

Application No: 11/4226M

Location: 41, VICTORIA ROAD, MACCLESFIELD, CHESHIRE SK10 3JA

Proposal: Erection of 14 Apartments in a Four Storey Block - Amendment to Previous Scheme 08/0818P

Applicant: P E Jones (Contractors) Limited

Expiry Date: 09-Feb-2012

**SUMMARY RECOMMENDATION**

Approve subject to conditions and a S106 Agreement

**MAIN ISSUES**

- The planning history of the site
- Impact on the Conservation Area
- Design
- Impact on amenity
- Impact on highway safety/parking
- Impact on trees

**Date Report Prepared:** 20.01.2012

**REASON FOR REPORT**

This application is brought before Members in line with the Council's Constitution, any development in excess of 10 dwellings should be determined by Committee. The application seeks full planning consent for 14 dwellings.

**DESCRIPTION OF SITE AND CONTEXT**

The application site lies on Victoria Road (opposite Macclesfield General District Hospital) and covers roughly 0.4ha. The site is currently vacant as the house (called Nuneham) which originally stood on the site has been demolished. The site lies to the north of Victoria Road. The trees to the rear are protected by a Tree Preservation Order and Whitfield Brook lies to the north of the boundary (off site). The neighbouring buildings are made up of a pair of Victoria semi-detached properties to the east and a terraced block to the west.

**DETAILS OF PROPOSAL**

The proposal for is for the construction of a 3 storey apartment block with rooms in the roofspace, which would contain 14 apartments.

## **RELEVANT HISTORY**

This scheme is very similar to that approved under application 08/0818P, which granted planning permission for 13 Apartments. In this proposal the penthouse in the roof has been subdivided to create an additional apartment. It should be noted that an application for Conservation Area Consent for the demolition of Nuneham was approved under application 03/0021P on 09.04.03.

08/0818P	ERECTION OF 13 APARTMENTS Approved 04/07/08
03/0020P	Full Planning. DEMOLITION OF EXISTING BUILDING AND ERECTION OF 11 APARTMENTS. Approved with conditions 16/04/03
03/0021P	Conservation Area Consent. DEMOLITION OF EXISTING BUILDINGS ON SITE. Approved with conditions, 16/04/03

## **POLICIES**

### **Regional Spatial Strategy**

Relevant Policies consist of Regional Spatial Strategy Policies EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets), DP1 (spatial Principles), DP6 (Marry Opportunity and Need), and DP7 (Promote Environmental Quality).

### **Local Plan Policy**

Macclesfield Borough Local Plan Policies NE11 (Nature Conservation), BE1-3 (Design and Conservation Area), RT5 (Open Space Standards), H1 and H2 (Housing Phasing and Environmental Quality in Housing Developments), H5 (Windfall Housing Sites), IMP1 (Implementation Policy), DC1 (New Build), DC3 (Amenity), DC5 (Measure to Improve Natural Surveillance and Reduce Risk of Crime), DC6 (Circulation and Access), DC8 (Landscape), DC9 (Tree Protection), DC35 (Materials), DC37 (Landscaping), DC38 (Space, Light and Privacy), DC40 (Children's Play Provision and Amenity Space), and DC63 (Contaminated Land). In addition, the Supplementary Planning Guidance documents Restricting the Supply of Housing and Section 106 Agreements are of particular relevance.

### **Other Material Considerations**

National Planning Guidance in the form of: -

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS5: Planning for the Historic Environment

PPS5: Planning for the Historic Environment was published in March 2010. The schemes, which were submitted under 03/0021P, 03/0020P and 08/0818P were accompanied by a comprehensive Design Statement, which is considered to embrace the principles embodied within PPS5 in terms of consideration of the heritage asset.

Within this assessment due regard should also been afforded to the Ministerial statement on Planning for Growth (March 2011), which notes that, "The Government's clear expectation is

that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy." The statement confirms that the Secretary of State will "attach significant weight to the need to secure economic growth and employment." Similarly, regard should also be had to the Draft National Planning Policy Framework, which reiterates the presumption in favour of sustainable development.

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

**Strategic Highways Manager:** No objections are raised to the application. The additional unit has been adequately catered for by the provision of 2 additional parking spaces.

**Green Space Parks Officer:** Formal comments are awaited, however, it is not anticipated that there will be any objections taking into account the previous comments on similar applications on this site.

**Environmental Health** – No objections, subject to conditions which will restrict the hours of construction, limit the hours of any pile driving and ensure that any remedial measures required by the submitted reports are implemented.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Not applicable.

## **OTHER REPRESENTATIONS**

1 letter has been received from the occupant of the neighbouring property to the west of the application site. The neighbour seeks clarification that the west facing kitchen windows will be top hung and obscurely glazed in a similar fashion to the previous permission 08/0818P.

## **APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement, covering letter and revised Heads of Terms for a legal agreement have been submitted in support of the application. These are available for inspection on the planning file. Effectively, the covering letter confirms that the application is for the erection of 14 apartments with associated car parking. The letter confirms that Demolition has taken place and a material start has been made on site and explains the difference between the 2008 scheme and this new proposal. The applicant also explains that changes revolve around the market preferences in the current recession and that there would appear to be little market for the larger type of apartment as originally proposed in the roof space.

## **KEY ISSUES**

As noted above, members are reminded that two schemes have previously been approved on this site. The first was for 11 apartments, which was approved in 2003 (application 03/0021P) along with Conservation Area Consent (application 03/0020P) for the demolition of the buildings that existed, which, as noted, have now been demolished. The second application was for 13 apartments, which was approved in 2008 (under application 08/0818P). The key

issue is whether or not the proposed scheme has any greater impact than the approved scheme in respect of: a) amenity of neighbouring properties; b) design / character and appearance of the Conservation Area; c) highway safety; d) landscaping and nature conservation (including trees) and e) environmental considerations.

The main differences between the current application and that approved in 2008 are as follows:

- 14 apartments rather than 13
- An additional flat in the roof space to form 2 units to replace the large penthouse unit previously approved.
- Modifications to the roof at the rear – replacing one dormer window with a larger dormer window (central to the rear elevation) with two smaller dormers either side.
- A rearrangement of the central three windows at second floor level on the rear elevation.
- A slight increase in the size of the two dormer windows in the roof on the front elevation.
- The addition of two windows each side of the second floor bay windows on the front elevation.
- A change to the internal arrangement of the third floor to form the extra flat.
- An alteration to the Section 106 Agreement to take into account for the additional flat in terms of an open space payment.
- Adjustment to the site plan to include additional car parking and relocate the bin and cycle stores. 21 parking spaces are now proposed rather than 19 as previously proposed. These have been accommodated by adding an additional tandem (end to end) set of car parking spaces.

It is noted that the size of the proposed building is the same to that in the original scheme and that the proposed access arrangements and turning area to the front are identical to those previously approved.

## **RELEVANT PLANNING POLICIES**

The principle of demolishing the existing building on the site and the erection of a new development comprising 13 apartments has previously been accepted. The site is located within a Predominantly Residential Area that lies within the Prestbury Road Conservation Area, as defined in the Macclesfield Borough Local Plan. Hence, residential uses are acceptable in principle. The application needs to be assessed against the following Local Plan Policies: NE11 (Nature Conservation), BE1 (Design Guidance), BE2 (Preservation of Historic Fabric) and BE3 (Conservation Areas) which relate to the quality of design and the preservation and enhancement of the historic fabric of the Borough; DC1 (New Build), DC3 (Amenity) and H13 (Protecting Residential Areas) seek to protect residential amenity and the character and appearance of the area, including the street-scene; DC6 (Circulation and Access) requires access & circulation to be adequate and safe; DC8 and DC9 (Tree Protection) seek to protect trees and provide appropriate landscaping; DC38 (Space, Light and Privacy) recommends certain standards of space, light & privacy; DC40 (Children's Play Provision and Amenity Space) relates to the provision of such facilities; DC63 (Contaminated Land Including Landfill Gas) seeks to control any contamination; H1 (Phasing Policy) seeks to ensure sufficient housing is provided during the life of the Local Plan.

## **DESIGN**

Overall, the design is considered to be acceptable. The alterations to the front elevation are relatively minimal, as they result simply in the addition of two windows either side of the second floor French windows, above the bay windows at ground and first floor levels. In addition, the two front dormers have been slightly increased in size.

The roof has been altered at the rear to allow the addition of an apartment in the roof space. The previously approved scheme 08/0818P granted consent for 1 no. dormer in the rear roof slope. This scheme seeks a more substantial central box dormer with two dormers either side which are more subservient. It is considered on balance that these are acceptable. The other design change is a rearrangement to the central three windows at second floor level. The Conservation officer raises no objections to these alterations.

## **AMENITY**

The alterations proposed under this scheme will have no further impact on the neighbours amenity than the development approved under application 08/0818P.

## **LANDSCAPING AND TREE IMPLICATIONS**

As the development principle in terms of adjacent off site tree cover and car parking has already been established following approval of applications 03/0020P and 08/0818P, the Arboricultural Officer has no objections subject to conditions requiring the protection of the trees adjacent to the northern boundary of the application site and including a construction method statement for the car park. The new submission would appear to offer a marginally better relationship with off site trees to the north with the parking spaces brought further into the site, south, away from the trees.

## **HIGHWAY AND TRANSPORT IMPLICATIONS**

The extant consent has 19 car parking spaces and as part of this application there is an increase in 2 spaces for the additional unit. Given the existing permission, the Strategic Highways Manager would see no reason to raise objections for the additional of one unit, as it provides an additional two car spaces within the site. It is noted that no other alterations are proposed as part of the development.

## **ENVIRONMENTAL FACTORS**

It is noted in the Design and Access Statement that some initial site investigations have been undertaken in respect of contaminated land. The Environmental Control Officer (Contaminated Land) has liaised with the Agent regarding surveys undertaken to date and their findings. It is considered that further investigations need to be undertaken. Consequently, the Environmental Health Department have no objections, subject to conditions requiring further contaminated land investigations and taking appropriate action if required. In addition, an hours of construction condition and condition to control the hours of any pile driving (should it be required) are requested to protect the amenity of neighbouring

properties. The above conditions are considered to be perfectly reasonable and necessary in this instance.

## **OPEN SPACE**

A Section 106 Agreement will need to be completed to contain requirements for commuted payments for off site Provision of Open Space and Recreation/Outdoor Sport facilities. The previous scheme (08/0818P) was accompanied by a Section 106 Agreement which necessitated a payment of £39 000 to be used to implement the parks strategy in West Park and a sum of £6 500 to be used to implement the parks strategy in three town centre parks for recreation and outdoor sports facilities. It is necessary to take into account the additional apartment and as a result, the amount required will increase to £42 000 to cover the deficiencies in the provision of Open Space and amenity land within the development and £7 000 to cover the deficiencies in the provision of Recreation and Outdoor Sports facilities within the development. The developer is agreeable to this and the matter would be formalised by way of a new Section 106 Agreement.

## **OTHER MATERIAL CONSIDERATIONS**

The comments made by consultees have been addressed in the report above. The comments of the neighbour are noted with regard to protecting his amenity to the west of the application site. It can be confirmed that a condition is recommended (should permission be granted) which will ensure that the windows along this elevation are top hung and obscurely glazed in accordance with the requirements of application 08/0818P.

## **HEADS OF TERMS**

The Section 106 agreement would need to contain requirements for the following: -

- Commuted payments towards sport and recreational facilities in the town.

## **LEVY (CIL) REGULATIONS**

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

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

The commuted sum to be paid to the Council to make additions, alterations and improvements to the existing facility at West Park, South Park and Victoria Park, which are in need of substantial works to ensure they provide opportunities for all parts of the community including the new residents.

On this basis the provision of the commuted sum is necessary, directly related to the development and is fair and reasonable in relation to the scale and kind of development.

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

It is considered that the impact on the conservation area, trees, street scene, neighbours and the highway is acceptable. This scheme complies with the policies contained within the Development Plan. The proposal represents a comparatively minor alteration to earlier planning permissions and there is no change in circumstances or policy that would warrant a refusal of planning permission. The proposal accords with the Government's statement on Planning for Growth as approval of this development will allow the developer to alter a recent planning permission in response to market conditions in a way that is sustainable and compliant with policy.

## **RECOMMENDATION**

Approve, subject to conditions and a Section 106 Agreement.

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A10EX - Rainwater goods
4. A22GR - Protection from noise during construction (hours of construction)
5. A07HA - No gates - new access
6. A01HP - Provision of car parking
7. A02HA - Construction of access
8. A11LS - Implementation of landscaping scheme submitted with application
9. A04LS - Landscaping (implementation)
10. A02TR - Tree protection
11. A03TR - Construction specification / method statement
12. A25GR - Obscure glazing and opening requirement
13. A30HA - Protection of highway from mud and debris
14. A17EX - Specification of window design / style
15. A22EX - Roofing material
16. Materials - external surfaces
17. Door and window details
18. Pile driving
19. Turning facility
20. Reinstating footpath
21. Areas of hardstanding
22. Cycle store

- 23. Restriction of plant usage
- 24. Contaminated Land
- 25. Visibility splays
- 26. Provision of parking area within the site for contractors vehicles
- 27. Provision of parking area within the site for contractors vehicles
- 28. Retention and re-use of gate pillars



