

Application No: 14/2147M

Location: Garages and open land , TENBY ROAD, MACCLESFIELD

Proposal: Demolition of existing garages and erection of new three storey block of apartments and two storey houses

Applicant: Peaks and Plains

Expiry Date: 13-Aug-2014

REASON FOR REPORT:

The proposal is a major development requiring a Committee decision.

SUMMARY

At the Northern Planning Committee meeting 26th November 2014, the Committee resolved to grant full planning permission for the demolition of existing garages and erection of a new two storey block of apartments and open land. This consent was subject to a Section 106 Agreement, which would have secured a commuted sum payment of £24 000 for Public Open Space, in lieu of onsite provision.

On 28th November 2014, National Planning Policy was changed with regards to Section 106 planning obligations, which resulted for sites of 10 units or less, and which have a maximum combined gross floorspace of 1000 square metres, affordable housing and tariff style contributions not to be sought.

A report went before Cabinet on 21st April 2015, which stated that when a conflict exists between the Council Interim Statement on the Provision of Affordable Housing and the National Planning Practice Guidance the determination of applications should be in accordance with the NPPG and not require the provision of affordable housing on sites of 10-units or less. It is considered that a similar stance should be afforded to tariff style contributions.

The Northern Committee concluded previously, (on 26th November 2014) that the proposed full application for a new residential development in a residential area, does fall within a sustainable location and the design was considered to be acceptable, as too was the impact on the amenity of neighbouring property. It was considered that the proposal complied with the Development Control policies of the Macclesfield Borough Local Plan.

There has been no change to the site planning situation, or other relevant planning policies, which would lead to a different conclusion being reached. Accordingly, the proposal is considered to be a sustainable form of development and the application is recommended for approval, without the requirement for a Section 106 Agreement.

RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution such applications are required to be considered by Committee. Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

The majority of this report reflects the content of the report which went before Members in November 2014, however, the Housing Land Supply section has been updated, so too has the Developer Contributions section.

The full report is included for completeness, but the key issue since the application was determined by committee is the removal of the open space contributions. To ensure consistency, members are advised not to revisit matters that have already been considered acceptable and where there has been no change in policy or site circumstances.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of 2 no. blocks of garages and a car park area to the rear of properties on Wentworth Avenue, Tenby Road and Chilham Place. In addition, the proposals include areas of open space and a block of garages on Wilton Crescent. The site is located within a post war Local Authority built housing estate.

The site area is 0.424 hectares.

The garages are owned by Peaks and Plains Housing Trust. Approximately 19 out of the 44 no. of garages are currently occupied.

The site falls within a Predominantly Residential Area as outlined in the Macclesfield Borough Local Plan 2004.

The area around where the new residential block would be sited is bound to the north by mature trees Beach hedge and to the east and south by closed board timber fences

Access to the site is taken from Wilton Crescent. Current access to the site is from Tenby Road. The area comprises of rows of two storey terraced properties which are relatively uniform in character.

The rear gardens of properties fronting Tenby Road, Wentworth Avenue and Chilham Place and Beeston Terrace adjoin the application site.

DETAILS OF PROPOSAL

Full Planning Approval is sought for the construction of a residential housing development comprising a total of 10 units in one apartment block. The application is made by Peaks and Plains Housing Trust for development comprising 100% affordable housing for rent.

The proposal includes 4 no 1 bed and 6 no 2 bed apartments within a 2 storey block. A new access road would also be provided from Wilton Crescent giving pedestrian and vehicular access to the dwellings.

All properties would be provided with off street parking spaces (21 no. in the vicinity of the new apartment block) and the apartments would be surrounded by a shared amenity space. In addition, parking would be provided (7 no.) for other residents of the estate on Wilton Crescent.

It should be noted that originally, the proposal was to develop 2 houses and 11 flats dwellings on the site. The 2 dwellings would have fallen on an open space area. Following consultation with neighbours and discussions with Officers the scheme now consists of 10 flats.

Funding for the scheme will be secured via the Home and Communities Agency with full support from Cheshire East Housing Strategy Department. The mix of housing is in accordance with housing needs. All dwellings will be let for affordable rent.

RELEVANT HISTORY

There is no site history relevant to the determination of this application.

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 site is located within a predominantly residential area on the Macclesfield Borough Local Plan.

Therefore, the relevant Macclesfield Local Plan Saved Policies are considered to be: -

- NE11 Nature Conservation;

- BE1 Design Guidance;
- RT1 Open Space;
- H2 Environmental Quality in Housing Developments;
- H5 Windfall Housing Sites;
- T2 Provision of public transport;
- DC1 New Build;
- DC3 Amenity;
- DC6 Circulation and Access;
- DC8 Landscaping;
- DC9 Tree Protection;
- DC35 Materials and Finishes;DC36 Road layouts and Circulation;
- DC37 Landscaping; and
- DC38 Space, Light and Privacy.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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.

Replacing MBLP policies NE11, BE1, H4, and H13 (CELP) policies SE3, SE1, SD2, SE1, EG3 and CO1, which are summarised below: -

- Policy SE3: which seeks to protect and enhance biodiversity and geodiversity;
- Policy SE1: sets out requirements for design;
- Policy SE12: Pollution and Unstable Land ensures that development protects amenity;
- Policy SD2: sets out sustainable development principles; and
- Policy CO1: deals with sustainable travel and transport including public transport.

Other Material Considerations:

National Policy:

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.

Supplementary Planning Documents:

The following Supplementary Planning Documents (SPD) has been adopted and is a material consideration in planning decisions (within the identified former Local Authority areas):-

- SPG on Section 106 Agreements (Macclesfield Borough Council)
- Interim Planning Statement: Affordable Housing (Feb 2011)
- Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
- North West Sustainability Checklist

CONSULTATIONS (External to Planning)

HIGHWAYS:

The Strategic Highways Engineer raises no objections to the design of the new access, detailed internal layout of the site and the parking provided accords with the standards. Given than a number of garages are not used for parking of vehicles, the loss of the garages is unlikely to cause a material on-street parking problem. No objections are raised subject to satisfactory arrangements being made for refuse collection.

ENVIRONMENTAL HEALTH:

No objection subject to conditions relating to hours of operation, dust control, floor floating, pile driving and contaminated land.

UNITED UTILITIES:

No objection subject to a condition relating to site drainage.

HOUSING:

Supports the Scheme as there is an urgent demand for Affordable Housing in Macclesfield.

REPRESENTATIONS

The planning application was originally advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice.

A petition with approximately 60 signatures from local residents was received from local residents. The petition notes that whilst the signatories of the petition are not objecting to the application from Peaks and Plains Housing in principle, the writer would like members of the planning committee to take into account the following objections when considering the application, and reduce the number of new properties and especially the height of the buildings to a maximum of two stories. The objections are made on the grounds of: -

- 1) Loss of privacy
- 2) Over-development
- 3) Loss of parking/inadequate parking
- 4) Loss of amenity
- 5) Unsympathetic to the local area.

In addition, 6 letters of representation were received from residents with the following comments: -

By getting rid of this garage area and several others in the surrounding area the housing trust are showing a complete lack of sympathy and consideration with local residents feelings.

The development will be totally out of character as there are no three storey buildings in the area.

Too many units on such a small site.

The existing houses will be overlooked and this will be an invasion of privacy.

Getting rid of the garages will force more cars to be parked on the already over crowded roads as there is a lack of parking spaces already.

This development is going to have a detrimental effect to the local area with the large amount of traffic and parking that it will create.

Access to one of the residents back garden.

The area is in need of regeneration, members of the planning committee should consider reducing the height and number of the proposed development, also to be sympathetic and consider the planting of new trees which may help with privacy and overlooking, and finally and above all request a solution to the parking problem and not add to it!!

Macclesfield Civic Society commented that the proposal seeks to make more intensive use of previously developed land within an established residential area in accordance with both national and local policies.

The design appears consistent with the character of the locality. The space between buildings (particularly with the 3 storey blocks) needs careful evaluation to ensure that existing and proposed residents achieve a reasonable standard of amenity and overlooking is avoided.

The above comments were received prior to the receipt of revised plans, which reduces the apartment scheme to two storeys in height. The two semi-detached dwellings have been removed from the scheme and 23 parking spaces have not been provided.

Further neighbour notification letters have been sent to neighbours and the last date for comments expires on 14th November 2014. No further comments had been received at the time of report preparation.

APPLICANT'S SUPPORTING INFORMATION

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Arboricultural Report
- Ecology Survey and Report;
- PPS3 Housing Self Assessment Checklist.

OFFICER APPRAISAL

Principle of the Development (Windfall Housing Sites):

The site lies within the settlement boundary of Macclesfield and within a Predominantly Residential Area where policies within the Local Plan indicate that there is a presumption in favour of development.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted.

Policy H5 within the Local Plan seeks to direct residential development to sustainable locations – this policy accords with guidance within the NPPF and therefore carries full weight. The site constitutes a sustainable location as it is located within the settlement boundary of Macclesfield and by virtue of its proximity to shops and services within Macclesfield.

It is considered that this development on this site would make effective use of the land with a higher density scheme and make a contribution to the Council's 5 year land supply.

Therefore, permission should only be withheld where any adverse impacts would significantly and demonstrably outweigh the benefits as noted above.

Principle of the Development (Need for Affordable Housing):

This application is for 10 Affordable Rented units made up of 4 no. 1 bed apartments and 6 no. 2 bed apartments. The applicant is Peaks and Plains Housing Trust who are a Registered Provider of Social Housing registered with the Homes and Communities Agency (HCA). They have also secured funding with the HCA to support delivery of this scheme.

The site falls within the Macclesfield Sub-Area for the purposes of the Strategic Housing Market Assessment (SHMA 2013). This identifies a net annual requirement of 180 units for the period 2013/14 to 2017/18. In addition to this, information taken from Cheshire Homechoice, shows there are currently 1,183 applicants who have selected one of the Macclesfield lettings areas as their first choice. These applicants require 693x 1bd, 372x 2bd, 100x 3bd and 18 x 4+ bd units.

The mix of types of dwelling proposed for the affordable homes would meet the identified need for the Macclesfield. It is considered appropriate that the affordable housing can be secured by an appropriately worded condition, due to the fact that the application has been submitted by a Registered Social Landlord and would provide 100% affordable dwellings.

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 – the housing requirement – and then 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 Inspectors 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 ‘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.

If this application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Councils 5 year land supply position.

Developer Contributions:

The Weston Estate is an established area of dense housing of approximately 5,100 population to the west / south-west of Macclesfield. The Weston Estate has long been identified as having major deficiencies in the provision of POS, with little or no opportunity to expand provision with new POS and where opportunities to improve existing facilities are limited due to their size, capacity, location and proximity.

The Open Space assessment of 2012 identified that residents in this area of Macclesfield have a poor standard of accessibility to open spaces and are at a distance of more than 1km from a park, have no access to natural and semi natural open spaces, have more limited access to green corridors compared to residents in the east, required an increased provision of amenity green space and that there is a shortage of play facilities within this area and Macclesfield generally and issues of quality. It went on to recommend securing appropriate sites to address the shortage in play in the south-west area generally where there is often only one facility serving wide area and upgrades to poor quality sites

The two pieces of open space identified within the application are included within the councils Open Space Assessment and provide some relief in an area of otherwise dense housing. The Open Space Officer is pleased to see from the amended plans that the applicant has responded to previous comments and concerns about the loss of any existing POS as a result of the development. Furthermore, that there is an opportunity to improve the retained POS as a result of the development.

The application site currently contains 2,325sqm of POS, using the applicants own figures. The application proposes the retention of 2,219sqm of POS. Therefore there is a small loss of POS.

In the main Agenda report to the Northern Planning Committee on 26th November 2014, reference was made to the application for 10 apartments generating the requirement for additional POS provision of 40sqm per family dwelling. In the absence of this additional POS to cater for the new demand being provided on site, a commuted sum of £24,000 was required for offsite provision. Being 100% affordable the requirement for ROS provision was waived, as is the council practice.

At the Northern Committee meeting on 26th November 2014, Members approved the development subject to conditions and a Section 106 Agreement which secured the above.

However, it is not considered now that it is now appropriate to require these contributions. This is due to the introduction of further National Planning Policy Guidance on 28th November 2014. The main implications relevant to this application being that for sites of 10 units or less, and have a maximum floorspace of 1 000 square metres, affordable housing and tariff style contributions should not be sought. The purpose for these changes is to lower the construction cost and increase housing supply. The Government believes that this will encourage development on smaller brownfield sites and boost small and medium sized developments.

Cheshire East Council have sought to ensure the delivery of brownfield sites as a priority, through both our existing Development Plan and the emerging Local Plan Strategy. Where applications for development on such sites are received a full and thorough test of site viability is undertaken at an early stage to ensure that proposals are in accordance with planning law.

Planning law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004).

For Cheshire East Council, the development plan currently consists of the saved policies within the adopted Local Plans for the former local authorities. The Supplementary Planning Guidance for Section 106 Agreements in Macclesfield is part of the Development Plan. This guidance sets the thresholds for the previously sought contributions towards public open space. The implications of the changes to National Planning Policy Guidance therefore impact on future planning decisions on windfall sites of less than 10 units.

The Supplementary Planning Guidance on Section 106 Agreement is a material planning consideration, along with Local Plan Strategy (Submission Version – March 2014), and national planning guidance. National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) provide the national policy framework and guidance for consideration of applications. These all must be considered, as a material consideration, when each planning application is assessed. If the Council was to disregard current national planning guidance and make a decision contrary to that guidance it is at risk of unreasonable behaviour.

The Report to Cabinet on 21st April 2015, highlighted the fact that Cheshire East cannot ‘opt out’ of Government policy without associated risks. Cheshire East should continue to consider applications in accordance with all appropriate policies, national guidance, and on their relative merits, in accordance with planning law and Members are guided that in instances like this where there a conflict exists between the Supplementary Planning Guidance on S106 Agreements and the National Planning Policy Guidance, it would be unreasonable to require contributions towards public open space or outdoor open space.

A detailed design is required for the retained open spaces and will need to address the following points: -

1. The footpath shown leading directly into a car parking space is not acceptable and needs amending. Pedestrians should have clear and defined access points with good visibility and where conflict with cars is avoided. This is a particularly poor element of the scheme submitted
2. Car parking bays within the open spaces are a potential source of conflict and risk and where possible should always be avoided. Could the three shown on Tenby Road open space be moved to the opposite side into the verge on the access road?
3. Ensuring good views in and across the open spaces, especially around traffic areas is crucial
4. Retention of existing tree stock, tree works as required and additional tree and hedge planting

5. Quality enclosures around the two main open spaces with clear gateways and access points to ensure safety of users
6. Hard surfaced all weather footpaths, minimum, width of 1.8m
7. A small Local Area for Play on the Tenby open space, focused on social / interactive play

The above points have been forwarded on to the applicants agent to see if the changes can be worked in to the scheme. It is considered that if a plan is not provided prior to the committee meeting, then the above can be appropriately conditioned.

Requiring good design and character and appearance of the area:

The application proposes an apartment block which would be enclosed by residential properties on three sides and not prominent from public vantage points. The main public view would be from Wilton Crescent. The apartments would have a communal garden. The dwellings are two storey constructed predominantly in brick and tile. Render is proposed in two areas on the front elevation.

Whilst a number of objections have been raised to the number of dwellings and height of the development, this was prior to the submission of revised plans, which have reduced the number of dwellings and height to two storeys. It is considered that the proposal would improve the character of the area given the state of the current site. It should also be noted that the demolition of the unsightly garages on Wilton Crescent also forms part of the proposal and this will create 7 no. parking spaces for all residents to use, in addition to providing a greater area of public open space, thus providing both a visual and functional benefit to the local area.

Highways access, parking, servicing and highway safety:

A new access to the development will be created onto Wilton Crescent.

With regard to the internal layout of the site there no highway design issues although details of bin storage and collection is required. The amount of parking provided for the proposed number of units accords with standards.

The issue regarding the loss of the garages needs to be considered and whether this loss would result in inappropriate on-street parking occurring on the local road infrastructure. The applicant has stated that the vast majority of the garages are not used for the parking of vehicles and more for storage purposes. In these circumstances, the loss of the garages is unlikely to cause a material on-street parking problem.

Over the two sites there is a total of 44 garages with 19 being occupied and 25 void. To accompany the consultation event (prior to submission of the planning application) all customers who rent garages at either Tenby Road, or Wilton Crescent were sent information about the proposed development and a survey relating to their use of the garages. Over the two sites the response rate was 48% (9 users). The main use of the garages (7 users) was car storage followed by item storage (2 customers). On average garage tenant's live approximately 0.3 miles from the garage that they rent. It is also noted that the width of the

opening to a garage is 2115mm and the overall width internally is at greatest 2.44m. This would have been ample space when these garages were first built (probably around the late 1970's of early 1980's), however car widths have increased significantly since then. A typical new car is far wider than its 1980's/1990's counterpart, coming in at over 2m wide, which leaves very little space each side to get into the garage and about 160mm to open the car door at each side once inside the garage.

Therefore, as there are no highway concerns regarding the design of the new access and that sufficient parking is being provided for the proposed new residential units, the Strategic Highways Manager raises no objections subject to satisfactory arrangements being made for refuse collection.

A Construction Management Plan condition is suggested to ensure that all construction traffic can be accommodated within the site.

Residential Amenity:

Policy DC3 seeks to prevent development which would cause a significant injury to amenity through issues such as overbearing impact, loss of light and loss of privacy. Policy H13 seeks to retain existing high standards of amenity. Policy DC41 seeks to prevent the overlooking of existing private gardens in a housing redevelopment. Policy DC38 sets out the standards for space, light and privacy in new housing development.

The site is located within a well established residential area and can be classified as an infill development. The site is bounded on three sides by existing residential properties.

The front elevation of the apartment block would front the rear of properties on Tenby Road and the distance between the properties would be approximately 23m. The rear elevation would face the rear elevation of properties on Chilham Place and this distance would be 21m. The side elevation to the east would face the rear of properties on Wentworth Avenue and this distance would be approximately 34m. The side elevation facing west would face the rear of the properties on Beeston Terrace and this distance would be approximately 22m. These distances are in excess of the minimum separation standards in the Local Plan.

Overall it is considered that the application proposals would not have a detrimental impact on residential amenity to the surrounding properties through overlooking, loss of privacy or overbearing. A final levels and boundary treatment conditions are proposed to ensure continued protection of the amenity of surrounding residents.

Other material planning considerations:

ARBORICULTURAL IMPLICATIONS:

The application is supported by an Arboricultural Report and Arboricultural Impact Assessment. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design,

demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Master Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees.

The Arboricultural Officer is therefore of the view that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The trees and shrubs identified for removal are all considered to be low value specimen, which only contribute moderately to the amenity of the area and the wider landscape in terms of their collective presence.

In terms of those trees being retained the linear group identified as G35 stand directly to the rear of the existing garage block, and to the south of an existing residential block. Whilst the garages are schedule to be removed the impact on the adjacent dwellings in terms of social proximity and light is considered to be less than desirable, precluding their consideration for formal protection. It is anticipated that selective removal or at least some targeted pruning will be required in the short to medium term.

In visual prominence terms the Copper Beech T21 is considered to be a high value trees within the street scene, but structurally the significant included fork union it presents suggests retention cannot be considered beyond the short to medium term.

The removal of garages and hardstanding to form a larger area of open space on the western site would provide reasonable mitigation for the loss of open space on the eastern site if the hard and soft landscape works are to a satisfactory standard.

Responsibility for the future management of the open spaces needs to be agreed to ensure they become attractive, well maintained areas and that the recreation and amenity benefits for the local residents are maximised.

The retained trees can be protected in accordance with current best practice BS5837:2012; and a method statement will be required to accompany the removal of any hard standing and the garages from within the identified RPA's. These issues can be dealt with by condition.

ECOLOGICAL IMPLICATIONS:

The Council's Ecologist has confirmed that there are unlikely to be any significant ecological issues associated with the proposed development. A condition is suggested to safeguard breeding birds during construction and to ensure some additional provision is made for breeding birds following completion of the development.

ENVIRONMENTAL HEALTH:

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. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

LAND CONTAMINATION:

This site is currently used for garages and vehicle parking and therefore there is the potential for contamination of the site and the wider environment to have occurred. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present on the site. The Site Investigation report submitted in support of the application recommended that a further investigation is required. As stated above, the Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require an additional site investigation survey and any subsequent remediation required.

DRAINAGE MATTERS:

The site is not at risk of flooding as it is within Flood Risk Zone 1. A water supply can be provided and a separate metered supply to each unit will be required. The culverted watercourse that crosses the site is not a United Utilities Asset and contact should be made with the riparian owner who is responsible for the watercourse. United Utilities have raised no objection to the application subject to an informative being attached to secure that foul and surface water details are covered (by virtue of the Building Regulations).

Responses to issues raised by third parties:

The comments provided by consultees and neighbours in relation to infrastructure issues, highways issues, environmental issues, neighbouring amenity, housing need and affordable housing, design and built environment issues and loss of employment land are noted. These issues are addressed with this report and it is not considered that any of the above potential impacts would be significant or would demonstrably outweigh the benefits of the proposed development.

Revised plans have been received in response to the residents concerns by reducing the height of the building to two stories, decreasing the number of units proposed and the provision of more parking. Any further representations on the revised plans will be reported to committee in an update.

One of the residents queries whether they would be able to get access to their back garden if the development were to go ahead. This is not a material planning issue and if the writer has a private right of way over the application site, then this would be a civil matter.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The committee has already resolved to grant planning permission subject to the completion of a s106 agreement and conditions. The key question for members is the whether the previous requirement for open space contributions can now be removed?

Following current national guidance, the contribution for open space cannot be insisted upon and therefore the requirement for the s106 agreement falls away.

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The proposed scheme is a sustainable form of development for which there is a presumption in favour. The provision of 100% affordable housing is a significant benefit of the scheme and should be viewed in the context of wider social sustainability, as well as the development being located in a sustainable location.

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 is, on the whole, compliant with the relevant Development Plan policies set out in the report. Revisions to the original proposal have responded to concerns of local residents. It is considered that the benefits of the proposal are not outweighed by potential adverse impacts and that planning permission should be granted, subject to conditions.

RECOMMENDATION

The application is recommended for approval.

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.

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A03AP - Development in accord with revised plans (unnumbered)
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A05LS - Landscaping – implementation
6. A12LS - Landscaping to include details of boundary treatment
7. A02TR - Tree protection
8. A06NC - Protection for breeding birds
9. A23MC - Details of ground levels to be submitted
10. A22GR - Protection from noise during construction (hours of construction)
11. A23GR - Pile Driving
12. A13HA - Construction of junction/highways
13. A19MC - Refuse storage facilities to be approved
14. A32HA - Submission of construction method statement
15. Tree method statement for the removal of the existing garages and hard standing within the identified retained trees Root Protection Areas
16. Floor floating
17. A scheme to minimise dust emissions
18. Bin and cycle store
19. Parking to be provided and made available prior the occupation of the dwellings and permanently so maintained. Prior to the provision of parking an amended layout plan is required showing the re-location of the three proposed spaces away from the open space
20. Amendment to layout plan to re-locate the proposed footpath located to the south of the proposed 7 parking spaces
21. Details of play area to be submitted and agreed, provided prior to occupation and permanently so maintained
22. Drainage details
23. Contaminated land
24. Affordable housing

