

Application No: 13/2073M
Location: The Towers, Park Green, Park Street, Macclesfield
Proposal: Proposed Residential Development for 14 no. Townhouses.
Applicant: Welbeck Land
Expiry Date: 19-Sep-2013

Date Report Prepared: 07.11.2013

SUMMARY RECOMMENDATION

APPROVE, SUBJECT TO CONDITIONS & s106 AGREEMENT

MAIN ISSUES:

- Principle of development
- Design/impact on the character and appearance of the Conservation Areas/street-scene and Listed Buildings
- Impact on the amenity of neighbouring properties/amenity of future occupants
- Highways safety
- Forestry/landscaping/ecological issues
- Housing policy and supply

REASON FOR REPORT

The application has been presented to committee for determination in line with the constitution. The proposed development is for 14 No. dwellings, i.e. a 'small scale major development of 10 or more dwellings'.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a prominent five-storey office block, which has been vacant for some time, with parking area and soft landscaping fronting onto Park Green. The site is located within a Mixed Use Regeneration Area and the Park Green Conservation Area as identified in the Macclesfield Borough Local Plan. The High Street Conservation Area is located on the opposite side of Park Street. There are a number of Listed Buildings within the vicinity of the site.

DETAILS OF PROPOSAL

The proposed seeks full planning permission for demolition of the existing building and residential development for 14 No. town-houses. It is noted that a concurrent Conservation

Area Consent application has been submitted for demolition of the building (13/2559M). The CAC application is recommended for approval, subject to approval of the proposed residential scheme.

RELEVANT HISTORY

The most recent application on the site was 12/0127M, which was for a Mixed Use Development of Assisted Living Residential Apartments (61 No.) and a Café....Associated Landscaping and Servicing...Undercroft Parking Provided for Residents. The application was refused 16.11.2012, broadly due to detrimental impact on the Conservation Area and insufficient parking affecting highways safety. The corresponding Conservation Area Consent application was also refused as there was no agreeable scheme approved.

POLICIES

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)
BE2 (Historic fabric)
BE3 (Conservation Areas)
BE16 (Protecting the setting of listed buildings)
DC1 (High quality design for new build)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 & DC37 (Landscaping)
DC9 (Tree protection)
DC35 (Materials)
DC38 (Guidelines for space, light and privacy for housing development)
DC41 (Infill housing development or redevelopment)
DC63 (Contaminated land)
IMP4 (Environmental improvements in Town Centres)
H13 (Protecting residential areas)
H1 (Housing phasing policy)
H2 (Environmental quality in housing developments)
H5 (Windfall housing sites)
NE11 (Protection and enhancement of nature conservation interests)
MTC12 (Mixed use areas)
MTC13 and MTC14 (Park green area)
MTC19 (Town centre housing)

Policies BE1, H2, H13 and DC1 seek to ensure a high standard of design for new development which is compatible with the character of the immediate locality of the site; BE2, BE3 and BE16 seek to protect the historic fabric, the setting of Listed Buildings and maintain and enhance Conservation Areas; DC35 seeks to ensure appropriate materials are used. Policies H13, DC3, DC38 and DC41 seek to protect the residential amenities of adjoining properties and ensure adequate space, light and privacy between buildings. Policies DC8 & DC37 seek appropriate landscaping of new development and policy DC9 exists to ensure the long-term welfare of trees of amenity value. Policy DC6 seeks to ensure that there is safe access/egress from the site for all users and appropriate levels of parking. Policies H1 and H5

relate to phased housing development and windfall housing sites. Policy NE11 seeks to protect and enhance nature conservation aspects. DC63 seeks to control any land contamination. DC41 relates specifically to infill housing development. MTC12 relates to mixed use development, which includes housing. MTC13 and MTC14 relate to development within the Park Green Area, which, amongst others things, allows for selective redevelopment whilst also seeking to preserve the Park Green open space gateway to the Town Centre. MTC19 encourages housing development within the Town Centre. Policy IMP4 seeks to secure contributions towards environmental improvements in town centres from significant town centre developments.

National Planning Policy Guidance

National Planning Policy Framework

Other Material Considerations

Macclesfield Town Centre Public Realm Strategy – June 2007

CONSULTATIONS

Heritage & Design – Conservation/Listed Buildings:

No objections, subject to conditions re materials, additional plan details (eg. windows, doors, chimneys, eaves, etc.), landscaping & boundary treatments and removal of certain Permitted Development Rights.

Heritage & Design – Forestry:

No objections, subject to conditions landscaping (to inc. tree planting) and tree protection.

Heritage & Design – Landscape:

No objections subject to conditions re landscaping details to be submitted and implemented accordingly, details of boundary walls (inc. ground levels).

Environmental Health

No objections, subject to conditions re noise mitigation scheme, scheme for mechanical ventilation and heat recovery, restricted hours of operation, pile driving and floor floating (if required), dust control and contaminated land.

Heritage & Design – Nature Conservation:

No objections

Strategic Highways and Transportation Manager:

No objections

Archaeology service:

No objections

United Utilities:

No objections, subject to condition re management of surface water.

Environment Agency:

No objections

Greenspace:

No objections, subject to the following commuted sums: Public Open Space (£42,000), Recreation Outdoor Sports (£14,000) and Public Realm Contribution (£14,000).

REPRESENTATIONS

Representations have been received from the occupant of 1 No. neighbouring property (7 Park Street), the Macclesfield Civic Society and the Macclesfield Guild & Chamber of Trade. None of the representations object to the proposed development; most of the comments received are in support and a few comments expressed are reservations regarding a few features of the proposed development. The comments received are summarised below:

- Approve concept of appropriately designed housing on the site
- Site is well laid out; appropriate scale and design detail
- Interest and variation in design; varied roof profile works well; pitched roofs welcome
- Appropriate materials indicated; details of materials and finishes to be conditioned (eg. natural stone, where stone used, and slate for roofs)
- Support retention of specific trees and additional landscaping; recommend detailed landscape condition
- 2.5 and 3 storey dwellings are a bit excessive; outlook from bedroom window will change
- Dormer windows not a feature of Park Street and may result in amenity issues

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following reports/surveys, details of which can be read on file:

- *Noise Assessment Report*
- *Air Quality Assessments*
- *Design & Access and Heritage Statement*
- *Tree Survey report*

OFFICER APPRAISAL

Principle of Development

The principle of the proposed is acceptable; the key policies allow for residential development on this site.

Policy

The relevant policies are listed above and relate to the issues identified.

Design/impact on the character and appearance of the Conservation Areas, relationship with the street-scene and impact on setting of Listed Buildings

The proposed development is for 14 No. Town Houses that include a mix of semi-detached and terraced properties of 2.5 and 3 storeys high. Parking (inc. garages) is to the rear of the dwellings and accessed off Parsonage Street, at a level of 200%. Gardens are also provided to the rear of the properties. Many of the trees around the Park Green/Park Street junction are to be retained. Boundary treatments are provided comprising a mix of brick walls and piers, metal railings and timber boarded fencing. The materials are primarily brick walls (with a couple of properties rendered), feature stone surrounds, cills, band courses etc. and roof tiles. As noted, the site lies within the Park Green Conservation Area, is opposite the High Street Conservation Area and there are a number of Listed Buildings within the vicinity of the site. The Park Green area is also a significant public realm gateway to the Macclesfield Town Centre. Within this context the design of the proposed dwellings is a significant factor.

The Park Green Conservation Area centres around a triangular area of open land used part as a car park and part as a memorial garden subdivided by the junction of Park Street, Sunderland Street and Park Green. This open area is surrounded by buildings of considerable variety in terms of scale, size and design, some of which make positive contributions to the character of the area; some have a neutral impact and others have a negative influence, one of which is the existing building on the application site. There are a number of trees within the Park Green Conservation area which also contribute positively to its general character and ambiance, including those trees along the boundaries of the application site. Historically, the area was more densely developed.

It is noted that Conservation Officer raises no objections to the proposed development. The form, layout and scale are considered to be in keeping with the area. The properties have a vertical emphasis with steep sloping roofs which echo surrounding properties. Detailing such as the proposed doors which front Park Street also echo the door detailing of properties opposite. The modest set back of properties is comparable to properties on the opposite side of Park Street and this allows for the retention of some of the trees on the Park Green and Park Street frontage. Whilst the proposed dwellings would present rear elevations to Parsonage Street, which is not characteristic of the locality, it is considered that, provided the detailing of the proposed boundary walls, railings, landscaping and surfaces are controlled, this would not be harmful to the character of the Park Green Conservation Area. The dormer windows proposed on the front elevations are also not characteristic of the area. However, a dormer window does exist on a property on the corner of Sunderland Street and Park Green. Hence, this feature is not without precedent. Subject to appropriate facings and detailing the Conservation Officer considers the proposed dormers would not be harmful to either of the Conservation Areas or the setting of any listed building.

The overall design, including indicative materials, is considered to be acceptable as is the impact on the character and appearance of the Conservation Areas; the proposed is considered to provide an enhancement to the Park Green Conservation Area. The relationship with the street-scene is acceptable. The impact of the proposed development on the setting of neighbouring Listed Buildings is also considered to be acceptable. Hence, the proposed accords with policies BE1, BE2, BE3, BE16, H13, DC1 and DC35 of the Local Plan.

Impact on neighbour amenity

The nearest residential properties to the application site are those located on the south-eastern side of Park Street, numbers 3-13. The nearest of these properties (number 13) will be approximately 19 metres from the proposed dwelling opposite; other properties further to the north on Park Street (Nos 3 to 11) range between 21m and 23m from proposed dwellings opposite. The proposed dwellings are nearer than the existing office block to those dwellings which are opposite the office block. Policy DC38 has a desired distance standard of 21m front to front for new two-storey dwellings; 7m is to be added for each additional storey. Although the proposed dwellings opposite numbers 3-13 Park Street do not meet the desired distance standard in policy DC38, DC38 does allow for approval providing the proposed distances are commensurate with the area. In this instance, it is noted that many of the three-storey weavers' cottages that are located within the vicinity of the application site face each other at a distance of approx. 9-10m front to front. Hence, the proposed dwellings opposite the existing dwellings on Park Street are at a distance commensurate with the area. Also, for some of the properties the proposed dwellings are lower in height than the office building. And, the location is a Town Centre location, where the desired distance standards are unlikely to be achievable. Hence, the comments made in representations have been borne in mind re outlook and amenity, however, it is considered that the proposed dwellings provide a commensurate degree of space, light and privacy for both adjoining neighbours and the future occupants of the proposed development.

It is considered that relationships with all other surrounding properties are acceptable and that there are no significant amenity issues arising from the application.

The living standards for future occupiers are also a relevant material consideration. The key issues in this respect are noise and air quality, noted below. The site is located opposite commercial/industrial premises on Parsonage Street. This and other noise generative sources in the locality have been considered in the noise assessment submitted with the planning application. The layout and siting of the housing is such that properties are located away from the commercial premises. Subject to conditions the amenity of future occupiers can be adequately protected.

Noise

It is noted that the Noise Assessment was undertaken when the detailed design of the dwellings was not available. Consequently, the Environmental Health Dept. recommend a noise mitigation scheme be submitted, should the application be approved, which demonstrates noise mitigation measures achieve the internal noise levels defined within the BS8233:1999 "good" standard.

Air Quality

It is also noted that the initial Air Quality report submitted with the application was followed up with an up-to-date survey. The Environmental Health Dept consider the results of the Air Quality Assessment indicate that levels of NO₂ are above the desired levels and therefore a suitable Mechanical Ventilation and Heat Recovery scheme needs to be provided, which can be achieved via a condition.

The applicant has been made aware of the conditions likely to be applied to any approval re noise and air quality mitigation and accepts such conditions.

Contaminated Land

The application area has a history of use as a Brewery, Coal Yard and Works and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in line with the Phase I report submitted, the Environmental Health Officer (Contaminated Land) a condition be attached to any approval requiring a Phase II contaminated land survey.

Bearing all the above factors in mind re impact on residential amenity (inc. the amenity levels for the incumbents of the new dwellings) it is considered that the proposal complies with policies DC3, DC41, H13, DC63 and DC38 of the Local Plan.

Highway safety

The strategic highways manager notes that the extant use of the site (B1 Office) and the potential traffic generation of this use need to be considered when assessing the current application. The trips associated with 1700 Sq.m of B1 Office use more than outweighs the traffic generation of 14 residential units. As such, there is no reason to raise any issues concerning traffic impact from the proposal.

The proposed townhouses all have a 200% car parking provision, Given the central sustainable location of the site this is considered to be acceptable.

Refuse collection would take place from Parsonage Street and there is an existing turning head provided at the end of Parsonage Street.

Bearing these points in mind it is considered that there are no highways safety/parking issues arising from the proposed development and therefore the proposed accords with policy DC6 of the Local Plan.

Forestry/landscaping/ecological issues

The Arboricultural Officer notes that the submitted Landscape Appraisal appears to show only three trees of the 13 trees within the application site will be retained. These three trees comprise of one flowering Cherry and two semi mature Norway Maple fronting Park Street. All the existing trees within the site present a low to slightly moderate contribution to the visual amenity of the area. In terms of the historic character of the Conservation Area, all the trees

are recent plantings and therefore their contribution to the Conservation Area is considered to be relatively low.

However, the group of trees fronting onto Park Green do provide continuity of the landscape character in the street-scene linking existing mature planting to the north-east of Parsonage Street and opposite the site through the Park Green Memorial Gardens. These trees, located off site on land within the ownership of CEC, are depicted for retention. The relationship and social proximity of the trees to the adjacent proposed dwellings will be an ongoing factor, with regular maintenance required in order to maintain an acceptable tree/property relationship. These trees are not considered worthy of formal protection as part of a TPO.

The Landscape Officer considers the proposed development to be acceptable from a landscape perspective, being of the opinion that it would enhance the Park Green area overall. However, it is considered that the design of the proposed boundary walls and railings could be improved. As such, if the application is to be approved it is recommended conditions are attached requiring the following to be submitted: a) details of existing and proposed levels, particularly for the Park Street frontage and the area between plots 4 & 5; b) details for any low retaining walls and steps between plots; revised details for the design and materials of the boundary walls, piers, copings, railings and gates, including details of any steps in wall height along the Park Street frontage.

The nature conservation officer does not anticipate there being any significant ecological issues associated with the proposed development.

Bearing the above comments in mind it is considered that the proposed accords with policies DC8, DC9, DC37, BE1 and NE11 of the Local Plan.

Housing

Recent appeal decisions have concluded that the Council cannot demonstrate a 5 year supply of housing land. This carries weight in favour of approval of the proposed dwellings, particularly as the site is brownfield and in a highly sustainable location. To refuse permission for such an application impacts would have to be significantly adverse. That said, policies to protect Conservation Area are not overridden by the housing supply position. In this case the proposal complies with policies to protect/enhance the Conservation Areas.

It is considered that the proposed development would contribute to the housing needs of the area and comply with all relevant housing policy.

Heads of terms

Should Members be minded to approve the application it would be subject to a s106 agreement to secure a commuted sum for Public Open Space, Recreation and Outdoor Sport and Public Realm improvements.

The following commuted sums are requested in accordance with the Council's SPG on Planning Obligations, policy IMP4 of the Local Plan and the Macclesfield Town Centre Public Realm Strategy – June 2007: Public Open Space (£42,000), Recreation Outdoor Sports (£14,000) and Public Realm Contribution (£14,000), i.e. a total of £70,000. The commuted

sums would be used to make additions, enhancements and improvements to existing POS and ROS facilities likely to be used by the future residents at Park Green War Memorial, St Georges play area, South Park, Maple Avenue allotments, Christ Church Open space, Victoria Park and Public Realm improvements in the Park Green area.

It is noted that the Council are in negotiations with the applicant at present as the applicant has submitted information claiming that the proposed scheme is not economically viable to make the commuted sums requested. A sum of £10,000 has been offered (as opposed to the £70,000 in total noted above). Members will be provided with further details in the up-date report.

As the proposed development is for 14 no. residential properties no affordable housing provision is required.

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

The commuted sum is to be paid to the Council to enhance open space / recreation and sport / public realm facilities in the local area to provide opportunities for all parts of the community including the incumbent residents of the proposed dwellings.

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, the reservations made in representations have been borne in mind. The principle of the proposed development is acceptable. The design of is considered to be acceptable and to have an acceptable impact on the Conservation Areas and an acceptable relationship with the street-scene. The impact on the settings of nearby Listed Buildings are considered to be acceptable and unaffected by the proposal. The proposed dwellings are considered to have a limited and acceptable degree of impact on the amenities of neighbouring properties. There are no significant highways, landscape, forestry or ecological issues arising from the application. There are no significant environmental health matters arising from the application. The proposed development would contribute to the housing needs of the area in a sustainable location..

The presumption in favour of sustainable development applies under paragraph 14 of the NPPF and it is recommended the application be approved, subject to conditions and the completion of a s106 Agreement.

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In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

#### Application for Full Planning

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

1. A03FP - Commencement of development (3 years)
2. A02AP - Detail on plan overridden by condition
3. A02EX - Submission of samples of building materials (external surfaces)
4. A07EX - Sample panel of brickwork to be made available
5. A11EX - Details to be approved (eaves, rainwater goods, doors, chimney stacks, etc.)
6. A20EX - Submission of details of windows
7. A18EX - Specification of window design / style
8. A01GR - Removal of permitted development rights
9. A01LS - Landscaping - submission of details
10. A04LS - Landscaping (implementation)
11. A13LS - Details of walls, piers, gates, fencing , steps, railings, copings to be submitted
12. A02TR - Tree protection (details to be submitted)
13. A22GR - Protection from noise during construction (hours of construction)
14. Noise mitigation scheme to be submitted
15. Details of mechanical ventilation and heat recovery scheme to be submitted
16. Dust control (details to be submitted)
17. Floor floating (details, if undertaken)
18. Contaminated land Phase II Study to be submitted

19. Drainage (to comply with united utilities requirements) details to be submitted
20. Details of existing and proposed levels to be submitted



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