

Application No: 14/2777M

Location: Land To The North of, PARK ROYAL DRIVE, MACCLESFIELD

Proposal: Outline application for proposed erection of 10no. terraced houses

Applicant: Mr D Harper

Expiry Date: 03-Sep-2014

**Date Report Prepared:** 24 July 2014

**SUMMARY RECOMMENDATION:** Approve subject to conditions and prior completion of a S106 agreement.

**MAIN ISSUES**

- principle of the development
- housing land supply
- Impact upon the character of the area
- Impact upon residential amenity
- Impact upon Highway safety
- Impact upon Protected Trees
- Impact upon Nature Conservation Issues
- Impact upon Environmental Health Issues
- Public Open Space provision via an s106 agreement

**REASON FOR REPORT**

This application seeks outline consent for 10 dwellings and 20 associated car parking spaces and is brought before the Northern Planning Committee in accordance with the Council's Scheme of Delegation as it is an application for major development.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is an overgrown, vacant parcel of land measuring circa 0.16 hectares which is situated adjacent to Park Royal Drive. The land slopes down substantially in a northerly direction to a flat area of public open space and a stream. Protected trees lie to the east of the site.

The site lies within a predominantly residential area as defined in the Macclesfield Borough Local Plan, relatively close to Macclesfield town centre. Land to the west and east of the site lies within a mixed use area as defined by the Local Plan and consists of a variety of uses including light industrial businesses, offices, a primary school, a public house and a van hire

business. The rear gardens and rear elevations of a row of terraced properties fronting Parr Street are situated opposite the site.

Outline planning permission for 12no two storey dwellings on the site was previously approved in 1989.

## **DETAILS OF PROPOSAL**

This is an outline application for 10no 2 bedroom dwellings with 2no parking spaces per dwelling. All matters except for access have been reserved for a subsequent reserved matters application. Although the scheme is in outline, illustrative elevations and footprints have been submitted which show that the dwellings would be two storey at the front and three storey to the rear, made possible due to the change in ground levels. An illustrative site layout plan shows that the dwellings would be in a terraced row running parallel with the rear of the existing houses facing onto Parr Street.

## **RELEVANT HISTORY**

5/59401P  
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT  
APPROVED  
04/12/89

5/69253PB  
RESERVED MATTERS APPLICATION FOR THE CONSTRUCTION OF 12NO TWO  
STOREY HOUSES  
APPROVED  
18/12/91

## **POLICIES**

### **Local Plan Policy**

BE1- (Design Principles for new Developments)  
DC1- (High quality design for new build)  
DC3- (Residential Amenity)  
DC6- (Circulation and Access)  
DC8- (Landscaping)  
DC9- (Tree Protection)  
DC13- (Noise)  
DC38- (Guidelines for space, light and privacy for housing development)  
DC40- Children's Play Provision and Amenity Space  
DC63- (Contaminated Land)  
NE11- (Nature Conservation)  
H1- (Phasing Policy)  
H2- (Environmental Quality in Housing Developments)  
H5 – (Windfall Housing Sites)  
H13- (Protecting Residential Areas)

## **Other Material Considerations**

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

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 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.

MP1- (Presumption in Favour of Sustainable Development)

SD1- (Sustainable Development in Cheshire East)

SD2- (Sustainable Development Principles)

SC4- (Residential Mix)

SE1- (Design)

SE5- (Trees, Hedgerow and Woodland)

SE12- (Pollution, Land Contamination and Land Instability)

CO1- (Sustainable Travel and Transport)

### **National Planning Policy Framework**

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 Macclesfield 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 above are all consistent with the NPPF and should therefore be given full weight.

## **Other Material Planning Considerations**

SPG on S106 (Planning) Agreements 2004

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

### **The Strategic Highways and Transportation Manager**

No objections.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

N/A.

## **OTHER REPRESENTATIONS**

5no objections have been received. The planning related objections comprise:

- Adverse impact on highway safety due to increased traffic and parking
- Increase in traffic congestion
- Vehicles during construction would have nowhere to park
- Loss of light to properties opposite the site
- Loss of privacy to properties opposite the site
- Adverse impact on wildlife
- Loss of trees
- Possible noise impact on the future residents of the proposed properties due to the nearby industrial uses
- Park Royal Drive is too narrow for two way traffic and so the additional 20 vehicles will make congestion worse

## **APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement has been submitted. This document is available to view online and provides an understanding of the existing and future context of the proposal, planning policy and design issues relating to it.

## **OFFICER APPRAISAL**

### **Principle of Development / Policy**

The principle of the development is considered acceptable, subject to highway safety and parking issues, and the potential for a development of 10no dwellings to have an acceptable impact on the character and appearance of the site and surrounding area, residential amenity, protected trees, nature conservation, open space, and public open space provision.

## **Housing Land Supply**

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

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.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and

a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

*Elworth Hall Farm, Sandbach (11 April 2014)*. It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

*Dunnocksfold Road, Alsager (14 July 2014)*. Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

*Newcastle Road, Hough (14 July 2014)*. In the absence of evidence to the contrary the Inspector accepted the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether

Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that “especial attention” to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds current household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

However, if the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Councils 5 year land supply position.

### **Access/ Highway safety**

Parking is proposed to the front of the houses and would be similar to the existing parking arrangements of nos 10-32 Parr Street, with 2no spaces per dwelling. The existing turning head would be enlarged to facilitate access into the new parking spaces proposed.

The objections have been carefully considered. It has been noted on the site visit, which took place when the nearby primary school was just closing for the day, that there is quite a high level of on street parking on Athey Street and Parr Street in particular at this time, with associated congestion.

Nevertheless, in terms of parking there are 2no off street spaces proposed for each of the 10no dwellings. The site is located some 400m from the town centre, with associated employment, shops and leisure uses, and close to frequent bus routes and cycleways. It is therefore not considered that the future owners of the properties would have an over reliance on using the car.

The proposed development would accord with the emerging Parking Standards as set out in Appendix C of the Cheshire East Local Plan Strategy Submission Version 2014, which stipulates that dwellinghouses in principal towns should provide a minimum of 2no spaces for a two bedroom dwelling, which is the case here.

As the site photographs show, it is also noted that there are many other streets near to the application site and nearby school that are used for on street parking, including by parents picking up their children from the school, and none of these were noted to be particularly congested at the time of the site visit when the school was finishing for the day.

No objections are raised by the Strategic Highways Manager who notes that Park Royal Drive in terms of carriageway width does allow for the additional 10 units proposed to be served from it. Additionally he notes that the site can accommodate a refuse vehicle and turning facilities are provided. Car parking is provided for each of the two bed units at 200%, this is an acceptable level of parking for the type of units proposed.

Overall therefore the development is considered to accord with Local Plan policy DC6.

## **Design**

The indicative elevations show that an acceptable design of the proposals could be achieved on the site. Subject to the materials used, the indicative elevations are of a size, scale and vernacular that are relatively similar to other properties in the locality, in particular the properties sited opposite on Parr Street. A development that would be in keeping with the character and appearance of the locality could be achieved. It is clear from the site layout plan that the development could be achieved without resulting in the overdevelopment of the plot and so all relevant local and national design objectives could be achieved.

## **Amenity**

The objections have been considered. However, the indicative plans show that the site can accommodate 10no dwellings with two storeys to the front and three storeys to the rear without adversely impacting on the amenities of neighbouring property. The indicative plans show that the dwellings could be sited circa 30m away from the rear elevations of the properties opposite, which is 5m greater than the guidance distance as stipulated in Local Plan policy DC38. Overall it is considered that it would be possible to site 10no dwellings on the site whilst ensuring that a commensurate degree of space, light and privacy would remain to neighbouring property.

The objection has been considered, however the existing industrial units would not be much closer to the proposed residential units than the existing property on Parr Street. Furthermore no significant noise emitting from these units was evidenced on site. Overall the development would not be adversely affected by noise in this location in accordance with Local Plan policy DC13.

## **Forestry and Landscaping**

The Tree Officer raises no objections to the development, subject to a number of conditions to ensure that the development does not adversely impact on the existing protected trees.

No landscaping works are proposed as part of this outline application, however it is considered that there would be scope to landscape the site and soften the impact of the development. This can be dealt with at the reserved matters stage and via condition.

## **Open Space**

The Greenspace Officer has raised some concern that the development could have an adverse impact on the area of public space and the brook which lie to the north of the site. However it is considered that the site could accommodate 10 no.dwellings and that should outline consent be granted, a condition could be imposed requiring structural information to be submitted at the reserved matters stage to demonstrate how the development could take place in order to protect the are of open space and the brook.



The proposal is above the threshold identified within the Council's SPG on planning obligations for the provision of public open space and recreation / outdoor sport facilities, therefore commuted sums are required. As it would not be appropriate to provide such facilities on site, commuted sums for off site provision would be required on the commencement of development.

A S106 legal agreement will therefore be required to include the following heads of terms, calculated in accordance with the SPG on planning obligations.

### **Ecology**

The objections have been considered. However the Council's Ecologist has been consulted and no objections are raised. The redevelopment of this overgrown area of land would not have any adverse impact on protected species.

### **Environmental Health (Contaminated Land)**

Environmental Health advise that the proposal is for a sensitive end use and the site may be contaminated; therefore a contaminated land Phase 2 survey is required to be obtained via condition and an advice note drawing the applicants attention to regulation regarding contaminated land.

### **Environmental Health (Public Protection and Health)**

Environmental Health do not object, subject to conditions to protect neighbouring amenity during the construction phase.

### **Sustainability**

The site is within close proximity of the town centre, lying within circa 400 metres of a large range of associated shops and services. A frequent bus route operates on nearby Bond Street. Overall the proposed development is situated in a sustainable location, in accordance with the requirements of the National Planning Policy Framework.

### **Affordable Housing**

The interim Planning Statement on Affordable Housing states that the threshold for the requirement for the provision of affordable housing within residential development schemes is 15no. dwellings in settlements with a population of over 3,000. Macclesfield has a population of over 3,000 and as such there would be no affordable requirement for the 10no. units proposed at this site.

## **HEADS OF TERMS**

### **Public Open Space (including children's play and amenity)**

Based on 10no open market dwellings, a Public Open Space sum of £30,000 is required for off site use at West Park, Christ Church and Shaw Street, payable on or before the commencement of development, with a 15 year spend period.

## **Recreation and Outdoor Sports**

Based on 10no open market dwellings, a Recreational Open Space sum of £10,000 is required for off site use at West Park and South Park, payable on or before the commencement of development, with a 15 year spend period.

## **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 of Public Open Space is necessary, fair and reasonable, as the proposed development will provide 10no dwellings, the occupiers of which will use local facilities as there is not a particularly large amount of open space on site, as such, there is a need to upgrade / enhance existing facilities in the town. The contribution is in accordance with the Council's Supplementary Planning Guidance.

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

## **United Utilities**

United Utilities raise no objections to the proposed development, subject to conditions ensuring that the existing public sewers are not built on.

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

To conclude, it is considered that the principle of the creation of 10no. dwellings with 20no car parking spaces on this site complies with the objectives set out within National and Local Planning policies for new housing and sustainability objectives and will not have a harmful impact upon highway safety.

The proposed development is therefore considered to be acceptable in principle, with the appearance, landscaping, layout and scale reserved matters at this stage. This application is therefore recommended for approval, subject to conditions and the prior completion of a S106 agreement regarding public open space provision, with the following heads of terms.

## **S106 AGREEMENT- HEADS OF TERMS**

### **Public Open Space (including children's play and amenity)**

Based on 10no open market dwellings, a Public Open Space sum of £30,000 is required for off site use at West Park, Christ Church and Shaw Street, payable on or before the commencement of development, with a 15 year spend period.

### **Recreation and Outdoor Sports**

Based on 10no open market dwellings, a Recreational Open Space sum of £10,000 is required for off site use at West Park and South Park, payable on or before the commencement of development, with a 15 year spend period.

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 Enforcement 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 Planning and Enforcement 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 Outline Planning**

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

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters
3. A01OP - Submission of reserved matters- appearance, landscaping, layout, scale
4. A01AP - Development in accord with approved plans
5. A05EX - Details of materials to be submitted
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A07GR - No windows to be inserted
9. A06TR - Levels survey
10. A05TR - Arboricultural method statement
11. A04TR - Tree pruning / felling specification
12. A02TR - Tree protection
13. A01TR - Tree retention
14. A07TR - Service / drainage layout

- 15.A11EX - Details to be approved-Bin Stores
- 16.A30HA - Protection of highway from mud and debris
- 17.A32HA - Submission of construction method statement
- 18. Contaminated Land
- 19. Dust Control
- 20. Piling Method Statement
- 21 Piling
  
- 22 No Gates
- 23 Ground Levels
- 24 Hours of Construction
- 25 Turning Facility
- 26 Parking to be surfaced and marked out
- 27 Public Sewer
- 28 Planting around public sewers



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