

Application No: 19/1601M

Location: Stanley Press Equipment Limited, BANK STREET, MACCLESFIELD, SK11 7BR

Proposal: Residential development comprising of 12no. 2, 4 & 5 bed family houses arranged within two terrace blocks with associated gardens, parking and garages

Applicant: Mr Stuart Bannerman, MSB Developments Ltd

Expiry Date: 05-Jun-2020

### **SUMMARY**

The application site comprises a vacant, previously developed site in a sustainable location, with good access to a range of local services and facilities, and has good public transport links. The proposed development would add to the stock of housing in the local area.

The proposal provides a modern, but locally distinctive design, which also raises no significant highway safety, ecological or flood risk concerns, and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours. The comments from the neighbours and Town Council are acknowledged and have been considered within this report; however the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay.

**RECOMMENDATION: Approve subject to conditions and the prior completion of a s106 agreement**

### **REASON FOR REFERRAL**

The application has been called to Committee by the local ward member, Cllr Mick Warren for the following reasons:

*“The development proposal would represent overdevelopment of what is quite a small compact site. Over-bearing / out-of-scale or out of character in terms of appearance relating to the houses on Greenhills Close and the small terraced houses opposite on Bank Street.”*

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

The application site is a cleared site previously occupied by a commercial building, of approximately 0.27ha.

The site is located in a residential area of Macclesfield, and is bounded on the east and south sides by dwellings on Greenhills Close and dwellings on Bank Street to the north with Knight's Pool situated to the west of the application site.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of 12no. new dwellings comprised of two terraced blocks. Block 1, to the west, faces onto the new access road with the rear of the dwellings facing onto Knight's Pool. Block 2, the eastern terrace, faces onto Greenhills Close with a new access road to the rear. The new access road would separate the two blocks and also link Greenhills Close to Bank Street.

Amended plans have been received during the course of the application, reducing the proposal from 14 dwellings to 12, in order to address officer concerns.

## **RELEVANT HISTORY**

None

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

- MP1 Presumption in Favour of Sustainable Development
- PG1 Overall Development Strategy
- PG2 Settlement Boundaries
- PG7 Spatial distribution of development
- SD1 Sustainable development in Cheshire East
- SD2 Sustainable development principles
- IN1 Infrastructure
- IN2 Developer Contributions
- SC4 Residential Mix
- SC5 Affordable Homes
- SE1 Design
- SE2 Efficient Use of Land
- SE3 Biodiversity and Geodiversity
- SE4 The Landscape
- SE5 Trees, Hedgerows and Woodland
- SE6 Green Infrastructure
- SE8 Renewable and Low Carbon Energy
- SE9 Energy Efficient Development
- SE12 Pollution, Land Contamination and Land Instability
- SE13 Flood risk and water management
- CO1 Sustainable travel and transport

Appendix C – Parking Standards

## **Saved Macclesfield Borough Local Plan Policies (MBLP)**

NE11 (Nature conservation interests)  
DC3 (Amenities of residential property)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree protection)  
DC35 (Materials and Finishes)  
DC36 (Road layouts and circulation)  
DC37 (Landscaping in housing developments)  
DC38 (Space, light and Privacy)  
DC41 (Infilling housing or redevelopment)  
DC63 (Contaminated land)

## **Neighbourhood Plan**

There is no Neighbourhood Plan for Macclesfield

## **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
The Cheshire East Borough Design Guide (2017)  
Cheshire East Parking Standards - Guidance Note

## **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are Chapters 2, 4, 5, 6, 8, 9, 11, 12, 15.

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

**Strategic Infrastructure Manager** - No objections

**Environmental Health** - No objections subject to conditions relating to contaminated land, electric vehicle infrastructure, dust management and piled foundations

**United Utilities** - No objections, subject to conditions relating to drainage

**Strategic Housing Manager** - No objections

**Education** - No objections subject to financial contribution towards local school places.

**Lead Local Flood Authority** - No objections subject to condition relating to drainage

**ANSA** - No objections subject to financial contributions towards public open space and recreation and outdoor sport

**Public Rights of Way Unit** – No objections

**Environment Agency** - No objections subject to submission of a remediation strategy for any contamination found.

**Macclesfield Town Council** – Object on the following grounds:

- No affordable housing provision;
- The site is at a medium risk from surface water flooding;
- Insufficient parking provision for the development.
- EV charging points are included in the design

In the even of approval, request a condition requiring a flood survey and management plan.

## **OTHER REPRESENTATIONS**

Amended plans were received during the application period. 4no. representations were received prior to the amendments with a further 10no. representations received following, with all of these commenters having already commented earlier. Below is a summary of the main issues raised:

- Too dense and too tall in relation to the neighbouring dwellings
- Increase levels of traffic will negatively affect Bank Street and Swettenham Street, which are already congested.
- Three storeys would be out of character here.
- Some positive elements including; use of drystone walling, private gardens, terraced blocks, variations in elevations, location of new road, viewing deck to Knight's Pool.
- Surface water drainage to foul sewers is not consistent with planning policy.
- The choice of brick on the elevations to Bank Street is not in keeping with the Victorian brick colour of the terraced properties opposite.
- Macclesfield Civic Society also included the following comment: *"We support the redevelopment of the site for residential purposes - the former industrial unit was somewhat of an anomaly with its justification lost in old Macclesfield Borough records! However, whilst accepting the principle of redevelopment the relationship of the scheme to existing adjacent development does give rise to a measure of concern. The scheme is very intense for the parameters of the site, reflected in the unconventional spacing and orientation of the new dwellings. We wonder if the offset arrangement to avoid direct overlooking would be equally successful in avoiding undue dominance of outlook. The three storey buildings do appear somewhat out of scale with existing development in Greenhills Close so a reasoned judgement must be made. On balance we would favour a reduced scale of development and more spacing between block, perhaps requiring a reduction in the number of units. Having said that we would encourage early redevelopment."*

Following submission of amended plans neighbours were re-consulted and the following comments were received:

- Still tightly packed together.
- Overshadowing of existing homes due to height.
- Design not in keeping with surrounding properties.
- The new access road will increase traffic along Greenhills.
- The new scheme should include trees to replace those lost from the site.
- There will be an increase of on street parking leading to obstruction of the roads.
- Loss of privacy to surrounding neighbours.

- Will lead to traffic issues.
- Do not want to open up the cul-de-sac to through traffic.
- The garages will be turned into accommodation leading to fewer parking spaces.
- Macclesfield Civic Society commented on the amended plans as follows: *“The scheme is much improved by the revised submission. A more generous spacing between the blocks of dwellings meets our previous concerns. The design is well thought out and provides an element of continuity with established building forms in the locality. There is potential for a pleasing form of redevelopment.”*

## **OFFICER APPRAISAL**

### **Residential Mix**

Policy SC4 of the Cheshire East Local Plan states that *“New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.”* The mix of two, four and five bedroom dwellings located within a residential area would contribute to the mix of housing sizes and would complement the existing provision within the area, in accordance with policy SC4 of the CELPS.

### **Affordable Housing**

Policy SC5 of the CELPS states that *“In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable”*. This is a proposed development of 12no. dwellings with a site area of 0.27 hectares, therefore no Affordable Housing Provision is required. An initial objection from Strategic Housing was withdrawn following confirmation that the site area is less than 0.4ha.

### **Design and Impact on Character of the Area**

NPPF paragraph 127 notes that planning decisions should ensure that developments are: visually attractive as a result of good architecture and layout; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. Paragraph 130 notes that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area.

Local Policy SD2 notes that development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials, external design features, massing of development, and relationship to neighbouring properties, street scene and the wider neighbourhood. Policy SE1 notes that development proposals should make a positive contribution to their surroundings by:

- Ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements
- Encouraging innovative and creative design solutions that are appropriate to the local context

The site was previously an industrial site, surrounded on all sides with residential development. The local area comprises a wide range of dwelling types, predominantly terraced and semi-detached, but there are also detached houses, bungalows and three-

storey blocks of flats. A range of materials within the surrounding properties is also evident in different brick types and colours, render and cladding. The proposed residential use would be more in keeping with the character of the area, than the previous industrial use. Amended plans were received during the course of the application following concerns regarding the density of the development and the blank elevation facing Bank Street.

The revised plans pay more regard to local scale, materials, and architectural detailing in order to provide a modern but locally distinctive design. A reduced, uniform and cohesive approach to expressing openings has been established.

A previously dominating roof plane has been broken down to reflect the scale and proportion of the adjacent built form and local context. The scale of the proposal in context of the surrounding built form has been illustrated that a diverse roofscape is achieved, reflecting the topography of the site, and the height of the proposal corresponds with the adjacent buildings. The topography of the site, together with landscaping to the front of block 2 facing Greenhills Close should help to break up the areas of parking to this elevation.

The gable elevation of block 2 facing onto Bank Street has been set back from the road by 2m which would enable some soft planting between the dwelling and the road in order to help integrate this elevation into the street scene. The inclusion of openings on this elevation also gives plot 1, which will occupy the prominent north east corner of the site, a dual aspect giving this elevation some visual interest.

While some of the plots are two and half storey the front elevations are primarily two-storey so the additional storey would dominate the street scenes. There are also three storey properties in the local area, such as the development at the end of Bank Street to the north-west of the site.

The new access road promotes connectivity through to the existing homes and will encourage the use of the space as a place for the community to interact. It has been suggested that this road should be closed off to retain the existing cul-de-sac, however this would go against principles within the Cheshire East Design Guide which state that new developments should provide connectivity to the wider settlement.

Saved Macclesfield Local Plan policy DC41, relating to infill housing states:

*'The garden space should reflect the typical ratio of garden space within curtilages in the area and the location, size and shapes should be suitable for the intended purpose'.* The plot:building ratios of the surrounding dwellings vary widely, however the dwellings would enjoy plot ratios consistent with adjoining development.

Overall, it is considered that the proposed development now provides a modern but locally distinctive design, which is in keeping with and will make a positive contribution to, the local area, in accordance with policies SE1 and SD2 of the CELPS, and the Cheshire East Design Guide.

### **Amenity**

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between

buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

The objections have been carefully considered. The properties directly opposite block 2 on Greenhills Close are positioned just over 24m away at the nearest point with the third floor element approximately 27.5m away. This is broadly in line with guidance within policy DC38 which states that dwelling should demonstrate a gap of 21m front to front for two storeys and 28m for three.

The properties to the south of Greenhills Close would be positioned approx. 16m at its closest point (southernmost point of block 2); however the angle of the windows would be oblique between the two properties so no direct overlooking would be possible between the proposed dwellings and numbers 11 and 13. There would be a corner window wrapping around the two elevations which would be facing numbers 15 and 17 Greenhills Close. Due to the distances between the two properties it is considered appropriate to include a condition limiting any first floor windows in the southern gable elevation of block 2 to install obscurely glazed windows to avoid any overlooking from these windows.

The distance between the properties along Bank Street and block 2 measures over 12m at its closest point. Whilst this is below the guideline distance of 14m outlined in saved policy DC38 of the MBLP, this policy also states that this can be the case provided the relationship is commensurate with the area. In this case, plot 1 has an angled relationship with existing properties on Bank Street. In addition, there are a lot of terraced properties in the surrounding areas which contain a commensurate degree of light and privacy between buildings, and a condition is recommended to obscurely glaze any first floor windows to the northern gable elevation of block 2. The Cheshire East Design Guide also states; *“Acceptable levels of privacy can be achieved through careful and considerate design down to a frontage distance of 12 metres.”* The northern gable end of block 1 faces towards a turning head and car park on Bank Street and raises no significant issues in terms of separation distances. Similarly the gap between the two blocks of proposed dwellings, together with the oblique angle ensures that the relationship between proposed new dwellings also does not raise any significant issues in this regard.

The proposed development is therefore considered to provide a satisfactory level of space light and privacy, and does not significantly injure the living conditions of adjoining properties, in accordance with policies DC3 and DC38 of the MBLP.

### **Air Quality**

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

This proposal is for the residential development of fourteen new dwellings. Whilst this proposal is relatively small scale, and as such does not require an air quality impact assessment, there is a need to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Macclesfield has four Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless

managed. Conditions relating to travel information packs for residents and electric vehicle charging are therefore recommended, and to ensure compliance with the air quality objectives of policy SE12.

### **Contaminated Land**

Policy DC63 of the MBLP and policy SE12 of the CELPS also seek to ensure that development for new housing or other environmentally sensitive development is not located on areas of contaminated land. In this case, the application is for a proposed use that would be particularly vulnerable to the presence of contamination, and the location of the application has a history of works, former reservoir/pool and abattoir use and therefore the land may be contaminated. The application site is also on an area of land which has the potential to generate quantities of ground gas.

A Phase 1 Preliminary Risk Assessment and a Phase 2 Site Investigation Report have been submitted with the application. However, almost four years has elapsed since these assessments were undertaken, the Contaminated Land Officer advises that an update should be provided with regards to the site. Any further potentially contaminative uses of the site since the reports were issued should also be suitably assessed. Accordingly, conditions are recommended requiring a supplementary post demolition Phase II ground investigation and risk assessment to be submitted, the submission of a Verification Report, the testing of imported soil and regarding what steps to take in the event that any unidentified contamination is found.

Subject to these conditions the proposal will comply with policy DC63 of the MBLP and policy SE12 of the CELPS.

### **Flood Risk**

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

In terms of flood risk, the LLFA note that there is a medium risk from surface water flooding (topographic low spots) within the site boundary. The developer should be aware of this before construction and ensure that the drainage design takes account of this.

Additionally, a ground investigation will be required for the proposed development to determine if soakaways will be a feasible option for the site. If these are not a feasible option then alternative drainage options will need to be considered. A condition requiring the submission of a detailed drainage strategy / design is therefore recommended. Subject to this condition the proposal will comply with policy SE13 of the CELPS.

### **Highways**

The revised plans now indicate a central access road to serve the development that will link Bank Street and Greenhills Close. The access road will be a shared surface, this is acceptable as only a small number of properties are served from it. Due to the layout and the modest increase in dwellings to the area the additional traffic along Greenhills Close and



Bank Street will be minimal. Refuse collection and servicing will also take place from the central access road.

The proposed units are a mix of 2, 4 and 5 bed properties. The parking standards within the CELPS require 2 parking spaces to be provided for each of these dwellings, which are shown on the latest site plan, thereby meeting the relevant parking standards. It is also recommended that the provision of cycle storage is the subject of a condition to encourage alternative transport to the private car. There are no objections to the application raised by the Head of Strategic Infrastructure, and therefore no highway safety issues are raised.

## **Public Rights of Way**

The plans as originally submitted appeared to obstruct Public Footpath Macclesfield No. 48 located at the North West corner of the application site. The revised plans that have been submitted remove this obstruction and now the footpath remains unaffected. No objections are raised by the Public Rights of Way team.

## **Arboriculture and Forestry**

Policy SE 5 of the CELPS outlines that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

The site previously contained a number of mature ornamental trees located around the site perimeter probably planted as part of a landscape scheme attached to the original development, and a cluster of self set trees to the west of the site on the Knights Pool frontage. None of the trees which were removed were considered to be significant specimens either individually or collectively with the majority identified as low value Category C specimens in terms of BS5837:2012. Replacement planting can be secured to off set the loss of the identified trees via appropriate landscaping conditions. The proposal is therefore considered to comply with policy SE5 of the CELPS.

## **Nature Conservation**

Policy SE3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Given the condition and location of the site, no significant ecological issues are anticipated, however a condition to safeguard nesting birds in the event of the further removal of vegetation is recommended. In addition, Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. In this location the provision of artificial nesting features for swifts and house sparrow would be beneficial. A condition requiring the submission of an ecological enhancement strategy prior is also recommended. Subject to these conditions, the proposal will comply with policy SE3 of the CELPS.

## **Education**

The development of 12 dwellings is expected to generate:

2 primary children (12 x 0.19)

2 secondary children (12 x 0.15)

0 Special Educational Need (SEN) children (14 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary and secondary school places still remains. The development is not expected to impact SEN provision.

To alleviate forecast pressures, the following contributions would be required:

£21,693.00 (primary)

£32,685.00 (secondary)

Total education contribution: £54,378.00

Without a secured contribution of £54,378.00, Children's Services would raise an objection to this application.

This objection would be on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 2 primary children and 2 secondary children would not have a school place in Macclesfield.

## **Public Open Space and Recreation**

Policy SE6 of the Cheshire East Local Plan requires 65 square metres per dwelling for the provision of public open space (POS) and recreation / outdoor sport (ROS) facilities. It appears that this cannot be provided on site and therefore financial contributions will be required for off site provision in line with policy SE6 of the Cheshire East Local Plan.

Based on 12no. dwellings of two or more bedrooms the required contribution would equate to £36,000 for POS and £11,000 for ROS. The POS commuted sum would be used to provide play and amenity enhancements, additions and improvements at the local facilities of Knights Pool, King George open space on Windmill Street and Brynmore Drive play area.

The ROS com would be used to make enhancements, additions and improvements to the outdoor sports and recreation facilities at King George open space in line with the Council's Playing Pitch Strategy.

## **HEADS OF TERMS**

If the application is approved a Section 106 Agreement will be required, and should include:

- Public Open space contribution of £36,000
- Recreation & outdoor sports contributions of £11,000
- Primary and secondary education contributions of £54,378

### **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 provision of public open space and education is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

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

### **CONCLUSION**

The application site comprises a vacant, previously developed site in a sustainable location, with good access to a range of local services and facilities, and has good public transport links. The proposed development would add to the stock of housing in the local area.

The proposal provides a modern, but locally distinctive design, which also raises no significant highway safety, ecological or flood risk concerns, and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours. The comments from the neighbours and Town Council are acknowledged and have been considered within this report; however the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay, subject to the conditions listed below and the prior completion of a s106 agreement with the following Heads of Terms:

- Public Open space contribution of £36,000
- Recreation & outdoor sports contributions of £11,000
- Primary and secondary education contributions of £54,378

*In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in his absence the Vice Chairman) 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 Full Planning

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Pile Driving details to be submitted
5. Landscaping - submission of details
6. Landscaping (implementation)
7. Landscaping to include details of boundary treatment
8. Nesting bird survey to be submitted
9. Foul and surface water shall be drained on separate systems.
10. Surface water drainage details to be submitted
11. Travel information pack to be submitted
12. Electric vehicle infrastructure to be provided
13. Contaminated Land - phase II investigation to be submitted
14. Contaminated land - verification report to be submitted
15. Ecological Enhancement details to be submitted
16. Imported soil to be tested
17. Contaminated Land
18. Car parking spaces to be provided and retained at all times thereafter (including garages)
19. Obscure glazing requirement
20. Detailed strategy / design limiting the surface water runoff to be submitted

