belt, particularly as it does not encroach beyond the existing site.

It is considered that the proposed development would not have a materially greater impact on the openness of the Green Belt than the development it would replace and that the proposal would comprise appropriate development in accordance with bullet point 6 of paragraph 89.

### **Sustainability:**

Overall, it is considered that the site is not very sustainable as although the national walking/cycling agreed distances to local services are met and there is also a bus service available within a reasonable distance from the site, there is only 1 hourly bus service. Therefore, whilst it is accepted that the site is accessible to non-car modes, it is likely that the dwellings will be car dependant.

### **Impact of the design and character and appearance of the street scene:**

The majority of the site is occupied by the currently disused mill building. The disrepair of the site and its dereliction has been the subject of a number of complaints. The mill building is no longer fit for purpose and is effectively derelict. The Mill building is not Listed or list-able. No objections are raised to its demolition. In order to enhance the character and appearance of the site the application proposes to demolish the mill in its entirety and the redevelopment of the site in a sensitive form would be a positive benefit to the character and appearance of the area.

Since the application was originally submitted in July 2013, considerable negotiations have resulted in changes to the design of the scheme to ensure that the development fits in within the context of Langley, which is an attractive village.

The proposal involves a traditional solution to the appearance of the site. The terrace dwellings will have the appearance of a traditional cottage consistent with those already found within the area. Each dwelling incorporates low eaves levels. Ridge levels are stepped down following the fall in levels along Langley Road. Each dwelling will have a front entrance porch similar to those found in terraced properties in the immediate vicinity of the site. Each will have an external chimney breast. In terms of materials it is intended to use Cheshire brick for the walls and natural slate roof tiles in order to reflect the context of existing dwellings in the local area.

Timbers painted windows in cottage style are proposed to the front elevations. Gutters and rainwater goods would be powder coated aluminium black and doors would be timber and painted. It has been agreed that the materials for the garage block would match the houses. Reclaimed brick from the Mill would be used for the boundary walls.

### **Residential Amenity Implication:**

A demolition statement has been prepared by Cheshire Demolition and submitted with the application. The statement is a fairly standard one for this type of work but does make pacific reference to the areas of walls which form the rear and side wall of the car port to number 74 and the boundary wall to the right of the car port where the two storey mill is to be demolished. The method of providing temporary scaffolding protection and also demolishing by hand where required is in our opinion reasonable and accepted.

A problem seems to arise though as to what is required to be left standing to provide adequate amenities to number 74 as the walls along the boundary are forming party walls at present. To this end the owner of number 74 has requested (which is reasonable) that the rear wall to his car port remains as is, the right hand side wall to the car port which is also the main side wall to the two storey mill is only demolished to just above car port roof level as this wall supports the roof to the car port. To the gable wall and other side wall of the two storey mill which form the boundary line as the floor level in the mill is lower than the garden of number 74 that these walls are demolished to ground floor sill level to ensure stability of the existing garden area to number 74. This covers demolition stage but for future privacy of number 74 the boundary area will need further treatment with the high right hand side wall of the car port capping. Also the dwarf walls left in place along the boundary will need any openings filled in and the wall capped with fencing to an agreed height installed on top of the wall. A demolition condition is suggested to control these elements.

It is not considered that the proposed properties would impact on the amenity of the building on the opposite side of Langley road as this is the Village Hall. It is also considered that the adjacent property known as No. 4 the Orchard would not be affected by the development as it is separated by 18 metres. The access road would also break up this relationship. An existing substation would also block views. No side windows are proposed on the terraces. No 74 Langley Road is the nearest property and would be affected by the development. Although there would be no overlooking from side windows the proposed end east terrace would be close to the existing boundary and main entrance to No. 74. Whilst No 74's main concern is the boundary treatment and demolition (dealt with above) it is considered that given the present of the existing mill and traditional relationships in the village, the element could be accepted.

The application site is in proximity to existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. A condition should be imposed to control hours of demolition and construction works in the interest of residential amenity. A condition should also be imposed in the event that piled foundations are necessary. A condition to minimise dust emissions arising from demolition / construction activities is also suggested.

### **Highways Access, Parking, Servicing and Pedestrian Safety Issues:**

#### **CURRENT SITUATION:**

There are currently three vehicular accesses into the site. At the western end of the frontage is parking for two vehicles in an open area; in the middle of the site is an access directly into the building; and at the eastern end of the frontage is an access for a single vehicle, which we understand was used by a service vehicle. Due to the proximity of adjoining buildings at each of the three access positions, all have very poor visibility even when emerging in forward gear. Without any turning facilities for any of the accesses, vehicles would often have to reverse out of the site without having any knowledge of whether a vehicle was approaching along Langley Road. This is clearly a very dangerous traffic situation.

#### **EXISTING SITUATION:**

Until 2009/10 the mill was used by a company that manufactured wire wheels and employed 17 staff. There is parking on-site for a maximum of three vehicles and the majority of staff parked on-street. Up until the 1980s, the site was in general industrial use and historically employed over 50 people, again with no car parking provision, leading to vehicles having to be parked on-street over a wide area.

This lawful use must therefore be taken into account when assessing the impact of the development proposal. In traffic generation terms, the development of 3 houses would result in 2 vehicle movements in the busiest hours of the day. The proposals therefore would be regarded as significant betterment in highway terms.

The proposals seek to replace the whole of the mill buildings with three dwellings. The existing access points would be closed and replaced by a shared new access that would have a higher level of visibility than any of the existing access points.

#### ACCESS:

The preferred design solution for the site would be for a terrace of houses along the road frontage. With this in mind, the site access either has to be towards the eastern edge of the site or the western edge of the site, or otherwise set the housing back and provide a parking space in front of each house, which would not be desirable from a design point of view.

At the western end of the site there is a bend in the road where visibility is very restricted and there is an existing dwelling adjacent to the carriageway edge that limits visibility to around 4 metres in that direction.

At the eastern end of the site there is still a restriction on visibility caused by a sub-station adjacent to the site. However, it is possible to achieve 2.0 x 15m, which represents a very significant improvement when compared to the existing conditions that are set out above. From this access position it is possible to achieve 2.0 x 40m in the westerly direction, which meets the requirement for a 30mph zone.

The access was initially shown to be around 3.5m in width and would only allow the passage of a single vehicle at a time where it passes alongside the building. Revised proposals have been submitted to widen the access to 4.5m, which would allow for [two-way opposed movements](#).

The access road would achieve a maximum 1 in 12 gradient along the access route within the site. It would also incorporate a flatter 1 in 20 platform where the access road meets Langley Road.

#### **Arboricultural implications:**

This site has been subject of previous applications and lengthy discussions in terms of proximity and relationship issues in respect of the mature Sycamore located off site to the south of the development site and identified as T5. One of the reasons for refusal identified in respect of application 11/1950M was an unsatisfactory relationship established in respect of T5 protected as part of a 1974 Tree Preservation Order.

The present application addresses the previous concerns with the properties re-positioned to the north of the site on the Langley Road frontage, and with their individual and collective external living space located a reasonable distance outside the Sycamores (T5) canopy drip line. Any issues in terms of light attenuation can be addressed on merit, with a suitable pruning schedule considered achievable without detracting from the tree or its contribution to the amenity of the immediate area or the wider landscape aspect.

The site plan depicts the location of T5 incorrectly but it is accepted that the amount of root mass establishment and required Root Protection Area (RPA) will be significantly off set by the proximity of the adjacent stream which the tree stands to the south off. Root development within the construction site is to be limited with construction of the proposed garage unlikely to encounter any roots from the offsite Sycamore (T5). Any negative impact on the garage in terms of 'honey dew' deposits and moss can be addressed as part of regular maintenance, and improved by a limited amount of selective tree surgery.

The reasons for refusal associated with the previous application in terms of trees have been addressed by the re-positioning and re-configuration of the layout.

The removal of the Sycamore identified as T1 for the reasons stated are not contested. The new access road can be implemented without having a negative and direct impact on the offsite Ash identified as T3 & T4, both of which stand to the rear of retaining structures and in keeping with T1 present a very poor social proximity to the existing adjacent building. The long term structural integrity of the offsite Sycamore T2 has been compromised by its co-dominant form. This tree was omitted from the Order which protects the adjacent more dominant specimen T5.

Bearing the above in mind, no objections to the scheme are raised from an arboricultural perspective. Protective fencing details have not been included but this can be address as part of condition suggested.

## **Ecology**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that no European Protected Species have been recorded on site. Therefore the planning authority do not have to consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest.

The application is supported by an acceptable ecological survey. This site was also subject to ecological surveys in 2010 which did not identify any significant ecological issues.

No evidence of roosting bats or other protected species has been recorded on site and the Council's Ecologist has advised that protected species or other nature conservation interests do not present a significant constraint on the proposed development

However conditions are suggested to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds on the site.

### **Contamination Issues:**

The application area has a history of use as a Mill and a Gasometer and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Phase 1 report submitted with the application recommends that further investigation works are required. The risks to the development are not considered to be insurmountable. The Contaminated Land team have raised no objection to the scheme subject to a condition being imposed to secure the submission of a Phase II investigation prior to commencement.

### **Flooding Issues:**

The site is situated immediately adjacent to a non main river, ordinary watercourse which falls under Cheshire East Council's responsibility and control as a Lead Local Flood Authority (Flood and Water Management Act 2010 and Land Drainage Act 1991). The updated Maps for Surface Water indicate that part of this site may be vulnerable to flooding during extreme flood events. However the proposed flood levels of the residential houses are some 3 to 4 meters above the river.

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

In summary and to conclude, the issues raised in the representations have been addressed and all the issues raised have been borne in mind. In respect of the guidance in the NPPF the proposed redevelopment of a brownfield site is an appropriate form of development within the Green Belt, hence, the proposed development is acceptable in principle. The proposed development is considered not to have a greater impact on the openness of the Green Belt than the existing and not to threaten the purposes of including land within the Green Belt.

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- 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 this Framework taken as a whole
- The proposal accords with relevant policies of the Development Plan and therefore, should be approved without delay.

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

The replacement of the existing mill building with residential development is consistent with the character of the use in the village. It complements the neighbouring housing and provides a better relationship of uses than the previous industrial use on the site.

\* \* \* \* \*

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 Interim Planning and Place Shaping Manager 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. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A23MC - Details of ground levels to be submitted
4. A02EX - Submission of samples of building materials
5. A01TR - Tree retention
6. A02TR - Tree protection
7. A02LS - Submission of landscaping scheme
8. A04LS - Landscaping (implementation)
9. A12LS - Landscaping to include details of boundary treatment
10. A22GR - Protection from noise during construction (hours of construction)
11. A23GR - Pile Driving
12. A30HA - Protection of highway from mud and debris
13. A32HA - Construction Management Statement
14. A32HA\_1 - Demolition method statement
15. A07HP - Drainage and surfacing of hardstanding areas
16. A04HP - Provision of bin storage
17. A04NC - Details of drainage
18. A06NC - Protection for breeding birds
19. Phase II Contamination Report

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