

Application No: 13/2296M

Location: DYSTELEGH COURT, GREENHILL WALK, DISLEY

Proposal: Demolition of existing bedsit block and erection of 15 dwellings and associated car parking and landscape works. (Resubmission)

Applicant: L. Astwood, Peaks & Plains

Expiry Date: 05-Sep-2013

Date Report Prepared: 16 August 2013

SUMMARY RECOMMENDATION

Approve, subject to conditions and the completion of a S106 agreement

MAIN ISSUES

- Principle of the Development (Windfall Housing Sites);
- Principle of the Development (Need for Affordable Housing);
- Developer Contributions;
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Environmental Health.

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 the demolition of the existing bedsit block and erection of 15 dwellings, with associated car parking and landscaping issues.

Subject to the recommended conditions and legal agreement, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

DESCRIPTION OF SITE AND CONTEXT

The application site consists of stepped block of small bedsits built around the 1970's. The building has been vacant for the last few years, due to failing modern day standards. The neighbouring bungalows on Greenhill Walk also fall under the ownership of Cheshire Peaks and Plains Housing Trust. The site is not far from the centre of Disley. The area is

predominantly residential in character; however, Disley Primary school lies to the west of the site, and a playing field lies to the south.

The application site comprises a detached two storey building, which comprises 20 bedsits. The building has buff brick walls and white timber boarding with shallow, sloping roofs. The windows are white uPVC. There is an increase in level of approximately 10m between the Buxton Road (A6) frontage, and the southern end of the site, where it abuts Disley Primary School's playing field. The existing building is dated in appearance and not aesthetically pleasing. The existing building steps up the hill in a series of terraces, and the proposed design will follow a similar principle. There are good views of the hills beyond, from the higher part of the site.

The existing bedsit accommodation has an existing pedestrian access from Buxton Road, however, vehicular access is provided off Greenhill Walk. There are currently 6 parking spaces in the courtyard in front of the building, with a further 8 on Greenhill Walk, which serves 14 bungalows (which are to be retained).

There is small group of conifer trees which would be lost to accommodate the development.

The site falls within a Predominantly Residential Area as outlined in the Macclesfield Borough Local Plan 2004.

The application site is bound to the northern boundary (adjacent to Buxton Road) by a stone wall (approximately 1.5m in height). To the western boundary is a bank sloping down from the site to School Lane. To the south of the site the ground level rises by approximately 2.5 metres.

There is a clear mix in the type, age and design of properties within the immediate area (including bungalows and terraced two storey dwellings and school buildings) and no single architectural characteristic prevails.

DETAILS OF PROPOSAL

Full Planning approval is sought for the demolition of the existing building and construction of 8 apartments and 7 dwellings.

The proposal is made by Cheshire Peaks and Plains Housing Trust for development comprising 100% affordable, which would be made available for general let at affordable rent levels (80% of the Open Market Rents in the area).

The proposal includes 4 no. 2 bed, 4 person apartments, 4 no. 1 bed, 2 person apartments, and 7 no. 3 bed, 5 person houses. The existing vehicular access point off Greenhill Walk would be utilised.

18 car parking spaces (including 2 disabled spaces) would be provided within a courtyard in front of the houses/apartments and an additional 8 spaces (including 1 disabled space) would be provided adjacent to the existing 8 parking spaces located along Greenhill Walk (adjacent to the green area).

All 7 houses would have private gardens and the apartments would have shared amenity space.

The proposed residential development would be located within a sustainable neighbourhood. The immediate environment would be enhanced by virtue of a development, which would provide full accessibility, an appropriate addition to the housing stock and a better layout would be provided, offering natural surveillance, enhanced personal safety and security and reduced opportunities for crime.

Three locations have been identified for refuse bins within the development. One adjacent to the northern boundary, one adjacent to the stair-well which would serve plots 11 to 13, and one in front of plot 15, on the southern side of the site.

RELEVANT HISTORY

- 13/0417M Demolition of existing bedsit block and erection of 20 dwellings and associated car parking and landscape works. - Withdrawn – 06.03.13.
- 97/1131P Alteration to existing window openings on two elevations - Approved – 01.09.97.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Local Plan Policy:

The site is located within a predominantly residential area as allocated on the Macclesfield Borough Local Plan. Therefore, the relevant Macclesfield Local Plan Saved Policies are considered to be: -

- NE11 Nature Conservation;
- BE1 Design Guidance;
- RT1 Open Space;
- H2 Environmental Quality in Housing Developments;
- H5 Windfall Housing Sites;
- T2 Provision of public transport;
- DC1 New Build;
- DC3 Amenity;
- DC6 Circulation and Access;
- DC8 Landscaping;
- DC9 Tree Protection;

- DC35 Materials and Finishes;
- DC36 Road layouts and Circulation;
- DC37 Landscaping;
- DC38 Space, Light and Privacy;
- DC41 Infill housing .

Other Material Considerations:

National Policy:

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Supplementary Planning Documents:

The following Supplementary Planning Documents (SPDs) have been adopted and are a material consideration in planning decisions:-

- Supplementary Planning Guidance on Section 106 Development (Macclesfield Borough Council); and
- Interim Planning Statement on Affordable Housing.

CONSULTATION RESPONSES

HIGHWAYS:

The Strategic Highways Manager considers the proposal to be acceptable in highway and road safety terms and therefore raises no objection.

18 parking spaces would be provided as part of this development; while a further 8 spaces would be provided in front of the adjacent bungalows at Greenhill Walk.

Considering the site's location near local facilities and public transport, and the type of properties, the Strategic Highways Manager considers this parking provision adequate. The layout will also provide room for a refuse vehicle to reverse. Sheds are to be provided for residents which will offer cycle storage if required.

Access is taken from Buxton Road via Greenhill Walk. Visibility at this junction is limited, but the very limited increase in usage subsequent on the proposal compared to past use, can be accepted.

ENVIRONMENTAL HEALTH:

No objection is raised subject to conditions relating to hours of operation, details of the method of piling and duration (should it be required), accordance with the noise mitigation scheme (submitted to prevent residents being adversely affected from traffic noise from Buxton Road), dust control, contaminated land and a Travel Plan.

The development is in close proximity to the A6 Disley Air Quality Management Area, and as such there is potential that new occupants could be exposed to concentrations of air pollutants above the UK limit values. The applicant submitted an air quality impact assessment with the application using detailed dispersion modelling verified against local monitoring and concluded that levels of air pollution at the nearest sensitive receptor will be below the UK limit values.

UNITED UTILITIES:

No objection is raised subject to a condition relating to site drainage.

HOUSING:

Supports the Scheme as there is a need for Affordable Housing in Disley.

PUBLICITY & REPRESENTATIONS

The application was advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice. The last date for comments expired on 17 July 2013. A revised plan was subsequently received, which included 5 car parking spaces on Greenhill Walk. The neighbours were re-notified and the consultation period extended to 23rd August 2013.

No representations had been received at the time of report preparation.

APPLICANT'S SUPPORTING INFORMATION

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Planning Statement;
- Arboricultural Survey and report;
- Air Quality Assessment;
- Noise Impact Assessment;
- Land contamination reports;
- Flood Risk Assessment;
- Habitat Survey;
- Bat Survey;
- Draft Unilateral Undertaking.

OFFICER REPORT

Principle of the Development (*Windfall Housing Sites*):

The site is identified as being within a predominantly residential area within the Macclesfield Borough Local Plan. This site does not feature in the Strategic Housing Land Availability Assessment 2012 (SHLAA), however, as the existing building is substandard in terms of the bedsit accommodation it provides and as the site is not specifically allocated for residential development it would be considered a windfall site. Policy H5 advises how windfall sites will be assessed. Primarily windfall housing sites should make effective use of land by the re-use of previously developed land.

There is no objection in principle to the erection of new dwellings within a predominantly residential area. It is considered that this development, on this site, would make effective use of the land.

Principle of the Development (*Need for Affordable Housing*):

The *Strategic Housing Market Assessment* 2010 (SHMA) identified a requirement for 65 new affordable homes in Disley between 2009/10 – 2013/14, this was made up of a requirement for 6 x 1 bed, 5 x 3 bed and 2 x 4 bed new affordable homes each year. The SHMA 2010 also identified a preferred tenure split of 65% social rented and 35% intermediate dwellings.

In addition to the information taken from the SHMA 2010 there are currently 102 applicants on the housing register with Cheshire Homechoice who have selected Disley as their first choice, these applicants require 44 x 1 bed, 38 x 2 bed and 12 x 3 beds, 8 applicants haven't set the number of bedrooms required.

Persimmon Homes have secured reserved matters planning approval (subject to a deed of variation) for the Fibrestar site, Redhouse Lane, which will be providing 30 affordable dwellings, this represents around half the affordable housing that has been identified as being required by the SHMA 2010, however, the properties at the Fibrestar site will all be provided as intermediate tenure affordable housing and there is need for rented affordable housing to be provided in Disley.

Therefore, as there is need for affordable housing in Disley. The Strategic Housing Manager does not object to this application for 15 affordable rented dwellings, the mix of properties is acceptable as it will go towards meeting identified affordable housing need.

The Interim Planning Statement: Affordable Housing states that affordable homes should be built in accordance with the standards adopted by the Homes and Communities Agency and meet Code for Sustainable Homes Level 3. Cheshire Peaks and Plains Housing Trust have secured an allocation of grant funding towards this proposal from the Homes & Communities Agency, part of the conditions of that funding is that they will have to build the properties to the standards required by the HCA so this is not a concern.

Cheshire Peaks and Plains Housing Trust have included a number of 1 bed apartments within the scheme to allow for the unavoidable implications the Welfare Reform will have for some existing residents in Disley who may be required to move to smaller accommodation.

In accordance with policy H9 and the council's interim policy on affordable housing provision, the applicant has a partner Registered Provider, Peaks and Plains, involved in the scheme to ensure that the dwellings remain affordable in perpetuity.

The scheme would provide a significant benefit in contributing to achieving affordable housing targets.

Developer Contributions:

In accordance with the Councils SPG on S106 (Planning) Agreements, the proposal triggers the need for both Public Open Space (POS) and Recreation / Outdoor Sports (ROS) provision, in line with the current CEC policy.

In lieu of onsite provision, the commuted sum for POS based on £3000 per dwelling/2 bed apartment and £1500 per 1 bed apartment is £39 000. The commuted sum for ROS is £11 000. However, for 100% affordable housing schemes, the commuted sum for ROS is normally waived. The developers (Cheshire Peaks and Plains Housing Trust) have offered £15 000 in lieu of onsite provision. This is due to the viability of the scheme.

The commuted sum payment would be used to make play and amenity improvements in the vicinity of the development and on this occasion the nearest and most accessible facility is Arnold Rhodes playing field and play area. This is located just a short walk away from the development site and contains a number of facilities for most ages.

A financial appraisal for the scheme has been submitted and this shows the development would actually be running at a deficit, however, it is considered that an exception could be made in this case and a lower POS contribution agreed as the scheme has been specifically designed in consultation with the Council's Housing Department and with Cheshire Peaks and Plains Housing Trust to meet a locally identified demand and an urgent requirement for affordable housing in Disley. Members should also be aware that the scheme is dependent on Homes & Communities Agency (HCA) grant subsidy as well as revenue subsidy from Peaks & Plains to ensure it is built.

Design, Layout and Visual impact:

It is considered that the scale of the development is generally in keeping with the massing, rhythm and general character of the locality. The mass and form of the units 1 and 2 fronting Buxton Road is not too dissimilar to the existing building, however, the gap between the buildings allows for more visual interest. It is also considered that the proposed development integrates well with the existing residential context. There is sufficient space provided around the proposed houses/apartments to provide an element of defensible space, privacy and parking.

The external walls would be treated in a mixture of light cream render and buff brick (all colours to be agreed) and reconstituted slates would be utilised for the roof. These materials are considered to be broadly acceptable for this location. It is noted that the street scene along Buxton Road is made up a mixture of materials incorporating stone, render, red brick and buff brick. The entrances shall either be recessed, or canopy covered entranceways.

Landscape/Trees:

The Arboricultural Officer has been consulted with regards to the proposal and raises no objections. The proposed development can be implemented with the loss of a single low value group of ornamental conifers. The impact of which on the amenity of the area is considered negligible.

The high value trees (to the south western corner of the site and adjacent to the playing field to the south), can all be retained and protected in accordance with best practice subject of a limited amount of minor lateral pruning, to both clear building lines and allow scaffolding to be erected. The expanded build footprint is considered acceptable allowing development to be completed, without establishing an unacceptable social proximity between the trees and the new development footprint.

The identified tree losses can be mitigated as part of landscape improvements with space available on the Buxton Road frontage to accommodate a number of trees which should be seen as a net gain. The proposal is considered to comply with Policy DC9 of the Local Plan which normally seeks the retention of protected trees.

The majority of the existing boundary treatments can be retained and overall, a satisfactory landscape scheme is capable of implementation and the proposal complies with policy DC8 of the Local Plan.

Highways:

The Strategic Highways Manager raises no objections to the proposals. The site is located within a comfortable walking distance of amenities and essential services within Disley town centre. Shops lie within a five minute walk of the site, and the site is served by good bus routes on Buxton Road and strategic (rail) public transport connections are no further than a 10 minutes walk on foot.

Access and Parking

The principal means of access to the site would be via Greenhill Walk, as per that of the existing housing/apartment block. It would provide access to 18 car parking spaces. A further 8 spaces would be provided by way of adding to the existing parking bays on Greenhill Walk (the new bays would be formed at 90 degrees to the public highway, similar to the existing ones). This number of parking spaces was increased following discussions with the applicant as the originally submitted proposals had only 21 spaces, which was considered to be too few.

The Strategic Highways Engineer considers this parking provision to be adequate. The layout will also provide room for a refuse vehicle to reverse. 8 no. sheds are to be provided for residents which will offer cycle storage if required.

Access is taken from Buxton Road via Greenhill Walk. Visibility at this junction is limited, but the very limited increase in usage as a result of the proposal compared to the historic use can be accepted.

Residential Amenity:

Local Plan policies DC3 and DC38 relate to amenity. DC38 sets out guidelines for space between buildings which developments should aim to meet.

The properties fronting Buxton Road would be separated by approximately 20 metres from the existing houses opposite (47-57 Buxton Road). The side elevation of no. 6 Buxton Road to the side elevation of plot 2 would be approximately 10 metres, whilst the distance from the rear of nos. 22-28 Greenhill Walk to the frontage of the proposed units 7 to 10 would be approximately 28 metres. The gable windows to the side of No 6 Buxton Road are off circulation space, or are secondary windows i.e. not the sole or principle window to a habitable room. The side facing window on unit 2 should be obscurely glazed to prevent overlooking. The distance between the rear of no. 22-28 and side elevation of the proposed plot no. 15 would be approximately 14.5 metres. Whilst the scheme is a high density scheme that is compact, it is considered that the scheme accords with these guidelines.

It is considered that the application proposals do not have a detrimental impact on residential amenity to the surrounding properties through overlooking, loss of privacy or overbearing. This is due to the distances proposed, their relationship and existing boundary landscaping.

Nature Conservation:

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

- (a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is
- (b) no satisfactory alternative and
- (c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE3 seeks to protect habitats from destruction and indicates that development which adversely affects habitats would not be accepted.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this instance, evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within Dystelegh Court. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have only a low/medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole. The works do however pose the risk of killing or injuring any animals present when the works are completed.

The submitted mitigation method statement recommends the installation of bat boxes on the nearby trees and the incorporation of features for roosting bats into the proposed buildings as a means of compensating for the loss of the roost and also recommends the exclusion of bats and the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The Council's Ecologist has confirmed that there are unlikely to be any significant ecological issues associated with the proposed development.

As such, the proposals accord with the Habitat Regulations and policy NE3 which is consistent with guidance within The Framework and therefore carries full weight.

Environmental Health:

The application site is surrounded by a mixture of both existing residential properties and commercial properties, and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity.

A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used.

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties / occupants of nearby properties are not adversely affected by noise from road traffic on the main A6 road. The recommended mitigation as detailed in the acoustic report (double glazing and acoustic framed trickle ventilation) to the facades of sensitive rooms facing the main road should be implemented, and maintained throughout the use of the development.

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present on the site. The Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require a contaminated land Phase I report site and any subsequent remediation required.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The proposal would provide 100% affordable housing, which is a corporate priority and benefit of the scheme and should be viewed in the context of wider social sustainability, as well as the development being located in a sustainable location.

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- 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 this Framework taken as a whole

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

In this instance, it is considered that whilst the scheme does not deliver a full contribution towards Public Open Space the disbenefits are not considered to be significant and a refusal of permission would not be justified. The proposals accord with local plan policy and is recommended for approval subject to conditions and the completion of a Section 106 Agreement.

HEADS OF TERMS

- Commuted sums of £15 000 to provide Amenity Open Space, play and amenity improvements in the vicinity of the development at the Arnold Rhodes playing field and play area.
- 100% affordable housing in perpetuity of an appropriate tenure.

Community Infrastructure 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 in lieu for amenity open space is necessary, fair and reasonable, as the proposed development will provide 15 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities accordingly. Although this represents a shortfall from the Council's Supplementary Planning Guidance, this exception has been justified by virtue of the submission of a full viability appraisal.

The mechanism to ensure that the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A03AP - Development in accord with revised plans (unnumbered)
3. A01GR - Removal of permitted development rights
4. A05EX - Details of materials to be submitted
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. A12LS - Landscaping to include details of boundary treatment
8. A06NC - Protection for breeding birds
9. A04NC - Details of drainage
10. A22GR - Protection from noise during construction (hours of construction)
11. A23GR - Pile Driving
12. A26GR - Obscure glazing requirement
13. Floor floating (polishing large surface of wet concrete floors)
14. Dust Control
15. Travel Plan
16. Bin and Cycle Store in accordance with approved details
17. Compliance with noise mitigation scheme
18. Contaminated land
19. To accord with Arboricultural Statement

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