

Application No: 14/3954M  
Location: 60, JODRELL STREET, MACCLESFIELD, SK11 7BB  
Proposal: Demolition of existing buildings and construction of 3no. two and a half storey terraced dwellings. (Resubmission of 14/1304M)  
Applicant: Mr Kieran Vye & Nick Conway, Seletar Properties Ltd  
Expiry Date: 14-Oct-2014

**Date Report Prepared:** 17<sup>th</sup> November 2014

### **SUMMARY RECOMMENDATION**

APPROVE subject to conditions

### **MAIN ISSUES**

- Sustainability of the site
- Design/ Scale
- Impact on neighbouring amenity
- Nature Conservation issues
- Environmental Health
- Landscaping Issues
- Highway issues

### **REASON FOR REPORT**

The application has been called in by Councillor Nielsen due to concerns that the development would be overbearing to neighbours and that the development would be out of keeping with the character and appearance of the street scene.

As such, the application is to be determined by the Northern Planning Committee.

### **DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a vacant detached bungalow located on a large plot, on an area of hardstanding, within a predominantly residential area of Macclesfield. A large mature sycamore tree on the site has recently been removed. Three storey flats lie to the east of the site, two storey semi detached dwellings to the front of the site across Jodrell Street and a two storey semi detached dwelling lies to the west of the site. Directly to the east and south of the site are car parks reserved for occupants of the nearby flats. The site lies within 1 mile of the Town Centre.

## **DETAILS OF PROPOSAL**

The application is for full planning permission for the demolition of the existing bungalow and the redevelopment of the site with 3no. dwellings and integral garages, and associated hardstanding to accommodate 3no. parking spaces; hence creating 2no. off street parking spaces per dwelling. The existing non protected sycamore tree on the site has recently been removed. Landscaping of the site is also proposed.

Each dwelling comprises 3 No bedrooms.

Revised plans have been received following initial concerns regarding the size of the proposed integral garaging and these have now been increased in size so that they can each accommodate 1no vehicle.

Revisions were also sought due to concerns regarding the impact of the development on the bedroom window of 6A Alderley Walk, in terms of an overbearing impact. The southeastern part of the building (dwelling 1) has now been stepped back by 1.7m at first and second floor level at the rear to address these concerns.

This application is a resubmission of application reference 14/1304M, which was for 4no dwelling units and was refused at Northern Committee due to concerns regarding amenity, design and highways. The main differences of this application compared to the previous application are as follows:

- Reduction in number of units from 4 to 3
- Increase in off street parking per dwelling from 1 to 2
- 2.5 storey element of the building moved circa 0.5m further towards Jodrell Street, with no change in the depth of the 2.5 storey element
- Addition of 1.6m projecting single storey rear lean to extension to the building, thereby increasing its depth at ground floor level
- Alterations to the design of the building including fenestration details and removal of chimneys, although no change in the eaves and ridge heights.
- Stepping back of dwelling 1 by circa 1.7m at first and second floor level, reducing its size and altering the design of the rear elevation

### **Planning History**

14/1304M

Demotion of existing buildings and construction of 4no. 2 and a half storey terraced dwellings.

REFUSED

21/07/14

### **POLICIES**

#### **Macclesfield Borough Local Plan – Saved Policies**

H1- Phasing Policy

H2- Environmental Quality in Housing Developments

H5- Windfall Housing

H13 – Protecting Residential Areas  
BE1- Design Guidance  
DC1- New Build  
DC3- Amenity  
DC6- Circulation and Access  
DC8- Landscaping  
DC9- Tree Protection  
DC35- Materials and Finishes  
DC38- Space, Light and Privacy  
DC41- Infill Housing Development or Redevelopment  
NE11- Nature Conservation

### **Cheshire East Local Plan Strategy 2014 – 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<sup>th</sup> 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.

The relevant policies are as follows:

MP1- Presumption in Favour of Sustainable Development  
PG2 - Settlement Hierarchy  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
SE4 - The Landscape  
SE5- Trees, Hedgerow and Woodland  
CO1- Sustainable Travel and Transport  
CO4- Travel Plans and Transport Assessments

The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are to be applied.

The National Planning Policy Framework reinforces the system of statutory development plans. When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable 'full weight' to be given to Development Plan policies adopted under the 2004 Act. The Macclesfield Local Plan policies, although saved in accordance with the 2004 Act are not adopted under it. Consequently, following the guidance in paragraph 215, "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)*".

The Local Plan policies outlined below are all consistent with the NPPF and should therefore be given full weight.

### **Other Material Considerations**

Ministerial Statement – Planning for Growth  
National Planning Policy Framework  
Planning Practice Guidance

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

Canal River Trust- No Objection.

Strategic Highways Manager- No Objection.

United Utilities- No Objection.

Macclesfield Civic Society- Make the following general observation on the originally submitted, superseded plans:

*The scheme appears unduly cramped on the site. If the intent is to provide 3 storey accommodation and parking/garaging at a ratio of 2:1 then a reduction to a pair of semis would appear appropriate.*

### **VIEWS OF THE TOWN COUNCIL**

N/A.

### **OTHER REPRESENTATIONS**

6no representations have been made objecting to the development. These objections relate to the originally submitted plans, not the revised plans. The planning related comments can be summarised as follows:

-Adverse impact on neighbouring property to the side and front in terms of overlooking, overbearing impact and loss of light

-Development out of keeping with the character and appearance of the street scene

-Would constitute overdevelopment of the plot

-Adverse impact in terms of on street parking on a road which already has congestion problems

1no representation has been made in support of the development, stating the view that the development would be a good reuse of the site and would be in keeping with the character and appearance of the area.

## **APPLICANT'S SUPPORTING INFORMATION**

Planning/ Design and Access Statement

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of development on the site is considered acceptable, subject to the sustainability of the site, design, amenity, highways, environmental health, landscaping, nature conservation issues as examined below.

### **Sustainability**

Paragraph 14 of the National Planning Policy Framework (NPPF) states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. This previously developed brownfield site is less than 1 mile from the Town Centre and public transport routes. Amenity space is provided within the site, and the site is close to local open space and overall the site is considered to be in a sustainable location. The scheme is therefore considered to accord with the main thrust of the NPPF in terms of constituting sustainable development.

### **Design/ Character**

Local Plan policies BE1, H13 and DC1 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 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. The National Planning Policy Framework also notes that "good design is a key aspect of sustainable development".

The objections have been carefully considered. However, the development is considered to be of a design and scale that is in keeping with surrounding properties on the street, in

particular on this side of the street. The ridge and eaves heights of the building would be similar to the nearby apartments on Alderley Walk and further down on Jodrell Street. The building would be substantially set back from the neighbouring property, which would ensure that whilst it is still a tall building at circa 8.87m in height, it would not over-dominate the street scene. It is not considered to constitute overdevelopment of the plot.

Subject to the materials being acceptable, which can be controlled via condition, the revised scheme is considered to accord with all design objectives.

## **Amenity**

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

Policy DC41 states that infill housing or redevelopment must not result in the overlooking of existing private gardens, nor excessive overshadowing of existing habitable rooms. Sufficient amenity space should exist for any new infill development.

In this case sufficient garden space for each property would exist, in accordance with policy DC41.

The objections have been carefully considered. The revised development would be sited circa 4.2m from the side elevation of no 58 Jodrell Street, some 0.1m closer than under the previous application. This property has no windows to habitable rooms on the side facing elevation. There is a ground floor side kitchen window, but this also has a window to the rear. There are 2no side hall windows. There is an obscurely glazed first floor side bathroom window and first floor side window to a landing area. Whilst it is noted that the development would have an impact on this property in terms of loss of light, bearing in mind the orientation of the properties in relation to the sun's path, and the presence of other windows on the front and rear, this is not considered to be sufficient to warrant refusal, nor is the proximity of the building to this property and its height and bulk.

Policy DC38 states that principal windows to habitable rooms should normally be a minimum of 21m front to front, unless the design and layout of the scheme and its relationship to the site and its characteristics, provides a commensurate degree of light and privacy between buildings.

The proposed dwellings would be circa 18m away from the properties opposite and hence would be below the standard guidelines. However, the first floor level windows are at a similar height to the other properties on the street, and no second floor windows are proposed, only rooflights. The building is significantly further set back from the street scene than neighbouring property and hence more than commensurate with other properties on this side of the street in terms of its distance to the properties opposite. The space either side of the proposed building would help to ensure a commensurate degree of open space would remain to ensure that the building is not unduly overbearing.

The building would be over 35m away from the nearest property to the rear and overall the development is considered to comply with policy DC38.

The development would not have a significant adverse impact on 6c Alderley Walk in terms of overlooking or overshadowing due to the orientation of the properties and the distances involved, with the nearest window to a habitable room lying some 25m away to the southeast of the proposed building.

The property that it is considered would be most affected by the development is 6a Alderley Walk. This property contains a ground floor window in the rear elevation that is the sole window to a bedroom. A large sycamore tree close to the site boundary that this window originally faced has since been removed prior to the submission of this application. No representations have been received from this property, though it is understood that it is currently vacant.

Following the submission of revised plans, the bedroom window would now be circa 7.9m from the rear corner of the 2.5 storey element of the proposed building compared to 6.2m under the previous application, as the building has been set circa 0.5m further forward towards Jodrell Street and the first and second floor part of dwelling 1 has been stepped in circa 1.7m away from this window.

It is noted that the 2.5 storey element would still cross a 45 degree line when drawn from the centre of the bedroom window. However it is also noted that as this window faces westwards there would not be an adverse impact on the window in terms of overshadowing. The window would retain an open outlook to the west.

On balance, the revised proposal is not considered to not have a significant detrimental impact on the residential amenity of nearby occupiers. Whilst there will be some impact resulting from the development, as outlined above, this impact is not considered to be harmful enough to warrant refusal of the application.

Overall, the development would accord with local plan policies H13, DC3, DC38.

## **Highways**

Appendix C of the Cheshire East Borough Local Plan Submission Version lists the parking standards that the Council applies to new developments. It states that for 3 bedroom properties, 2no parking spaces should be provided in principal towns and key service centres, such as Macclesfield.

The Strategic Highways Manager raises no objection, stating the following:

*In terms of off street parking spaces the proposed parking provision is consistent with Cheshire East Parking Standards for three bedroom dwellings.*

*Since the original submission the developer has submitted a revised site layout drawing No AD2112.02 revG Proposed Planning Scheme, this layout provides longer driveways, to reduce the possibility of a parked vehicle partially obstructing the footway, furthermore, the originally submitted layout featured garages with dimensions of 2.4m x 5.0m which is below*

*the minimum recommended dimensions of 2.7m x 5.5m; the revised layout illustrates garage dimensions of 2.5m x 5.5m, whilst not ideal, the short fall in garage width of 20cm is considered acceptable to the SHTM.*

*The increase in the number of dwellings from one unit to three units is likely to result in a minor increase in traffic which would have a negligible impact on the wider highway network.*

The site lies in a relatively sustainable location, within close walking distance to regular bus routes and circa 700m from the Town Centre.

Overall, the development is considered to accord with local plan policy DC6.

### **Trees/ Landscaping**

The Tree Officer has been consulted and does not object. They state:

*There are no arboricultural implications associated with this site.*

*A single large mature Sycamore located within the space between the south eastern corner of the existing building and number 8 Alderley Walk has been felled within the last few months. The tree is clearly visible on Google streetview but its location and poor relationship to adjacent properties would have precluded its consideration for formal protection under a Tree Preservation Order.*

The Landscape Officer raises no objections. A landscaping scheme would be conditioned on any subsequent approved application, in order to mitigate the impact of the development. Subject to this, the development would accord with policies DC8, DC9.

### **Nature Conservation**

The Nature Conservation Officer raises no objections to the development and considers that it would not adversely impact on protected species, in accordance with policy NE11.

### **Environmental Health**

The Environmental Health Officer raises no objections, subject to conditions relating to the control of dust, noise and bin storage on the site. A condition should be attached for the submission of a method statement for the demolition, to ensure neighbouring amenity and safety is not compromised.

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

To conclude, whilst the objections have been carefully considered, the revised proposals are, on balance considered to be acceptable.

The Framework indicates that proposals should only be refused where the level of harm would significantly and demonstrably outweigh the benefits of the proposals. Given that the

adverse impacts identified are on balance considered to be outweighed by the benefits of the scheme, the development would not conflict with those policies within the MBLP which are consistent with The Framework, and it is considered that planning permission should be granted as the proposals accord with policies BE1 Design Guidance, DC1 New Build, DC3 Amenity, DC6 Circulation and Access, DC8 Landscaping, DC9 Tree Protection, DC38 Space Light and Privacy, DC41 Infill Housing Development or Redevelopment, NE11 Nature Conservation, H1- Phasing Policy H2- Environmental Quality in Housing Developments, H5- Windfall Housing, H13 – Protecting Residential Areas of the Macclesfield Local Plan 2004, policies in the Cheshire East Borough Council Submission Version 2014 and guidance within The Framework.

For these reasons, this application is recommended for approval, subject to conditions.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) 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.

## **CONDITIONS**

- 1) Commencement of development (3 years)
- 2) Development in accord with revised plans
- 3) Details of materials to be submitted
- 4) Removal of permitted development rights (A-E)
- 5) Landscaping - submission of details
- 6) Landscaping (implementation)
- 7) Removal of permitted development rights (First floor and second floor level windows)
- 8) Obscure glazing requirement (Ground floor wc/ cloaks, first floor bathroom)
- 9) Method Statement prior to commencement (Construction)
- 10) Drainage and surfacing of hardstanding areas
- 11) Hours of construction
- 12) Pile Foundations
- 13) Dust Control (Method Statement)
- 14) Garages to be retained for the parking of motor vehicles

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