

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:** 2<sup>nd</sup> July 2015

## **SUMMARY**

At the Northern Planning Committee meeting on 6<sup>th</sup> August 2014, the Committee resolved to grant outline planning permission for 10 terraced dwellings. This consent was subject to a Section 106 Agreement, which would have secured contributions towards offsite provision in lieu of on site open space, at a rate of £3000 per dwelling, and a commuted sum for offsite provision in lieu of on site, at a rate of £1000 per dwelling. The additions, enhancement and improvements for both would have been for facilities at Christchurch, West Park, Shaw Street, West Park and South Park.

On 28<sup>th</sup> November 2014, National Planning Policy was changed with regards to Section 106 planning obligations, which resulted for sites of 10 units or less, and which have a maximum combined gross floorspace of 1000 square metres, affordable housing and tariff style contributions not to be sought.

A report went before Cabinet on 21<sup>st</sup> April 2015, which stated that when a conflict exists between the Councils Interim Statement on the Provision of Affordable Housing and the National Planning Practice Guidance, the determination of applications should be in accordance with the NPPG and not require the provision of affordable housing on sites of 10-units or less. It is considered that a similar stance should be afforded to tariff style contributions.

The Northern Committee concluded previously (on 6<sup>th</sup> August 2014) that the proposed outline application for a new residential development in a residential area close to Macclesfield town centre does fall within a sustainable location and it should be possible to design a development, which respects the character and appearance of the area and complies with the Development Control policies of the Macclesfield Borough Local Plan.

There has been no change to the site planning situation, or other relevant planning policies, which would lead to a different conclusion being reached. Accordingly, the proposal is considered to be a sustainable form of development and the application is recommended for approval, without the requirement for a Section 106 Agreement.

## RECOMMENDATION

Approve

## 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.

The majority of this report reflects the content of the report which went before Members in March, however, the Housing Land Supply section has been updated, so to has the section on Highways (reflecting the contents of the update report provided to Members prior to the August 6th Committee meeting) and Open Space section.

**The full report is included for completeness, but the key issue since the application was determined by committee is the removal of the open space contributions. To ensure consistency, members are advised not to revisit matters that have already been considered acceptable and where there has been no change in policy or site circumstances.**

## 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**

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

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.

## **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**

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of five year housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

If this 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.

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development.

## **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**

When the application went before the Northern Planning Committee on 6<sup>th</sup> August 2014 the following comments were made: -

*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.*

At the Northern Committee meeting on 4<sup>th</sup> March 2015, Members approved the development subject to conditions and a Section 106 Agreement which secured the above.

However, it is not considered now that it is now appropriate to require these contributions. This is due to the introduction of further National Planning Policy Guidance on 28<sup>th</sup> November 2014. The main implications relevant to this application being that for sites of 10 units or less, and have a maximum floorspace of 1000 square metres, affordable housing and tariff style contributions should not be sought. The purpose for these changes is to lower the construction cost and increase housing supply. The Government believes that this will encourage development on smaller brownfield sites and boost small and medium sized developments.

Cheshire East Council have sought to ensure the delivery of brownfield sites as a priority, through both our existing Development Plan and the emerging Local Plan Strategy.

For Cheshire East Council, the development plan currently consists of the saved policies within the adopted Local Plans for the former local authorities. The Supplementary Planning Guidance for Section 106 Agreements in Macclesfield is part of the Development Plan. This guidance sets the thresholds for the previously sought contributions towards public open space and recreation open space. The implications of the changes to National Planning Policy Guidance therefore impact on future planning decisions on windfall sites of less than 10 units.

The Supplementary Planning Guidance on Section 106 Agreements is a material planning consideration, along with Local Plan Strategy (Submission Version – March 2014), and national planning guidance. National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) provide the national policy framework and guidance for consideration of applications. These all must be considered, as a material consideration, when each planning application is assessed. If the Council was to disregard current national planning guidance it would be at risk of acting unreasonably.

The Report to Cabinet on 21<sup>st</sup> April 2015, highlighted the fact that Cheshire East cannot 'opt out' of Government policy without associated risks. Cheshire East should continue to consider applications in accordance with all appropriate policies, national guidance, and on their relative merits, in accordance with planning law and Members are guided that in instances like this, where a conflict exists between the Supplementary Planning Guidance on S106 Agreements and the National Planning Policy Guidance, it would be unreasonable to require contributions towards public open space or outdoor open space.

## **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.

## **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**

The key issue before members is the removal of the requirement of the s106 agreement to provide contribution in lieu of on-site public open space.

In accordance with national guidance, the scheme should be approved without securing tariff style contributions.

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The proposal is an appropriate form of development in a sustainable location in close proximity to Macclesfield Town Centre, where it has been demonstrated that it should be possible to deliver a development on this brownfield site of 10 dwellings, which meets relevant policy requirements.

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.

## RECOMMENDATION

**The application is recommended for approval.**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

RECOMMENDATION: Approve subject to the following conditions

1. A06OP Commencement of development
2. A03OP Time limit for submission of reserved matters
3. A01OP scale - Submission of reserved matters- appearance, landscaping, layout,
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. A04NC - Details of drainage
19. A12LS - Landscaping to include details of boundary treatment
20. Informative
21. Contaminated Land
22. Dust Control
23. Piling Method Statement
24. Piling

26. Ground Levels

27. Hours of Construction

28. Turning Facility

29. Parking to be surfaced and marked out

30. Public Sewer

31. Planting around public sewers

32. Cycle Storage

33. Structural Information

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