

Application No: 21/4426M

Location: John Street Car Park, John Street, Macclesfield

Proposal: Two new semi-detached dwellings with off street parking

Applicant: Mr Ward

Expiry Date: 13-Oct-2021

SUMMARY:

Planning Permission is sought for the erection of two (three-bedroomed) dwellings with off-street parking (four spaces), gardens with associated landscaping, 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 in a highly sustainable location. Substantial weight is afforded to these benefits.

The scheme as currently designed, would preserve, or enhance the character or appearance of the High Street Conservation Area. Significant weight is afforded to this benefit.

The issues raised with regard the sale of the site and the former use as a car park and bin storage area, whilst noted, are civil matters and not a material planning consideration in this determination. No weight is afforded to this harm.

The development is considered to comply with the relevant Development Plan Policies and the NPPF and is recommended for approval.

SUMMARY RECOMMENDATION:

Approval subject to Conditions

REASON FOR REPORT:

This application was referred to the Northern Planning Committee at the request of Cllr Ashley Farrall (Macclesfield Central Ward) for the following reason: -

“Residents have complained about the potential loss of amenity which are described in Saved MBLP Policy DC3.”

PROPOSAL:

This application seeks full planning permission for the erection of two semi-detached 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:

Planning permission was refused for the erection of three terraced houses with four parking spaces at the May 2021 Northern Planning Committee, under planning reference 20/1063M.

That scheme was refused for the following two 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 MBLP Saved Policy DC6; and*
- 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 of the development and its relationship with its immediate neighbours. The proposal is therefore contrary to the requirements of the Framework, CELPS Policies SD2, SE1, SC4 and SE7 and the CEC Design Guide.*

The same objections to the loss of the use of the site by the existing residents and the sale of the site were raised against the previous application but could not be included as reasons for refusal.

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 Informatives 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, construction noise and air quality.

Lead Local Flood Authority:

No objection subject to informatives relating to drainage.

Cheshire Archaeology Planning Advisory Service:

No objection subject to conditions relating to a programme of archaeological observation.

Macclesfield Town Council:

Object 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 on the highway;
- It is noted that the Conservation Officer does not support this application; and
- 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.

Cadent Gas:

No objection subject to an Informative.

Cllr Brian Puddicombe (Macclesfield South):

- There is clearly a local understanding that the area is a car park, specifically for the residents of 39-49 High St, which is a cobbled and pedestrianised part of the High Street Conservation Area;
- Parking on here also alleviated pressure on the on-street parking on John Street;
- That said, the area was not officially recognised as a car park and is an eyesore, which this application would remove;
- Any development must be in keeping with the conservation area;
- Access to the bin storage and communal garden area for 39-49 High St must be protected; and
- I would also ask that the effect of light entering those properties should be considered.

Cllr Ashley Farrall (Macclesfield Central Ward):

Further update to this call-in for amenity, Cllr Farrall has received information from residents claiming they may have an easement or private right of way through to the car park from the rear of their properties documented within their deeds following the purchase and conversion of garages into the existing car park provided by MBC subsequent to the application in 1984.

REPRESENTATIONS:

Nine 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 two 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;
- It was short-sighted of the Council to sell the land for development;
- The car park should be kept as one; and

- The Council buy back the land, make the area into a proper car park and give the residents of High Street an opportunity to lease and buy a space.

One letter of representation has 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; and
- Providing off-street parking is made available for the houses, I see no reason to deny planning.

Macclesfield Civic Society:

Much of the adverse criticism of the scheme appears to relate to the displacement of past, informal uses (car parking and bin storage) from the site. It is unclear whether these were legal entitlements notwithstanding the extended usage. There appears to be a civil issue for resolution outside the planning system. However, the implications of the displacement in terms of parking and bin storage/access are matters for assessment in the context of this application.

The scheme itself is much improved in terms of scale and design from the previous scheme and would (in our view) represent an enhancement to the character and appearance of the High Street Conservation Area.

OFFICER APPRAISAL:

The Principle of the 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:

The site lies within the High Street Conservation Area. In accordance with CELPS Policy SE7, the main consideration is whether the proposed development would preserve or enhance the character or appearance of the Conservation Area.

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 revised proposed dwellings are designed to continue the street frontage along John Street, reflecting the architectural style of the properties in the area. Each property has a private south-facing garden and benefits from off-road parking for two vehicles per dwelling as well as having space for waste and recycling bins.

The proposed dwellings have been redesigned to reduce the overall height and massing of the previously refused scheme, whilst also creating generous living accommodation to meet the modern demands of the typical family home and the expectations of the current marketplace and expected space standards.

The design of the properties is now in line with the local area and will therefore sit comfortably within the Conservation Area setting and will be acceptable with the character and appearance of the Conservation Area. The Council's Conservation Officer has raised no objections to the revised scheme on these grounds.

In terms of Housing Mix, Policy SC4 of the CELPS requires 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 two 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.

Cheshire brick is the predominant building material, reflecting most of the other buildings both on the street and throughout Macclesfield. The roof pitch reflects the angle of the adjacent properties, to enable the proposed dwellings to blend into the existing street scene.

The windows have been designed to have a focus on verticality, much like the traditional terraced house windows, seen in the vicinity. The windows on the street front are smaller to respond to the traditional domestic scaled aperture sizes seen in the surrounding context, while at the rear the glazing is larger in scale to maximise light from the south and reduce the need for artificial lighting in the dwellings during the daylight hours. Soft landscaping will be used to integrate the proposal with the surroundings.

The materials and landscaping could be controlled via suitably worded conditions.

Overall, it is considered that the revised scheme as now designed, would be acceptable in terms of its design and would preserve and enhance the character or appearance of the High Street Conservation Area when considered against the requirements of CELPS policies SD2, SE1, SC4 and SE7 and the CEC Design Guide.

Highway Safety, Access, and Parking Provision:

Each unit would have a driveway access from John Street with two car parking spaces provided for each house. Off-street parking with a total of 4 parking spaces will be provided (2 for each dwelling). A designated bin storage area will also be provided to maintain a neat and tidy

appearance within the development. The car parking area will be constructed from concrete block permeable paving 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. A condition could provide cycle parking for each of the dwellings. A S184 licence is required from the Highway Authority to form the crossovers to each property.

To be in compliance with CEC Parking Standards (*CELPs Annex C*), a development of this nature (two three-bedroomed properties) should provide a minimum of four spaces. The parking provision now accords with CEC standards.

The Head of Strategic Transport raises no objections to the proposal.

The revised scheme complies with CEC Parking Standards (*CELPs Annex C*) and it is also considered that the proposal complies with MBLP Saved Policy DC6.

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 21 metres and 25 metres between principal windows and 14 metres 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, these also meet the general aims of the design guide and do provide an acceptable amount of space, light, and privacy for future residents. Sufficient private amenity space is also now provided. No significant issues are therefore raised with regard to living conditions and the proposal is considered to comply with MBLP policies DC3 and DC38 of the Local Plan.

Informatives are suggested to deal with noise generating activities, such as hours of construction and the use of pile foundations (if required). In order to minimise dust emissions arising during the development, including site preparations / demolition/ construction activities at the site, a Dust Management Plan is also suggested.

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, Conditions and an Informative could be suggested in line with the Environmental Protection Act 1990.

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 would require a condition regarding Electric Vehicle Infrastructure. The use of ultra-low emission boilers could also be suggested.

To protect the character of the Conservation Area it would be considered reasonable to remove some permitted development rights, being Class A (*enlargement, improvement or other alteration*), Class B (*additions to the roof*), Class C (other alterations) and D (*porches*). Suggesting conditions removing permitted development rights for Class G (*chimneys, flues etc on a dwellinghouse*) and Class H (*microwave antenna on a dwellinghouse*) would be considered unreasonable as these elements are restricted given the application site is within a Conservation Area.

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 site 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 should 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. Subject to this, the scheme's impact on archaeology is found to be acceptable.

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 is suggested 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 the application proposed complies 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 is 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.

Civil Matters:

Cheshire East Council makes planning decisions in the public interest. Whilst understandable, the planning system does not exist to protect the private rights of one individual over another.

Sale of the Land:

It is Government Policy that Local Authorities should dispose of surplus and under-used land and property wherever possible. Councils have fairly wide discretion to dispose of its assets (such as land or buildings) in any manner it wishes. When disposing of assets, the Council is subject to statutory provisions, in a majority of cases to the overriding duty, under section 123 of the Local Government Act 1972, to obtain the best consideration that can be reasonably obtained for the disposal.

It is noted (via representations received) that neighbouring properties have used the land to park cars.

The land in question was not an official car parking area for residents and the Council has no record that it was ever managed by the Council's Car Parks Team.

The Council has followed the statutory process in accordance with the Local Government Planning and Land Act 1980 in advertising the land for sale through the local press in February 2019, inviting residents to comment on the proposed disposal of the land.

A notice was also placed on the Council's website giving residents the opportunity to comment or object up until 15 March 2019. The land was sold at auction in August 2019.

Previous use of the site:

It is noted (via representations received) that neighbouring properties have used the land to store bins. It is understood that there are no arrangements in place for this to occur legally. It has been suggested by local residents that there are covenants on the land in relation to the

above, but no evidence has been submitted to support this contention. In any event, private covenants or agreements are not material planning considerations.

Any positive or negative impacts on property values are also not a material planning consideration, and whilst the loss of any current beneficial arrangements (bins storage and car parking) is understandable, the legal basis for these should have been established during the purchasing of any property.

However, this is a civil matter and not a material consideration in this determination.

BALANCE OF ISSUES AND CONCLUSION

Planning permission is sought for the erection of two 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 loss of the use of the site by the existing resident, 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, only limited weight is given 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.

There is no significant impact upon the living conditions of neighbours which are matters that carry neutral weight in the planning balance.

Access to the site is acceptable. There is now sufficient space remaining within the site for off-street parking provision to be in accordance with CEC parking standards. Therefore, there are no material highway implications associated with the proposals.

It is considered that the revised scheme as now designed, would preserve and enhance the character or appearance of the High Street Conservation Area.

As such the development is considered to comply with the relevant Development Plan Policies and the NPPF and is recommended for approval.

RECOMMENDATION:

It is recommended that the application for planning permission be approved subject to the following conditions:

1. Commencement of development (*three years*);
2. Development in accordance with approved plans;

3. Removal of PD rights;
4. Finished levels to be submitted and approved (*pre-commencement*);
5. Materials as application;
6. Submission of a Contaminated Land Phase 1 Report (*pre-commencement*);
7. Submission of a Contaminated Land Verification Report (*pre-occupation*);
8. Importation of soil to be checked be verified suitable for use
9. Measures to deal with unexpected contamination
10. Provision of Electrical Vehicle Infrastructure (*pre-occupation*);
11. Use of ultra-low emission boilers (*pre-occupation*);
12. Ecological enhancements to be submitted and approved
12. Submission of landscaping scheme;
13. Implementation of landscaping scheme;
14. Boundary treatments (*pre-occupation*); and
19. Provision of parking (*pre-occupation*);

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.

