

Application No: 20/1063M

Location: Car Park, John Street, Macclesfield, SK11 8BN

Proposal: Erection of 3 dwellings with off-road parking (4 spaces), gardens with associated landscaping and waste & recycling storage

Applicant: TAYLOR, ICE COMMS

Expiry Date: 07-May-2021

SUMMARY

Planning Permission is sought for the erection of three (three-bedroomed) dwellings with off-street parking (four spaces), gardens with associated landscaping, and waste and recycling storage.

It is considered that the proposal would result in the redevelopment of a Brownfield site in poor repair. It is also considered that the application proposals would result in new energy efficient dwellings on a very sustainable site. Substantial weight is afforded to these benefits.

The shortfall in off-street parking provision on the site is a significant weakness of the scheme. The harm identified could be somewhat reduced, given the sustainable location of the site and that on-street parking is available. However, on-street parking has been identified as a significant problem on John Street and for the general area. Therefore, moderate weight is afforded to this harm.

The scheme as currently designed, would not preserve, or enhance the character or appearance of the High Street Conservation Area. Substantial weight is afforded to this harm to the designated heritage asset.

Finally, the overbearing nature of the development upon the rear elevations and outdoor amenity areas of the neighbouring properties on High St, results in significant harm to the living conditions of these neighbours, which also attracts substantial weight.

It is considered that the harm identified in the parking provision shortfall, the impact on the character or appearance of the Conservation Area and the impact upon the living conditions of neighbours are not outweighed by the benefits of allowing new dwellings on a very sustainable Brownfield site. As such the development is considered not to comply with the relevant Local Plan Policies, the NPPF and is recommended for refusal.

SUMMARY RECOMMENDATION

Refuse

REASON FOR REPORT

This application was referred to the Northern Planning Committee at the request of Cllr Brian Puddicombe (Macclesfield South Ward) for the following reason: -

“Over development of the site, impact on the adjoining High St Conservation Area, detriment to local amenities, insufficient car parking spaces.”

PROPOSAL

This application proposals seeks full planning permission for the erection of three dwellings with off-street parking (four spaces), gardens with associated landscaping, and waste and recycling storage.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of an open area of hard standing, currently used as a car park and bin store (for the terraced homes that back onto the plot) on John Street in Macclesfield.

The site is immediately adjacent to a small convenience shop and sits opposite more Victorian terraced houses across the road.

The application site is within a ‘predominately residential area’ of Macclesfield and is within the ‘High Street’ Conservation Area. It is in a well-connected location, with Macclesfield train station a short walk away, as well as the amenities of the town centre.

RELEVANT HISTORY

None.

POLICIES

Cheshire East Local Plan Strategy (CELPS):

- MP1 Presumption in favour of sustainable development
- PG1 Overall Development Strategy
- PG2 Settlement hierarchy
- SD1 Sustainable development in Cheshire East
- SD2 Sustainable development principles
- SE1 Design
- SE3 Biodiversity and geodiversity
- SE4 The Landscape
- SE5 Trees, Hedgerows and Woodland
- SE7 The Historic Environment
- SE12 Pollution, Land Contamination and Land Instability
- SE13 Flood risk and water management
- CO1 Sustainable travel and transport
- CO3 Digital connections
- CO4 Travel plans and transport assessments

Appendix C – Parking Standards

Saved policies of Macclesfield Borough Local Plan (MBLP)

DC3 Protection of the amenities of nearby residential properties
DC6 Safe and convenient access for vehicles, special needs groups and pedestrians
DC8 Landscaping
DC9 Tree protection
DC35 Materials and Finishes
DC36 Road layouts and circulation
DC37 Landscaping in housing developments
DC38 Space, light and Privacy
DC41 Infilling housing or redevelopment
DC63 Contaminated Land
NE11 Nature conservation interests

Other Material Considerations

National Planning Policy Framework (The Framework)
National Planning Practice Guidance
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

United Utilities – No objection subject to conditions relating to drainage

Head of Strategic Transport – No objections subject to a condition relating to cycle parking

Environmental Health – No objection subject to conditions relating to contaminated land and air quality

Lead Local Flood Authority – No objection subject to conditions relating to drainage

Cheshire Archaeology Planning Advisory Service – No objection subject to conditions relating to a programme of archaeological observation

Macclesfield Town Council – Objects on the following grounds: -

- Impact on neighbours' amenities
- The height of the dwellings is not in keeping with the current street scene
- Over-development of the area
- The use of materials not in keeping with the Conservation Area
- Insufficient parking provision for the development (four spaces where there should be six) which will impact the highway
- It is noted that the Conservation Officer does not support this application
- There have been a number of accidents on the highway in that area and risk to safety will be exacerbated by additional on street parking

Cllr Laura Jeuda – On behalf of local residents I wish to object to this application on the grounds of over development and insufficient parking. This area is already congested with on-street parking. A number of residents currently have access to their properties from the proposed site.

REPRESENTATIONS:

20 letters of representation have been received from local residents and interested parties objecting to the proposal on the following grounds: -

- Lack of parking in the area
- Inability of emergency services to access the area
- Loss of existing access via the application site
- Loss of parking via the application site
- Without the historical access to the application site, the bins of the surrounding residents will remain on the front of the High Street bringing down the look of the Conservation Area
- Macclesfield does not need another three houses
- The development is out of character with the area
- Loss of amenity through overlooking
- Adverse impacts to the character and appearance of the conservation area

Two letters of representation have been received from local residents supporting the proposal on the following grounds: -

- Cannot see any reason to oppose this project
- The car park that residents previously enjoyed the use of, has been sold for other uses
- It is clearly right for a decent scheme of development, its current run-down state does not prosper the area
- Providing off-street parking is made available for the houses I see no reason to deny planning

Macclesfield Civic Society – The development of the site with three terraced dwellings appears appropriate in the context of the site and its surroundings. It is noted that off-street parking will be provided so the contribution to parking issues in the locality would be very limited. The design and external appearance fits in with the character of the locality. The Society has some doubts about the appropriateness of the rear elevation which appears atypical of the area, but viewpoints of this feature would be limited.

OFFICER APPRAISAL

Principle of Development

The application site is within a predominantly residential area of Macclesfield (*a Cheshire East Principal Town*), where significant development will be encouraged to support Macclesfield revitalisation, recognising its role (along with Crewe) as the most important settlements in the Borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes, and other facilities to be located close to each other and accessible by public transport.

The application proposals are acceptable in principle subject to compliance with relevant Development Plan Policies identified above.

Design and Impact of the Character and Appearance of the Area

This property lies within the High Street Conservation Area, a designated heritage asset. In accordance with CELPS Policy SE7, the main consideration is whether the proposed development would result in harm to the significance of the designated heritage asset.

In addition, CELPS Policies SE1 and SD2 seek that all development should be locally distinctive, high quality, sustainable, well-designed and durable responding to the heights, scale, form and grouping, materials, massing, green infrastructure and relationship to existing built form in the immediate as well as wider areas.

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located.

The proposed dwellings are designed to continue the street frontage along John Street. The scheme is arranged in a terraced format, with access from the street. Externally, the properties are similar in proportion to traditional terraced houses, but they have been organised in an open plan fashion at ground level, to create generous spaces internally. Each property has a private south facing garden and the three properties share off-street parking spaces and are provided with a proposed designated large storage area for bins and recycling.

Amendments to the proposed elevations have been received reflecting the architectural style of the properties in the area. The applicant has stated that the proposed dwellings have been designed to reflect and mimic the scale and proportions of traditional terraced houses, narrow in width and featuring tall windows and a third storey concealed within the roof, reducing the overall ridge height, but accommodating a large master bedroom suite.

The design of the properties does at first glance appear to be in keeping with the rest of the street scene however the overall height of the development is at odds with its immediate neighbours. The plans suggest that a central flat roof element is hidden by an uncharacteristically wide (2.5m) imitation chimney, and the stepping down of the properties appears too modest relative to the slope of the road, which is accentuated by the overall height and bulk of the dwellings. The houses appear to take their ridge height cue from the property on the opposite side of the flat roofed shop, which is set at a much higher land level than the application site and is therefore an inappropriate starting point, given that staggered ridge lines which work with land levels are a key defining feature of the local area. The rear dormer windows, which are not characteristic of the area, add to the bulk of the properties at the upper levels and will be visible from John Street. The Council's Conservation Officer has also raised objections to the scheme on similar grounds.

Overall, it is considered that due to the proposed height and associated bulk, the scheme as currently designed, would result in substantial harm to the significance of the High Street Conservation Area, and would not preserve or enhance its character or appearance, contrary to policies SD2, SE1 and SE7 of the CELPS.

Residential Mix

In terms of Housing Mix, Policy SC4 of the CELPS require new residential development to maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The proposals are for three three-bedroomed properties. Given the nature of the area and quantum of development proposed, the mix is sufficient to meet the requirements of policy SC4 of the CELPS.

Highway Safety, Access, and Parking Provision

The proposals have been designed to incorporate off-street parking to the rear, reducing the number of vehicles from the development parking on John Street. The car parking area will be constructed from concrete block permeable paving to distinguish the area as separate and private from the highway, and to give a good quality finish to the surface with permeable drainage.

No issues are raised in relation to the proposed access arrangements to the site.

It is clearly accepted that the location of the site is within walking distance of the town centre and also sustainable travel options are available to residents. Cycle parking for each of the dwellings could be secured by condition. The Head of Strategic Transport raises no objections to the proposal providing that the car park is unallocated.

It is noted (via representations received) that neighbouring properties were previously using the land to store bins and park cars. It is understood that the site is private land and there are no arrangements in place for this to occur legally. However, this is a civil matter and not a material consideration in this determination.

Notwithstanding the above, on-street parking has been identified as a significant problem on John Street and for the general area. To be in compliance with CEC Parking Standards (*CELPS Annex C*), a development of this nature (three, three-bedroomed properties) should provide a minimum of six spaces. Policy SD1 of the CELPS expects that development should provide safe access and sufficient car parking in accordance with adopted highway standards, wherever possible.

The application proposals have been amended, originally proposing five spaces, now four. This has been proposed to increase the rear garden for one of the units and was at the suggestion of a previous case officer to provide more garden space for one of the properties. This could easily be reversed to provide the lost parking space (therefore up to five spaces) if the reduction of amenity space to the proposed unit were considered acceptable.

Consideration must be made as to whether the omission of one or two spaces is a sufficient reason to reject the application bearing in mind that John Street has existing terraced properties that rely on on-street parking, and in light of the existing parking issues reported by residents.

On balance, given the existing parking issues that do exist within the local area, it is considered that inadequate car parking is provided to serve the development. The proposal does not comply with CEC Parking Standards (*CELPS Annex C*) and therefore is considered that there would be some conflict with policy SD1 of the CELPS, as it would exacerbate the existing on street parking problems in the local area.

Living Conditions

MBLP policies DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that developments should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation, and car parking.

Policy DC38 of the MBLP sets out guidelines for space between dwellings, and states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings. However, the CEC Design Guide states separation distances should be seen as a guide rather than a 'hard and fast' rule.

In terms of the relationships between dwellings within the development site, the properties on the opposite side of John Street are approximately 10m from the front of the proposed dwellings, which is a distance that is commensurate with the local area, but is clearly well below the standards set out in the local plan. The properties that border the eastern boundary of the site on High Street have a variety of rear projections facing the application site. The nearest of these is at number 39 (on the corner of John St & High St), which is located almost 9m from the blank side gable of the new properties. This gable is positioned 6m from the shared boundary with these properties along High Street. Whilst such separation distances are not necessarily unusual in this tightly packed area of terraced houses, as noted above the proposed dwellings have a very significant height. The relationship with the properties on High Street is shown on the streetscene elevation, which indicates the proposed dwellings to be 3.5m higher than the tallest of the rear outriggers, or over 4 metres higher if the imitation chimney feature is included. This arises due to the fall in land levels from west to east, and the bulk of the buildings at upper levels, which will result in the buildings being very dominant features in terms of the outlook from the rear elevations of the properties on High St, and their relatively small outdoor amenity spaces, which would be very overbearing.

Accordingly, whilst reductions in the separation guidelines within the Design Guide and policy DC38 of the MBLP could be accepted given the character of the local area, the height and bulk of the proposed development would be harmfully overbearing to the occupiers of neighbouring properties, contrary to policies DC3 and DC38 of the MBLP.

In terms of private amenity space, 'Plot 1' would have a rear garden of approximately 35m², whilst 'Plot 2' would have a rear garden of approximately 25m². 'Plot 3' could have a rear garden of approximately either 10m² (if five car parking spaces were provided within the scheme) or 17m² with a development including five car parking spaces.

Contaminated Land

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site. The application area has a history of

construction/demolition and therefore the land may be contaminated. As no contaminated land information was submitted with the application, contaminated land conditions would be necessary if the application is approved.

Air Quality

Whilst this scheme itself is of a small scale, and as such would not require an Air Quality Impact Assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on local air quality, and a condition regarding Electric Vehicle Infrastructure to be provided is recommended if the application is approved.

Archaeological Implications

The proposed development area sits partially within the Macclesfield area of archaeological potential, as defined in the Cheshire Historic Towns Survey which forms part of the Evidence base for the Cheshire East Local Plan. The Area defines the presumed extent of the early town and covers those parts of the settlement where archaeological remains might be expected to survive. There are buildings identified on the 1874 Town Plan of Macclesfield, which may relate to the previous industrial use of the land in association with the large reservoir located to the east of the site. These buildings are extant on the subsequent OS Mapping and can be seen on the aerial images of the area up to 1985.

On reviewing the supporting documentation, Cheshire Archaeology Planning Advisory Service has advised that the area of this historic building is likely to be the exterior gardens of this new proposed development. However, it is likely that any ground works will impact these 'below ground' remains.

Therefore, a programme of the Archaeological Observation could be conditioned to be undertaken during specific elements of this development, in order to identify and record the remains of this building. These specific elements include initial ground clearance, excavation of foundations and excavations of services.

Ecological Enhancement

CELPS Policy SE3(5) requires all developments to aim to positively contribute to the conservation of biodiversity.

The Council's Nature Conservation Officer has raised no objection to the scheme. This planning application, however, does provide an opportunity to incorporate features to increase the biodiversity value of the final development in accordance CELPS Policy SE3.

A condition could be included which requires the submission of an Ecological Enhancement Strategy. The strategy would include proposals for the provision of features for nesting birds (including house sparrows) and roosting bats.

It is considered that subject to this condition the application will comply with CELPS Policy SE3.

Drainage and Flood Risk

There is no objection from the Lead Local Flood Authority to the principle of development of the site. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), a Condition would be needed to ensure that the site should be drained on a separate system with foul water draining to the public sewer. This will allow surface water draining in the most sustainable way.

It is therefore considered that subject to the imposition of Conditions, the proposal would comply with CELPS Policy SE13 relating to drainage.

BALANCE OF ISSUES AND CONCLUSION

Planning permission is sought for the erection of three dwellings with off-street parking (four spaces), gardens with associated landscaping, and waste and recycling storage.

It is considered that the proposal would result in the redevelopment of a Brownfield site in poor repair. It is also considered that the application proposals would result in new energy efficient dwellings on a very sustainable site. Moderate weight is afforded to these benefits.

The loss of the use of the site by the existing residents, whilst understandable, is a civil matter and therefore does not form part of this planning balance assessment.

The proposal would help to support employment in the construction sector. However, as this would be of relatively short duration, therefore only limited weight to this economic benefit.

The proposal would contribute, albeit modestly, in terms of boosting housing provision. However, as Cheshire East has a 5-year housing land supply in accordance with Paragraph 47 of the Framework, this is given limited weight.

The shortfall in off-street parking provision on the site is a significant weakness of the scheme. The harm identified could be somewhat reduced, given the sustainable location of the site and that on-street parking is potentially available. However, on-street parking has been identified as a significant problem on John Street and for the general area by local residents. Therefore, moderate weight against the proposal is attached to this harm.

The scheme as currently designed, would not preserve, or enhance the character or appearance of the High Street Conservation Area. Substantial weight is afforded to this harm to a designated heritage asset.

Finally, the overbearing nature of the development upon the rear elevations and outdoor amenity areas of the neighbouring properties on High St, results in significant harm to the living conditions of these neighbours and also attracts substantial weight.

It is therefore considered that the harm identified in the parking provision shortfall, the impact on the character or appearance of the Conservation Area, and the living conditions of neighbouring properties are not outweighed by the benefits of allowing new dwellings on a very sustainable Brownfield site. As such the development is considered not to comply with

the relevant Local Plan Policies, the NPPF and is recommended for refusal for the following reasons: -

- 1. The scheme provides insufficient off-street parking for the level of residential development proposed. Given, the existing identified problems with on-street parking on John Street and in the surrounding area, it is considered that the proposal would not comply with Cheshire East Parking Standards (CELPS Annex C) and CELPS Policy SD1.**
- 2. If approved, the scheme would not preserve or enhance the character or appearance of this part of the High Street Conservation Area due to the overall height, form and bulk of the development. The proposal is therefore contrary to the requirements of the Framework and CELPS Policies SD2, SE1 and SE7.**
- 3. The proposed development will be unduly dominant upon the outlook from the rear elevations of the properties on High St, and their relatively small outdoor amenity spaces, which would be very overbearing. The proposal is therefore contrary to policies DC3 and DC38 of the MBLP and the CEC Design Guide.**

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 has 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.

