

Application No: 14/5635M

Location: CHESHIRE WINDOWS AND GLASS, ARMITT STREET,  
MACCLESFIELD, CHESHIRE, SK11 6SD

Proposal: Outline application for proposed demolition of Armit Street Works and the erection of 10 No. terraced houses.

Applicant: D Harper

Expiry Date: 05-Mar-2015

**REASON FOR REPORT:**

The proposal is a major development requiring a Committee decision.

**SUMMARY**

At the Northern Planning Committee meeting on 4<sup>th</sup> March 2015, 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 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. The way in which this guidance is applied has been further confirmed since this application was considered by members.

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 4<sup>th</sup> March 2015) 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 subject to conditions**

## **PROPOSAL:**

The application seeks outline planning permission for the demolition of the existing light industrial buildings on the site and the construction of up to 10 dwellings. Approval of the means of access is being sought at this stage.

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 too has the section on Highways (reflecting the contents of the update report provided to Members prior to the March 4<sup>th</sup> 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.**

## **SITE DESCRIPTION:**

The application site measures 1 100 sq. m and comprises a series of single and two storey workshop buildings. The land on the Hatton Street side of the site and area backing on to the properties on Brown Street are at a lower level. The site is surrounded by two and three storey terraced properties.

The site lies within the settlement boundary of Macclesfield and is within a short walking distance of the town centre boundary.

## **RELEVANT HISTORY:**

29357P      Demolition of existing obsolete manufacturing building & re-development with a 2 storey building for manufacturing – Approved  
28-Apr-1982

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56-68. Requiring good design
- 69-78. Promoting healthy communities

#### **Development Plan:**

The Development Plan for this area is the 2004 Macclesfield Local Plan, which allocates the whole site, as within a predominantly residential area.

The relevant Saved Policies are: -

- NE11 Relating to nature conservation
- BE1 Design Guidance
- H2 Environmental Quality in Housing Developments
- H13 Protecting Residential Areas
- DC1 and DC5 Design
- DC3 Residential Amenity
- DC6 Circulation and Access
- DC8 Landscaping
- DC35, DC36, DC37, DC38 and DC41 relating to the layout of residential development
- T3 Pedestrians
- T4 Access for people with restricted mobility
- T5 Provision for Cyclists.

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

#### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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
- PG1 Overall Development Strategy
- PG2 Settlement hierarchy
- PG6 Spatial Distribution of Development
- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles
- IN1 Infrastructure
- IN2 Developer contributions
- SC4 Residential Mix
- SE1 Design
- SE2 Efficient use of land
- SE3 Biodiversity and geodiversity
- SE4 The Landscape
- SE6 Green Infrastructure
- SE9 Energy Efficient Development
- SE12 Pollution, Land contamination and land instability
- SE13 Flood risk and water management
- CO1 Sustainable Travel and Transport

**Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)

North West Sustainability Checklist

**CONSULTATIONS:**

**Highways:** Raises no objections to the proposals..

**United Utilities** - No objections to the proposed development provided that conditions are attached relating to foul water drainage and a surface water drainage scheme

**Environmental Health** - No objections subject to conditions relating to pile foundations, construction management plan, dust control and contaminated land.

**Macclesfield Civic Society** - The redevelopment for residential purposes appears appropriate in this case though the Civic Society do have concerns about the erosion of small scale commercial sites within the town as this reduces opportunities for new employment growth within the urban area. The Civic Society's concern in this case is that the provision of parking within the site entirely replaces any prospect of external amenity space for the terraced units in marked contrast to the pattern of development in the locality.

**REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

4 letters have been received objecting on the following grounds:

- Lack of parking provision locally.
- Although there are some 3 storey houses in the area, they are predominantly 2 storey. The few 3 storey houses are traditional Weavers' Cottages and a modern 3 storey new build as proposed will look totally out of character.
- There is a considerable ground height difference between the dwellings on Armitt Street and the section of dwellings in Hatton Street. A 3 storey building to the rear of the writers house, albeit diagonally, will tower over their property, blocking out sunlight and making their ground floor very dark, particularly in winter. The existing 2 storey houses at the back of the writers property on Armitt Street already dominate the writers home and deprive the writer of sunlight downstairs for nearly 3 months of the year.
- Concern is raised over the choice of access. Currently the vehicle access to the plot, as the address indicates, is via Armitt Street, which is a much quieter street than Hatton Street. The writer fails to see why the new access should be on Hatton Street. It is very busy at certain times of day and used as a short cut between Bond Street and Brown Street for Park Lane. Armitt Street would be a much safer option for pedestrians as well as vehicles.

**APPRAISAL:**

The key issues are:

- Impact upon character of the area
- Amenity of neighbouring property
- Highway safety
- Impact upon nature conservation interests

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

The site lies within the settlement boundary of Macclesfield and within a Predominantly Residential Area where policies within the Local Plan indicate that there is a presumption in favour of development.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted.

Policy H5 within the Local Plan seeks to direct residential development to sustainable locations – this policy accords with guidance within the NPPF and therefore carries full weight. The site constitutes a sustainable location as it is located within the settlement boundary of Macclesfield and by virtue of its proximity to shops and services within Macclesfield.

It is considered that this development on this site would make effective use of the land with a higher density scheme and make a contribution to the Council's 5 year land supply.

Therefore, permission should only be withheld where any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits as noted above.

### **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

## **ENVIRONMENTAL SUSTAINABILITY**

### **Visual impact**

It is considered that the provision of up to 10 dwellings on the site is considered to be an acceptable density in the context of the existing residential development in the surrounding area. The indicative layout is also considered to be a broadly acceptable way of providing this number of dwellings. The character of the area consists of two and three storey dwellings and it should be feasible to provide a scheme at reserved matters stage which compliments the existing character of the area. However, care will be required in order to provide a balanced street scene, and the provision of three storey dwellings opposite existing three storey dwellings would enclose Hatton Street and Armitt Street too much. This would be to the detriment of the area and as such there would be some conflict with policies BE1 and DC1 of the Local Plan. It is therefore proposed to attach a condition to partially restrict three storey development on the site.

### **Residential Amenity**

Local Plan policies H13, DC3, DC38 and DC41 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 and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy H13 seeks to retain existing high standards of amenity. Policy DC41 seeks to prevent the overlooking of existing private gardens in a housing redevelopment. Policy DC38 sets out the standards for space, light and privacy in new housing development.

The site is located within a well established residential area and can be classified as an infill development. The site is bounded on all sides by existing residential properties.

The indicative layout shows that the proposed dwellings fall below the distance guidelines set out in policy DC38 of the local plan to the properties on Hatton Street and Armitt Street (approximately 11m between the existing properties and proposed). However, within the pattern of development in this part of Macclesfield, which is made up of tight terraced properties and Weavers Cottages, it is commonplace for the space between dwellings to be

similar to that proposed on the indicative plans. Consideration has been given to the effect of placing three storey properties opposite existing three storey dwellings and the resultant impact that this would have in terms of providing an overbearing relationship with neighbouring properties.

The distance between 2-6 Hatton Street and the side elevation of the nearest property would need to be between 14m and 16.5m to comply with Local Plan Policy DC38, depending on whether the proposed dwelling is two, or three storeys in height. Given this application is for outline permission only, with all matters apart from access reserved, it is considered that it would be appropriate to attach a condition, which would ensure that existing three storey houses are not faced with three storey dwellings to ensure that amenity is protected as far as possible given the character of the local area and relationships. It is then considered that there would be sufficient flexibility within the site layout to manipulate the levels accordingly and to ensure adequate standards of space, light and privacy are commensurate with that in the local area and therefore, provide a development which would accord with the Local Plan policy.

### **Trees**

There are no significant trees associated with the site which are considered worthy of formal protection. Those located both within the site edged red or a material consideration off site are all considered to be of low amenity value (Category C) or presenting an unacceptable relationship with existing buildings.

A suitable landscape scheme should be seen as a net gain compared to the contribution the existing trees make to the present street scene.

### **Ecology**

The Nature Conservation Officer has commented on the application and does not anticipate there being any significant ecological issues associated with the proposed development.

### **Accessibility**

There are primary schools within walking distance, and shops are available in the town centre, which is also within easy walking distance and would provide for day to day needs. The nearest bus stop is approximately 100 metres from the application site on Park Lane with Macclesfield Town centre approximately 150m from the site. The closest healthcare provision is on Sunderland Street in the Town Centre.

### **Highways**

The Strategic Highways Manager (SHM) had not commented on the application at the time of the agenda report being published in March, however, an update report was circulated prior to the Committee meeting which stated the following: -

*“A consultation response has been received from the Strategic Highways Manager.*

*This is an outline application with only access to be determined at this stage although internal layout details have been provided and also indicative details for the car parking provision.*

*This site is an existing industrial site that is located in a predominately residential area and is close to the town centre and local services. As this site has an industrial use there is an*

*existing traffic generation associated with it and when compared to the 10 unit residential scheme, the additional trip movements do not have a significant traffic impact.*

*There is a main access onto Hatton Street and also access to 2 car parking spaces off Armitt Street, both these access locations can provide the necessary visibility splays and as regards to access, which is the subject of this application there are no objections.*

*There is a 150% provision of car parking on the site and given the accessible location, the Strategic Highways Manager accepts this level of provision on the site, although this matter is not being determined at this stage.*

*In summary there are no objections to the proposed access points subject to conditions."*

The update report went on to note that,

*"The comments from the Strategic Highways Manager are noted, and it considered appropriate to add a condition with regards to visibility splays to ensure that the access to the site is safe."*

### **Contaminated land**

The contaminated land officer notes that the application area has a history of industrial use and therefore the land may be contaminated. This site is currently a commercial works therefore there is the potential for contamination of the site and the wider environment to have occurred. The report submitted with the application recommends site investigation works and given that the proposal is for new residential properties which are a sensitive end use and could be affected by any contamination present, a condition requiring a Phase II contaminated land survey is recommended.

## **SOCIAL SUSTAINABILITY**

### **Open Space**

When the application went before the Northern Planning Committee on 4<sup>th</sup> March 2015 the following comments were made: -

*"Policy DC40 of the Local Plan and SPG on Planning Obligations requires 40sqm of public open space per family dwelling. The indicative proposal which has been submitted to accompany the application includes some small garden areas to the rear of the properties, however, given that this is an outline application, the full extent of on site open space provision is not clear.*

*This level of open space will need to be provided, and it is likely that most, if not all will need to be provided off site. As a result financial contributions will be required in lieu of on site provision at a rate of £3,000 per family dwelling.*

*In addition contributions towards off site provision of outdoor sport and recreation facilities in the local area will be required at a rate of £1,000 per family dwelling.*

*It is expected that the Greenspaces Officer will provide further comments on this, which will be provided in an update report.*



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 1 000 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 aim being to 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 and make a decision contrary to that guidance it is at risk of unreasonable behaviour.

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.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Macclesfield town centre including additional trade for local shops and businesses (in closer proximity to the site than the town centre), jobs in construction and economic benefits to the construction industry supply chain.

## **RESPONSE TO OBJECTIONS**

The comments received from neighbours with regard to parking provision and access will be responded to fully once comments have been received from the Strategic Highways Manager. The other comments received in representations relating to the character of the area and amenity have been addressed above,

The comments of the Macclesfield Civic Society are noted, however, it is a sad fact that quite often the maintenance costs of carrying out repairs to buildings such as these are outweighed by the business which can often be operated from such small scale facilities, which are surrounded by neighbouring properties which present limitations in terms of environmental restrictions and access issues. Many of these facilities unfortunately belong to a bygone era and are no longer sustainable for modern business purposes. The site falls within a predominantly residential area where there is a presumption in favour of providing residential development, subject to its compliance with other local plan policies.

The Civic Society's concern in relation to the provision of parking to the rear of the terraced units at the expense of external amenity space is unfortunately one of the compromises, which has to be made to make a redevelopment of this nature viable, whilst not adding to the parking concerns which have been raised by some of the nearby residents. The pattern of residential development in the vicinity of this site is one where parking provision is distinctly lacking. If no parking were advocated on this site, it is likely that there would be a greater number of objections to the development.

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

### **PLANNING BALANCE**

Members have already determined the development proposal to be acceptable, the key question is whether the s106 agreement requirement for open space contributions should be removed?

Following national guidance, the Council has no firm basis for insisting on the open space contribution in this case.

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.

The indicative layout and scale of the development would make efficient use of this previously developed site and provide a residential scheme that would contribute to the housing needs of the area. Although the appearance, landscaping, layout and scale would be a reserved matter, the indicative details submitted would have an acceptable impact on the character of the area and it is considered that it would be possible to comply with the distance standards between properties contained within the Local Plan.

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

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

The proposal is, on the whole, compliant with the relevant Development Plan policies set out in the report. It is considered that the benefits of the proposal are not outweighed by potential adverse impacts and that planning permission should be granted, subject to conditions.

## **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.

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01OP - Submission of reserved matters
3. A06OP - Commencement of development
4. A10OP - Details to be submitted - restriction on 2 storey opposite existing 3 storey dwellings on Hatton Street and Armitt Street.
5. A02EX - Submission of samples of building materials
6. A22GR - Protection from noise during construction (hours of construction)
7. A01GR - Removal of permitted development rights
8. A08OP - Ground levels to be submitted with reserved matters application
9. A32HA - Submission of construction method statement
10. A19MC - Refuse storage facilities to be approved
11. Foul drainage / surface water drainage
12. Piling - contractor to be members of the Considerate Construction Scheme

- 13. Hours of construction/noise generative works
- 14. Contaminated land
- 15. A scheme to minimise dust emissions
- 16. Units to be up to a maximum of 10
- 17. Visibility Splays

LOCATION PLAN 1:1250

