

Application No: 12/1485M

Location: Adjacent No. 16, BELL AVENUE, SUTTON, MACCLESFIELD, SK11 0EE

Proposal: Demolition of Existing Garages and Erection of Four New Three Bedroom 5 Person 2 Storey Houses.

Applicant: Peaks & Plains Housing Trust

Expiry Date: 08-Jun-2012

SUMMARY RECOMMENDATION:

Approve subject to S106 legal agreement and conditions

MAIN ISSUES:

- Principle of development
- Scale, design and layout
- Impact on residential amenity
- Highways and parking
- Trees and landscaping
- Ecology
- Land contamination

REASON FOR REFERRAL

This application is included on the agenda of the Northern Planning Committee as it was called in by Councillor Gaddum for the following reasons:

'The application has proved highly controversial in the Parish, due to the small nature of the plot, the already severe highways problems re: access to the school, and many highways/parking issues. As a result, I believe it would be in the public interest for this application to be heard by committee.'

DESCRIPTION OF SITE AND CONTEXT

This application site consists of 10 garages and a grassed area containing a number of trees. The site is located at the end of Bell Avenue adjacent to no.16 which lies to the south west and Hollinhey Primary School to the north east. To the south east is Lane Ends Farm.

The site is located in the North Cheshire Green Belt and Peak Park Fringe Area of Special County Value (ASCV).

DETAILS OF PROPOSAL

The application seeks permission for the demolition of the existing garages and the erection of four no. three bedroom properties. The houses would be semi-detached two storey units and would be owned by Peaks and Plains Housing Trust (a Registered Social Landlord (RSL)) who would rent the houses at an affordable rate.

Access to plots 1 and 2 would be taken from the existing turning circle with plots 3 and 4 taking access from Bell Avenue. One parking space would be provided to the front/side of each house. The existing access would be retained with an additional 4 parking spaces provided for visitors/occupiers between plot 4 and 16 Bell Avenue.

RELEVANT HISTORY

No relevant planning history

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Making the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility
DP7 Promote Environmental Quality
RDF1 Hierarchy of spatial priorities
RDF2 Rural Areas
RDF 4 Green Belts
L2 Understanding Housing Markets
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Strategies for managing travel demand and regional parking standards
EM1 Objectives for protecting the Region's environmental assets

Local Plan Policy

NE1 Areas of Special County Value
NE11 Protection and enhancement of nature conservation interests
BE1 Design Guidance
GC1 Green Belt - New buildings
H1 Phasing Policy (Housing)
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H8 Provision of Affordable Housing
H9 Affordable Housing
H13 Protecting Residential Areas
DC1 Design (New Build)
DC3 Amenity
DC6 Circulation & Access
DC8 Landscaping
DC9 Tree Protection
DC35 Materials and Finishes
DC37 Landscaping
DC38 Space, Light & Privacy
DC41 Infill Housing Development or Redevelopment

Other Material Considerations

National Planning Policy Framework

Cheshire East Council Interim Planning Statement on Affordable Housing (2011)

SPG Planning Obligations (Macclesfield Borough Council)

CONSULTATIONS (External to Planning)

Highways

The Strategic Highways Manager has assessed the application, the comments are summarised below:

- There is an existing problem with on-street parking associated with the school during pick up and drop of times.
- Bell Avenue is not suited for on-street parking due to its narrow carriageway
- The development would not increase parking demand at school times
- It would have little traffic impact given it is for 4 dwellings
- The parking provision is acceptable
- Raised concern that if the garages are used by residents of Bell Avenue, their loss would result in an increase in on-street parking thus increasing the existing problems.
- Requests clarification regarding the current use of the garages

Environmental Health

The hours of construction of the development (and associated deliveries to the site) shall be restricted to 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays.

Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to 0830 to 1730 Monday to Friday and 0830 to 1300 on Saturdays.

Following a site visit additional comments were provided:

It has been noted that there is a potentially significant noise source close to the proposed residential development. This noise source appears to be a mechanical noise associated with a chiller/air conditioning unit(s). Due to the very quiet back ground noise level in the area and the dominant noise source it is recommended that:-

No development shall commence until a scheme for protecting the proposed dwellings from local noise sources has been submitted to and approved by the Local Planning Authority; all works which form part of any mitigation scheme shall be completed before any of the dwellings are occupied, amelioration proposals may include glazing/ventilation, layout and orientation on the development or where possible joint working to address the noise at source etc.

Contaminated Land

This section has no objection subject a condition requiring a Phase II Investigation prior to the commencement of development.

United Utilities

Do not object provided the following are met:

- No surface water discharged to the foul/combined sewer network
- The site must be drained on a full separate sewer system, with only foul drainage connected to the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer.
- A public sewer crosses the site. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, will be necessary.

VIEWS OF THE PARISH COUNCIL:

The Parish Council object to the proposal on the following grounds:

- The access (Bell Avenue) does not meet current highway standards in respect of width, therefore, new development should not be allowed unless current highway width standards can be achieved.
- The proposed development is within the Green Belt and the claimed justification for affordable housing for 5 person families with a strong local connection to the Parish is not considered a special circumstance and appears to be somewhat doubtful bearing in mind the need is not demonstrated when consideration is being given by the Parish Council to the letting of other affordable housing within the Parish.
- The design and materials proposed for the new houses is out of keeping with the existing houses within Bell Avenue and local vicinity.
- The location of the site for the erection of four dwellings is totally inappropriate and will significantly increase the vehicle congestion and parking requirements by the loss of 10 garages and introduction of a further planned 8 vehicles which is most likely to have a serious detrimental effect upon access for larger vehicles generally and emergency service vehicles especially to Hollinhey Primary School which may result in extremely serious consequences.
- The planned development totally destroys the only public open green space within the entire residential complex, together with numerous mature trees, which is vital to the social development and integration of existing families especially children. More open space should be afforded to such housing sites not destroying the only existing area available.
- The close proximity of the residential units to the boundary and buildings of a commercial operation on Walker Lane raises serious issues on the quality of life for future residents bearing in mind the adverse impact of the permitted noise level (whether noise mitigation measures are introduced or not) and imposing commercial buildings will have on the effective use of the below standard extremely small rear gardens.
- The recommendation by Cheshire East Highways not to have vehicular access directly onto a turning circle has been totally disregarded the consequences of such are likely to raise serious traffic hazards during peak school times that could have serious devastating consequences as younger children negotiate access to or egress from the School.
- There is some doubt, but it is most likely, that the provision of the garage site was part of the planning conditions when the site was developed and the statement made within the Design and Access Statement that the garages are redundant and not presently used by local residents for garaging purposes is totally untrue.
- The consultation process with the local community and Parish Council overwhelmingly demonstrated fierce opposition to the proposed development which appears to have been dismissed without due consideration.

- The Parish Council fully supports the large number (127+) individual objections submitted expressing opposition to the proposed development.
- The proposed development is ill conceived, supported by fundamental inaccuracies and is totally inappropriate, unjustified, and adversely detrimental to the wellbeing of existing residents and immediate locality.

OTHER REPRESENTATIONS:

A significant number of objections have been received in relation to the application; 135 in total. The majority have been submitted on a standard letter created by the Bell Avenue Residents Group. A summary document of the responses made via the standard letter has also been provided by the chairperson of the residents group. The standard letter contained the following options, the percentage figure being that taken from the summary document in terms of how many of the respondents objected on that issue:

- Health and safety of school children (96%)
- Restricted access for Emergency Services to the school and adjacent properties (86.6%)
- Increased traffic congestion (100%)
- Loss of parking and garages (85.8%)
- Loss of grassed area and trees (environmental concerns) (77.9%)
- Over development of the area (79.5%)
- Historic lack of uptake for affordable housing by truly local people (55.1%)

33% of respondents also raised other issues, and objections were also received which were not on the standard letter, that included:

- The site is in the Green Belt and there is no justification for the development
- No consideration has been given to alternative sites
- Noise nuisance from the refrigeration units at the rear of the site.
- The development does not meet the distance guidelines and is substandard
- The area is used by children as a playspace
- The design and materials would not be in keeping with those on Bell Avenue
- Greater demand on services

APPLICANT'S SUPPORTING INFORMATION:

The following documents have been submitted in support of the application, full copies of which are available to view on the application file:

- Design and Access Statement
- Site photographs
- Phase 1 Desk Study
- Existing services information
- Tree Survey/Report
- Arboricultural Implications Assessment
- Details of pre-application consultation with the Local Community and Local Authority
- Ecological Survey and Report
- Landscape Scheme
- PPS3 Housing Self Assessment checklist

OFFICER APPRAISAL

Principle of Development

The National Planning Policy Framework (NPPF) states at paragraph 89 that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. However there are a number of exceptions to this, including '*limited affordable housing for local community needs under policies set out in the Local Plan*'.

Paragraph 3.10 of the Interim Planning Statement on Affordable Housing advises:

"Proposals must be for small schemes appropriate to the locality and consist in their entirety of subsidised housing that will be retained in perpetuity for rent, shared ownership or in partnership with a RSL. In all such cases they must be supported by an up-to-date survey identifying the need for such provision within the local community.... Unless the survey indicates a need for such provision, planning permission will not be granted".

The Interim Planning Statement on Affordable Housing goes on to state, at paragraph 7.1, that planning permission may be granted for rural exception sites where:

- The site adjoins the settlement boundary of a village or is within a village with no settlement boundary;
- There is an identified need for affordable housing in that village or locality;
- All the proposed housing is affordable, for people with a local connection and will remain affordable in perpetuity;
- The development is in accordance with other local plan policies.

The application site is within the village of Sutton, which is washed over by Green Belt.

As the application has been submitted as a rural exceptions site it is necessary for there to be a proven housing need. A Rural Housing Needs Survey was carried out in late 2011 by Cheshire East Council covering the Parish of Sutton. The survey identified a total of 29 hidden households (households which have at least 1 adult in the household who wished to form a separate household) and 9 returning households (people who have moved out of the area in the last five years because they could not afford to rent or buy in the Parish but would like to return), indicating a need for 38 new affordable units in the Parish.

Additionally, the Affordable Housing Officer has confirmed information from Cheshire Homechoice (the Choice Based Lettings system used to allocate social and affordable rented housing across Cheshire East) shows that there are currently 38 applicants who have selected Sutton as their first choice, 34 of which have verified local connection to Sutton.

There has been no delivery of affordable housing in the Parish since the Rural Housing Needs Survey. It is noted that there is currently a large application under consideration at the Rieter Scragg/Langley Works site in Langley (ref: 11/2340M) which would provide an element of affordable housing, however if this was to be approved and if it provided 30% affordable housing, this site in addition to the four proposed houses under this application, would still not be sufficient to meet the identified need.

The applicant is a Registered Social Landlord who will rent the houses at an affordable rate. This would need to be in perpetuity in accordance with the Interim Planning Statement on Affordable Housing. Additionally occupancy would need to be restricted to people with a local connection, either living or working in the locality or with other strong links. The locality is generally taken to be the Parish within which the site lies. Also to ensure an adequate supply

of occupiers in the future, the Council will expect there to be a "cascade" approach to the locality issue appropriate to the type of tenure. This would need to be secured via a legal agreement in accordance with the Interim Planning Statement should members be minded to approve the application.

As noted above the provision of affordable housing to meet local needs need not be inappropriate development in the Green Belt where that need has been demonstrated. It is considered this need has been demonstrated and it is not considered the proposed 4 units would be out of scale with the village. The proposal is therefore compliant with Green Belt policy.

Scale, Design and Layout

The proposal is for two-storey, three bedroom semi-detached houses. Residential properties on Bell Avenue consist mainly of semi-detached properties of modest proportions with a mix of brick and render with roofs predominantly tiled with red clay tiles or profiled concrete tiles. The proposed dwellings would be part brick, part render with red concrete interlocking tiles. There would be sections of timber cladding on the front elevation. The materials proposed are considered to be in keeping with the locality although a condition should be imposed requiring details of materials should Members approve the application. The size, scale and character of the dwellings are in keeping with other properties on Bell Avenue and would sit comfortably in the wider street scene.

The rear garden areas would be somewhat small, particularly in comparison to the existing properties on Bell Avenue, however sufficient space would be provided for basic needs and it is not considered that more could reasonably be asked for.

Residential Amenity

Policy DC38 of the Local Plan requires new housing development to meet minimum spacing standards for space, light and privacy. Where a habitable room faces a habitable room in the front elevation of another property a distance of 21 metres is advised. The front elevation of the proposed housing would contain bedroom windows at first floor level and a window serving the kitchen/dining room at ground floor level. A distance of at least 26 metres would be retained to the front of the properties on the opposite side of Bell Avenue (no's 9-15). There are no side facing windows at 16 Bell Avenue or in the house at plot 4. In accordance with Policy DC38 this proposal would not result in a significant loss of residential amenity.

There is a potentially significant noise source from the refrigeration units at Lane Ends Farm. As such the Environmental Health department have recommended a condition requiring a scheme for protecting the proposed dwellings from local noise sources to be submitted before development commences. Addressing the noise at source would represent the ideal solution however as this is not within the applicant's control and therefore any measures would have to be incorporated into the development.

The Council's Environmental Health department have also recommended conditions restricting the hours of construction to 0800-1800 Monday to Friday and 0900-1400 on Saturdays to protect local residents from undue noise and disturbance during construction. Likewise they have recommended a condition restricting any foundation or other piling to 0830-1730 Monday to Friday and 0830-1300 on Saturdays. These conditions are considered

reasonable and should Members be minded to approve the application it is recommended these conditions are imposed.

Highways and Parking

As previously stated the site is located at the end of Bell Avenue in close proximity to Hollinhey Primary School which is located at the very end of Bell Avenue. Objections to this application have advised that there is an existing problem with on-street parking during drop off and pick up times. The application site is currently used by parents at these times for parking and turning, as is the existing turning head. Bell Avenue has a narrow carriageway and is therefore not suited to on-street parking. This is an existing problem however and as stated by the Strategic Highways Manager, the assessment of the highway impacts of this application needs to focus on whether it would result in a worsening of the current situation to the detriment of highway safety.

The proposed development would not lead to an increase in parking demand at peak times for the school and would not have a significant traffic impact given the proposal is for four units. One parking space is provided to the front/side of each dwelling with four number spaces to the side of the site for additional parking and/or visitors. This is a 200% parking provision which the Strategic Highways Manager has advised is acceptable for this site.

The key consideration in terms of highway safety is therefore whether the loss of the garages would lead to an increased demand for on street parking along Bell Avenue and additionally whether this would significantly worsen the existing problems relating to the school. The Strategic Highways Manager has asked for clarification with regard to the use of the existing garages. The applicant has confirmed that three of the garages are rented to occupiers of properties on Bell Avenue. The proposal could therefore potentially result in the displacement of a maximum of three cars onto Bell Avenue, however it is noted that the garages are very small in size and unkept with overgrown grass to the front. As such it is considered unlikely that the garages are used for the parking of cars. In view of the above it is not considered that a substantial reason for refusal could be justified on highways grounds.

The applicant has also advised that they can serve one month's notice to the tenants of the garages at any time. This is not a determining factor although it does highlight that the garages cannot be relied upon in perpetuity to provide off-street parking.

Trees and Landscape

Part of the site is currently occupied by a number of early mature/mature trees. A Tree Survey/Report and Arboricultural Implications Study have been provided with the application. Eight trees have been identified, only two of which are to be retained, one to the front of plot 2 and one to the rear of plot 1.

Standing on the eastern boundary and identified as T6 to T8 in the Tree Report are a linear group of three trees. The Council's Arboricultural Officer has confirmed that T8 is dead and requires removal regardless of the development and the two other trees exhibit signs of reduced vigour and vitality. These symptoms are supportive of trees in decline, and which cannot be considered as a long term amenity feature.

The remaining five trees form a collective group in the centre of the site. The Arboricultural Officer has noted that the trees would have benefited from pro-active management in terms of

selectively thinning of the group to promote the more desirable specimens. This has not taken place and the canopies now form a single mass with minimal space available for future growth.

As stated above, the proposals retain two trees, T3 and T8. The Arboricultural Officer has questioned the long term viability of T8 and also stated that the social proximity of T3 is extremely poor in relation to the front elevations of plots 2 and 3. This would inevitably lead to ongoing issues of maintenance and the view may be that removal would be the most cost effective way of managing the situation.

Whilst the loss of these trees would be regrettable they are considered to be low value specimens (with reference to BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations), of limited merit, and without any significant collective value. Views of the trees are primarily from Bell Avenue with filtered glimpses from Walker Lane. The Arboricultural Officer does not consider formal protection under a Tree Preservation Order appropriate.

In order to mitigate the potential loss of all eight trees a significant specimen landscape scheme would be required. However careful consideration is required in terms of species selection given the restrictive nature of the site. Furthermore planting in close proximity to the buildings would have no long term viability. The submitted landscaping scheme does propose some tree planting, however in light of the concerns raised above, and as a result of comments received from the Landscape Officer, the submitted landscaping scheme is not acceptable in its present form. This matter can however be dealt with by condition and therefore should members be minded to approve the application it is recommended a condition is imposed.

Ecology

An Ecological Survey and Report prepared by Simply Ecology has been submitted with the application. It concludes that no evidence of bat activity was found nor were there signs of opportunities for bats to exploit the garages or trees on the site.

The Council's Nature Conservation Officer has noted that the site seems to be of very low nature conservation value and it is not anticipated there being any significant protected species issues associated with the development.

If Members are minded to approve the application it is recommended that a condition is imposed to safeguard breeding birds by requiring a detailed survey to check for nesting birds prior to the commencement of any development between 1st March and 31st August in any year.

Land Contamination

The site is currently used for garaging and therefore there is potential for contamination of the site. The proposed end use (housing) is considered a sensitive use. A Phase 1 Desk Study has been submitted with the application which recommends a preliminary Phase II intrusive site investigation be carried out. The Land Contamination Officer has recommended a condition requiring a Phase II investigation prior to the commencement of development.

Other Matters

United Utilities has commented that there is a public sewer that crosses the site. They have advised that the site layout should be changed accordingly or otherwise a sewer diversion would be necessary at the applicant's expense.

The applicant is aware of the public sewer and was taken into account when designing the scheme. It is considered that the safeguarding of a public sewer is a private matter between United Utilities and the applicant and therefore not considered to be a reason for which the application could be refused. However given other comments received from United Utilities a condition should be imposed requiring details of the proposed drainage.

CONCLUSION

A need for affordable housing in the Parish of Sutton has been demonstrated through the Rural Housing Survey (RHNS) carried out in 2011. No affordable housing has been provided in Sutton since the RHNS and even when taking into account other potential affordable housing at the Rieter Scragg site, the need would not be satisfied. The design of the dwellings is consistent with the surrounding properties and they would sit comfortably in the street scene. The dwellings would not result in significant loss of amenity at neighbouring properties. The proposal would result in the loss of existing garaging on the site however, as demonstrated above, this would not have a significant impact on highway safety by increasing on-street parking.

Taking the above into account the application is considered acceptable and in accordance with the relevant policies in the development plan.

Members are therefore recommended to approve the application.

LEGAL AGREEMENT - HEADS OF TERMS

All four dwellings are to be made affordable in perpetuity. The dwellings shall be made available through a Cascade Provision to residents in genuine need who have a Local Connection. It is recommended that the following Cascade Provision is incorporated into the legal agreement:

The selection of prospective Occupiers given priority in the following order:

1. Residents of the Parish of Sutton
2. Residents of Adjoining Parishes
3. Residents of Cheshire East

Local Connection shall be defined as a person who has:

- i. A minimum period of 5 years permanent residence in the relevant area of the Cascade Provision, or
- ii. A strong local connection including a period of residence of 5 years or more within the last ten years in the relevant area of the Cascade provision, or
- iii. A minimum period of 2 years permanent residence in the relevant area of the Cascade Provision, or
- iv. An essential functional need to live close to his or her work in the relevant area of the Cascade Provision

And priority shall be given to prospective occupiers in the order as set out above, provided that this is in accordance with the priorities set out in the Cascade Provision to ensure a

prospective Occupier from the Parish shall take precedence over a prospective Occupier from an Adjoining Parish, as so forth through the categories contained within the Cascade Provision.

Application for Full Planning

RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Submission of landscaping scheme
5. Landscaping (implementation)
6. Protection from noise during construction (hours of construction)
7. Protection for breeding birds
8. Decontamination of land - Phase II investigation
9. Details of drainage
10. Details of boundary treatment
11. Removal of permitted development rights
12. Protection from noise during construction (hours of any piling necessary)
13. Scheme for the protection of residents from local noise sources

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