

Application No: 16/3539M

Location: Land To The Rear Of The Water Street Centre, WATER STREET, BOLLINGTON

Proposal: Proposed erection of two detached houses on former playground, construction of a new road bridge across the River Dean, widening of the existing vehicular access onto John Street and the re-organisation of the former playground at the rear of the Water Street Centre.

Applicant: Mr M Moss, Thistlewood Properties LTD SSAS

Expiry Date: 15-Sep-2016

#### **SUMMARY**

As Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The scale of the development reflects the character and appearance of the area following the receipt of amended plans and materials will be agreed through a condition.

The development raises no issues in respect of residential amenity, noise, or ecology. Some matters will be dealt through conditions.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions.

#### **REASON FOR REPORT**

Councillor Stott has requested that the application be determined by Northern Planning Committee for the following reason:

*The nature of the proposed development does not enhance the conservation area in terms of scale and size of the proposed buildings, they are out of keeping with surrounding buildings. This constitutes overdevelopment of the site. The houses would be accessed through an existing private car park which serves the Water Street Centre, but will result in a loss of six car park spaces. The loss of these spaces will further exacerbate this already congested area.*

## **PROPOSAL**

The application is for the erection of two detached houses on a former playground, construction of a new road bridge across the River Dean, widening of the existing vehicular access onto John Street and the re-organisation of the former playground at the rear of the Water Street Centre that is used for car parking.

## **SITE DESCRIPTION**

The application site consists of two elements. The first being the former school playground that is currently accessed only by a small footbridge. The site is level and covered by hardstanding. A mixture of commercial and residential buildings are located to the north, south and east of this part of the site and these site at a higher ground level than the application site by approximately 3 metres. The River Dean splits the two elements of the site, although at this point the River is narrow and very shallow.

The other element of the site is the car park that serves the nursery/community building that fronts Water Street. The car park is to the west of the former playground and provides the only access to the site. The car park is accessed directly from John Street.

## **RELEVANT HISTORY**

The site has not been subject to any previous applications.

## **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
- 100. Flood risk

### **Development Plan**

- BE1 (Design principles for new developments)
- BE3 (Conservation Areas)
- BE4 (Design Criteria in Conservation Areas)
- NE9 (River Corridors)
- NE11 (Nature Conservation)
- DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)  
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)  
DC8 (Landscaping)  
DC9 (Tree protection)  
DC20 (Water Resources)  
DC38 (Guidelines for space, light and privacy for housing development)  
DC41 (Infill housing development or redevelopment)  
H2 (Environmental quality in housing developments)  
H5 (Windfall housing sites)

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

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
SC4 Residential Mix  
SE1 Design  
SE2 Efficient use of land  
SE7 The Historic Environment  
SE13 Flood Risk and Water management

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

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

Environmental Protection – No objection. Conditions have been recommended requiring submission of details in respect of piling, dust control and contamination.

Flood Manager – No objection. Conditions have been recommended relating to details of surface water drainage being included on the decision notice.

Environment Agency – No objection. Conditions have been recommended requiring submission of details relating to protected species, drainage and contamination.

Head of Strategic Infrastructure – No objection. Conditions are requested ensuring the required visibility splay is implemented and retained and the submission of a construction management plan.

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

Bollington Town Council - *The Town Council recommends **refusal** of this application in its current form. The Town Council acknowledges that the land could be developed, however, the nature of the proposed development does not enhance the conservation area in terms of the size and scale of the proposed buildings - they are not in keeping with those that surround*

*it. As such, Town Council feels that application constitutes over development. The Town Council is also very concerned regarding the loss of parking at the Water Street Centre through which the access road to the development would pass. This significant loss would reduce the parking provision to well below what this Centre needs and as such it will inevitably further exacerbate the parking and obstruction problems which already exist on Water Street and John Street.*

## **OTHER REPRESENTATIONS**

In total over the 2 consultation periods 52 representations objecting to the were received and the points of objection relate to:

- 2, 5 bed properties are not in keeping with the area and will be at odds with the small workers cottages due to their size.
- Loss of outlook and privacy.
- Loss of light & overshadowing.
- Imposing structures.
- Safety issues regarding access issues due to parked cars.
- Safety issues for all highway users.
- Density issues.
- Parking to be provided has inadequate visibility for accessing and emerging drivers.
- Surface water run off may be an issue due to differing levels.
- Limited parking and vehicular access.
- Vehicular access for emergency services will be affected.
- Danger for children being dropped at the school due to traffic and cars parked.
- Increased noise.
- Sustainability of the pre-school is being questioned due to the inconvenience of the development.
- Concern over parking at the pre-school.
- Dust and noise pollution from the development may affect the children.
- Disruption to elderly residents at Dean Court.
- The bridge could have an impact on the flooding of the river Dean.
- The development will be in the middle of Bollington's historic triangle and conservation area.
- Some of the building materials are not in keeping with the local properties.
- How would the building materials be transported to the site as Water Street is too narrow for large vehicles?
- Impact on TPO trees and street scene of the conservation area.
- The works may affect the use of the pre-school.
- The new facilities in the Centre will attract more car users and result in more vehicles.
- Does not reflect the requirement for affordable housing in Bollington.
- Views from the rear of high Street will be lost.
- There is trout in the river, which could be affected by any potential movement in land mass.
- Land could be destabilized by the provision of utilities and waste pipes for the dwellings.
- A nearby flat which will be severely affected is not shown on the plans.

- No health and safety proposals to protect the children at the school.
- The applicant's planning statement does not take emerging plan policies into consideration.

In addition 8 representations in support were received and the points of support relate to;

- Will provide funding to the Bollington Initiative Trust for the reparation of the roof of the well used community building.
- Would remove an old playground which is in a state of disrepair.
- Access from John Street will be improved.
- Larger houses will address the housing need for 3/4 bed dwellings, which will also have an impact on the availability of smaller dwellings.
- The development will use a brown belt parcel of land.
- Parking proposed will exceed the Centre's current and future requirements.
- In line with Bollington's neighbourhood plan by providing large family homes.
- Will stop the illegal parking on the play area and trust land.
- Imaginative design.
- The pre-school provides employment.
- The pre-school provides affordable childcare.
- The upgrading of the car park may alleviate fly-tipping.
- Car parking provision for the pre-school is not relevant to the application.

2 further representations (neither support or object) made the following points;

- Proposal to alleviate flood risk by moving and increasing the size of the bridge is a good, well thought out solution to a very big problem for residents.
- Sufficient time has not been given for the pre-school committee to discuss and vote on the application.

## **APPRAISAL**

### **Key Issues**

- Principle of development
- Impact of the development on character and appearance of the Conservation Area
- Impact of the development on residential amenity
- Highway safety
- Impact on Protected Trees
- Flooding
- Impact on Protected Species

### **Principle of Development**

The site is a previously developed site in an area that identifies as being 'predominantly residential' and as such the redevelopment of sites for further residential use are generally acceptable. The site is within walking distance of shops and services within Bollington as well as having access to public transport links and is therefore considered to be a sustainable location.

### Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiate it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

## **ENVIRONMENTAL SUSTAINABILITY**

### Impact of the development on character and appearance of the Conservation Area

The site is located within a Conservation Area and as such any proposals for new development must ensure that they maintain or enhance the character and appearance of the Conservation Area.

The initially submitted proposals were considered to be contrary to Policies BE3 and BE4 of the Macclesfield Local Plan as the design and scale of the properties did not respect the character of the Conservation Area. Subsequently the proposals have been amended that significantly reduced the scale of the proposed properties, including the removal of the dormer windows and the relocation of the properties within the site.

After initially expressing concerns over the proposals the Council's Conservation Officer has no objections to the development following the amendments that have been made.

The materials proposed are natural stone and natural slate on the roof. These materials are considered acceptable and are very much in keeping with the local vernacular. Given the site is within a Conservation Area a condition will be controlled through a condition on the decision notice.

To conclude it is considered, that following amendments, the proposals will enhance the appearance of the Conservation Area given the site is currently vacant and the proposals are of an acceptable design subject to the materials being agreed through a condition on the decision notice. The proposals comply with Policies BE3 and BE4.

### **Highway Safety**

In order to provide access to the site a bridge is required to be constructed over the river Dean. Additionally, the access will need to pass through the adjacent nursery car park to gain access to the site.

The proposed new dwellings will provide adequate parking in accordance with CEC standards, given that the access will pass through the car park a small number of spaces from the nursery will be lost. However, it is not considered that the nursery will be materially affected operationally and there are no planning requirements on the nursery to retain these spaces.

The access to the site will be private and it is up to the applicant to ensure rights of access is provided. In regard to the application, the two dwellings will not have a detrimental traffic affect on John Street and parking is being provided within the site some distance away from the public highway.

Conditions will be included in the decision notice ensuring the visibility splay shown on the proposed layout is implemented and maintained thereafter.

The proposal therefore complies with the requirements of Policy DC6 of the Macclesfield Borough Local Plan.

### **Impact of the Development on Residential Amenity**

Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

New residential developments proposing three storey properties should generally achieve a distance of between 28m and 32m between principal windows and 16.5m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

The proposed layout ensures that all the required separation distances set out above are met and therefore no overlooking will occur to a level at which permission could be withheld. Two small habitable room windows do not meet this requirement on plot A. However as they are secondary windows serving this bedroom a condition will be included on the decision notice that will ensure these windows are obscurely glazed to ensure no overlooking will occur.

In terms of plot B the windows are designed in such a way that they do not directly face the residential properties to the south of the site and therefore the proposals will have no impact in terms of overlooking.

Given the proposed properties are at a lower level than the neighbouring uses to the south, east and north and the distances between these buildings and the proposed dwellings no overshadowing will occur nor will the new properties have any overbearing impact on those around them.

The proposals meet the requirements of Local Plan policies DC3, DC38 and H13.

### **Impact on Protected Trees**

The application is supported by an Arboricultural Statement (Ref CW/7923-AS-1) dated 15<sup>th</sup> July 2016 by Cheshire Woodlands Arboricultural Consultancy. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012

The development requires the removal of two individual trees both of which have been identified as low value Category C specimens, and one unclassified specimen (T7). None of the above mentioned trees are considered worthy of formal protection under a Tree Preservation Order. All the remaining trees identified for retention can be protected in accordance with current best practice BS5837:2012.

A limited amount of pruning is proposed in respect of the trees identified as T2, T5, and G2 in order to establish adequate working space around the development and an acceptable social proximity and spatial relationship to retained trees. The pruning can be expedited in accordance with industry best practice BS3998:2010

There is a limited development incursion within Root Protection Areas, but this is negligible and will have not detrimental impact on retained trees. An amount of works are also proposed within the Root Protection Areas of retained trees to remove the existing foot bridge, and installation of hard surfacing, this will require the supervision of an on site arboriculturalist, and will be addressed by condition on the decision notice.

### **Flooding**

A Flood Risk Assessment (FRA) has been submitted in support of the application. This identifies the site as being within Flood Zone 1 which means that the site is at low risk of flooding.

The finished floor level of the proposed dwellings is set higher than the existing ground level of the site and these levels are shown on the approved plans.

Details of how the site will be drained will be required as part of the conditions on the decision notice. Both the Environment Agency and the Flood Risk Manager raise no objections.

### **Impact on Protected Species**

A Habitat Survey has been submitted in support of the application. This has been fully assessed by the Council's Ecologist and its findings have been accepted. The survey has found that no protected species have been found close to the site.

A condition will be included on the decision notice requiring that the development will be carried out in full accordance with the recommendations of the survey.

## **SOCIAL SUSTAINABILITY**

The development would make a small contribution to delivering housing supply. However, it is only for two properties and therefore the benefit is limited.

## **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 to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses.

## **PLANNING BALANCE**

The site is located within a Predominantly Residential Area where the principle of redeveloping the site for residential purposes is acceptable. The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted. The benefits in this case are:

- The development would provide benefits in terms of market housing which would help in the Councils delivery of 5 year housing land supply.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.
- The development will improve the character and appearance of the conservation area by bringing a previously developed site back into active use.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon ecology and trees is considered to be neutral subject to the imposition of conditions.
- There is not considered to be any significant drainage implications raised by this development.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the proposal are considered to be:

- An increase in the potential for overlooking of neighbouring gardens but not to an extent to which permission should be refused.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. The potential for overlooking is increased but as noted above, this is not beyond what would be expected in a residential area. Accordingly the application is recommended for approval subject to conditions.

*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 Head of Planning (Regulation) 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.*

## Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of construction method statement
4. Submission of samples of building materials
5. Details of drainage
6. Scope of works to be submitted (contaminated Land)
7. Importation of soil
8. Unexpected contamination
9. Obscure glazing requirement
10. Electrical Vehicle Charging Points
11. Visibility splay
12. Carry out development in accordance with habitat survey
13. Carry out in compliance with tree survey

