

Application No: 14/1304M

Location: 60, JODRELL STREET, MACCLESFIELD, SK11 7BB

Proposal: Demotion of exiting buildings and construction of 4no. two and a half storey terraced dwellings.

Applicant: Mr Kieran Vye & Nick Conway

Expiry Date: 19-May-2014

**Date Report Prepared: 30 May 2014**

### **SUMMARY RECOMMENDATION**

APPROVE subject to conditions

### **MAIN ISSUES**

- Sustainability of the site
- Design/ Scale
- Impact on neighbouring amenity
- Nature Conservation issues
- Environmental Health
- Landscaping Issues
- Highway issues

### **REASON FOR REPORT**

The application has been called in by Councillor Neilsen due to concerns that the development would be overbearing to neighbours and there would be a loss of privacy and overlooking to neighbours. They also have concerns that the development would be out of keeping with other properties on Jodrell Street.

As such, the application is to be determined by the Northern Planning Committee.

### **DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a vacant detached bungalow located on a large plot, within a predominantly residential area of Macclesfield. A large mature sycamore tree lies along one site boundary and hardstanding to the rear of the site. Three storey flats lie to the East of the site, two storey semi detached dwellings to the front of the site across Jodrell Street and a two storey semi detached dwelling lies to the West of the site. Directly to the East and South of the site are car parks reserved for occupants of the nearby flats. The site lies circa 1 mile from the Town Centre.

## **DETAILS OF PROPOSAL**

The application is for full planning permission for the demolition of the existing bungalow and the redevelopment of the site with 4no. dwellings, with associated hardstanding to accommodate 4no. parking spaces. The existing non protected sycamore tree is to be removed and some landscaping to the front of the site is proposed.

Each dwelling comprises 3 No bedrooms.

Off street parking is provided at the front of the proposed dwellings with new driveways onto Jodrell Street.

Revised plans have been received following initial concerns with the proposed development being out of keeping with the street scene and also the impact on the amenities of neighbouring property.

### **Planning History**

None.

## **POLICIES**

### **Macclesfield Borough Local Plan – Saved Policies**

H1- Phasing Policy  
H2- Environmental Quality in Housing Developments  
H5- Windfall Housing  
BE1- Design Guidance  
DC1- New Build  
DC3- Amenity  
DC6- Circulation and Access  
DC8- Landscaping  
DC9- Tree Protection  
DC35- Materials and Finishes  
DC38- Space, Light and Privacy  
DC41- Infill Housing Development or Redevelopment  
NE11- Nature Conservation

### **Cheshire East Local Plan Strategy 2014 – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

-The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

-The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

-The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies are as follows:

MP1- Presumption in Favour of Sustainable Development

PG2 - Settlement Hierarchy

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 - Design

SE2 - Efficient Use of Land

SE4 - The Landscape

SE5- Trees, Hedgerow and Woodland

CO1- Sustainable Travel and Transport

CO4- Travel Plans and Transport Assessments

The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are to be applied.

The National Planning Policy Framework reinforces the system of statutory development plans. When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable 'full weight' to be given to Development Plan policies adopted under the 2004 Act. The Crewe and Nantwich Local Plan policies, although saved in accordance with the 2004 Act are not adopted under it. Consequently, following the guidance in paragraph 215, "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)*".

The Local Plan policies outlined below are all consistent with the NPPF and should therefore be given full weight.

## **Other Material Considerations**

Ministerial Statement – Planning for Growth  
National Planning Policy Framework  
Planning Practice Guidance

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

Canal River Trust- No Objection.

Strategic Highways Manager- No Objection.

United Utilities- No Objection.

## **VIEWS OF THE TOWN COUNCIL**

N/A.

## **OTHER REPRESENTATIONS**

14no. objections have been received to the originally submitted plans. The full extent of the representations can be viewed on the application file online. The key objections on planning grounds are summarised as:

-The development would be of a design and scale out of keeping with the character and appearance of the street scene and locality

-The development would adversely affect the living conditions of the occupiers of nearby residential dwellings and a reduced development could be achieved which would have more acceptable impacts.

-The development would have an adverse impact on the amenities of neighbouring 58 Jodrell Street in terms of loss of light and an overbearing impact

-The development would have an adverse impact on the amenities of 6c Alderley Walk in terms of loss of light, overbearing impact and overlooking

-The development would have an adverse impact in term of loss of light to 3 Pearson Street

-The development would have an adverse impact on on street parking and does not provide sufficient self contained parking

-The development would adversely impact traffic levels on the street and lead to congestion and highway safety issues

-The garage to the bungalow has an asbestos roof which when demolished could have an adverse impact on the health of the neighbour

## **APPLICANT'S SUPPORTING INFORMATION**

Planning/ Design and Access Statement

### **OFFICER APPRAISAL**

#### **Principle of Development**

The principle of development on the site is considered acceptable, subject to the sustainability of the site, design, amenity, highways, environmental health, landscaping, nature conservation issues as examined below.

#### **Sustainability**

Paragraph 14 of the National Planning Policy Framework (NPPF) states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. This previously developed brownfield site is within 1 mile from the Town Centre and public transport routes. Amenity space is provided within the site, and the site is close to local open space and overall the site is considered to be in a sustainable location. The scheme is therefore considered to accord with the main thrust of the NPPF in terms of constituting sustainable development.

#### **Design/ Character**

Local Plan policies BE1, H13 and DC1 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. The National Planning Policy Framework also notes that "good design is a key aspect of sustainable development".

The revised plans have made changes to the ridge height of the building, which has been reduced by 0.4m, and the eaves by 0.8m. The windows have been altered so as to be closer to the eaves and the rear elevation doors have been changed. The development is now considered to be of a design and scale in keeping with surrounding properties on the street, in particular on this side of the street. The ridge and eave heights of the building would be similar to the nearby apartments on Alderley Walk and further down on Jodrell Street. The building would be substantially set back from the neighbouring property, which would ensure that whilst it is still a tall building at circa 8.87m in height, it would not over-dominate the street scene.

Subject to the materials being acceptable, which can be controlled via condition, the revised scheme is considered to accord with all design objectives.

## **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 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.

Policy DC41 states that infill housing or redevelopment must not result in the overlooking of existing private gardens, nor excessive overshadowing of existing habitable rooms. Sufficient amenity space should exist for any new infill development.

In this case sufficient garden space for each property would exist, in accordance with policy DC41.

The objections have been carefully considered. The revised development would be sited circa 4.3m from the side elevation of no 58 Jodrell Street. This property has no windows to habitable rooms on the side facing elevation. There is a ground floor side kitchen window, but this also has a window to the rear. There are 2no side hall windows. There is an obscurely glazed first floor side bathroom window and first floor side window to a landing area. Whilst it is noted that the development would have an impact on this property in terms of loss of light, bearing in mind the orientation of the properties in relation to the sun's path, and the presence of other windows on the front and rear, this is not considered to be sufficient to warrant refusal, nor is the proximity of the building to this property and its height and bulk.

Policy DC38 states that habitable rooms in development should normally be a minimum of 21m front to front of buildings, unless the design and layout of the scheme and its relationship to the site and its characteristics, provides a commensurate degree of light and privacy between buildings.

The building would be circa 18.5m away from the properties opposite and hence would be 2.5m below the standard guidelines. However, the first floor level windows are at a similar height to the other properties on the street, and no second floor windows are proposed, only rooflights. The building is significantly further set back from the street scene than neighbouring property. The space either side of the proposed building would help to ensure a commensurate degree of open space would remain to ensure that the building was not unduly overbearing.

The building would be over 36m away from the nearest property to the rear and overall the development is considered to comply with policy DC38.

The revised development would not have a significant adverse impact on 6c Alderley Walk in terms of overlooking or overshadowing due to the orientation of the properties and the distance involved.

The window that would be most adversely affected by the development would be the sole window to a bedroom at 6a Alderley Walk. This neighbour has not objected to the development. This window would be circa 6.5m away from the corner of the proposed

building. However, it is noted that the existing outlook from this room is blighted by an existing large sycamore tree, and high level hedging and this would all be removed as part of the works. Furthermore, as this window faces westwards there would not be an adverse impact on the window in terms of overshadowing. On balance, the development is considered to not have a significantly enough impact on this room in terms of overbearing effect or overshadowing to warrant refusal of the application.

Overall, the development would accord with local plan policies DC3, DC38.

## **Highways**

Appendix C of the Cheshire East Borough Local Plan Submission Version lists the parking standards that the Council applies to new developments. It states that for 3 bedroom properties, 2no parking spaces should be provided in principal towns and key service centres, such as Macclesfield.

Whilst this and the objections have been considered, the Strategic Highways Manager raises no objections to the proposed development and the amount of parking provided. Site visits have been undertaken at 07.00 by the applicant's agent, 15.30 by the Highway's Officer and 17.00 by the Case Officer. There was considered to be sufficient parking available on the street at all of these times.

The site lies in a relatively sustainable location, within close walking distance to regular bus routes and the Town Centre.

Taking into account the local conditions around this particular site it is therefore considered that a refusal of planning permission based on insufficient off-street parking provision could not be justified.

The shortfall in parking provision is a negative factor with the proposed development. However, when considered in the round with the presumption in favour of sustainable development the impacts of the development are neither significant nor demonstrable. In the light of paragraph 14 of the NPPF a refusal on highway grounds is unlikely to be sustained.

Overall, on balance the development would accord with local plan policy DC6.

## **Trees**

The Tree Officer has been consulted and does not object. An existing large, mature sycamore tree would have to be removed as part of the development. However, the existing social proximity of this tree is already substandard in terms of its relationship to surrounding properties and so the removal of this non-protected tree is not considered a cause for concern. A landscaping scheme would be conditioned on any subsequent approved application, in order to mitigate the impact of the development and loss of trees. Subject to this the development would accord with policies DC8, DC9.

## **Nature Conservation**

The Nature Conservation Officer raises no objections to the development and considers that it would not adversely impact on protected species, in accordance with policy NE11.

## **Environmental Health**

The Environmental Health Officer raises no objections, subject to conditions relating to the control of dust, noise and bin storage on the site. A condition should be attached for the submission of a method statement for the demolition, to ensure neighbouring amenity and safety is not compromised. The requirement for bin storage cannot be conditioned and where the bin storage will go needs to be clarified with the agent in advance of committee.

## **Other Matters**

Objections have been raised which raised concerns about Developer Profit and the Pre-application process.

The level of profit a developer may achieve from a planning permission is not a relevant consideration in determining whether the development is acceptable

In respect of pre-application, the LPA has a duty to co-operate and engage in pre-application discussions and advice. Advice given is the informal, without prejudice view of a planning officer given in good faith based on the information at hand at the time. The advice is a material consideration in the application process but does not bind the Council to a particular decision.

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

To conclude, whilst the objections have been carefully considered, the revised proposals are considered to be on balance acceptable.

The Framework indicates that proposals should only be refused where the level of harm would significantly and demonstrably outweigh the benefits of the proposals. Given that the adverse impacts identified are on balance considered to be outweighed by the benefits of the scheme, the development would not conflict with those policies within the MBLP which are consistent with The Framework, and it is considered that planning permission should be granted as the proposals accord with policies BE1 Design Guidance, DC1 New Build, DC3 Amenity, DC6 Circulation and Access, DC8 Landscaping, DC9 Tree Protection, DC38 Space Light and Privacy, DC41 Infill Housing Development or Redevelopment, NE11 Nature Conservation, H1- Phasing Policy

H2- Environmental Quality in Housing Developments, H5- Windfall Housing of the Macclesfield Local Plan 2004, policies in the Cheshire East Borough Council Submission Version 2014 and guidance within The Framework.

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

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 Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

#### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01GR - Removal of permitted development rights (Class A-E)
2. A01HP - Provision of car parking
3. A01LS - Landscaping - submission of details
4. A03AP - Development in accord with revised plans
5. A03FP - Commencement of development (3 years)
6. A04LS - Landscaping (implementation)
7. A05EX - Details of materials to be submitted
8. A07GR - No windows to be inserted (first floor elevations)
9. A25GR - Obscure glazing requirement (Ground floor w.c/ cloaks)
10. Construction Method Statement (Prior to commencement)
11. Drainage and surfacing of hardstanding areas
12. Hours of Construction
13. Pile Foundations
14. Dust Control Method Statement (Prior to commencement of development)

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