

Application No: 14/5316M

Location: Former Depot at Junction of Green Street and Cuckstoolpit Hill, Macclesfield, Cheshire

Proposal: Construction of 8 x 1no bedroom apartments and 7 x 2no bedroom houses on the site of former council-owned depot. (Revised Scheme).

Applicant: Ms Jo Fallon

Expiry Date: 13-Feb-2015

**Date Report Prepared:** 21<sup>st</sup> September 2015

### **SUMMARY RECOMMENDATION**

APPROVE SUBJECT TO CONDITIONS

### **MAIN ISSUES**

- Principle of Development
- Design/ Scale/ Impact on the Conservation Area and Listed Buildings
- Impact on neighbouring amenity
- Environmental Health
- Highway issues
- Sustainability
- Nature Conservation
- Greenspace

### **SUMMARY**

The Northern Planning Committee has resolved to grant planning permission for the application. Since that resolution the applicant has revised their proposal. The key issues remain unchanged and the development is considered to be in line with the Development Plan.

The revised proposed development would provide affordable housing located in a sustainable location, on brownfield land. This should be given substantial weight when weighing up the planning balance. The proposals would be of an acceptable design. They would preserve the character and appearance of the conservation area, the setting of Listed Buildings, and would not have an adverse impact upon the highway network, neighbouring amenity, or nature conservation.

The proposed development complies with the relevant development plan policies and is considered to be sustainable in the social, environmental and economic sense. The application is therefore recommended for approval.

## **REASON FOR REPORT**

This application was originally delegated to the Head of Planning (Regulation) for approval during the Northern Planning Committee of 15<sup>th</sup> July 2015, subject to clarification on the number of dwellings as 17 or 18 as the Committee report was unclear.

Amendments to the scheme have since been submitted under this application and so this proposal has been taken back to Northern Planning Committee for a decision. Neighbouring properties potentially affected by the proposed amendments have been re-consulted on the revised plans with a period of 10 working days to make comment. It is not anticipated that any significant issues can be raised as the proposals are a reduction and improvement on the previous layout.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a formal Council depot comprising 1 and 2 storey vacant buildings and associated hardstanding. The site rises up in gradient from Buxton Road to the North and an area of public open space lies adjacent to the site. The site is bounded by an attractive historic stone wall. The site lies some 14m away at its closest point from Buxton Road Conservation Area, and a number of Grade 2 Listed Buildings. The site lies within a Mixed Use Area as defined by the Macclesfield Borough Local Plan.

The site is close by to several listed buildings, Fence House Grade II, Fence House Almshouses Grade II, 88-92 Buxton Road grade II (all sharing group value), 66 Buxton Road a locally listed building and the edge of Buxton Road Conservation Area, an area of green space also bounds the site, providing a sense of relief and openness. Predominately the area contains 2 perhaps 2.5 storey buildings, all domestic in their scale, and where they are larger they are sited at a distance from the site. The area contains brick, half-timber framed detailing, local stone and also render properties too. Terraces are quite common, interspersed with detached and larger warehouse buildings.

## **DETAILS OF PROPOSAL**

Revised plans have been submitted during the application process. The proposals are for the demolition of the existing Council depot buildings and the erection of 8 x 1 bed and 7 x 2 bed houses on the site. Access would be taken from Cuckstoolpit Hill Street.. Associated parking for 18no vehicles is proposed along with a bin store, and associated hard and soft landscaping. No cycle spaces are currently proposed which would be required, however this can be secured via condition.

This application follows formal pre application advice.

## **Planning History**

None relevant.

## **POLICIES**

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

BE1- Design Guidance  
BE2 (Preservation of Historic Fabric)  
DC1- New Build  
DC3- Amenity  
DC6- Circulation and Access  
DC8- Landscaping  
DC41- Infill Housing  
H1- Phasing Policy  
H2- Environmental Quality in Housing Developments  
H3- Making the Best Use of Land  
H5- Windfall Housing  
H8- Provision of Affordable Housing  
H9- Affordable Housing  
H13- Protecting Residential Areas  
NE11- Nature Conservation  
E11- Mixed Use Areas  
MTC12- Mixed Use Areas  
BE16- Setting of Listed Buildings

### **Cheshire East Local Plan Strategy 2014 – Submission Version**

MP1- Presumption in Favour of Sustainable Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE4 - The Landscape  
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 Crewe and Nantwich 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  
Cheshire East Council Interim Planning Statement on Affordable Housing  
(February 2011)

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

Strategic Highways and Transportation Manager- No objection.

## **VIEWS OF THE TOWN COUNCIL**

N/A.

## **OTHER REPRESENTATIONS**

3 no objections have been received on the following planning related grounds:

- Overlooking of 12 Canal Street
- Access could be dangerous
- Part of the historic boundary wall should not be removed
- Insufficient parking
- Land drainage issues

1 no letter in support of the application has been received.

Macclesfield Civic Society do not formally object to the development, however thought that a townscape appraisal should be required as they are concerned that the development could be over dominant, out of scale and visually intrusive.

## **APPLICANT'S SUPPORTING INFORMATION**

Planning/ Design and Access Statement

## **OFFICER APPRAISAL**

The key issues are:

- Housing Land Supply
- Impact upon character of the area,
- Impact upon character of the conservation area

- Impact upon the setting of listed buildings
- Amenity of neighbouring property
- Highway safety
- Public Open Space provision via an s106 agreement

### **Principle of the Development (Windfall Housing Sites)**

The site lies within the settlement boundary of Macclesfield and within a Mixed Use 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 the shops and services within Macclesfield Town Centre.

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

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

### **Housing**

Paragraph 47 of the National Planning Policy Framework requires that Council's 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.

*The site falls within the Macclesfield sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 180 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 103x 2bd, 116x 3bd general needs units and 80x 1bd older persons accommodation. The SHMA identified an over-supply of 1 bed and 4+ bed general needs units and 2 bed older persons accommodation. In addition to this information taken from Cheshire Homechoice shows there are currently 1066 applicants who have selected one of the Macclesfield lettings areas as their first choice. These applicants require 450x 1bd, 390x 2bd, 176x 3bd and 24x 4+bd. 26 applicants did not specify a bedroom requirement.*

*Whilst the SHMA does identify an over-supply of 1 bed units, information from Cheshire Homechoice and intelligence informs us that there is need for 1 bed units. It is preferable that 2 bed units are delivered as houses rather than 2 bed apartments.*

*Strategic Housing has been in discussions with the applicant about the proposals for the site and has raised concerns over 2 bed apartments to meet housing need. I have advised that Strategic Housing would not support a scheme dominated by 2 bed units and would like to see a scheme favoured for 1 bed units, and in any event no more than 50:50 split between 1 and 2 bed apartments. The revised plans submitted show that the application is for an affordable housing scheme of 17 apartments, comprising 13x 1bd and 4x 2bd apartments all for affordable rent.*

Overall, it is clear that there is a significant shortage of affordable housing within Macclesfield. This development would help to satisfy a strong demand for affordable 1 and 2 bed apartments within the town and contribute to the Council’s 5 year housing supply.

### **Design/ Character and Appearance/ Impact on the Conservation Area and Setting of Listed Buildings**

The Conservation Officer notes that this is a much improved scheme from the original submission. They do have concerns regarding the development in terms of the height of plot 4, and the need for high quality materials that would improve the overall appearance of the development and help it preserve the character and appearance of the nearby conservation area. The loss of part of the stone wall is regrettable however parts of it would remain and overall this is not a major concern.

It is noted that the surrounding area consists of dwellings and other buildings of a range of architectural vernacular and quality. The existing industrial buildings on site and associated paraphernalia are not of any aesthetic quality. The revised development is considered to be of a vernacular, scale, density and overall design which would be in keeping with the character and appearance of the immediate surroundings. It would also not have an adverse impact on the character and appearance of the nearby Buxton Road conservation area or Listed Buildings, nor be unduly dominant in scale when viewed from various places within the town.

The objection is noted regarding the partial loss of the stone wall. Whilst this is regrettable, it is not a designated heritage asset and overall the economic, environmental and social benefits of the development are considered to outweigh the environmental harm of losing a section of the wall.

Overall the development would accord with all design policies, would not harm the historic setting of the nearby listed buildings and would preserve the character and appearance of Buxton Road conservation area, subject to conditions including the use of appropriate materials in the development.

## **Amenity**

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 states that housing should normally meet certain guidelines of space between buildings in order to ensure that a commensurate amount of space, light and privacy remains between buildings.

In this case, the 2 storey would be circa 14.8m away from the residential property no 8 on Green Street opposite and 13.9m from the existing office building. This is substandard in relation to the distance guidelines listed under policy DC38. However, it is noted that many other dwellings in the locality have a similar relationship on the street.

In this case the development is considered to allow for a commensurate degree of space, light and privacy to the residential property and also the office building, which is a less sensitive use.

The objection from 12 Canal Street is noted, however the revised proposal would be over 40m away from the windows to habitable rooms on the front elevation, which would accord with policy DC38.

A commensurate degree of space, light and privacy would exist between all of the proposed buildings in accordance with policy DC38.

Overall, the development would not have an adverse impact on any neighbouring property and is deemed to accord with local plan policy DC3 and DC38 and national guidance.

## **Highways**

The objections have been considered regarding highway safety and parking. However, 18 no spaces for 8 x 1 bed apartments and 7 x 2 bed dwellings is considered to be sufficient in this

sustainable town centre location. The Strategic Infrastructure Manager raises no objections. The new access would be moved further down onto Cookstoolpit Hill but this would not result in an adverse impact on highway safety. Cycle spaces will also be provided within the development.

Overall the proposed development is considered to accord with local plan policy DC6, subject to relevant conditions. These conditions will be provided in an update report to be presented at committee.

## **Sustainability**

The site is considered to lie within a sustainable location, circa 380m away from the town centre with all of the associated facilities, shops and services, circa 92m away from the train station and 30m away from a frequent bus service on Buxton Road. As such, the development is considered to lie within a sustainable location in accordance with the requirements of the NPPF.

## **Flood Risk**

The Flood Risk Officer raises no objection, subject to a condition relating to the requirements for details of the proposals for the disposal of surface water.

## **Archaeology**

The Archaeology Officer raises no objection. They state:

*The development affects an area c 150m beyond the eastern limits of Macclesfield's Area of Archaeological potential, as defined in the Local Plan of the former Macclesfield Borough Council.*

*It is, therefore, outside the primary area of interest within the town but I have checked the Cheshire Historic Environment Record and note that a builder's yard is depicted on the 19<sup>th</sup>-century maps of the area (CHER 2608/92/0). However, this appears to have been open space and no particular features of interest are shown. In these circumstances, archaeological work would be difficult to justify and no further mitigation is advised.*

## **Nature Conservation**

The Nature Conservation Officer raises no objections to the proposed development. The development would not have an adverse impact on protected species and would accord with policy NE11.

## **Environmental Health**

The Environmental Health Officer raises no objections to the proposed development, subject to conditions regarding contaminated land, hours of construction, piling and dust control.

## **Landscaping**

The Landscape Officer raises no objection to the development, subject to the submission of a suitable hard and soft landscaping scheme, which can be secured via condition.

## **Drainage**

The objection regarding drainage has been considered.

However United Utilities (UU) has been consulted and has replied confirming that they have no records of flooding incidents relating to their assets. It has been confirmed that foul water can be discharged off-site at a convenient location and surface water can be discharged into the 675mm diameter pipe within Green Street at a rate not exceeding 25l/s.

The Flood Risk Officer raises no objection, subject to the submission of details of the proposed discharge of surface water.

## **Open Space**

The proposal is above the threshold identified within the Council's SPG on planning obligations for the provision of public open space and recreation / outdoor sport facilities, therefore commuted sums are required. As it would not be appropriate to provide such facilities on site, commuted sums for off site provision would be required on the commencement of development.

A S106 legal agreement will therefore be required to include heads of terms, calculated in accordance with the SPG on planning obligations.

The Greenspace Officer has not commented on the development at the current time. An update report will therefore be required to be presented at committee regarding the requirements for public open space provision.

## **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu of Public Open Space is necessary, fair and reasonable, as the proposed development will provide 17no dwellings, the occupiers of which will use local facilities as there is not a particularly large amount of open space on site, as such, there is a need to upgrade / enhance existing facilities in the town. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

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

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. It is considered that the benefits of the proposal are not outweighed by potential adverse impacts. The proposed development would secure much needed affordable housing within a sustainable location close to Macclesfield Town Centre. The development would be in keeping with the character and appearance of the locality, would preserve the character and appearance of Buxton Road Conservation Area and would not have an adverse impact upon the setting of the nearby listed buildings. The development would not have an adverse impact upon neighbouring amenity or the highway network. Therefore this application is recommended for approval, subject to the receipt of any further comments following consultation on the revised plans.

## **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.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01LS - Landscaping - submission of details
2. A02LS - Submission of landscaping scheme
3. A03AP - Development in accord with revised plans (unnumbered)
4. A03FP - Commencement of development (3 years)

- 5. A04LS - Landscaping (implementation)
- 6. A05EX - Details of materials to be submitted
- 7. A07GR - No windows to be inserted
- 8. A12LS - Landscaping to include details of boundary treatment
- 9. A25GR - Obscure glazing requirement
- 10.A30HA - Protection of highway from mud and debris
- 11.A32HA - Submission of construction method statement
- 12.Piling
- 13.Parking
- 14.Dust Control
- 15.Hours of Construction
- 16.Development in accordance with noise impact assessment
- 17.Contaminated Land
- 18.Drainage
- 19.No Gates
- 20.Levels
- 21.Affordable Housing
- 22.Informative
- 23.Visibility Splay

