

Application No: 17/2236M
Location: THE RIFLEMANS ARMS, 113, MOOR LANE, WILMSLOW, SK9 6BY
Proposal: Demolition of Existing Public House and erection of 8 townhouses
Applicant: New Moor GB Ltd
Expiry Date: 14-Jul-2017

SUMMARY

As Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The site is a previously developed site located in a highly sustainable location. The scale of the development reflects the character and appearance of the area and materials will be dealt with by way of a condition.

The development raises no issues in respect of highway safety, residential amenity, flooding, noise, or ecology. Some matters will be dealt through conditions.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

SUMMARY RECOMMENDATION

Approve subject to conditions.

REASON FOR REPORT

Councillor Barton has requested that the application be determined by Northern Planning Committee for the following reason;

I believe that there is a public interest case to be heard as this application will result in the loss of a local asset. The application will also increase parking problems in the area as it will result in the loss of off-road parking spaces currently in use on the site.

PROPOSAL

The application is for the Demolition of the existing Public House and erection of 8 townhouses.

SITE DESCRIPTION

The application site consists of the Rifleman's Arms public house and is located in a predominantly residential area in the western side of Wilmslow. The site is located on the junction of Moor Lane and New Street and consists of the large public house building, outdoor seating areas and car park. A number of mature trees are located on the site boundaries. Residential properties on Moorfield Drive adjoin the site to the south and west. Semi-detached residential properties are located to the north on the opposite side of Moor Lane whilst terraced properties are located on the opposite side of New Street.

RELEVANT HISTORY

The site has been subject to applications in the past; however they are not relevant to the consideration of this application.

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68. Requiring good design

Development Plan

- BE1 (Design principles for new developments)
- DC1 (High quality design for new build)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
- DC38 (Guidelines for space, light and privacy for housing development)
- DC41 (Infill housing development or redevelopment)
- H2 (Environmental quality in housing developments)
- H5 (Windfall housing sites)
- H13 (Protecting residential areas)

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

- MP1 Presumption in favour of sustainable development
- PG1 Overall Development Strategy
- SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles
SC4 Residential Mix
SE1 Design
SE2 Efficient use of land

Other Material Considerations:

National Planning Practice Guidance (NPPG)

CONSULTATIONS (External to Planning)

Environmental Health – No objection. A number of conditions have been requested relating to piling, provision of electric vehicle charging point, and contamination.

United Utilities – No objection. Conditions relating to details of surface water drainage and that the site is drained on separate systems.

Highways – No objection.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council - *recommend refusal of this application on the grounds of overdevelopment of the site and being out-of-keeping with the streetscene and that the proposed buildings will be overbearing on neighbouring properties due to their height and the proposed living space in the roof.*

OTHER REPRESENTATIONS

7 letters of objection have been received in respect of the application and the points of objection relate to;

- Over-development of the site
- Overlooking of properties on Moorfield Drive
- The properties are too high
- Impact of the proposals on trees
- Disturbance caused by building works
- The public house should be retained
- Development not in character with the surrounding area
- Off-street parking for existing residents will be lost
- On-street parking is a problem in the area

APPRAISAL

Principle of Development

The site is in an area that is identified as being 'predominantly residential' and as such the redevelopment of sites for further residential use are generally acceptable. The site is within

walking distance of local shops and services and public transport links. The site is considered to be a sustainable location.

The principle of residential development on the site is considered to be acceptable.

Housing Land Supply

On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy, the Plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richborough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”

This conclusion was reached before the Inspector’s Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

SOCIAL SUSTAINABILITY

Residential Amenity

Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

New residential developments proposing three storey properties should generally achieve a distance of 28m between principal windows and 14m between a principal window and a blank elevation, plus an additional 2m for any difference in level that exceeds 2.5m . This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

The plans have been amended during the course of the application to improve the relationship between the proposed properties and those on Moorfield Drive. An amendment has been made to reduce the scale of plot 8 to ensure the required interface distance is met.

In respect of the properties to the south of the site the plans have been amended to remove the balcony features within the roofspace and replace these with rooflights. On this basis the proposal meets the required separation distances set out in Policy DC38.

It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does not occur.

The proposed layout ensures that all the required separation distances set out above are met and therefore no overlooking will occur to a level at which permission could be withheld and the requirements of Local Plan policies DC3, DC38 and H13 are met.

ENVIRONMENTAL SUSTAINABILITY

Layout & Design

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area

- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

The area in which the site is located has a range of dwelling types, sizes and designs. Terraced properties are located on the opposite side of New Street, semi-detached properties opposite and detached houses to the west. When looking at the properties along Moor Lane the design can vary between neighbouring properties as can the height of the properties.

The dwellings proposed are higher than those surrounding the site but the difference in height is not at a level that makes the properties to be unduly prominent and the height of the dwellings are comparative to those around the site and the area in general.

Given the variation in design of the properties in both the immediate and wider area the design of the properties is acceptable. The facing materials are shown to be mostly brick and details of the materials will be agreed through a condition on the decision notice.

The layout of the site allows for the required parking standards to be met and the properties enjoy gardens of a size expected for properties of the size proposed.

The proposal therefore complies with Policies BE1 and DC1 of the Macclesfield Local Plan.

Highways

There are no highway implications associated with this application. The proposal for vehicular access to each plot and the parking spaces to the rear of the site is acceptable and there is sufficient space allocated to each plot for off-street parking provision to be in accordance with CEC standards. The proposals for refuse collection are acceptable.

It appears that the site is used by existing residents for parking. This is a benefit that could be removed by the site owner at any time and therefore the loss of the parking provision is not a material consideration in determining this application.

There are no other highway considerations associated with this proposal; accordingly, the Strategic Infrastructure Manager has no objection to the planning application. The proposal therefore complies with the requirements of Local Plan Policy DC6.

Impact on Trees

A number of self seeded Sycamore and Ash standing adjacent to the western boundary of the car park on New Street (some within the site edged blue on the location plan) and two early mature Sycamore located on a small grass verge within the car park present a low to medium contribution to visual amenity within the immediate surrounding area. The trees are not considered to be significant in terms of their contribution to the wider public realm and their current form and position in relation to existing structures is such that long term retention is considered undesirable.

A group of Flowering Cherry located adjacent to the boundary with 1 Moorfield Drive present a modest contribution to the Moor Lane frontage and present some degree of screening to adjacent property. Whilst the trees are shown for retention on the submitted layout plan there is no supporting Arboricultural Assessment which should identify the relevant tree constraints and inform the layout design and address above and below ground conflicts. In this regard, the position of the westernmost plot on Moor Lane is likely to impact upon the root protection area (RPA) and present a less than satisfactory social proximity to these trees.

Notwithstanding this, the contribution to the wider amenity of the area is not considered significant. Therefore formal protection by a TPO is not expedient. Conditions will be attached to any planning permission requiring agreement of tree protection measures and the replacement of any trees that are removed.

ECONOMIC SUSTAINABILITY

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Wilmslow for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

PLANNING BALANCE

The site is located within a Predominantly Residential Area where the principle of redeveloping the site for residential purposes is acceptable. The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted. The benefits in this case are:

- The development would provide benefits in terms of market housing which would help in the Councils delivery of 5 year housing land supply.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development would have a neutral impact upon the following subject to mitigation:

- The character of the area is not detrimentally harmed.
- There is not considered to be any significant environmental implications raised by this development.
- Highway impact would be broadly neutral due to the scale of the development.

- Residential amenity is not harmed but the impact is neutral as it cannot be demonstrated it is necessarily improved.

No adverse impacts of the development have been identified.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. The potential for overlooking is increased but as noted above, this is not beyond what would be expected in a residential area. Accordingly the application is recommended for approval subject to conditions.

RECOMMENDATION

The application is recommended for approval subject to the conditions listed below.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION:

1. nppf
2. Commencement of development
3. Plans
4. Details of drainage
5. Tree retention
6. Contaminated Land Condition
7. Submission of samples of building materials
8. Tree protection
9. surface water drainage
10. provision of bat roost
11. Electrical Vehicle Charging Points

