

Application No: 10/0832M
Location: R H STEVENS, GUNCO LANE, MACCLESFIELD, SK11 7JL
Proposal: Demolition of Existing Buildings on Site and Erection of Residential Development Comprising 124 Dwellings, Levels Changes, New Access, Off Site Footpath and Highway Improvement, Circulation and Parking Areas

For P.E. Jones (Contractors) Limited

Registered 05-Mar-2010
Policy Item Yes
Grid Reference 392244 372589

SUMMARY RECOMMENDATION

Approve with conditions and subject to satisfactory completion of a Legal Agreement under S106 of the Act

MAIN ISSUES

Whether the proposed loss of employment land is acceptable and whether the use for residential purposes is appropriate
Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided
Whether the layout and design is appropriate
Whether any permission granted should be accompanied by a Section 106 Agreement, and what these Heads of Terms would comprise

REASON FOR REPORT

This is an application for a major housing development which due to the scale of the development needs to be determined by Strategic Planning Board.

DESCRIPTION OF SITE AND CONTEXT

The site comprises 2.5 hectares which is in use as a haulage yard by RM Stevens. To the east lies the Canal, which is elevated above the site, and beyond which is open countryside which is mainly used as a golf course. To the west lies the Gunco Lane frontage which is predominantly a mixed employment area with a variety of employment type uses. To the south and west of the site lies residential properties.

The site itself is laid out as mostly hardstanding, utilised as HGV parking with sizeable warehouse buildings. The wider area is mixed in character, with residential land uses and industrial uses predominating.

DETAILS OF PROPOSAL

The scheme proposes a housing development of the site comprising of 124 two storey residential units on an existing brownfield site. The housing is generally laid out in small terraces of four, two storey dwellings, all within enclosed rear gardens, set back off the street frontage behind a small front area of landscaping and two allocated parking spaces per unit.

The general layout is arranged off one access point via Gunco Lane. The development is in the form of a series of cul de sacs with an elongated linear terrace of dwellings adjoining the canal to the rear of the site. A tall leylandii screen of trees/hedge adjoins the boundary with dwellings in Beech Grove and Byrons Lane.

The scheme also includes alterations to the Gunco Lane/ Byrons Lane junction and footpath widening to Gunco Lane within the red edge of this application.

RELEVANT HISTORY

00/1717P - Residential Development For 94 Dwellings, Associated Roads, Sewers, Fences And Boundary Walls On Site Of Former Haulage/ Storage Yard - refused 2.01.2000

01/2582P - Residential Development (Outline Application) - Refused 7.01.2002

63872P - Residential Development - Refused 5.11.1990

09/2568M Demolition Of Existing Buildings On Site & Provision Of Commercial & Residential Development Comprising 114 Dwellings, 465 Sqm B1 Office Space, Levels Changes, New Access , Footpath Improvements, Circulation & Parking Areas. Withdrawn 2.10.2009

POLICIES

Regional Spatial Strategy

DP1 (Spatial Principles)

DP2 (Promote Sustainable Communities)

DP4 (Make the Best Use of Existing Resources & Infrastructure)

DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)

DP7 (Promote Environmental Quality)

DP9 (Reduce Emissions and Adapt to Climate Change)

RT2 (Managing Travel Demand)

EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)
EM2 (Remediating Contaminated Land)
EM5 (Integrated Water Management)
EM18 (Decentralised Energy Supply)
MCR3 (Southern Part of the Manchester City Region)
L2 – Understand Housing Markets
L4 – Regional Housing Provision

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 10 (Minimising Waste during construction and development)
Policy 11 (Development and waste recycling)

Local Plan Policy

NE11 (Nature Conservation)
NE12 (Sites of Biological Importance)
BE1 (Design Guidance)
GC1 (New Buildings)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing Sites)
H8 (Provision of Affordable housing)
H9 (Delivery of Affordable housing)
H13 (Protecting Residential Areas)
T2 (Transport)
E1 (Employment land Policies)
DC1 (Design New Build)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC36 (Road layouts and Circulation)
DC37 (landscaping)
DC38 (Space, Light and Privacy)
DC40 (Open Space standards)
DC63 (Contaminated Land including Landfill Gas)

Other Material Considerations

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing , PPS4: Planning For Sustainable Economic Growth and PPS9: Biodiversity and Geological Conservation, PPG13 Transport, PPG17 Open Space, Sport and Recreation and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

CONSIDERATIONS (External to Planning)

Environment Agency – No objection subject to condition.

Environmental Health (Contaminated Land) - No objection

Environmental Health (Noise and Amenity) – No objection subject to standard conditions regarding hours of work and dust mitigation during construction.

Highways- No objection subject to conditions. Off site works will need to be included in a S278 Agreement

Children and Young Persons Services - No reply in respect of this application, however, in the previous application it was confirmed that in both the Primary and Secondary sector there are sufficient surplus places for the 'in-catchment area' to meet the potential 'child yield' generated by the potential building scheme, both currently and anticipated by our pupil place forecasts up to 2014. The site is within the catchment of Puss Bank School and Tytherington High Schools.

Forestry Officer - Raises no objection subject to conditions

Housing Strategy and Needs Manager - Fully supports the application, subject to the provision of 25% Affordable Housing (31 units – 15 of which are to be social rented units and 16 of an intermediate tenure)

Landscape Officer - The Landscape Officer raises no objections subject to conditions.

Leisure Services - No objection in principle to the application, consider that contributions are required for Public Open Space and Recreation/Sporting provision in lieu of provision on site

Nature Conservation Officer No objection is raised by the Nature Conservation Officer subject to conditions.

British Waterways - Have no objection subject to a condition to safeguard the canal bank during construction. Have requested a financial contribution of circa £12,750 to upgrade the canal towpath and future maintenance of the works.

OTHER REPRESENTATIONS

6 letters of objections has been received to date. These raise objection on grounds of need for additional dwellings, impact on traffic and parking congestion on Gunco Lane, loss of trees, impact on protected species, impact upon the Canal Conservation Area and issues of land contamination. An adjoining commercial occupier considers that the levels of security he currently enjoys (security fencing and barbed wire) should be maintained. One

person considers the site could be better utilised as old persons accommodation.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted in support of the application:

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment
- Landscape Assessment
- Flood Risk Assessment
- Transport Statement
- Waste Audit
- Marketing report
- PPG3 housing statement
- Public Participation Consultation Statement August 2009
- Public Participation Consultation Statement Update Dated January 2010
- Planning & Sustainability Statement February 2010

All of these documents are available in full on the planning file, and on the Council's website.

It is the applicant's essential case that this scheme will deliver a high quality housing scheme that will meet an identified housing need in the Borough. The Applicant, in their marketing and Employment Land Assessment of the site consider the site is largely a poor quality, contaminated site which is incapable of economic repair and upgrading for other occupation. It is further considered that the costs of bringing the site forward for good quality/modern office or warehouse development is significant and not feasible given rental returns achievable. Access to the site for employment purposes is poor and would be considered inadequate by modern employment occupiers and others such as car showrooms which would be detrimental to the marketability and ultimate values that the current use of the site could achieve.

The site has been marketed since 2007 and there is no demand for the site, either in part or whole

The Applicant is willing to comply with the affordable housing requirements of the Council including entering into a Legal Agreement to deliver these policy requirements

OFFICER APPRAISAL

Section 38 of the Planning and Compensation Act 2004 requires a plan led approach to decision making in that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the development plan consists of the Regional Spatial Strategy for the North West, the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan.

Principal of Development

The principle issues surrounding the determination of this application are the acceptability of the loss of the existing employment site to a residential land use, the impact of the proposed development on residential amenity, the character and appearance of the surrounding area, the existing trees, any impact on protected species or the adjacent canal conservation area, and any highway issues regarding access and parking.

Loss of employment use of the site

Government guidance in Planning Policy Statement 3: Housing (PPS3) promotes the effective and efficient use of previously developed land. In paragraph 44, it indicates that local planning authorities should consider whether sites allocated for industrial use could be re-allocated for housing.

However, Planning Policy Statement 4: Planning For Sustainable Economic Growth (PPS4) is also clear that LPAs should use evidence to plan positively to ensure that sufficient land is available for business, readily capable of development and well-served by infrastructure. A choice and variety of employment sites, to meet different needs, will facilitate competition and stimulate economic activity.

Similarly, RSS Policy W3 requires LPAs to ensure a supply of employment land; that the most appropriate range of sites is safeguarded for employment use; the sites can meet the full range of needs; and at least 30% are available at any one time.

This site is specifically allocated for employment purposes under policy E4. This policy states that general industry (class B2), warehousing (class B8) and office uses will normally be permitted. In addition, Local Plan Policy E1 states that both new and existing employment areas will normally be retained for such employment purposes.

It is therefore incumbent upon the Applicant to demonstrate that the re-use or redevelopment of the site for employment purposes is not achievable.

Accordingly, supporting information incorporating a marketing report and assessment of the site for employment use have been submitted with this application.

A significant issue relating to the application site relates to the viability of development for employment uses, given the major constraints including access and potential remediation and the likely values that could be achieved from any redevelopment for employment uses.

The Employment Land & Market Overview Feasibility Analysis demonstrates that there is a lack of demand for employment uses on this site.

In terms of employment land supply, recent monitoring suggests there is a 25 year supply given recent take up rates for employment development in the Macclesfield area. However, this includes a significant proportion of land (around 42ha) which is constrained and is not currently available at the South Macclesfield Development Area and Parkgate Industrial Estate, Knutsford. Excluding these sites would leave 11 years supply, with a mixture of sites including higher quality sites such as Tytherington Business Park and more traditional industrial estates such as Hurdsfield.

In terms of existing supply of office and industrial space within Macclesfield, at the time of this application being submitted, overall there are 24, 000 sqm of existing office space and 48,000 sqm of industrial space immediately available within Macclesfield. The supporting information indicates that there is circa a 4 year supply of office and industrial space available in terms of current take up rates, if no more space were to come to the market - which is unlikely to happen.

The marketing information states that the site has been marketed since 2007 and there has been no demand for the units, either in whole or in part. Companies looking for sites locally have steered away from the application site due to its poor accessibility, the costs of bringing the site forward for high quality modern employment uses.

Given these circumstances, there is no objection in land use planning terms to the loss of the existing employment use of the site.

The Residential Use of the Site

PPS1 states that sustainable development is the core principle underpinning the planning process. Planning should facilitate and promote sustainable patterns of development through protecting and enhancing the natural and historic environment, and ensuring high quality development through good design and efficient use of resources.

Development which contributes to the creation of safe, sustainable, mixed and liveable communities is encouraged. The concentration of mixed use developments, use of previously developed land, building in sustainable locations and those well served by a variety of public transport is a key to this approach.

PPS3: Housing

The Council produced new guidance in respect of housing developments titled “PPS3 Housing and Saved Policies Advice Note”. The Advice Note is based on a list of five criteria outlined in PPS3 which Planning Authorities should have regard to when determining planning applications for new housing. In summary, the Advice Note states that planning applications for new housing should meet the following criteria:

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives *(does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration)*.
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people *(does the application meet the housing needs of the area and/or provide affordable housing)*.
3. The suitability of a site for housing, including its environmental sustainability *(is the site in a suitable and sustainable location, is it previously developed land, what constraints exist)*.
4. Achieving high quality housing *(is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity)*.

A PPS3 Housing Self-Assessment Checklist was submitted with the planning application to address the criteria outlined in the Advice Note. The site is considered to be in a suitable and sustainable location and the site is considered to be sufficiently utilised (the proposed site density is 49 dwellings per hectare). Whilst the site itself is on the outer edge of an employment zone, the wider area is predominantly residential, and is within walking distance of public transport links, Macclesfield town centre and to services. The scheme would provide high quality housing of an appropriate mix and tenure type.

Additionally, the proposed development would provide 15 houses for social rent (14 x 2 bed and 1 no 3 bed) and 16 houses for intermediate shared equity. The Affordable Housing Officer supports the application. This scheme will meet a much needed demand for rented accommodation in this area.

For these reasons it is considered that the proposal broadly complies with the five listed criteria and thus complies with PPS3

The proposals comprise an efficient use of previously developed land in a sustainable location. The site is located within easy access of the town centre.

Additionally, the site is identified within the Strategic Housing Land Availability Assessment SHLAA as a housing site with potential for 114 dwellings, likely to come forward in the next 5 years.

Accordingly, the principle of development of this site for residential purposes is acceptable.

Density of development & mix of house types

The indicative layout indicates that the site is to be developed at a density of 49 dwellings per hectare. The areas indicated for development are brownfield land, having previously been developed or the site of the existing factory and complex.

Overall, a good mix of house types is proposed comprising:

2 x 1 bed fly-over apartments

75 x 2 bed houses in terraces

47 x 3 bed houses in terraces

The mix and density of housing proposed is considered to be in line with the requirements of Government policy to maximise density and is considered to be in keeping with the residential density in the wider residential area around the site.

Design and layout

The design comprises blocks of 2 storey dwellings in a mix of five different house types. The heights of the buildings range from 7.5m to circa 7.9m and the individual blocks within the street scene generally contain contrasting house styles with variety in the use of brick, render and soldier courses, all to stimulate elevational contrast in the street scene. Interfaces between the proposed dwellings and adjoining residential properties are acceptable.

Two allocated car parking spaces have been allocated to each 2 and 3 bedroomed dwelling. These are located generally in front of each dwelling. One parking court is provided and the houses which front onto Gunco Lane (Plots 24-42) have off street parking provided to the rear of the site. Two car parking spaces are available for adjoining residents if they wish to lease them from the Applicant.

Overall, in site planning terms, the indicated scheme is considered to be appropriate.

Highways

A transport Assessment has been submitted in support of the application. This statement considers the accessibility of the site and provides a technical

assessment of the traffic generation associated with the proposed development as opposed to the vehicle movements associated with the current use of the site as a haulage yard.

The report also details the improvements proposed to junctions at Gunco Lane/Heapy Street. The assessment concludes the Gunco Lane/ Byrons Lane junction is expected to operate within capacity.

The Strategic Manager Highways has considered the Transport Assessment and raises no objections subject to conditions. It is considered that the proposal will not have any adverse impact upon the highway network. Whilst the views of neighbours are noted, they are not considered sustainable as reasons to refuse this application.

Members should note that the layout comprises 2 car parking spaces per dwelling (200%). This level of parking provision exceeds the maximum parking standard as expressed in PPG13 which requires one parking space per 2 and 3 bedroomed dwelling. It is considered that the provision of car parking will make this development, which is in a highly sustainable location close to the town centre, overly reliant on the car. It is recognised, however, that neighbours are concerned about the impact of the proposal upon the highway network and parking congestion experienced on Gunco Lane. Whilst the parking is excessive, conditions concerning the use of different materials to the parking hardstandings will assist in breaking up the area and can be imposed. On balance, whilst the parking is excessive it can be accepted given the concerns expressed by neighbours in this case.

Forestry

The development proposals can be implemented with the removal of mainly low value trees and shrubs, the loss of which will have limited impact within the immediate environment/wider amenity, and can be off set by a specimen landscape scheme.

The proposals have been amended since the previous application, mainly to address requests from adjoining residents in Beech Grove and Byrons Lane to retain the Leylandii between their properties and the site. This has been accommodated by the Applicant. A 25 metre length of this hedge is proposed for retention to the eastern boundary in order to maintain a physical separation between the area of proposed ecological mitigation and neighboring residential properties.

Landscaping

The soft landscape proposals are generally acceptable to the Landscape Officer subject to the addition of a shrub bed along the base of the proposed retaining wall to soften the structure. If the application is approved the Landscape Officer recommends that landscape and boundary conditions are imposed. No objection is therefore raised from a landscape perspective.

Nature conservation

Consideration has been given to the EC Habitats Directive 1992 which requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, consideration is given to the findings of the protected species survey undertaken on behalf of the applicant. This report has established that there are no species of note on the site that are protected by the Habitat Directive. However, there are species present afforded protection under the 1981 Wildlife and Countryside Act.

A licence from Natural England is required to affect this habitat. This is a separate legislative framework, however, English Nature are unlikely to issue any licence in the absence of a valid planning permission.

The Nature Conservation Officer is satisfied with the mitigation proposed by the Applicants ecologist and has suggested conditions in respect of controlling development during the breeding bird season and these are felt appropriate and are therefore recommended.

Flood Risk

In accordance with PPS25, a Flood Risk Assessment has been submitted as part of the application. The Environment Agency raises no objections to the proposals. On this basis, the flood risk is low.

Renewable Energy and Waste

It is a requirement within RSS Policy EM17 for all development to incorporate on-site renewable energy technologies. Accordingly, it is necessary to impose a condition to require a renewable energy scheme to be submitted and subsequently implemented as part of this scheme.

It is also a requirement of Policy 10 of the Cheshire Waste Plan 2007 to minimise waste during development and subsequent occupation. A waste audit has been submitted which is considered to meet the development Plan requirements. A condition is recommended to ensure the requirements of the Audit are delivered.

S106 Legal Agreement

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.

In this instance, there are requirements for commuted sum payments in lieu of on site provision of amenity and recreational space. In respect of these matters it is considered that the requirements stipulated are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development proposed.

Likewise the commuted sum payment is necessary to ensure this development complies with the adopted planning policy in lieu of recreation, sport and amenity open space provision also complies with point (a) to (c) above and both proposed elements of the S106 Agreement also relate directly to surrounding area of the site and are appropriate in scale and kind.

It is not considered that the CIL Regulations refer to the affordable housing elements of the S106 Heads of Terms as detailed below

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site has been identified in the Macclesfield Strategic Housing Land Availability Assessment as a potential housing site, likely to come forward in the next 5 years, and would assist in meeting the requirement for the additional housing requirement of 400 dwellings per annum. Whilst, other material considerations such as recent Ministerial advice to Local Planning Authorities to treat new housing proposals on their merits rather than focussing on RSS targets for new housing development are noted, this scheme is considered to meet a housing need in the Borough that is known.

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby.

The proposal would bring environmental improvements and the Strategic Highways Manager is satisfied that the proposals to upgrade Gunco Lane in the form of pavement and junction widening are appropriate.

Whilst the original intent of the developer was to undertake direct works to Kings Fields in lieu of amenity/recreation commuted sum payments, it has now been agreed to provide commuted sum payments in line with the adopted S106 SPD. The request for a financial contribution from British Waterways is noted, however, it is not considered that this request meets the CIL tests and is unreasonable.

The proposal is considered to be an appropriate use of the site in planning terms and conditions can be imposed that will safeguard the amenity of the locality. On this basis planning permission should be granted in accordance with the Development Plan. There are no other material considerations which would justify not granting planning permission in this case.

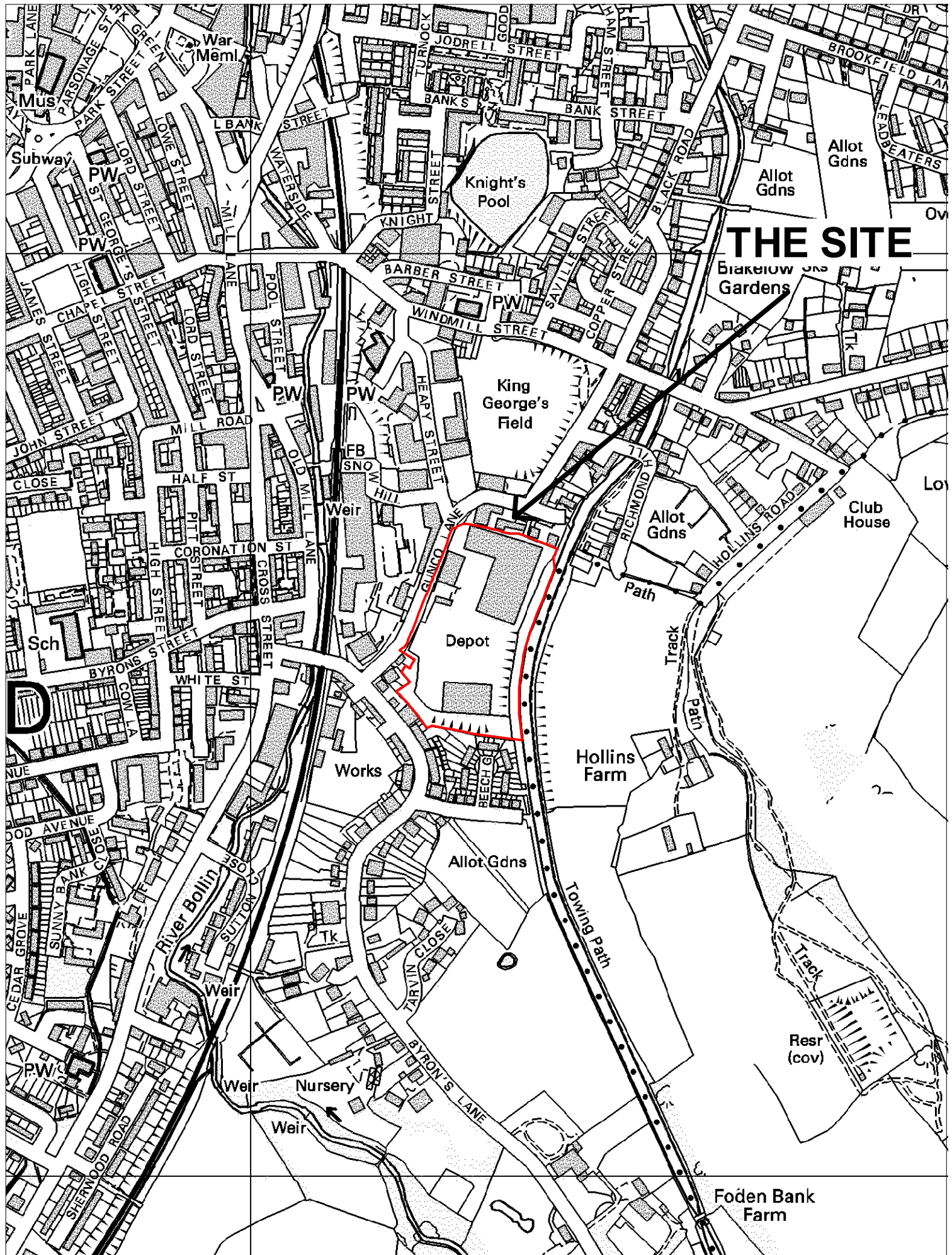
SUBJECT TO

The following conditions and the satisfactory completion of a S106 Legal Agreement comprising:

HEADS OF TERMS

- Provision of a minimum of 25% genuinely Affordable Housing in the form of social rented housing (15 units) and intermediate housing (16 units).

- Provision of financial contributions in lieu of on site play and sporting provision (£372,000)
- Monitoring costs



10/0832M - R H STEVENS GUNCO LANE MACCLESFIELD

N.G.R. - 392.241-372.599

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Scale 1:10000

Application for **Full Planning**

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. A01GR - Removal of permitted development rights
2. A01HP - Provision of car parking
3. A01LS - Landscaping - submission of details
4. A01TR - Tree retention
5. A02EX - Submission of samples of building materials
6. A02FP - Commencement of development
7. A02TR - Tree protection
8. A03AP - Development in accord with revised plans (unnumbered)
9. A04LS - Landscaping (implementation)
10. A04TR - Tree pruning / felling specification
11. A06NC - Protection for breeding birds
12. A07HP - Drainage and surfacing of hardstanding areas
13. A12HA - Closure of access
14. A12LS - Landscaping to include details of boundary treatment
15. A23GR - Pile Driving
16. A23MC - Details of ground levels to be submitted
17. A30HA - Protection of highway from mud and debris
18. A32HA - Submission of construction method statement
19. SUDS to be submitted
20. works to trees to be in accordance with Arborists report
21. Bike store tbs for flyover apartments
22. Devt to comply with Waste Audit (submitted)
23. parking areas palette of differing surfacing materials TBS
24. development to comply with air quality assessment
25. PHASE II CONTAMINATION
26. parking areas provided
27. bat roosts
28. hours of work
29. new junction details to be submitted

30. highways to comply with design guide

31. renewable energy

32. nesting birds survey tbs