

Application No: 15/1581M

Location: CYPRESS HOUSE, SOUTH ACRE DRIVE, HANDFORTH, CHESHIRE, SK9 3HN

Proposal: Demolition of redundant Nursing Home known as "Cypress House" and erection of 13No. 2 bedroom houses and associated highway and landscaping works

Applicant: Nick Gornall, Equity Housing Group

Expiry Date: 09-Jul-2015

**Date Report Prepared: 03 June 2015**

#### **SUMMARY**

- 1) The Council cannot demonstrate a 5 year supply of housing land;
- 2) The proposed is considered to be a sustainable form of development, therefore the application should be approved unless either:-
  - a) the adverse impacts significantly and demonstrably outweigh the benefits of the proposal or
  - b) there are other specific policies within the NPPF that indicate development should be restricted;
- 3) The key benefit of the proposal is the provision of 13 No. affordable dwellings, which would contribute to the housing needs of the area/borough;
- 4) The principle of residential development is acceptable;
- 5) The design of the proposed development is considered to be in keeping with the area and to have an acceptable relationship with the street-scene(s);
- 6) The proposed development would not significantly impact on the amenities of neighbouring residential properties;
- 7) The proposed development does not raise any highways safety issues;
- 8) The proposed development does not raise any significant arboricultural, landscape or ecological issues;
- 9) The proposed development does not raise any significant environmental concerns;
- 10) No objections have been received from any consultees;
- 11) Therefore, the proposed development is considered to be a sustainable form of development and it is considered that a) there are no adverse impacts that significantly and demonstrably outweigh the benefits of the proposal and b) there are no specific policies within the NPPF that indicate that development should be restricted.

#### **NOTES**

- i) The Flood Risk Manager has requested additional information. Members will be provided with an up-date accordingly.

**MAIN ISSUES:**

- Principle of development
- Housing land supply
- Design/impact on the character and appearance of the area and relationship with the street-scene
- Impact on the amenity of neighbouring properties
- Highways safety
- Forestry, landscape & ecological issues
- Other matters (Inc. planning obligations)

**REASON FOR REPORT**

The application is to be determined by the Northern Planning Committee as the proposal falls within the category of “small scale major development”.

**DESCRIPTION OF SITE AND CONTEXT**

The site to which the application relates is located off Wilmslow Road, Handforth; the site currently comprises a two-storey, redundant care home, associated car parking and landscaped areas. The site is located within a Predominantly Residential Area, as defined in the Local Plan. There are some existing trees, mainly along the western boundary of the site. There is a public house and hotel to the south of the site (with associated car parking area), a three-storey apartment block and single-storey community hall to the east of the site and two-storey residential properties to the north and west of the site (mainly terraced and semi-detached).

**DESCRIPTION OF PROPOSAL**

The proposed seeks full planning permission for ‘demolition of a redundant Nursing Home known as “Cypress House” and the erection of 13 No. 2 bedroom houses and associated existing highways and landscaping works’. Details of the proposal are provided below.

**RELEVANT PLANNING HISTORY**

None

**NATIONAL & LOCAL POLICY**

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.

**NATIONAL POLICY/GUIDANCE**

**National Planning Policy Framework**

The National Planning Policy Framework came into effect on 27 March 2012, and replaced 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.

Para 14 of the NPPF states that

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development...*

*For decision-taking this means...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 the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.*

Para 49 of the NPPF states

*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.*

Hence, key questions that need to be considered in appraising the proposed development are: a) Is the proposed development a sustainable form of development? If so, b) Does the Council have a five year housing land supply? c) If not, i) are there adverse impacts that would outweigh the benefits of the proposed development or ii) are there other policies in the Framework which indicate that development should be restricted?

## **National Planning Practice Guidance**

### **LOCAL POLICY/GUIDANCE**

As noted above, Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (para 2, NPPF)

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **Macclesfield Local Plan – saved policies**

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 saved Local Plan policies considered to be most relevant are outlined below; they are considered to be consistent with the NPPF and therefore should be given full weight:-

- BE1 (Design principles for new developments)
- DC1 (High quality design for new build)
- DC3 (Protection of the amenities of nearby residential properties)
- DC5 (Design & layout – natural surveillance)
- DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
- DC8 & DC37 (Landscaping)
- DC9 (Tree protection)
- DC36 (Road layouts and circulation)
- DC38 (Guidelines for space, light and privacy for housing development)
- DC40 (Children’s play provision and amenity space)
- DC41 (Infill housing development or redevelopment)
- H2 (Environmental quality in housing developments)
- H5 (Windfall housing sites)
- H8 & H9 (Affordable Housing)
- H13 (Protecting residential areas)
- NE11 (Protection and enhancement of nature conservation interests)

Policies BE1, H2, H13, DC1 and DC5 seek to ensure a high standard of design and safe, quality of living environment and to ensure that new development is compatible with the character of the immediate locality of the site. Policies H13, DC3, DC38 and DC41 seek to protect the residential amenities of adjoining properties and ensure adequate space, light and privacy between buildings. Policies DC6 and DC36 seek to ensure appropriate access for vehicles and pedestrians, appropriate levels of parking, suitable turning areas and a suitable road layout and circulation. Policies DC8 and DC37 seek appropriate landscaping for new development and policy DC9 seeks to ensure the long-term welfare of trees of amenity value. Policy NE11 seeks to protect and enhance nature conservation. Policies H5, H8 and H9 relate to the suitability of windfall housing sites and the provision of affordable housing. DC40 requires the provision of suitable play areas and outdoor amenity space.

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

### **Supplementary Planning Guidance on s106 (Planning) Agreements**

#### **CONSULTATIONS**

##### **Environmental Protection:**

No objections, subject to conditions & informatives related to: hours of noise generative activities during demolition & construction; pile driving; dust control; noise mitigation; contaminated land and Electric Vehicle Charging Points.

##### **Strategic Infrastructure Manager (Highways):**

No objections.

**Heritage & Design – Nature Conservation:**

No objections, subject to conditions.

**Heritage & Design – Landscape:**

No objections submitted. Conditions could be attached to any approval requiring landscape details.

**Heritage & Design – Forestry:**

No objections, subject to conditions re tree retention, tree felling/pruning, tree protection and a demolition/construction method statement.

**Education:**

No objections subject to a planning obligation to provide for 2 No. additional Secondary School places required as a result of the proposal.

**Strategic Housing:**

No objections.

**Greenspace:**

No objections subject to a planning obligation to provide for Open Space. (As the proposal is for 100% affordable housing the requirement for contributions towards Recreation and Outdoor Sport is waived).

**Flood Risk:**

The Flood Risk Manager has requested further information. Details will be provided within an up-date.

**United Utilities:**

No objections, subject to conditions re foul and surface water drainage and an informative re meter supply.

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Handforth Parish Council:**

Support the application subject to foul & surface water drainage being appropriate to avoid flooding. The PC noted that the property on Plot 13 may overlook properties on Hunters Gate; and it is also recommended that the door and window frames should be white to match other properties in the area.

**OTHER REPRESENTATIONS**

Representations have been received from 4 No. authors. A summary of the issues/objections raised is provided below:-

- Object to all the units being 2 bedroom, due to problems re 'bedroom tax' and claimants of state benefits. Suggest that 2 No. of the units should be 1 bedroom units
- Impact on amenity of residents of the neighbouring apartment block, Hunters Gate (which is located at a lower ground level), re loss of sunlight to some apartments on ground and first floors and overbearing
- Loss of outlook (to number 46 Wilmslow Road), especially due to position of plots 1-5; development has occurred all around the property over the years and this proposal exacerbates the situation
- Loss of privacy (46 Wilmslow Road) due to position of kitchens at the front of properties
- Health problems living close to a telephone mast
- Potential flooding & drainage issues
- Displacement of car parking as parking on site is currently used by eg. local community centre users (Honford Hall)
- Insufficient parking provision for the quantity of units proposed (and the nature of the surrounding area)
- Sale of the site appears to have been done clandestinely by stealth
- Design of the dwellings is not in keeping with the character of the area and oldest part of the village
- All landscaping appears to be at the back of the properties
- No need for any more 'social housing' in the area

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant submitted the following additional information with the application, details of which can be read on file:

*Design & Access Statement*

*Ecological Appraisal*

*Preliminary Risk Assessment*

*Flood Risk Assessment and Drainage Strategy*

*Tree Survey & Constraints Report*

*Environmental Noise & Vibration Study*

*Transport Statement*

During the course of the application revised plans have been submitted; the amendments primarily consist of a) increasing the parking provision from 150% to 200%, b) re-orienting the footprint of plots 4 & 5 and 6, 7 & 8 (to accommodate the additional parking), c) changing the internal layout of some properties so that no kitchens are located at the front and d) amending the boundary treatment to the west of plot 13 to minimise impact on adjacent apartment block. Also, a response to some of the concerns/objections submitted has been submitted along with 'Shading Studies' to demonstrate that the proposal has no greater impact on the neighbouring apartment block than the shadows cast by existing trees & buildings.

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of the proposed is acceptable, subject to adhering to relevant Development Plan policies and other material considerations.

### **Housing land supply**

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components 1) the housing requirement and 2) the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspector's interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account of 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

### **Housing proposal**

The proposal comprises of 13 No. 2 bedroom houses to be made available for affordable rent. The applicant is a Registered Provider of Social Housing who has been successful in securing HCA (Homes and Communities Agency) grant funding for the scheme. Strategic Housing supported the applicant's bid to the HCA.

The scheme meets identified housing need. Whilst the SHMA (Strategic Housing Market Assessment) identified an over-supply of 2 bedroom accommodation, Cheshire Homechoice shows there is demand for this unit type in the area.

## **Policy**

The relevant policies are listed above and relate to the issues identified.

## **Design/impact on the character and appearance of the area and relationship with the street-scene**

As noted above, the proposal is for 13 No. 2 bedroom houses with associated parking and landscaping. The site layout indicates that there will be 3 No. small terraces consisting of 3 No. properties each and 2 No. blocks of semi-detached properties. The dwellings are all two-storey, with dual-pitched roofs, to be constructed of red brick walls (with a grey brick for feature band and panels), dark grey concrete tiled roofs and dark grey upvc windows. Gardens are provided to the rear of the properties with space for bin storage and 2 No. car parking spaces are provided for each dwelling. A combination of dwarf brick walls, railings and timber fences with trellises are provided to the site and plot boundaries. Many of the existing trees around the site perimeter are to be retained and additional planting/landscaping is proposed, particularly planting along the eastern boundary to provide screening/privacy from the apartment block and community centre. The site is close to Handforth railway station, bus stops on Wilmslow Road and the local services and facilities within Handforth centre.

It is noted that objections have been received regarding design. It is also noted that revised plans have been submitted which partially, at least, address some of the concerns raised (eg. kitchens have been removed from the front of properties, layout has been altered to include additional parking, which will also improve outlook from the neighbouring property number 46 Wilmslow Rd). The objections are noted and it is acknowledged that a few of the neighbouring houses were part of the 'old village'. However, the mix of properties now in the area (the existing two-storey Nursing Home, three-storey apartment block, two-storey terraced, semi-detached and detached dwellings and single-storey community centre) and the variety of designs and range of materials used (a variety of red bricks, rendered walls, slate and tiled roofs, wooden, upvc and alloy windows – a number of which are dark grey and brown) is such that the design and materials of the proposed dwellings are considered to be in keeping with the area and certainly not harmful to the area or street-scene(s).

Overall, it is considered that the design is acceptable and that the proposed has an acceptable impact on the character and appearance of the area and an acceptable relationship with the street-scene(s). The proposed accords with relevant policies that relate to design/impact on the area, i.e. BE1, DC1, DC3, DC35, DC41, H2, H5, H8 & H9 and H13.

## **Impact on neighbour amenity**

Some representations have been received expressing concern over impact on residential amenity. Key policies of relevance are H13, DC3, DC38 and DC41, which include elements to protect the residential amenities of the occupiers of neighbouring properties.

Policy DC38 provides guidance on distances that should normally be achieved between buildings in respect of space, light and privacy. In virtually all instances, the distances from the front, rear and side of the proposed dwellings to surrounding neighbouring properties meet the guidance standards outlined in policy DC38 (there are a couple of instances where the distance falls approx. 0.5m short of the desired standards, but the relationships between the buildings in such instances is such that there is no significant impact on amenity as a result). The additional shadow studies submitted by the applicant during the course of the application indicate that shadowing would not be significantly different to the existing situation. Also, revised plans have been submitted amending the type and position of boundary treatment along the eastern boundary between plot 13 and the existing apartment block. The amenity of the future incumbents of the dwellings has also been considered. Some concerns were raised regarding the distance of the garden of plot 13 and potential over-looking from the apartment block. However, given a) the revised location of boundary treatment, b) proposed additional planting and c) the overall benefit of the provision of affordable housing, it is considered, on balance, that future incumbents of the dwellings will enjoy a satisfactory level of amenity.

Bearing all the above points in mind, it is considered that the proposed development has a limited and acceptable degree of impact on the amenities of the occupants of neighbouring properties as well as providing an acceptable level of amenity for the future incumbents of the proposed dwellings. As such, it is considered that the proposed accords with policies H2, H13, DC3, DC38 and DC41 in respect of residential amenity.

### **Forestry/landscaping/ecological issues**

The Arboricultural Officer notes that most of the trees are located outside of the application site, technically within the car park of the neighbouring public house/hotel. Also, most of the proposed development is located within existing building footprint and hard-standing areas. The footprint of plot 11 could be altered to ideally improve social proximity. However, with suitable conditions, as proposed, this doesn't present an arboricultural reason for refusal.

Indicative landscaping has been provided along with details of boundary treatment. The broad landscaping plan is considered to be acceptable and details could be secured via a condition, should the application be approved. The proposed variety and positioning of boundary treatments (noted above) is considered to be acceptable.

The Nature Conservation Officer is satisfied that the proposed development does not raise any significant ecological issues. It is recommended that if planning consent is granted conditions should be attached to safeguard nesting birds and secure provision for nesting birds as part of the proposed development.

Bearing these factors in mind it is considered that the proposed does not create any significant forestry, landscaping or ecological issues and accords with policies DC8 & DC37, DC9, NE11 and H13.

### **Highway safety**

The Strategic Highways Manager (SHM) notes and considers that a) the access remains in the same location as the existing access and it is to be enlarged to provide a wider

carriageway; b) the road is a short cul-de-sac with a turning facility and there are no highway issues regarding the standard of the road proposed; c) the 13 units proposed will not have a traffic impact on the local road network and also the traffic generation by the previous use will be removed and d) concern was expressed by the SHM at the level of parking provision initially proposed being 150%, but given the location of the site close to public transport and local amenities no objection was raised. However, as noted above, the applicant has submitted amended plans to provide 200% parking to ensure that the level of parking provision related to the development complies with emerging Local Plan policy requirements.

Bearing the above points in mind it is considered that the proposed does not create any highways safety issues and accords with policies DC6, DC36 and DC41.

### **Other matters**

Additional information has been requested to assess the issues of flooding and drainage. Details will be provided in an up-date.

A representation has been received which raises a health concern due to the existence of a telecommunications mast sited close to the existing Cypress House car park, on Wilmslow Road. It is noted that the most recent planning application for up-grading the mast (14/2162M), determined in June 2014, included the relevant Health Certificate with the application and as such there are no concerns in relation to the mast and public health/safety.

### **Sustainability**

Providing no significant issues are raised re flooding and drainage, it is considered that the proposed is a form of sustainable development. The proposed has an acceptable impact on the environment, would provide some economic benefit in terms of construction and future residents contributing to the local economy and the proposed provides significant social benefit in the form of 100% affordable housing.

### **Heads of terms/s106 planning agreement**

In line with the Council's SPG on planning obligations, the proposed development triggers a requirement for contributions towards education and outdoor space, as outlined below. It is noted that the applicant intends submitting a viability assessment to either reduce or remove the requirement for such obligations. Details will be provided within an up-date.

### **Education**

A development of 13 dwellings would be expected to generate 2 primary and 2 secondary pupils. Current forecasts indicate that there are sufficient places available in the local primary schools; however there are insufficient places in the secondary school to accommodate the pupils. Consequently, a contribution of £32,685 is required to accommodate the secondary pupils generated by this proposal (i.e. 2 x places @ 17,959 x 0.91 = £32,685).

### **Outdoor Space & Recreation Outdoor Sports**

As no play areas/public outdoor space is being provided within the development a commuted sum for off-site provision is required. At £3,000 per 2 bed family home this totals £39,000. The requirement for recreation outdoor space is waived as the proposal is for 100% affordable housing. The sum is required prior to commencement of development. It will be used to make additions/improvements to Arthur Boon play area and the amenity open space on the corner of Dean Drive & Manchester Road. The sum will be spent over a 15 year period.

## **PLANNING BALANCE, CONCLUSIONS AND REASON(S) FOR THE RECOMMENDATION**

In summary, key issues are: 1) the Council cannot demonstrate a 5 year supply of housing land and the proposed is considered to be a sustainable form of development, therefore the application should be approved unless either a) the adverse impacts significantly and demonstrably outweigh the benefits of the proposal or b) there are other specific policies within the NPPF that indicate development should be restricted; 2) it is considered that the key benefit of the proposal is the provision of 13 No. affordable dwellings; it is also considered that there are no significant and demonstrable adverse impacts that outweigh the benefits of the proposal nor are there other policies in the NPPF that should prevent the development proceeding; 3) the design, size, scale, layout and materials of the proposed development are considered to be in keeping with the area and street-scene(s); 4) there is no significant impact on the amenities of neighbouring residential properties and the proposal provides an appropriate level of amenity for future incumbents; 5) the proposed development does not raise any highways safety/parking issues (the displacement of vehicles which currently park on the site is acknowledged, however, ultimately the land owner does not have to provide the land for such parking purposes); 6) the proposal raises no significant forestry, landscaping or ecological issues. Additional information has been requested relating to flooding and drainage and comments will be provided in an up-date. Additionally, the applicant has indicated that information is to be submitted regarding the viability of the proposed development. Details will also be provided in an up-date.

Bearing all the above points in mind, subject to outstanding consultations, additional information, conditions and informatives and the prior completion of a S106 legal agreement, it is considered that the proposed development accords with all relevant Development Plan policies and other material considerations and as such it is recommended the application be approved.

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.

Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement Manager in consultation with the Chairman of Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

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

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A02EX - Submission of samples of building materials
4. A01HP - Provision of car parking prior to occupation
5. A02HA - Construction of access prior to occupation
6. A01TR - Tree retention
7. A02TR - Tree protection details
8. A03TR - Construction specification/method statement
9. A04TR - Tree pruning / felling specification
10. A06TR - Levels survey providing for tree retention
11. A02LS - Submission of landscaping scheme
12. A04LS - Landscaping (implementation)
13. A06NC - Protection for breeding birds
14. A23MC - Details of ground & finished floor levels to be submitted
15. A07GR - No windows to be inserted on specified elevations
16. A26GR - Obscure glazing requirement (specified windows)
17. A23GR - Details of pile Driving
18. Boundary treatment details to be implemented
19. Details of features for birds
20. Details of dust control
21. Noise mitigation measures to be implemented prior to occupation
22. Electric vehicle charging points to be provided in all homes
23. Contaminated land - Phase II investigation
24. Details of foul drainage
25. Details of surface water drainage
26. Provision for broadband to be provided in all homes
27. Noise control
28. Contaminated land
29. LPA has adhered to NPPF

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