

Application No: 13/0085M

Location: Peacock Farm, Wilmslow Road, Handforth, Macclesfield, Cheshire, SK9

Proposal: Residential development consisting of a total of 23 dwellings, including 10 apartments and 13 houses and ancillary car parking. Outline Planning

Applicant: Pensycor Ltd, Pensycor Ltd

Expiry Date: 15-Apr-2013

Date Report Prepared: 15 March 2013

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Whether the proposal is acceptable in the Green Belt
- The impact on the character of the area
- The impact the amenity of adjoining residents and future occupiers of the residential units proposed
- Whether access and parking arrangements are suitable
- The impact of the proposal on existing trees and landscaping
- The sustainability of the proposal

REASON FOR REPORT

The application is for the erection of 23 residential units, and under the Council's Constitution is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The site comprises an area of vacant land, some of which was previously occupied by farm buildings. There are a number of trees at the northern end of the site protected by Tree Preservation Order. This northern section of the site is located within the Green Belt with the remainder of the site being located within a predominantly residential area as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks outline planning permission for 23 residential units comprising 10 apartments and 13 houses with all matters reserved for subsequent approval.

RELEVANT HISTORY

10/1841M - Residential development consisting of a total of 24 dwellings including 9 Apartments and 15 houses and ancillary car parking and landscaping - Refused (on grounds of inappropriate development in the Green Belt, loss of privacy, lack of affordable housing, inadequate design, and impact on protected trees) 18.11.2010

11/0770M - Residential Development Consisting of 13 Dwellings and Ancillary Car Parking – Approved 02.12.2011

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Make the Best Use of Existing Resources and Infrastructure
DP7 Promote Environmental Quality
L4 Regional Housing Provision
L5 Affordable Housing
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM2 Remediating Contaminated Land
EM18 Decentralised Energy Supply

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
GC1 New Buildings in the Green Belt
H1 Phasing Policy
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H8 Provision of Affordable Housing
H9 Affordable Housing
H13 Protecting Residential Areas
T2 Integrated Transport Policy
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC35 Materials and Finishes
DC37 Landscaping
DC38 Space, Light and Privacy

DC40 Children's Play Provision and Amenity Space

Other Material Considerations

National Planning Policy Framework

Interim Planning Statement on Affordable Housing

CONSULTATIONS (External to Planning)

Manchester Airport – Not possible to make full assessment of the proposal from an aerodrome safeguarding aspect. A condition is required to ensure the development does not infringe on an of Manchester Airport's protected obstacle limitation surfaces.

Strategic Highways Manager - raises concern regarding the parking provision, the layout of the access, the layout does not demonstrate a clear adoptable boundary for the Section 38 agreement and should do so, and the internal layout needs tracking for the refuse vehicle to demonstrate appropriate accessibility for same.

Greenspace – Comments not received at time of report preparation

United Utilities – Comments not received, but on the previous application, no objection was raised to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer.

Environmental Health – No objection subject to conditions relating to noise mitigation, hours of construction, air quality and contaminated land.

Housing Strategy and Needs Manager – Object on the grounds that affordable housing provision proposed by the applicant (25% or 6 units) is inadequate. 30% affordable housing (7 units) is required in accordance with the Affordable Housing IPS.

VIEWS OF THE PARISH COUNCIL

Handforth Parish Council - Following a meeting of Handforth Parish Council it was agreed that the Council reject Application 13/0085M Peacock Farm

REPRESENTATIONS

One letter of support has been received from a resident of Brereton Road, Handforth noting that it is a sustainable form of development that will enhance this part of Handforth

One letter objecting on the grounds of loss of privacy has also been received from the occupier of 4 Peacock Way.

APPLICANT'S SUPPORTING INFORMATION

The information that has been submitted alongside the plans and drawings include:

- i) Design &n Access Statement
- i) Affordable Housing Statement

- ii) Noise Study
- iii) Planning Statement
- iv) Statement of Community Involvement
- v) Sustainability Checklist
- vi) Draft heads of Terms
- vii) Drainage Statement
- viii) Ecological Assessment
- ix) Arboricultural Impact Assessment
- x) Highways / Transport Statement

The planning statement concludes:

- Site is a redundant, derelict, brownfield site surrounded by built development on all sides
- In close proximity to public transport facilities, employment and local services
- The main part of the site has permission for 13 dwellings
- No technical reasons in term of access, contamination, arboriculture, ecology or noise to refuse the development
- The site is available immediately and can instantly respond to housing requirements recognised in the SHLAA
- The NPPF has introduced the redevelopment of brownfield sites as no inappropriate, subject to preservation of openness.
- A major dual carriageway bisects the site from the wider Green Belt, Peacock farm serves no purpose in protecting openness at all.
- Local Plan is out of date and does not conform to NPPF.
- Scale and design reflects local character
- The Council is unable to demonstrate a 5 year supply of deliverable housing sites.
- Where this is the case local plan policies are out of date, and the application should be considered in the context of the presumption in favour of sustainable development.
- Based on the limited adverse impacts on the environment and the benefits on the development in terms of delivering needed housing, including affordable housing, the proposal is sustainable development and therefore it should be approved in line with the NPPF.

OFFICER APPRAISAL

Policy

The application site is currently split into two areas, which in terms of planning policy are quite distinct from one another. The land adjoining the slip road of the Manchester Airport Eastern Link Road at the northern end of the site lies within the Green Belt; this area is where the proposed apartment block is to be located. The remainder of the site is located within a predominantly residential area and is where the dwellings will be located. This area has the extant permission for 13 dwellings.

Housing land Supply / Sustainability

The NPPF clearly states at paragraph 49 that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be

considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. The application should therefore be considered in the context of the 2013 SHLAA.

However, as part of the site lies within the green belt development may be restricted in accordance with policies in the Framework, as specified in the second bullet point of paragraph 14 noted above.

With the extant permission (11/0770M) there is recognition that part of the land is capable of development for housing. The site is also considered to be adequately proximate to Handforth district centre and its associated shops, services and public transport links, which are approximately 600 metres from the site and within walking / cycling distance. It is therefore considered that the site is in a relatively sustainable location and the principle of a residential use is accepted.

RSS policy EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable. This could be dealt with by condition.

Sustainable development is development that meets economic, social and environmental objectives. The main social and environmental considerations are highlighted in this report.

Therefore, the key questions are whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development and whether green belt policy places a restriction on granting planning permission.

Affordable Housing

The Strategic Housing Market Assessment 2010 identified that for the Wilmslow and Alderley Edge sub-area (of which Handforth is a part) there is a need for 51 new affordable units per year between 2009/10 – 2013/14, this totals a requirement for 255 new affordable homes for the period and is made up of an annual requirement for 2 x 1 bed, 17 x 2 bed, 17 x 3 bed, 9 x 4/5 beds and 6 x 1/2 bed older persons accommodation.

There are also currently 414 applicants on the housing register on Cheshire Homechoice who have selected Handforth as their first choice. These applicants require 122 x 1 bed, 179 x 2 bed, 80 x 3 bed & 8 x 4 bed (25 applicants haven't specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The applicant is currently offering 6 dwellings as affordable housing this does not meet the requirements of the IPS. 30% of the 23 units proposed on this site would be a requirement for 7 units to be affordable with 4 social/affordable rented units and 3 intermediate units.

Green Belt

Inappropriateness

The proposed apartment block and part of the garden of plot 1 are located within Green Belt. Paragraph 89 of the Framework states that the construction of new buildings within the Green Belt is inappropriate unless it is for one of the listed exceptions. Local Plan policy GC1 is broadly consistent with paragraph 89, but it is acknowledged that the Framework expands the list of exceptions to include the redevelopment of previously developed sites (brownfield land).

The applicant suggests that the proposal qualifies as an exception as either limited infilling or the redevelopment of a previously developed site, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The supporting planning statement states that historical maps, site investigation and topographical surveys show that there was previously a property lying within the Green Belt area of the site. No planning history has been found relating to such a structure. Even if it is accepted that there was once a property there, the likelihood is that it would have been residential or agricultural in use. Both of which are excluded from the definition of previously developed land. There is no firm evidence to demonstrate that the site is previously developed land, and is therefore not considered to be such.

In terms of infilling, this is defined in the glossary to the local plan as "*the filling of a small gap in an otherwise built up frontage*". This is a situation that does not apply in this case.

The proposal is therefore considered to be inappropriate development in the Green Belt, which is harmful by definition. Very special circumstances are therefore required to outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm.

Other harm

A four-storey apartment block is proposed on the part of the application site within the Green Belt. The Green Belt part of the application site serves an important function in maintaining a degree of openness on the approach to the settlement of Handforth. The construction of a very substantial four-storey apartment block in this location would significantly reduce the openness of the narrow Green Belt in this location.

One of the purposes of including land in the Green Belt is to prevent neighbouring towns from merging into one another. The Green Belt between Handforth and the Greater Manchester conurbation is extremely narrow in the vicinity of the application site. The A555 Manchester Airport Eastern Link Road (MAELR) cuts east-west through this narrow band of Green Belt and currently terminates immediately to the north of the site at the Wilmslow Road roundabout. The semi-mature tree belt along the southern side of the MAELR corridor and the mature trees on the northern part of the application site form a continuous wooded belt along the northern edge of Handforth which wraps around the Wilmslow Road junction and forms a valuable buffer that screens the Spath Lane residential area on the edge of Handforth and separates the urban area from the Green Belt.

The applicant suggests that the inclusion of the site within the Green Belt is an anomaly left over as a result of the development of the MAELR and that the site should be read against the urban backdrop as it is an isolated small wedge between the urban area of Handforth and the MAELR. However, the site's inclusion in the Green Belt is not considered to be an anomaly. The detailed Green Belt boundaries in this area were defined in the 1988 Wilmslow Area Local Plan, at which time the MAELR was a proposed scheme. The A555 opened in 1995 and Green Belt boundaries were reviewed for the 1997 Macclesfield Borough Local Plan. The Green Belt boundary in this location has consistently not been altered.

Members will be aware that the airport link road (now known as SEMMS) is moving forward and is at consultation stage. The proposed route will continue the A555 west to the airport.

Very Special Circumstances

When making this decision, members must give substantial weight to the harm to the green belt.

The applicant is currently preparing a very special circumstances statement that will be reported to members as an update. It is for the applicant to demonstrate that such very special circumstances exist. Such circumstances will only exist if the harm by inappropriateness, and any additional harm, is clearly outweighed by other considerations.

Design and site layout

An indicative layout has been submitted, which shows the dwellings set out in a very similar format to that approved under application 11/0770M, and as such is broadly acceptable.

As noted above, concerns are raised that the proposal will have a significant impact upon the openness of the Green Belt, not least because of the indicative four-storey appearance of the apartment building. The preference would clearly be for the Green Belt area to remain open, allowing the onsite trees to provide a softer setting to this gateway to Handforth.

It is acknowledged that Hampton Court on the opposite side of Wilmslow Road is a three-storey building which may suggest that more than two-stories would reflect the character of the area. However, Hampton Court is partially screened by vegetation when viewed from the north, and the proposed apartment block is indicated to be four-storeys, and higher than Hampton Court. Due to the outline nature of the application, it is difficult to object on the grounds of the impact upon the character of the area, however, the scale of development on this very prominent corner, without any real scope for landscaping to the front would be a very dominant form of development and does raise concern over its potential impact, having regard to policies BE1 and DC1 of the Local Plan.

Trees / landscaping

There is a blanket tree preservation order across the northern (Green Belt) section of the site. Since the previous refusal, when one of the reasons was the impact of the proposal on protected trees, consent has been granted for the removal of a number of trees, which have now been removed in accordance with that consent. However a number of protected trees do still remain on the site.

Comments from the arboricultural officer are awaited, but the indications are that there may be some concern over whether the proposal can be accommodated without having a significant impact upon the remaining protected trees. Further information on this issue will be provided in an update.

Ecology

The Nature Conservation Officer advises that the application is supported by an acceptable Ecological Assessment. There do not appear to any significant protected species issues associated with the proposed development; however the northern part of the site does support a number of trees that have been identified as contributing to a minor local wildlife corridor. It is recommended that all of the trees on site should be retained and that the landscaping scheme should include additional native species planting to mitigate for any loss of existing vegetation. Native species hedgerows are also recommended by the submitted report as a means of enhancing the ecological value of the proposed development. This matter may be dealt with by means of a landscape condition if outline consent is granted.

In addition if permission is granted the conditions should be attached to ensure that breeding birds are protected and to ensure that additional provision is made for breeding birds and roosting bats.

Highways

The Strategic Highways Manager has commented on the application and raised the following concerns:

- Parking provision has reduced against the previous application and against the considerations of the Localism Bill and the emerging new highway authority parking standards do not provide sufficient protection against the likelihood of displaced

parking. The original ratios of 200% and 150% (houses and flats respectively) would be the acceptable minimum.

- The Transport Note provides dimensions for the proposed junction design however this is not shown on the plans and an amended plan should be provided to demonstrate that the junction design can be accommodated, and prior to determination. The only plan provided for the junction is out of date and does not correspond with the current layout proposal. The access into the site should have a 2.0 metre on both sides.
- The internal layout does not demonstrate a clear adoptable boundary for the Section 38 agreement and should do so.
- The internal layout needs tracking for the refuse vehicle to demonstrate appropriate accessibility for same.

Having regard to the location of the site and existing parking restrictions in the area, the recommended level of car parking from the Strategic Highways Manager is considered to be appropriate.

No significant highways issues were identified at the time of the previous refusal. The refused scheme proposed 24 dwellings and provided acceptable access details. Given that the principle of an access to serve more than the proposed number of dwellings has been previously accepted, and the outline nature of the current application with all matters reserved, it is considered that the concerns raised by the Strategic Highways Manager can be addressed via condition or at the reserved matters stage.

It is also noted that there are a number of bus services currently operating within a reasonable walking distance from the site and provides the occupiers of the site the ability to use sustainable travel modes.

Impact on residential amenity

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development 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 sets out guidelines for space between buildings.

A number of bungalows and two storey dwellings are located adjacent to the site. Whilst the site layout is indicative, a number of relationships with neighbouring dwellings fall below the recommended distance guidelines of policy DC38. For example, the distance between the gable elevation of plot 13 and the facing principle room window within the neighbouring bungalow is approximately 11 metres, which is well below the required 14 metres (assuming the gable is blank). The siting of a two-storey gable elevation will be materially detrimental to the living conditions of that neighbour. However, this relationship could be amended at the reserved matters stage to match the approved scheme (11/0770M), which would simply in involve moving plot 13 forward in the site.

Of more concern is the proposed four-storey apartment block, which is positioned 25 metres from the rear elevation of properties on Oakmere Road. For a four-storey building, the distance within policy DC38 is 39 metres for facing habitable room windows. It is acknowledged that there are mature trees along the eastern boundary, however, their effect at screening the development, particularly during the winter months will be limited.

Consequently, there is considered to be inadequate space, light and privacy between the buildings. Given that indicative layout shows the apartment block tight up against the boundary with Wilmslow Road, there is virtually no capacity to re-position the building to establish a better relationship with neighbouring properties. As such, the applicant has not demonstrated that the apartment building can be accommodated without having a significant impact upon neighbouring properties. The proposal is therefore contrary to policies DC3 and DC38 of the Local Plan.

Noise (Amenity of future residents)

Environmental Health has commented on the application and noted that the applicant has submitted an environmental noise study produced by Red Acoustics, which includes recommendations for a scheme of acoustic insulation. The report recommends noise mitigation measures to be designed into the construction of the proposed dwellings to ensure that future occupants of the properties are not adversely affected by environmental noise. The design criteria would meet the 'good' standard in accordance with BS8233:1999. It is therefore recommended that the noise mitigation measures recommended in the report form a condition of any approval and be implemented prior to the occupation of the development.

Air Quality

Environmental Health has raised concern about the indicative layout showing residential uses in relative close proximity to the MAELR (in particular the façade of the apartment buildings). The quantity of traffic on this road is such that there is potential for levels of air pollution (particularly Nitrogen Dioxide) to be above National Limit Values and as such there is potential for an adverse affect on health and quality of life for future occupants.

Prior to the submission of the detailed application the developer will need to either;

- a) Submit an Air Quality Impact Assessment to show the impact of air pollution at the nearest sensitive residential property. The assessment should be sufficiently detailed to allow determination of present and future air pollution levels, and include where necessary suitable mitigation to ensure exposure remains below National limit values. The assessment should be scoped with this office prior to submission.

OR

- a) At the submission of the detailed application stage, the developer shall agree with the LPA the internal layout of the apartment buildings, ensuring that non-habitable rooms (kitchens, bathrooms etc.) are on the façade exposed to the A555 / Manchester Road roundabout.

OR

- b) Occupancy shall not commence until a suitable scheme for MVHR (mechanical ventilation and heat recovery) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall:
 - i) The scheme shall as outlined in Approved Document F of the Building Regulations
 - ii) Should detail the means by which the developer intends to control ventilation intakes to apartments at the A555 / Manchester Road elevation of the

- building in order to minimise the ingress of external air pollution from the A555 facade.
- iii) The scheme should also take account of the future maintenance of the air moving equipment to ensure its continued operation.

Open space

The proposed development will trigger a requirement for public open space provision. In the absence of onsite provision a commuted sum for offsite provision will be required. Comments from the Greenspace Officer are awaited, but will be reported in an update.

Education

A development of this scale is expected to generate a requirement for 3 primary school places and 2 secondary school places. The Council is forecasting that it will have insufficient places in both the primary and secondary schools to accommodate the pupils generated by this development.

In light of this a sum of $3 \times 11,919$ (2008/09 Dfe multiplier index linked to the PubSec price index + 5% for ict) $\times 0.91$ (Cheshire East weighting) = £32538 is required towards primary provision, and $2 \times 17,859$ (2008/09 Dfe multiplier index linked to the PubSec price index + 5% for ict) $\times 0.91$ = £32,685 towards secondary provision.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal is an inappropriate form of development in the Green Belt, which reduces openness, impacts upon visual amenity and reduces the extent of this already narrow section of Green Belt. No very special circumstances have been identified. The proposal is therefore contrary to policy GC1 of the Local Plan and paragraph 89 of the Framework.

The submitted indicative layout shows a significantly substandard relationship with neighbouring properties. In the absence of any information to demonstrate that the proposal can be accommodated within the site, without having this impact, the proposal is contrary to policies DC3 and DC38 of the Local Plan.

Accordingly, in light of these identified significant adverse impacts, a recommendation of refusal is made.

Application for Outline Planning

RECOMMENDATION:

1. R04LP - Inappropriate development in the Green Belt
2. R07RD - Development unneighbourly

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